



State of New Jersey

MIKIE SHERRILL
Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
PO BOX 716

STEPHEN CHA, MD, MHSR
Commissioner

DR. DALE G. CALDWELL
Lt. Governor

TRENTON, NJ 08625-0716

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 18438-25 J.H.

AGENCY DKT. NO. C116414015 (OCEAN COUNTY BOARD OF SOC. SVCS.)

Petitioner appeals the Respondent Agency's reduction of Supplemental Nutrition Assistance Program ("SNAP") benefits. The Agency reduced Petitioner's SNAP benefits because his minor child is active on another SNAP case due to a custody Order. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. The matter was initially scheduled for January 6, 2026, but adjourned to allow Petitioner to retain counsel. On January 30, 2026, the Honorable Judith Lieberman, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents into evidence. Thereafter, the record was held open to allow for the submission of additional information and closed on February 13, 2026. On February 18, 2026, the ALJ issued an Initial Decision, affirming 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 considered the ALJ's Initial Decision, and following an independent review of the record, I hereby ADOPT the Initial Decision and AFFIRM the Agency's determination, based on the discussion below.

In cases of joint child custody, either parent may claim a child as a member of their SNAP household, as long as the child resides in the home for a portion of the month. In the event that both parents are participating in SNAP, and both want to claim the child as a part of his or her household, the parent who has the child the greater part of the time shall be the parent to claim the child as a part of his or her SNAP household. However, if the child lives with each parent equally, the parent household that applies first shall be the one to add the child to his or her NJ SNAP household. Under no circumstances shall duplicate participation occur. The child cannot be a part of two SNAP households at the same time. See N.J.A.C. 10:87-2.2(d) and (d)(2).

Here, the record reflects that Petitioner applied for SNAP benefits, on behalf of himself and his minor child, in September 2023. See Initial Decision at 2. At some point thereafter, the minor child's mother, K.P., also applied for SNAP benefits on behalf of herself and the minor child. Ibid. At the time of K.P.'s application, Petitioner and K.P. shared joint legal custody, however, K.P. had temporary residential custody. Ibid.; see also Exhibit R-2. A July 27, 2023 Order from the Superior Court detailed the custody arrangement between the two parents, including a schedule of supervised visitation for Petitioner. See Initial Decision at 2-3; see also Exhibit R-2. Petitioner filed an application to modify custody, which was denied, without prejudice, by the Superior Court in a June 2, 2025 Order. See Initial Decision at 3; see also Exhibit R-3. On September 30, 2025, the Agency advised Petitioner that his SNAP benefits would be reduced from \$545 per month to \$298 per month, effective November 1, 2025, as the Agency had removed the minor child from his household for purposes of calculating his monthly SNAP benefits allotment due to Petitioner not having residential custody of the minor



child. See Initial Decision at 3; see also Exhibit R-1. The Agency further contended that Petitioner did not produce any information evidencing that the minor child resided with him more often than K.P., however, Petitioner argues that such information was never requested prior to the September 30, 2025 notice of reduction of benefits. See Initial Decision at 3.

Following the hearing, Petitioner submitted a March 11, 2025, Superior Court Order which outlined supervised parenting time and a progressive parenting time schedule beginning during April, 2025. See Initial Decision at 3; see also Exhibit P-1. On November 14, 2025, the parties returned to the Superior Court, which issued an Order continuing joint custody, with a 50/50 parenting time schedule, and establishing K.P. as the parent of primary residence. See Initial Decision at 3; see also Exhibit R-4. At the time of the hearing, Petitioner testified that, due to K.P.'s work schedule, their minor child is actually residing more frequently with him than K.P. See Initial Decision at 3.

In this matter, the ALJ found that the Agency had relied upon the residential custody provision of the Superior Court Order which indicated that K.P. was the parent of primary residence. See Initial Decision at 5. However, the record is unclear as to whether the Agency provided an opportunity for Petitioner to provide evidence as to whether the child resided with him more often than K.P. Ibid. Most importantly, however, the ALJ concluded that the evidence in the record does not demonstrate, by a preponderance of the evidence, that the minor child resided with Petitioner more often than K.P. prior to the September 30, 2025, SNAP benefits reduction notice. Ibid. Accordingly, the ALJ concluded that the Agency's reduction of the monthly benefit amount of SNAP benefits to Petitioner was proper and must stand. See Initial Decision at 5. I agree.

By way of comment, if the minor child is now, or at any time in the future, residing with Petitioner more frequently than with K.P., Petitioner should present proof of same to the Agency and request reconsideration of the amount of his SNAP benefits allotment based upon such changed circumstances.

Accordingly, the Initial Decision is hereby ADOPTED, and the Agency's determination is AFFIRMED, as outlined above.

Officially approved final version. March 20, 2026

Natasha Johnson
Assistant Commissioner

