

**To: Commission**  
**From: John Cannel**  
**Re: Title 44, the Poor Law**  
**Date: April 10, 2017**

## MEMORANDUM

The Commission published a report in February 2009 revising the whole of Title 44 - The Poor Law. The focus of that project was on Chapters 8 through 10, the chapters that govern current welfare programs. The modern parts of Title 44 needed revision. Two main programs with confusingly similar names govern assistance to the needy in New Jersey. The “Work First New Jersey” act, N.J.S. 44:10-55 et seq., L. 1997 and the Work First New Jersey General Assistance Act, N.J.S. 44:8-107 et seq., L. 1997, replaced earlier programs including: aid to families with dependent children, general assistance, and emergency assistance for recipients. Both programs, Temporary Assistance for Needy Families (TANF) and General Assistance (GA) are referred to as “Work First New Jersey”. TANF is the successor to the federally funded categorical programs; GA is the continuation of the municipal general assistance for those people who do not fit within the categorical programs.

The relationship between the two “Work First” laws is obfuscated by their statutory language. The 21 county welfare agencies administer TANF using Federal and State funds. The Work First New Jersey General Assistance Act seems to establish a general assistance program for “needy, single adults and couples without dependent children ....” N.J.S. 44:8-108. In fact, the act serves to provide for municipal governance of the General Assistance program established by the other “Work First” act. In 1995, most provisions were amended to allow either the municipality or the county, where appropriate, to run the program. County welfare agencies administer the majority of general assistance programs; however 103 of New Jersey’s 566 municipalities still maintain their own offices for local administration. The State funds general assistance.

This law was so confusing that the agencies that operate under it do not generally rely on the statutes; they rely on regulations and administrative practices. In crafting the revised provisions, Staff had to participate in meetings and ask state and county administrators whether each section pertained to TANF or GA or both. Through this labor, the revised provisions governing current programs were produced. While no table of dispositions was appended to the 2009 Report, I have some confidence that the substance of the current law is continued in the proposed sections.

The chapters that were in place before current welfare programs were established present a different problem. Many of these statutes in its earlier were enacted in the nineteenth century. Others date from before the 1940’s. They are archaic, in substance and in style, and do not reflect current reality and practice. Many sections regulate the conduct of alms houses and the authority of the Overseer of the Poor. Several sections make it a crime for the captain of a ship to deposit poor persons in New Jersey. Many sections appear to be superseded by others in later chapters. The compilation of Title 44 includes some sections specifically repealed by later sections.

It appears that as times and welfare programs changed, new law was added but very little of the old law was repealed. Thus, when categorical relief was established in the 1930's, new chapters were added but the old statutes on indoor and outdoor relief were left in place. When poverty programs were established in the 1960's, more material was added. With welfare reform in the 1990's, more was added, but very little was repealed or amended to bring it up to date. The result is that most of Title 44 completely anachronistic.

However, it is not possible just to delete the early chapters completely. There are a few, mainly administrative, sections scattered in Chapters One through Five and in Chapter Seven that have continuing importance. These sections must be identified and the substance of those sections must be preserved. Most of that work was done in 2006. However, the absence of a table of dispositions makes it difficult to show the decisions that were made. In addition, the subject of recipient's and relative's responsibility to repay welfare is not part of the 2006 report. There are old statutes on the subject as well as newer regulations and court cases. Substantial legal research will be necessary to produce a section on that subject that will reflect current law.

A first draft of a table of dispositions was prepared for, and is appended to, this Memorandum. The gaps in the early parts show some of the work to be done.