



*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 8242-14 T.S.

AGENCY DKT. NO. C307125 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's termination of Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") and the imposition of a sanction. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. On July 21, 2014, the Honorable Gail M. Cookson, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents. On July 23, 2014, the ALJ issued an Initial Decision which reversed the Agency determination.

Neither party submitted exceptions.

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

Petitioner receives WFNJ/TANF and Supplemental Nutrition Assistance Program ("SNAP"), f/k/a the Food Stamp Program, benefits. The assistance unit consists of Petitioner and three children, the middle child a son.

Petitioner apparently provided sufficient information to the Agency regarding the paternity of her two daughters. In June 2014, the Agency terminated WFNJ/TANF cash benefits because Petitioner allegedly provided insufficient information regarding her son's paternity. N.J.A.C. 10:90-2.2(a); -16.3(f). Because Petitioner was no longer eligible for WFNJ/TANF, the Agency also terminated Emergency Assistance ("EA") in the form of Temporary Rental Assistance. N.J.A.C. 10:90-6.2.

The ALJ reversed the termination of WFNJ/TANF and the imposition of a sanction after finding Petitioner cooperated in good faith with Agency efforts to obtain child support. The ALJ emphasized the Agency failed to produce representatives with personal knowledge of the termination, and specifically evidence regarding "what actions [Petitioner] could have taken to find a man she [briefly] knew six years ago and has not seen since."

Petitioner has a continuing obligation to cooperate in good faith with the Agency to establish the parentage of her children. N.J.A.C. 10:90-16.1(b); -16.3(b); -16.4(e) and (f). Petitioner may satisfy this requirement by providing specified information about the non-custodial parent, or its reasonable equivalent. N.J.A.C. 10:90-16.4(b)(1). The Agency may accept less than the specified information if, after review with Petitioner, it determines the information and efforts to provide the information support the truthfulness of her statements. N.J.A.C. 10:90-16.4(b)(2).

It is uncertain whether the Agency appropriately determined the truthfulness of Petitioner's statements before it terminated WFNJ/TANF cash benefits and denied EA. N.J.A.C. 10:90-16.4(c). Notwithstanding, Petitioner can also establish good faith compliance by providing the name of the non-custodial parent and any of the information specified in N.J.A.C. 10:90-16.4(b)(1) or N.J.A.C. 10:90-16.4(c). In this case, Petitioner provided the name of her son's non-custodial parent, his last known state of residence and social media and telephone contact information for the man's sibling. N.J.A.C. 10:90-16.4(c)(5).

The Agency is responsible to assist Petitioner to obtain information sufficient to make a determination of paternity. N.J.A.C. 10:90-16.1(b). Specifically, the Agency must conduct an investigation based upon the information provided in an effort to identify and locate the non-custodial parent, establish parentage and establish, modify and enforce child support orders. N.J.A.C. 10:90-16.3(c). There is no evidence regarding the existence, nature or extent of the Agency's investigation, only the ALJ's finding the Agency refused to contact the sibling of the son's non-custodial parent.

For the foregoing reasons, I ADOPT the Initial Decision and REVERSE the Agency determination.

**AUG 20 2014**

*Signed Copy on File*  
at DFD, BARA

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Jeanette Page-Hawkins  
Director