



State of New Jersey

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DIVISION OF FAMILY DEVELOPMENT
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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 **00079-24 C.L.**

AGENCY DKT. NO. **C430589016 (PASSAIC COUNTY BOARD OF SOC. SVCS.)**

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits, contending that she moved to New Jersey ("NJ") without a plan for self-sufficiency. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 4, 2024, the Honorable Andrew M. Baron, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On January 5, 2024, the ALJ issued an Initial Decision, reversing the Agency's determination.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, Division of Family Development, Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby ADOPT the ALJ's Initial Decision, and REVERSE the Agency's determination, based on the discussion below.

In cases where past or present domestic violence ("DV") exists, pursuant to the WFNJ Family Violence Option ("FVO") Initiative, the Agency is required to refer EA applicants for a FVO risk assessment, which "includes a safety and service plan strategy consistent with the identified needs and safety concerns of the individual," as determined by the individual and by the Agency's risk assessor. See N.J.A.C. 10:90-20.1(b)(1)(i). Further, a service plan prepared for applicants seeking EA because of DV, or the risk thereof, must be coordinated with the recommendations contained in the FVO risk assessment. See N.J.A.C. 10:90-20.1(b)(ii).

Here, based on Petitioner's credible testimony, the ALJ found that, due to DV, Petitioner was concerned for the safety of herself and her children, and her circumstances necessitated her relocation to NJ. See Initial Decision at 2-4. Significantly, EA is "available in situations where there is an indication that an individual, or a parent and his or her children, have left their customary residence and the unit is in a state of homelessness due to imminent or demonstrated [DV] which imperils the health and safety of the eligible unit." N.J.A.C. 10:90-6.1(c)(7). Additionally, the ALJ found that Petitioner had moved to NJ with a viable plan to live with her cousin in her apartment, with the permission of her cousin's landlord, until barely two weeks after moving in with her cousin, the landlord reneged on his approval to allow Petitioner and her children to live there. See Initial Decision at 4. Consequently, the ALJ found that Petitioner could not have anticipated, or otherwise planned for, being required to leave her cousin's apartment. *Id.* at 4-5; see also Exhibit R-1 at 11. The record also reflects that Petitioner is currently homeless and living in immediate need housing. See Initial Decision at 4. Based on the foregoing, the ALJ found that Petitioner's plan to move to NJ to live with her cousin was justified, and did not constitute a failure to plan. *Ibid.* Accordingly, the ALJ concluded that Petitioner did not cause her own homelessness, and as such, further concluded that the Agency's denial of EA benefits to Petitioner was improper and must be reversed. *Id.* at 5; see also Exhibit R-1 at 2-3, and N.J.A.C. 10:90-6.1(c). I agree.



By way of comment, because it appears from the record that Petitioner has recently been the victim of DV, the Agency is to refer Petitioner for a Family Violence Option risk assessment, pursuant to N.J.A.C. 10:90-20.1 et seq.

Accordingly, the Initial Decision is hereby ADOPTED, and the Agency's action is REVERSED.

Officially approved final version. January 16, 2024

Natasha Johnson
Assistant Commissioner

