§ 131. Assistance, care and services to be given. 1. It shall be the duty of social services officials, insofar as funds are available for that purpose, to provide adequately for those unable to maintain themselves, in accordance with the requirements of this article and other provisions of this chapter. They shall, whenever possible, administer such care, treatment and service as may restore such persons to a condition of self-support or self-care, and shall further give such service to those liable to become destitute as may prevent the necessity of their becoming public charges.

2. It shall be the duty of social services officials, insofar as funds are available for that purpose, to cooperate with the directors of state department of mental hygiene facilities in order to assist patients discharged or about to be discharged from mental hygiene institutions in their transition to a condition of self-support and self-care in the community.

3. As far as possible families shall be kept together, they shall not be separated for reasons of poverty alone, and they shall be provided services to maintain and strengthen family life. In providing such services, the public welfare official may utilize appropriate community resources, including non-profit private agencies. Whenever practicable, assistance and service shall be given a needy person in his own home. The commissioner of public welfare may, however, in his discretion, provide assistance and care in a boarding home, a home of a relative, a public or private home or institution, or in a hospital.

4. For needy persons who are members of a family household, the standard of need for determining their eligibility for public assistance shall be as prescribed by section one hundred thirty-one-a of this chapter and applicable federal requirements. For needy persons who are not members of a family household, the department shall continue to determine the standard of need for determining their eligibility for public assistance pursuant to the provisions of this chapter and applicable federal requirements.

5. No public assistance shall be given to an applicant for or

recipient of public assistance who has failed to comply with the requirements of this chapter, or has refused to accept employment in which he or she is able to engage.

5-a. The state commissioner of labor, in cooperation with the commissioner and with individual local social services officials, is hereby authorized to locate jobs services personnel wherever appropriate, in order to achieve the employment objectives of this chapter. Local social services officials, in cooperation with the commissioner and the commissioner of labor, are authorized to locate social services personnel wherever appropriate, in order to achieve the employment objectives of this chapter.

6. No individual who is under the age of eighteen and is not married, who resides with and provides care for his or her dependent child or is pregnant and otherwise entitled to family assistance shall receive family assistance for himself or herself unless the individual, individual and child or pregnant woman resides in a place of residence maintained as a home by the individual's parent, legal guardian or other adult relative or in an adult-supervised supportive living arrangement. Where possible, any such benefits to be paid on behalf of such individual, individual and child or pregnant woman shall be provided by the social services district to the parent, legal guardian or other adult relative with whom such individual, individual and child or pregnant woman resides. The requirement to reside with a parent, guardian or adult relative shall not apply if (a) the individual has no living parent, legal guardian or other appropriate adult relative who is living or whose whereabouts are known or (b) no living parent or legal guardian of such individual allows the individual to live in his or her home or (c) the individual or minor child is being or has been subjected to serious physical or emotional harm, sexual abuse or exploitation in the residence of the parent or guardian or (d) substantial evidence exists of imminent or serious harm if such individual or dependent child were to live in the same residence with the individual's parent or legal guardian or (e) it is in the minor child's best interests to waive such requirement with respect to the individual or minor child, as determined in accordance with department regulations, consistent with federal law

and regulations. Unless the individual's current living arrangement is appropriate, an individual and his or her minor child who are not required hereunder to reside with a parent, guardian or adult relative shall be required as a condition of assistance to reside in an adult supervised supportive living arrangement approved by the district in accordance with standards set by the department and taking into account the needs and concerns of the individual, including but not limited to a second chance home or maternity home. A "second chance home" is a facility which provides teen parents with a supportive and supervised living arrangement in which they are required to learn parenting skills, including child development, family budgeting, health and nutrition and other skills to promote long-term economic independence and the well-being of their children. Social services districts shall provide adult supervised supportive living arrangements or assist individuals in locating them. If a child subject to the requirements of this subdivision alleges facts which, if true, would render the requirement to live with a parent, guardian or other adult relative inapplicable by reason of paragraph (c) or (d) of this subdivision, a social services district shall take no action to deny assistance under the authority of this subdivision unless it has duly investigated in accordance with section four hundred twenty-four of this chapter and made a contrary finding. If a social services district denies assistance after a child alleges facts which, if true, would render this subdivision inapplicable by reason of paragraph (c) or (d) of this subdivision, the applicant shall be entitled to a fair hearing pursuant to section twenty-two of this chapter held within thirty days of the request, if the request is timely made.

7. a. Care, treatment and service as provided in subdivision one of this section may include, in accordance with applicable federal and state requirements, if any, medical care, instruction and work training to restore health, aptitudes and capabilities or develop new aptitudes and skills for the purpose of preparing individuals for gainful employment.

b. A public welfare official responsible for the assistance and care of a person who, in the judgment of such official, is employable or

potentially employable, may require such person to receive suitable medical care and/or undergo suitable instruction and/or work training. Any such person who wilfully refuses to accept such medical care, refuses or fails to report for or cooperate in a program of instruction and/or work training as required by the public welfare official, shall be ineligible to receive public assistance and care. However, the requirements of this provision relating to instruction and work training shall not apply in the case of a person who is not available for employment by reason of age, health or other disability.

c. The provisions of this section shall not confer authority on a social services official to provide instruction which is available through the public school system, but regulations of the department may make provision for such authority when special need therefor is demonstrated.

8. This section shall be construed to require the employment of such employees as may be necessary and qualified to perform or provide the specialized services indicated by federal or state requirements.

9. Upon determining that a person is eligible for any form or category of public assistance, the social services official shall issue to any such person to whom payment is to be made, an appropriate payment access card, in a form approved by the office of temporary and disability assistance, which shall be used as the office of temporary and disability assistance, by regulation, may prescribe for improved administration.

10. Any applicant who voluntarily terminated his or her employment or voluntarily reduced his or her earning capacity for the purpose of qualifying for public assistance or a larger amount thereof shall be disqualified from receiving such assistance for ninety days from such termination or reduction, unless otherwise required by federal law or regulation. Any applicant who applies for public assistance within ninety days after voluntarily terminating his or her employment or reducing his or her earning capacity shall, unless otherwise required by federal law or regulation, be deemed to have voluntarily terminated his

or her employment or reduced his or her earning capacity for the purpose of qualifying for such assistance or a larger amount thereof, in the absence of evidence to the contrary supplied by such person.

11. Social services officials are hereby authorized to furnish assistance which duplicates assistance already granted, but, unless otherwise specifically required by the provisions of title eight of article five of this chapter, (i) in no event shall such officials be required to furnish such assistance and (ii) in no event shall state reimbursement be available for such expenditures, provided, however, that any payment required by a court of competent jurisdiction shall be subject to state reimbursement.

12. Notwithstanding any provision of this chapter or other law to the contrary, no public assistance or food stamps shall be given to any individual during the ten-year period that begins on the date the individual is convicted in federal or state court of having made a fraudulent statement or representation with respect to his or her place of residence in order to receive public assistance, medical assistance or food stamps simultaneously from two or more states or supplemental security income in two or more states. The preceding sentence shall not apply with respect to a conviction of an individual in any month beginning after the president of the United States grants a pardon with respect to the conduct which was the subject of the conviction.

13. Social services districts shall provide all applicants and recipients of public assistance with children five years of age or less with information and a schedule regarding age-appropriate immunizations for children in accordance with the recommendations of the department of health. The telephone number of the local county health department shall be included on the immunization schedule.

14. (a) Notwithstanding any provision of this chapter or other law to the contrary, no public assistance shall be given to any individual who is (i) fleeing to avoid prosecution or custody or conviction under the laws of the place from which the individual flees for a crime, or an attempt to commit a crime, which is a felony under the laws of the place

from which the individual flees or which, in the case of the state of New Jersey, is a high misdemeanor under the laws of such state or (ii) violating a condition of probation or parole imposed under federal or state law.

(b) For purposes of this section, if and to the extent permitted by federal law, a person shall be considered to be violating a condition of probation or parole only if:

(i) he or she is currently an absconder from probation or parole supervision and a warrant alleging such a violation is outstanding; or

(ii) he or she has been found by judicial determination to have violated probation or by administrative adjudication by the department of corrections and community supervision to have violated parole.

Such person shall be considered to be violating a condition of probation or parole only until he or she is restored to probation or parole supervision or released from custody, or until the expiration of the person's maximum period of imprisonment or supervision, whichever occurs first.

(c) A person considered to be violating a condition of probation or parole under this section shall include a person who is violating a condition of probation or parole imposed under federal law.

(d) For purposes of this section, probation or parole shall include conditional release, wherever applicable.

15. Notwithstanding any provision of this chapter or other law to the contrary, no public assistance shall be given to or for any minor child who has been or is expected to be absent from the home of his or her parent or other caretaker relative for a consecutive period of forty-five days or more without good cause as set forth in regulations of the department, nor shall any assistance be given to any parent or other caretaker relative who fails to notify the social services district of the absence of the minor child within five days after it becomes clear to the parent (or relative) that the child will be absent for a consecutive period of forty-five days or more. Good cause shall include absence for placement in foster care if the goal set forth in the child service plan under section four hundred nine-e of this chapter is the return of the child to a member of the household, or attendance

at school or hospitalization, if it is in the best interests of the child to return home and return is expected within a reasonable time.

16. If, in accordance with section one hundred fifty-eight, three hundred forty-nine-b or other provisions of this chapter, the social services official determines that an individual is not cooperating in establishing paternity or in establishing, modifying, or enforcing a support order with respect to a child of the individual, and the individual does not have good cause for such failure or is not otherwise excepted from so cooperating in accordance with regulations of the department, the assistance given to the household shall be reduced by twenty-five percent.

18. Notwithstanding any provision of this chapter or other law to the contrary, no public assistance shall be given to any parent under the age of eighteen, who is not married and has a minor child twelve weeks of age or more in his or her care and who has not successfully completed a high school education or its equivalent if such individual does not participate in educational activities directed toward the attainment of a high school diploma or its equivalent or an alternative educational or training program directly related to employment and approved by the social services district. No person shall be denied assistance under this subdivision during any period of time in which enrollment in required educational activities is not available. Nothing herein shall prohibit a social services district from requiring any person to work toward attaining a secondary school diploma or its equivalent unless such person has been determined by a medical, psychiatric or other appropriate professional to lack the requisite capacity to complete successfully such a course of study.

19. When a recipient claims that his or her system access device has been lost, stolen, or destroyed, or that the security features of the card have been compromised, the local social services district, subject to reasonable terms and conditions set forth in department regulations and policies, shall provide the recipient with a replacement card within forty-eight hours exclusive of weekends and holidays.

20. In accordance with the provisions of this subdivision and the regulations of the office of temporary and disability assistance, social services districts shall make all applicants for and recipients of public assistance aware of their option to receive an information packet appropriate for victims of sexual assault. Such information packet shall be made available to all individuals who demonstrate a need for or who are interested in receiving services appropriate for victims of sexual assault, and shall include referral and contact information for all local programs that provide services to victims of sexual assault including, but not limited to:

(a) sexual assault examiner programs, including a list of any local hospitals offering sexual assault forensic examiner services certified by the department of health;

(b) rape crisis centers; and

(c) other advocacy, counseling, and hotline services appropriate for victims of sexual assault.