

# Looking Out For Your Legal Rights®

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## NJ SNAP Program (Food Stamps)

**IF YOU RECEIVE** NJ SNAP (food stamps), there are two sets of work rules that may apply to you. Whether or not these work rules apply to you will depend on your age and your circumstances. There is a “general work requirement” that applies to most adults (part one of this article). There is also another set of rules about work and time limits that apply only to “Able Bodied Adults Without Dependents” or ABAWDS (part two). While most SNAP households have to comply with the general work rules, only a smaller group of adults must comply with ABAWD rules.

### 1. Employment and Training Requirements

*What is the general work requirement?*

*Does it apply to me?*

NJ SNAP has a general “work registration” requirement that applies to most people between the ages of 16 and 59. You are *exempt* from this requirement if:

- You are a parent or other household member caring for a child under six or for an incapacitated person (only one adult per household can be exempt as the caregiver).

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- You are enrolled at least half-time in any school, training program, or institution of higher education.
- You are physically or mentally “unfit for employment.” If your disability is not evident to the SNAP agency, it can be verified by a statement from your doctor or psychologist, or by your receipt of disability benefits from Social Security, NJ temporary disability



**You are exempt from the general work requirement if you are a parent or other household member caring for a child under six or for an incapacitated person.**

- benefits, or an employer/private disability program.
- You are employed or self-employed at least 30 hours per week or receiving weekly earnings equal to the federal minimum wage multiplied by 30 hours (currently, \$217.50 per week.) This includes migrant and seasonal farm workers who are under contract or similar written agreement with an employer or crew chief to begin employment within 30 days.
- You regularly participate in a substance abuse treatment and rehabilitation program, which has been certified as such by the Department of Human Services, Division of Mental Health and Addiction Services.
- You participate in a WFNJ/TANF work or training activity.
- You receive or have applied for unemployment benefits.
- You are a pregnant woman in your third trimester.

## Looking Out For Your Legal Rights®

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**This newsletter is for general information only. If you have a legal problem, you should see a lawyer.**

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## If you are not exempt, you must sign a work registration form and agree to participate in employment and training activities.

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### ***I'm not exempt. What does that mean?***

If you are not exempt, you must sign a work registration form and agree to participate in employment and training activities. This means that you will be referred to the local One Stop center and you may be assigned to additional work programs. If you are required to participate in a work program, the agency must provide you with transportation assistance and child care assistance if needed, or exempt you if they can't. You must agree to accept suitable work, if offered. Also, you must agree not to voluntarily quit a job or reduce your work hours to less than 30 hours per week, unless you have good cause.

If the SNAP office believes that you are not complying with the work requirements, they must send you a written notice, telling you that your benefits will be reduced or stopped unless you can show that you have complied with the work rules or if you have good cause for not complying.

If you don't comply with the work requirements and don't have a good reason for not participating in the work program, you will be sanctioned. This means that your benefits will stop for a period of time. If you are the only one in your household, the benefits will stop entirely. If you are receiving SNAP benefits with others, then the SNAP benefit will be reduced by your share. The length of the sanction depends on whether this is your first sanction. For a first sanction, you will be disqualified for

a minimum of one month. For a second sanction, you will be disqualified for a minimum of three months. For a third sanction, you will be disqualified for at least six months. In order to end a sanction, you must either comply with the work program or show that you are exempt from the work requirement.

### ***What if I disagree with the SNAP agency decision?***

If you believe that you are being wrongly sanctioned or that you should be exempt from the work requirements, you can ask for a fair hearing to challenge the SNAP agency's actions. If you appeal within 15 days of the date of the notice, you can get SNAP during the appeal.

#### **Ask for a Fair Hearing**

- Call the State Fair Hearings Hotline at 1-800-792-9773.
- Put it in writing. (If you go to the agency office to ask for a hearing, you should still put your request in writing, keep a copy for yourself, and get a receipt. That way, you will have proof that you asked for the hearing.)
- Call the welfare office. Speak with your SNAP caseworker or with the Fair Hearing Liaison and tell them that you want a hearing. Make sure you get the name of the person you speak to, and write it down. Ask them to send you a letter confirming that you asked for the hearing.

If you want to stop the welfare office from changing your SNAP benefits while you wait for a hearing, you must ask for a hearing within **15 days** of the day you get notice of a change in your case. Make sure that you say that you want your benefits to continue when you ask for the hearing. (If you lose your appeal, you will have to pay back the extra benefits. Usually,

the SNAP office will take this out of future benefits you may receive each month until it is paid back.)

If you don't ask for the hearing right away, you still have up to 90 days from the date of the SNAP office decision to ask for a hearing, but your benefits won't continue while you wait for the hearing in that case.

## 2. Special Time Limits and Work Requirements for Able Bodied Adults Without Dependents (ABAWDs)

Most NJ SNAP households have general work requirements in the SNAP (food stamp) program. This means that you can be sanctioned for not complying with the work rules, unless you are exempt. Part one of this article explains who is exempt from the general work rules and what happens if you are sanctioned.

In *addition* to those general work rules, the NJ SNAP program has a time limit that applies to some adults who get SNAP unless those adults are working or participating in a work program for at least 20 hours per week. These special ABAWD rules were "waived" for several years, but now they apply everywhere except Atlantic, Cape May, and Cumber-

land counties. The ABAWD rules are different from the general work rules. Some people can be exempt from the ABAWD time limit rule even if they are not exempt from the general work requirement.

**If you are losing SNAP benefits because of the ABAWD rules, don't give up!**

You can still be eligible for more SNAP benefits if you work or participate in work activities—or if you are exempt from the ABAWD rules.

### ***Who is an ABAWD?***

ABAWD stands for Able Bodied Adults Without Dependents. It is an adult between 18 and 49 years old who is not disabled, not pregnant, and not living in a household with minor children. If you are an ABAWD, you can only get three months of SNAP in a 36-month period unless you meet an exception or follow work rules.

### ***What are the work rules?***

You must be:

- Working or doing volunteer work for 20 hours a week/80 hours a month OR
- Doing SNAP employment and training or be in a workfare program.



The work rule and three-month time limit do not apply if you meet certain conditions, including caring for an ill or disabled person in your household.

## If your benefits stop and you think that it's a mistake, you can ask for a fair hearing.

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### ***Do the work requirements apply to me?***

The work rule and three-month time limit DO NOT apply if you:

- Are under age 18 or age 50 and older
- Can't work 20 hours or more a week because of a physical or mental problem
- Are caring for a child in your SNAP household (you do not have to be the child's parent)
- Are receiving Supplemental Security Income (SSI) or Social Security Disability (SSDI)
- Get unemployment benefits
- Are pregnant
- Take care of an ill or disabled person in your household
- Are enrolled at least half-time in school
- Are in a drug or alcohol rehab program
- Applied for SSI and your application is pending
- Deferred from the WFNJ/GA work program.

If you lose SNAP because of the work rules, or because they say that you have used up your three months, but you do not agree, *appeal right away*. If you appeal within 15 days of the date of the notice, you can get SNAP during the appeal.

### ***How do I get a fair hearing?***

- Call the State Fair Hearings Hotline at 1-800-792-9773.

- Put it in writing. (If you go to the agency office to ask for a hearing, you should still put your request in writing, keep a copy for yourself, and get a receipt. That way, you will have proof that you asked for the hearing.)
- Call the welfare office. Speak with your SNAP caseworker or with the Fair Hearing Liaison and tell them that you want a hearing. Get the name of the person you speak to, and write it down. Ask them to send you a letter confirming that you asked for the hearing.

### ***How much time do I have to ask for a fair hearing?***

If you want to stop the welfare office from changing your SNAP benefits while you wait for a hearing, you must ask for a hearing within **15 days** of the day you get notice of a change in your case. Make sure that you say that you want your benefits to continue when you ask for the hearing. (If you lose your appeal, you will have to pay back the extra benefits. Usually, the SNAP office will withhold this from future benefits each month until it is paid back.)

For SNAP, you have **90 days** from the date of the Division of Social Services' decision to ask for a fair hearing. (But you still must ask for the hearing within 15 days of the agency decision if you want your benefits to continue while you wait for a hearing.)

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By Maura Sanders, Chief Counsel, Legal Services of New Jersey

## SNAP and Utilities—Make Sure You Get Credit for Utility Expenses

**WHEN SNAP** decides the amount of your benefit, they consider the size of your household, your income, and some of your expenses. They take expenses like housing, child care, and medical expenses (for elderly and disabled people) into account when they look at your income by giving you a credit for certain, necessary expenses. They subtract these credits, called “deductions,” from your income, so your “countable income” is lower. Once they have calculated your countable income, they compare it to your household size to determine your monthly SNAP benefit. Generally, the lower your countable income, the higher your benefit will be.

### *How do my housing expenses affect my food stamps?*

One of the things the SNAP agency must consider is the cost of your housing if these costs are very high compared to your income. If a family receives utility



**Make sure the SNAP office knows if you pay for utilities, especially if you pay for any heating or cooling costs.**

assistance from the Low Income Home Energy Assistance program (LIHEAP), the SNAP agency assumes the family is responsible for paying their utility bills and automatically factors that into their housing cost deduction. If the family does not receive LIHEAP benefits, the SNAP agency must ask whether they have utility costs that should be considered. If your total housing costs (including utilities) are high compared to your income, it is important that you get credit for the housing deduction because it may result in a higher SNAP benefit. There is a limit to how much you can deduct for most households, but there is no limit for seniors and SSI recipients.

### *What should I do to make sure that my utility expenses are counted?*

Make sure the SNAP office knows if you pay for utilities, especially if you pay for any heating or cooling costs. Cooling costs include the cost of your electricity if you have air conditioning in your home (including a window unit).

- **Apply for LIHEAP if you haven't already.** LIHEAP can help with heating costs of oil, propane, and wood-burning stoves. It can also help tenants with incomes under 200% of the federal poverty limit, even if their utilities are paid by their landlord. The deadline for applying for LIHEAP is usually at the end of May, and the program re-opens October 1. For more information or to locate your nearest

application agency, call New Jersey's toll-free energy assistance hotline at 1-800-510-3102. If you received a LIHEAP payment within the last 12 months, the SNAP office can use that receipt of LIHEAP to give you credit for utility expenses, without the need for other paperwork.

- **Document your expenses.** If you share utility costs with someone else and the bill is in their name, try to document what you pay. Make a copy of the utility bill that lists your address. Get a statement from the person you share the bill with, stating that you are responsible for utilities. Pay your share of the bill by check or money order, made out to the utility company directly, and list the account number on the payment. If you have a rental agreement that shows that you are responsible for utilities, or if you have an arrangement with the landlord to pay a fee for utilities, get that in writing. Keep a record of those payments in case you need to provide them to the SNAP office.

Also, remember to let the SNAP office know if you have other expenses they could consider. These might include:

- **Medical Expenses:** If someone in your household is age 60 or older or has a disability, your benefit may go up if you share all your out-of-pocket medical costs, such as insurance premiums, medical equipment, and transportation.



Let the SNAP office know if you have other expenses they could consider, such as paying for child care so you can work, look for work, or attend school.

- **Child Care Expenses:** If you pay for child or adult day care so you can work, look for work, or attend school, your benefit may go up if you share all your out-of-pocket costs, including co-pays, afterschool care, and transportation.

You cannot get more than the maximum monthly benefit, however, no matter how high your expenses.

### Call the LSNJLAW<sup>SM</sup> Hotline

If you need help with your SNAP benefits or these deductions, you can call LSNJLAW<sup>SM</sup>, Legal Services of New Jersey's statewide, toll-free legal hotline, at 1-888-LSNJ-LAW (1-888-576-5529) for legal advice, information, and referral. The hotline is open Monday through Friday, 8 a.m. to 5:30 p.m. You may also apply for help online at [www.lsnjlawhotline.org](http://www.lsnjlawhotline.org).

For more information about the LSNJLAW<sup>SM</sup> Hotline, please see the article on page 12.

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By Maura Sanders, Chief Counsel, Legal Services of New Jersey

## Court Filing Fee Waivers

If your income is very low, you may be able to have court filing fees waived

**IN NEW JERSEY**, when you file a lawsuit or respond to a lawsuit that has been filed against you, you are usually required to pay a court fee. Court fees are charged when you file legal papers, such as complaints, motions, and answers. Courts can also charge for copying documents that have been filed in a case. The money collected from fees is used to operate and maintain the court system. Because you are using the court system to resolve a legal problem, you are expected to pay for part of these costs.

If you do not pay the court fee, you may not be allowed to continue with your case, and the court clerk will refuse to accept your legal papers for filing. This will delay your ability to file a lawsuit or defend against one.

Court fees can be expensive. For a complete list of fees, see [bit.ly/2wH5pQN](http://bit.ly/2wH5pQN). Fortunately, there is a Court rule (R.1:13-2) that allows “indigents,” or low-income people, to be granted a fee waiver by the court. If a court grants a fee waiver, you will not

have to pay filing or copying fees. Directive #03-17 of the New Jersey Administrative Office of the Courts (AOC) at [bit.ly/2jL7Vob](http://bit.ly/2jL7Vob) explains how to apply for a fee waiver and what judges must consider when deciding whether to approve or deny a waiver request.

*Note: If you are awarded more than \$2,000 in your case, a court may require you to repay any of the fees that were waived.*

### **How does the court determine if I can get a fee waiver?**

If you have a legal matter in the New Jersey state court system—Superior Court, Appellate Division, Supreme Court, or Tax Court—you can qualify for a fee waiver if you meet both of the following conditions:

- Your household income is not more than 150% of the Federal Poverty Level (FPL). The FPL for a family of four in 2017 is \$24,600. The guidelines are adjusted each year and can be found on the U.S. Department of Health and Human Services website at [bit.ly/2xhUU8F](http://bit.ly/2xhUU8F).
- You do not have more than \$2,500 in liquid or “spendable” assets. A spendable asset is money that you can use to pay for things you want and need, such as a bank account balance. It does not include things you own that you would have to sell in order to get money from their sale, such as a house or a car. Money you may owe is not factored into your waiver application.



Because you are using the court system to resolve a legal problem, you are expected to pay for part of the costs to operate and maintain it.

### ***How can I apply for a fee waiver?***

You can file for a fee waiver before or during a lawsuit in the Superior Court (trial level) or the Tax Court. If you have a lawyer or a power of attorney, that person can also apply on your behalf in Superior or Tax Court. **Note:** Requests for fee waivers in the Appellate Division or Supreme Court can only be filed by the person seeking the waiver. No one else can file on your behalf.

To apply for a fee waiver, you must complete and submit two court forms. The Fee Waiver Packet, which includes the forms and instructions for completing them, is available on the Judiciary's website, [www.njcourts.gov](http://www.njcourts.gov). A judge will use the information that you provide on *Form A: Certification/Petition/Application in Support of a Fee Waiver* to determine whether you qualify for a fee waiver.

You must also complete part of *Form B: Order Waiving Filing Fees*. This is a proposed court order. The judge will review your application and decide whether to grant or deny it based on the information and documentation you provide. The judge will then sign the Order (Form B) either granting or denying the application.

You may fill out both forms digitally or print blank copies to fill out by hand. If you are not able to print the forms, you can pick them up at the court house.

### **Completing Form A**

Form A asks for information such as your name, contact information, name of case, and party (plaintiff or defendant). To prove you qualify for a fee waiver, you will also need to provide the following documentation to prove your income and assets:

- *Six months of bank statements.* If you do not have a bank account, write that statement on a separate piece of paper, sign and date it, and attach it to Form A along with all of the other documents you are giving to the court.
- *Two months of documentation of all income you receive.* If you receive a salary, you should provide two months of pay stubs. If you receive welfare, public assistance, unemployment, Social Security, child support, or alimony, you must attach two months of documentation for each of these income sources. Form A contains a complete list of required information.

The court may ask you for additional income information such as federal and state tax returns. These documents are not listed on Form A, but if the court requests them, you will have to provide them.

There is also certain information that you *should not* include on Form A. Since Form A is a public document, it can be available to the public on request. Other than your name and contact information, you should not put any personal identifying information on it, such as your full Social Security number, driver's license number, insurance policy number, car license plate number, or active financial/bank accounts or credit card numbers. There is a note on the top of Form A to remind you what not to include on that form.

It is important that you answer all questions and requests for information truthfully. If you intentionally give false information, you can be punished by the



After you submit your request, a judge will review the information you provided and decide whether to grant the fee waiver.

court. Your signature on Form A certifies that the documents and information you give to the court are correct and truthful.

Also, if the judge who is reviewing your application determines that the legal papers you filed are frivolous or malicious or an abuse of process, your fee waiver application can be denied.

Fee waiver requests are frequently denied because information is incomplete or missing, so it is very important to carefully complete Form A and follow the directions on it. Form A tells you exactly how many copies of each document you need to provide based on your personal situation.

### **Completing Form B**

Form B has blank spaces for you to fill in. You have to provide basic information such as your name, address, telephone number, email address, the name of the case, the county where it was filed, and the docket number if one has been assigned at the top of the page. You must also write your name on the line that states "... application of \_\_\_\_\_" and then check the appropriate box as to whether you are plaintiff, appellant, de-

fendant, or appellee. If you do not know which box to select, ask the court clerk.

### **Filing the Request for a Fee Waiver**

Courts require that filing fees be submitted at the same time the legal papers in the case are filed (such as the complaint, answer, application, motion, appeal, petition, or other documents). If you submit your legal papers without paying the filing fee, the court clerk will mark that they have been "received, but not filed." This means that the court has not officially accepted your legal papers, which will affect whether they are considered in your case.

For this reason, your request for a fee waiver (both completed forms and all supporting documentation) must be attached to the legal papers you submit to the Clerk's office of the appropriate court. For most matters, this will be in the Civil or Family Division of Superior Court, but it could also be in the Supreme Court, Appellate Division, or Tax Court. If you are appealing a decision made by an administrative agency, such as the Office of Administrative Law, the fee waiver application is filed directly with Appellate Division Clerk.

Because it is sometimes confusing where to file the fee waiver application, you should call the Superior Court Clerk's office for guidance at (609) 421-6100. A list of courthouse locations and Clerks' offices is available on the New Jersey Judiciary's website, [www.njcourts.gov](http://www.njcourts.gov).

### ***What happens next?***

After you submit your request, a judge will review the information and docu-

mentation you provided and decide whether to grant the fee waiver. If it is granted, the Court Clerk will file your legal papers, which means that the court has accepted them as part of your case. If the fee waiver request is denied by the judge, you will have to pay the required filing fee. You have 10 days after the denial to make payment. You may ask for reconsideration, pointing out why you think the fee waiver should have been approved, but there is no rule or legal process for appealing a judge's decision to deny a fee waiver application. If you are denied and are unable to pay, you should ask the Clerk's office what to do.

**Note:** There is one exception if you have requested a fee waiver to file an appeal with the Appellate Division. If you are appealing a Superior Court (trial) decision to the Appellate Division, and the trial court denies the fee waiver, you are then permitted to file the fee waiver application with the Clerk of the Appellate Division. You must do so within 20 days of the denial.

### ***Can I get a fee waiver if I have a lawyer?***

The court can grant you a fee waiver even if you are represented by a lawyer. If the lawyer is in private practice and you are paying for the lawyer's services, you must still qualify as being indigent by having an income of no more than 150% of the federal poverty level and not having more than \$2,500 in spendable assets. If you think you qualify for a

fee waiver, ask your lawyer to file a fee waiver application for you or to help you do so.

One part of the fee waiver policy is particularly important to low-income people who are represented by Legal Services of New Jersey (LSNJ) or a regional Legal Services program. Court rule R.1:13-2 exempts Legal Services clients from having to pay filing and copying fees or filing for a fee waiver. Clients who are represented by other public interest or legal service organizations, law school clinical programs, or pro bono programs that have been certified are also exempt from paying fees and filing of a fee waiver request.

This special rule requires that you are represented in your legal matter by an attorney of a Legal Services program, a certified legal service provider, or a pro bono attorney who has accepted your case from such a program or provider. *It is not enough that you have received legal advice (in person or by telephone) or spoken with an attorney at a legal clinic and are now representing yourself (pro se).* You can find a list of certified programs at [bit.ly/2yoeMpR](http://bit.ly/2yoeMpR).

For more information, visit the Court's website at [www.njcourts.gov](http://www.njcourts.gov) or apply for help from LSNJLAW<sup>SM</sup>, Legal Services of New Jersey's statewide, toll-free legal hotline, by applying online at [www.lsnjlawhotline.org](http://www.lsnjlawhotline.org) or calling 1-888-LSNJ-LAW (1-888-576-5529). Hotline hours are Monday–Friday, 8 a.m.–5:30 p.m. □

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*By Harold Rubenstein, Chief Counsel, Legal Services of New Jersey*

## LSNJLAW<sup>SM</sup> Hotline Helps with Civil Legal Matters

**LEGAL SERVICES** of New Jersey's state-wide, toll-free legal hotline, LSNJLAW<sup>SM</sup>, opened its telephones to the first callers 20 years ago, in August 1997.

The Hotline handles civil legal matters, including:

- Bankruptcy (see below)
- Debt collection
- Family law (including divorces, child support, and child custody)
- Foreclosures
- Torts
- Contracts
- Landlord-tenant issues (including evictions, conditions, and security deposit disputes)
- Wills and estates.

Hotline staff give advice and can help clients fill out court forms and LSNJ forms (divorce, foreclosure, etc.). Hotline staff do not go to court but can

make referrals to other attorneys, including volunteers in some cases.

### **Who is eligible for help from LSNJLAW<sup>SM</sup>?**

To be eligible for help, you must have a low income and a minimal amount of assets. To apply for help, call the Hotline at 1-888-LSNJ-LAW (1-888-576-5529) between 8:00 a.m. and 5:30 p.m., Monday through Friday. You may also apply online at [www.lsnjlawhotline.org](http://www.lsnjlawhotline.org). Hotline staff will contact you within two business days to complete your online application. After completing an application, a Hotline staff member will schedule a time and a date for a phone appointment. A Hotline advocate will reach out to you at that time and date and will advise you about your legal rights and legal options.

### **Help with Bankruptcy**

Do you have a lot of debt? Are you worried about a garnishment on your pay or a levy on your bank account? Have you been thinking about whether bankruptcy is an option for you? Hotline attorneys can:

- Explain the differences between Chapter 7 and Chapter 13 bankruptcies.
- Tell you if your debts will be discharged in bankruptcy, which means that you will no longer be responsible for paying those debts.
- Tell you if you will be able to keep your house or your car if you file for bankruptcy.

**LSNJLAW<sup>SM</sup> FREE HOTLINE**  
**Legal Advice and Referral**

For all qualified low-income New Jersey residents

Call or apply online for help with civil legal problems.

**LSNJLAWHotline.org**

Visit our legal help website: [www.LSNJLAW.org](http://www.LSNJLAW.org)  
LSNJLAW<sup>SM</sup> is operated by Legal Services of New Jersey.

**LSNJ**  
Just Justice

**You may apply for help online at [www.lsnjlawhotline.org](http://www.lsnjlawhotline.org).  
Hotline staff will contact you within two business days  
to complete your online application.**

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***How do I apply for help  
from the Hotline?***

Call the Hotline at 1-888-LSNJ-LAW (1-888-576-5529) between 8:00 a.m. and 5:30 p.m., Monday through Friday, or apply online at [www.lsnjlawhotline.org](http://www.lsnjlawhotline.org) to schedule a telephone appointment.

***What should I do to prepare for my  
telephone appointment?***

Before your phone appointment:

- Make a list of your debts and household expenses (such as rent, utilities, phone bill, and car payment).
- Get copies of your credit report by contacting the three credit reporting agencies:
  - ✓ Experian ([www.experian.com](http://www.experian.com)),
  - ✓ Equifax ([www.equifax.com](http://www.equifax.com)), and
  - ✓ TransUnion ([www.transunion.com](http://www.transunion.com)).

Compare your list of debts to the credit reports and then add any of the debts on the credit reports that are not on your list. Note on your list whether you have any judgments against you for any of your debts.

- After you make a list of all of your debts, make a list of your assets. For any asset that is \$1,000 or more, try and determine its fair market value. For example, if you

have a car that is worth more than \$1,000, you can look online at Kelly Blue Book, [www.kbb.com](http://www.kbb.com), for an estimated value of your car. If you own a house, ask a real estate agent to help you determine the value of your home.

- If you have filed for bankruptcy before, find out the date you filed the previous bankruptcy petition and be ready to tell the attorney what type of bankruptcy you filed. Also, if you have transferred any property like a house or car in the last six months (through sale, gift, or otherwise), give the attorney information about the transfer. The Hotline especially needs to know if you have transferred any property for less than fair market value.

Tell the Hotline attorney if your wages are being garnished, when you last used your credit cards, and if you are up to date with your income tax filings.

If it appears that a bankruptcy is the best option for you, Hotline staff may be able to refer you to a *pro bono* attorney.

If you have any questions about debt or bankruptcy, a Hotline staff member would be happy to review your options with you. □

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By Stephanie Setzer, Chief Attorney, LSNJLAW<sup>SM</sup> Hotline

# Cuáles Son Sus Derechos Legales

Septiembre 2017

Publicado por Los Servicios Legales de Nueva Jersey

Los plazos y normas laborales de SNAP para adultos sanos sin dependientes, (ABAWD, por sus siglas en inglés).

*Looking Out  
For Your Legal Rights*  
Flip issue over for the  
English edition of  
*Looking Out for Your  
Legal Rights.*

## Los plazos y normas laborales de SNAP para adultos sanos sin dependientes, (ABAWD, por sus siglas en inglés)

LA MAYORÍA DE hogares recibiendo NJ SNAP tienen requisitos generales de trabajo para participar en el programa SNAP (cupones para alimentos). Esto significa que a usted se le puede sancionar por no cumplir con las normas de trabajo, a menos que esté exento.

Además de las normas generales de trabajo, el programa NJ SNAP tiene un límite de tiempo que se aplica a algunos de los adultos que reciben SNAP salvo aquellos que están trabajando o participando en un programa de trabajo durante por lo menos 20 horas semanales. Estas normas especiales para ABAWD quedaron “exoneradas” por varios

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años, pero ahora se aplican en toda parte excepto en los Condados de Atlantic, Cape May, y Cumberland. Las reglas para los ABAWD son diferentes de las normas generales de trabajo. Algunas personas pueden quedar exentas de la regla de límite de tiempo para ABAWD incluso si no están exentos del requisito general de trabajo.

**Si debido a las reglas para ABAWD, está perdiendo las prestaciones de SNAP ¡no se rinda!**

Si trabaja o participa en actividades laborales o si está exento de las reglas ABAWD, todavía podría recibir más auxilios de SNAP.



**La regla de trabajo y la del plazo de los tres meses no se aplicarán si usted reúne ciertas condiciones, incluyendo el cuidar de un enfermo o discapacitado en su hogar.**

### **¿Quién es un ABAWD?**

Las siglas ABAWD quieren decir adultos sanos sin dependientes. Todo adulto con edad entre los 18 y los 49 años que no esté discapacitado, no esté embarazada y que no viva en un hogar donde hayan menores de edad. Si usted es un ABAWD, sólo puede recibir SNAP 3 meses por un periodo de 36 meses a menos que cumpla con la excepción o las reglas de trabajo.

### **¿Cuáles son las reglas de trabajo?**

Usted tiene que:

- Trabajar o hacer trabajo voluntario durante 20 horas a la semana y 80 horas al mes o
- Participar en un empleo y capacitación a través de SNAP o estar en el programa de workfare.

### **¿Los requisitos de trabajo se aplican a mi caso?**

La regla de trabajo y el plazo de los 3 meses no se aplican a su caso si:

- Usted es menor de los 18 años o mayor de los 50 años de edad.
- No puede trabajar 20 horas o más a la semana debido a un problema físico o mental.
- Está cuidando de un menor en una

## *Cuáles Son Sus Derechos Legales*

### **Con respecto a *Looking Out***

*Looking Out for Your Legal Rights*® es publicada 10 veces al año por los Servicios Legales de Nueva Jersey. Si usted es un cliente de los Servicios Legales, puede obtener una copia en la oficina de Servicios Legales de su localidad. También puede leer *Looking Out* en nuestro sitio Web [www.lsnj.org/espanol](http://www.lsnj.org/espanol).

### **Suscripciones**

La suscripción cuesta \$20 dólares por año.

### **Números atrasados**

Puede ver números atrasados en [www.lsnj.org/espanol](http://www.lsnj.org/espanol).

### **Cambio de dirección**

Si se muda, envíenos su nueva dirección y una copia de la etiqueta pegada al último ejemplar de *Looking Out*.

### **Comentarios**

Si tiene alguna sugerencia o comentario con respecto a *Looking Out*, nos gustaría oírlo. Envíe toda correspondencia a:

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Legal Services of New Jersey  
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[publicaciones@lsnj.org](mailto:publicaciones@lsnj.org)

**Este boletín de noticias es sólo una información general. Si tiene un problema jurídico, usted debería ver a un abogado.**

**Una parte del costo de esta publicación se cubrió con la ayuda proporcionada por el fondo IOLTA del colegio de abogados de Nueva Jersey.**

## Si sus beneficios cesan y piensa que fue un error, puede pedir una audiencia imparcial.

familia beneficiaria de SNAP (usted no tiene que ser el padre del niño).

- Está recibiendo Seguridad de Ingreso Suplementario (SSI) o el Seguro Social por Discapacidad (SSDI).
- Recibe subsidios por desempleo.
- Está embarazada.
- Cuida en su hogar a un enfermo o discapacitado.
- Está inscrito, al menos medio tiempo, en una escuela.
- Está en un programa de rehabilitación de drogas o alcohol.
- Solicitó el SSI y su solicitud está pendiente.
- Se le ha aplazado la participación en el programa de trabajo de WFNJ/GA.

Si pierde los auxilios SNAP debido a la regla de trabajo, o porque las reglas dicen que usted ha usado el plazo de los 3 meses, pero no está de acuerdo, apele de inmediato. Si presenta una apelación dentro de los 15 días de la fecha del aviso, puede recibir los cupones SNAP durante la apelación.

### **¿Cómo consigo una audiencia imparcial?**

- Llame a la línea estatal de audiencias imparciales al 1-800-792-9773.
- Hágalo por escrito. (Si va a la oficina de la agencia para pedir una audiencia, usted debe hacer su solicitud por escrito, guarde una copia y pida un recibo. De esa manera, tendrá una prueba que solicitó la audiencia).
- Llame a la oficina de la asistencia pública. Hable con el encargado de su caso SNAP o con el coordinador

de las audiencias y dígame que usted quiere una audiencia. Pídale el nombre a la persona con quien hable y anótelos. Pida que le envíen una carta confirmando su solicitud de audiencia.

### **¿Cuánto tiempo tengo para solicitar una audiencia imparcial?**

Si quiere que la oficina del bienestar social no le cambie los auxilios SNAP mientras usted espera una audiencia, tendrá que solicitar una audiencia dentro de 15 días a partir del día en que reciba el aviso de algún cambio ocurrido en su caso. Cuando pida la audiencia, cerciórese de decir que quiere que no le suspendan sus beneficios. (Si pierde su apelación, tendrá que devolver las ayudas extra que haya recibido. Normalmente, la oficina de SNAP recuperará dicha suma restándole a los auxilios futuros que usted pueda recibir cada mes hasta que se haya pagado la cantidad entera).

En el caso de SNAP usted tiene 90 días a partir de la fecha de la decisión tomada por la División de Servicios Sociales para solicitar una "audiencia imparcial". (Pero si desea que sus beneficios continúen llegando sin alteración mientras espera una audiencia, todavía tendrá que solicitar la audiencia dentro de los 15 días a partir de la decisión de la agencia).

Si necesita ayuda con SNAP, puede llamar a LSNJLAW<sup>SM</sup>, la línea directa gratuita de asistencia jurídica de los Servicios Legales para todo el estado, marcando el 1-888-LSNJ-LAW (1-888-576-5529) para obtener asesoramiento, información y remisión.

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*Este artículo fue traducido del inglés por Al Moreno, coordinador del servicio lingüístico en LSNJ.*