



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Family Development
P.O. Box 716
TRENTON, NEW JERSEY 08625

Chris Christie
Governor

Kim Guadagno
Lt. Governor

Jennifer Velez
Commissioner

Jeanette Page-Hawkins
Director
Tel. (609) 588-2000

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

REMAND DECISION

OAL DKT. NO. HPW 9720-14 J.T.

AGENCY DKT. NO. C231682 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals Respondent Agency's termination of Emergency Assistance ("EA"). Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 22, 2014, the Honorable Jesse H. Strauss, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents. On August 25, 2014, the ALJ issued an Initial Decision which affirmed the Agency determination.

Neither party submitted exceptions.

As the Director of the Division of Family Development, Department of Human Services, I independently reviewed the record and hereby ADOPT the Initial Decision.

Petitioner receives Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") and Supplemental Nutrition Assistance Program ("SNAP"), f/k/a the Food Stamp Program, benefits.

N.J.A.C. 10:90-6.3(a)(1) authorizes the Agency to determine the most appropriate form of emergency housing which is required to address the need, taking into consideration individual/family circumstances and services provided. EA shall not be provided to adult WFNJ recipients who are "terminated without good cause from an EA placement ... for a period of six months when the termination is the result of the adult recipient's actions, which may include, ... threatening and/or disruptive behavior

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that affects the operations of the shelter or the safety of the residents.” N.J.A.C. 10:90-6.3(c)(2). Likewise, “EA shall not be provided for a period of six months when an adult EA applicant or recipient has caused his or her own homelessness, without good cause.” N.J.A.C. 10:90-6.1(c)(3). However, adult recipients who have been terminated from a shelter program “shall be assessed by a mental health professional if the underlying reason is the result of suspected mental illness.” N.J.A.C. 10:90-6.1(c)(2).

The Agency provided several different EA placements to Petitioner between March and the end of July 2014. On July 30, 2014, the Agency terminated EA in the form of a shelter placement based upon Petitioner’s continuing intermittent threatening and disruptive behavior that affected shelter operations and resident safety. The ALJ found sufficient credible evidence to support the Agency determination, but concluded Petitioner should not be subject to a 6-month penalty pending an assessment by a mental health professional. I agree.

As such, the Agency shall refer the Petitioner for a mental health assessment. N.J.A.C. 10:90-5.15 et seq. Additionally, because the record reflects that the Petitioner resided at a domestic violence shelter until April 2014, if it has not done so already the Agency shall immediately refer the Petitioner for a Family Violence Option risk assessment. N.J.A.C. 10:90-20.1 et seq.

Finally, because the ALJ found that the Petitioner demonstrated anger management issues as evidenced by violent ideation and her angry behavior, a copy of the Initial and Final Decisions shall be forwarded to the Division of Child Protection and Permanency to ensure the health, safety, and welfare of Petitioner’s children.

For the foregoing reasons, I ADOPT the Initial Decision and REMAND this matter to the Agency.

Signed Copy on File
at DFD, BARA

SEP - 3 2014

Jeanette Page-Hawkins
Director