



STATE OF MICHIGAN

DEPARTMENT OF HEALTH AND HUMAN SERVICES
LANSING

GRETCHEN WHITMER
GOVERNOR

ELIZABETH HERTEL
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September 18, 2024

Senator Paul Wojno
Joint Committee on Administrative Rules (JCAR)
Boji Tower, 3rd Floor
124 W. Allegan St.
P.O. Box 30036
Lansing, MI 48909-7536

Subject: Summary: Meeting of September 18, 2024 re Waiver of Session Days

Dear Senator Wojno:

Thank you for meeting with the Department of Health and Human Services today regarding the waiver of the remaining session days of the following rule set:

Food Assistance Program, Mich Admin Code R 400.3001 to R 400.3015. (MOAHR No. 2023-41 HS) filed with JCAR on June 21, 2024, with an effective date of October 1, 2024.

To summarize the issue, the rules are being amended to remove the child support cooperation requirement as a condition of the client receiving food assistance. Michigan is only one of six states that continues to require cooperation in child support as a condition of receiving food assistance. This correlation between applying for food stamps and child support cooperation has been found to be a flawed presumption that the so-called punitive policy is effective. Further, even removing the non-cooperation requirement does not prevent the grantee of taking advantage of child support services at any time the grantee desires them.

A grantee of food assistance may not choose to begin child support proceedings against the other parent for several reasons or inadvertently ignore communication from the Office of Child Support to cooperate. The biggest concern involves too many cases where the food assistance grantees find themselves in domestic abuse situations where the decision of moving forward with child support may lead to violence, threats of violence, parenting time disruptions, and other incidences that impact the family unit, in particular the children. Grantees of food assistance should not be put in a position to decide whether to cooperate and face potential domestic abuse or not feed their children as punishment.

The rules have a proposed effective date of October 1, 2024, the beginning of the fiscal year 2025. In reviewing the remaining session rules needed, it was determined that the 15 session days will not be met prior to the October 1, 2024 date. This sets up ramifications of delaying system changes to both the public assistance and child support reporting systems; continued non-cooperation of any new cases starting after October 1, 2024; delay in removing the non-cooperation of over 14,000 current non-cooperation recipients so they can purchase needed food for families immediately; and retraining staff on the new requirement.

For these reasons, the Department respectfully asks that the committee waive the balance of the session days in the review period in order for the Department to meet the effective date of the rule set for the start of this new fiscal year.

Thank you again for your consideration of this request.

Sincerely,

A handwritten signature in cursive script that reads "Mary E. Brennan".

Mary E. Brennan
MDHHS Regulatory Affairs Officer
BrennanM@michigan.gov

