



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

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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 15635-14 T.C.

AGENCY DKT. NO. C221956 (CAMDEN COUNTY BOARD OF SOC. SVCS.)

Petitioner challenges the correctness of Respondent Agency's reduction of her Supplemental Nutrition Assistance Program ("SNAP"), f/k/a the Food Stamp Program, benefits. The Agency reduced Petitioner's SNAP benefits due to an increase in unearned income as a result of a change in the household composition, specifically due to Petitioner's adoption of two foster children who had been residing with her prior to the adoption, and for whom Petitioner received monies from the Division of Child Protection and Permanency ("DCP&P"), f/k/a DYFS. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On January 15, 2015, the Honorable Lisa James-Beavers, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents into evidence.

On January 29, 2015, the ALJ issued her Initial Decision, affirming the Agency's determination. The ALJ noted that Petitioner had purportedly relied upon a statement from Agency representatives that, if Petitioner adopted the two children who had been living with her in foster care, Petitioner's SNAP benefits would not be affected. See Initial Decision at 2. This representation was not correct, however, as once the children were adopted by Petitioner, they became part of the household and pursuant to regulatory authority, monies received for them through DCP&P would count as unearned income to Petitioner. See *id.* at 3-4; see also N.J.A.C. 10:87-5.5(a)(2) and N.J.A.C. 10:87-2.2(c)(1). The ALJ found Petitioner's asserted position that the doctrine of equitable estoppel should apply in this matter, due to her reliance on the Agency representatives' statements, was without merit. See *id.* at 4. The ALJ correctly noted that equitable estoppel is "rarely invoked against a

governmental entity” due to public policy interests, which in this case was one of “favoring adoption over foster care.” *Ibid.*; see also N.J.S.A. 30:4C-1 et seq. (the “Adoption and Safe Families Act,” which states that the public policy of this State, in relevant part, is that children placed in foster care by the State need permanency through adoption or other alternate permanent placement). The ALJ concluded that, while it seemed unfair that the foster care payments from DCP&P did not count as income prior to the adoption, see N.J.A.C. 10:87-5.9(a)(10)(ii), the policy behind the SNAP regulations was “to treat all households uniformly based upon size and income.” See Initial Decision at 5. As such, Petitioner’s post-adoption household was to be treated like any other five-person household, and following a review of the Agency’s calculations, the ALJ agreed with the Agency’s reduction of Petitioner’s SNAP benefits. See *id.* at 3, 5; see also Exhibit R-1 at 8-9.

No Exceptions to the Initial Decision were filed by either party.

As the Director of the 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 concur with the ALJ’s decision and hereby adopt the Findings of Fact and Conclusions of Law in this matter.

Accordingly, the Initial Decision in this matter is hereby ADOPTED and the Agency’s determination is AFFIRMED.

FEB - 9 2015

Signed Copy on File
at DFD, BARA

Jeanette Page-Hawkins
Director