



State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716
TRENTON, NJ 08625-0716

SARAH ADELMAN
Acting Commissioner

SHEILA Y. OLIVER
Lt. Governor

NATASHA JOHNSON
Assistant Commissioner

The following Decision is distributed for your information. This Decision has been made in consideration of the specific facts of this case. This Decision is not to be interpreted as establishing any new mandatory policy or procedure otherwise officially promulgated.

STATE OF NEW JERSEY
DEPARTMENT OF HUMAN SERVICES

FINAL DECISION

OAL DKT. NO. HPW 20-036622 J.P.

AGENCY DKT. NO. R1807820 (CHILD CARE RESOURCES OF MONMOUTH CO.)

On or about November 12, 2020, the Bureau of Administrative Review and Appeals ("BARA") received Petitioner's request for an Administrative Review. Petitioner disputes the Respondent Agency's ("Agency") termination of her New Jersey Cares for Kids/Child Care Assistance Program ("NJCK/CCAP") child care subsidy application on redetermination.

As Assistant Commissioner, Division of Family Development ("DFD"), Department of Human Services, I have reviewed this matter, and hereby AFFIRM the Agency's action.

It is well-established that parents receiving subsidized child care services are in need of those child care services to remain employed, accept full-time employment, or to attend full-time educational and/or work/training programs. See N.J.A.C. 10:15-5.2(b) and -5.3(a). Full-time employment (for child care eligibility) during a Redetermination means employment that totals 25 or more hours per week. See Child Care Operations Manual, III, General Provisions, (c) "Definitions"; see also N.J.A.C. 10:15-1.2, and DFD Instruction ("DFDI") 10-1-4. In the child care program, income is defined as the current gross income earned by all members of the family unit. See Child Care Operations Manual, III, General Provisions, section (c), "Definitions." It includes all earned and unearned income, and includes wages from salaries, overtime, tips, bonuses, commissions, winnings, and the like. See DFDI 09-6-6. A parent/applicant in receipt of subsidized child care services must provide the documentation and verification of eligibility requirements for the child care service program(s). See N.J.A.C. 10:15-2.7(a)(1).

Further, "[u]nder no circumstances, can a family's income exceed 85 percent of the State Median Income (SMI) for a family of the same size and remain eligible for assistance." See DFDI 17-04-02 at 2.

On December 11, 2020, BARA sent letters to Petitioner and the Agency requesting additional information necessary to conduct an Administrative Review. On December 22, 2020, Petitioner responded with documents. On January 11, 2020, the Agency responded by providing a copy of Petitioner's file. The documents provided by Petitioner and the Agency comprise the record for this Administrative Review.



The documentation provided establishes that Petitioner completed an application for redetermination of eligibility for the NJCK/CCAP subsidy in March, 2020. Petitioner included with her redetermination application, paystubs and documents reflecting child support income she received. Thereafter, on June 6, 2020, Petitioner provided a Notification of Change Form, informing the Agency that as of April 8, 2020, she no longer received child support income. Based upon the paystubs and the child support income documents included with Petitioner's redetermination application, Petitioner's gross annual income was calculated to be \$46,883.23. During a redetermination, the child care guidelines permit a family of two to earn, at most, \$43,100 a year in order to remain eligible for the subsidy. See DFDI No. 20-04-04 (Income Eligibility effective March 1, 2020).

On August 31, 2020, the Agency notified Petitioner that because her income had exceeded 250% of the Federal Poverty Level ("FPL"), she was eligible for the Gradual Phase-Out period, which granted her an additional year of child care assistance, beginning May 1, 2020, and ending April 30, 2021. The Gradual Phase-Out period allows for an additional year of child care assistance before ending services. At the time of this writing, this office has confirmed that Petitioner is currently receiving the subsidy, and that it will end on April 30, 2021.

I have reviewed the record, and based on the documentation presented, and for the reasons outlined above, I find that the Agency's decision to terminate Petitioner's subsidy was proper and must be affirmed.

Accordingly, the Agency's decision to terminate Petitioner's subsidy is hereby AFFIRMED. Petitioner will continue to receive the NJCK/CCAP subsidy under the Graduated Phase-Out period until April 30, 2021. Thereafter, Petitioner may reapply for a subsidy, should her circumstances warrant.

Officially approved final version.

FEB 25 2021

Natasha Johnson
Assistant Commissioner

