

**SUBSTITUTE FOR  
HOUSE BILL NO. 5512**

A bill to amend 1939 PA 280, entitled  
"The social welfare act,"  
by amending sections 57 and 57g (MCL 400.57 and 400.57g), as  
amended by 2011 PA 131.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 57. (1) As used in this section and sections 57a to  
2 ~~57u~~**57V**:

3           (a) "Adult-supervised household" means either of the  
4 following:

5           (i) The place of residence of a parent, stepparent, or legal  
6 guardian of a minor parent.

7           (ii) A living arrangement not described in subparagraph (i) that  
8 the department approves as a family setting that provides care and

1 control of a minor parent and his or her child and supportive  
2 services including, but not limited to, counseling, guidance, or  
3 supervision.

4 (b) "Caretaker" means an individual who is acting as parent  
5 for a child in the absence or because of the disability of the  
6 child's parent or stepparent and who is the child's legal guardian,  
7 grandparent, great grandparent, great-great grandparent, sibling,  
8 stepsibling, aunt, great aunt, great-great aunt, uncle, great  
9 uncle, great-great uncle, nephew, niece, first cousin, or first  
10 cousin once-removed, a spouse of any person listed above, a parent  
11 of the putative father, or an unrelated individual aged 21 or older  
12 whose appointment as legal guardian of the child is pending.

13 (c) "Child" means an individual who is not emancipated under  
14 1968 PA 293, MCL 722.1 to 722.6, who lives with a parent or  
15 caretaker, and who is either of the following:

16 (i) Under the age of 18.

17 (ii) Age 18 and a full-time high school student.

18 (d) "Family" means 1 or more of the following:

19 (i) A household consisting of a child and either of the  
20 following:

21 (A) A parent or stepparent of the child.

22 (B) A caretaker of the child.

23 (ii) A pregnant woman.

24 (iii) A parent of a child in foster care.

25 (e) "Family independence program assistance" means financial  
26 assistance provided to a family under the family independence  
27 program.

1 (f) "Family independence program assistance group" means all  
2 those members of a program group who receive family independence  
3 program assistance.

4 (g) "Family independence program" means the program of  
5 financial assistance established under section 57a.

6 (h) "Family self-sufficiency plan" means a document described  
7 in section 57e that is executed by a family in return for receiving  
8 family independence program assistance.

9 (i) "JET program" means the jobs, education and training  
10 program administered by the Michigan economic development  
11 corporation or a successor entity for applicants and recipients of  
12 family independence program assistance or a successor program. **A**  
13 **REFERENCE TO THE JET PROGRAM MEANS THE PATH PROGRAM.**

14 (j) "Medical review team" means the team composed of a  
15 disability examiner and a physician as a medical consultant who  
16 certifies disability for the purpose of eligibility for assistance  
17 under this act.

18 (k) "Negative action period" means the time frame a client is  
19 given notice for a benefit decrease or closure of the family  
20 independence program benefit.

21 (l) "Minor parent" means an individual under the age of 18 who  
22 is not emancipated under 1968 PA 293, MCL 722.1 to 722.6, and who  
23 is either the biological parent of a child living in the same  
24 household or a pregnant woman.

25 **(M) "PATH PROGRAM" MEANS THE PATH: PARTNERSHIP.**  
26 **ACCOUNTABILITY. TRAINING. HOPE. WORK PARTNERSHIP PROGRAM.**

27 **(N) ~~(m)~~**"Payment standard" means the standard upon which

1 family independence program assistance benefits are based.

2 (O) ~~(n)~~—"Program group" means a family and all those  
3 individuals living with a family whose income and assets are  
4 considered for purposes of determining financial eligibility for  
5 family independence program assistance.

6 (P) ~~(o)~~—"Recipient" means an individual receiving family  
7 independence program assistance.

8 (Q) ~~(p)~~—"Substance abuse" means that term as defined in  
9 section ~~6107 of the public health code, 1978 PA 368, MCL~~  
10 ~~333.6107-100D OF THE MENTAL HEALTH CODE, 1974 PA 258, MCL~~  
11 ~~330.1100D.~~

12 (R) ~~(q)~~—"Substance abuse treatment" means outpatient or  
13 inpatient services or participation in alcoholics anonymous or a  
14 similar program.

15 (S) ~~(r)~~—"Supplemental security income" means the program of  
16 supplemental security income provided under title XVI.

17 (2) A reference in this act to "aid to dependent children" or  
18 "aid to families with dependent children" means "family  
19 independence program assistance".

20 Sec. 57g. (1) Except as provided in subsection (5), if a  
21 recipient does not meet his or her individual family self-  
22 sufficiency plan requirements and is therefore noncompliant, the  
23 department shall impose the penalties described under this section.  
24 The department shall implement a schedule of penalties for  
25 instances of noncompliance as described in this subsection. The  
26 penalties shall be as follows:

27 (a) For the first instance of noncompliance, the family is

1 ineligible to receive family independence program assistance for  
2 not less than 3 calendar months.

3 (b) For the second instance of noncompliance, the family is  
4 ineligible to receive family independence program assistance for  
5 not less than 6 calendar months.

6 (c) For the third instance of noncompliance, the family is  
7 permanently ineligible to receive family independence program  
8 assistance.

9 (2) For the purposes of subsections (1) to (4),  
10 "noncompliance" means 1 or more of the following:

11 (a) A recipient quits a job.

12 (b) A recipient is fired for misconduct or absenteeism.

13 (c) A recipient voluntarily reduces employment hours or  
14 earnings.

15 (d) A recipient refuses a bona fide offer of employment or  
16 additional hours up to 40 hours per week.

17 (e) A recipient does not participate in ~~JET~~-**PATH** program  
18 activities.

19 (f) A recipient is noncompliant with his or her family self-  
20 sufficiency plan.

21 (g) A recipient states orally or in writing his or her intent  
22 not to comply with family independence program or ~~JET~~-**PATH** program  
23 requirements.

24 (h) A recipient refuses employment support services if the  
25 refusal prevents participation in an employment or self-sufficiency  
26 related activity.

27 (3) For any instance of noncompliance, the recipient shall

1 receive notice of the noncompliance. The recipient shall have not  
2 less than a 12-day negative action period before the penalties  
3 prescribed in this section are imposed. If the recipient  
4 demonstrates good cause for the noncompliance during this period  
5 and if the family independence specialist caseworker and the ~~JEF~~  
6 **PATH** program caseworker agree that good cause exists for the  
7 recipient's noncompliance, a penalty shall not be imposed. For the  
8 purpose of this subsection, good cause is 1 or more of the  
9 following:

10 (a) The recipient suffers from a temporary debilitating  
11 illness or injury or an immediate family member has a debilitating  
12 illness or injury and the recipient is needed in the home to care  
13 for the family member.

14 (b) The recipient lacks child care as described in section  
15 407(e) (2) of the personal responsibility and work opportunity  
16 reconciliation act of 1996, ~~Public Law 104-193~~, 42 USC  
17 ~~607(e) (2)~~. **607**.

18 (c) Either employment or training commuting time is more than  
19 2 hours per day or is more than 3 hours per day when there are  
20 unique and compelling circumstances, such as a salary at least  
21 twice the applicable minimum wage or the job is the only available  
22 job placement within a 3-hour commute per day, not including the  
23 time necessary to transport a child to child care facilities.

24 (d) Transportation is not available to the recipient at a  
25 reasonable cost.

26 (e) The employment or participation involves illegal  
27 activities.

1 (f) The recipient is physically or mentally unfit to perform  
2 the job, as documented by medical evidence or by reliable  
3 information from other sources.

4 (g) The recipient is illegally discriminated against on the  
5 basis of age, race, disability, gender, color, national origin, or  
6 religious beliefs.

7 (h) Credible information or evidence establishes 1 or more  
8 unplanned or unexpected events or factors that reasonably could be  
9 expected to prevent, or significantly interfere with, the  
10 recipient's compliance with employment and training requirements.

11 (i) The recipient quit employment to obtain comparable  
12 employment.

13 (4) For all instances of noncompliance resulting in  
14 termination of family independence program assistance for any  
15 period of time described in subsection (1), the period of time the  
16 recipient is ineligible to receive family independence program  
17 assistance applies toward the recipient's 48-month cumulative  
18 lifetime total.

19 (5) Family independence program assistance benefits shall be  
20 **DENIED OR** terminated if a recipient fails, without good cause, to  
21 comply with applicable child support requirements including efforts  
22 to establish paternity, and assign or obtain child support. The  
23 family independence program assistance group is ineligible for  
24 family independence program assistance for not less than 1 calendar  
25 month. After family independence program assistance has been  
26 terminated for not less than 1 calendar month, family independence  
27 program assistance may be restored if the noncompliant recipient

1 complies with child support requirements including the action to  
2 establish paternity and obtain child support. **AS USED IN THIS**  
3 **SUBSECTION, "GOOD CAUSE" INCLUDES AN INSTANCE IN WHICH EFFORTS TO**  
4 **ESTABLISH PATERNITY OR ASSIGN OR OBTAIN CHILD SUPPORT WOULD HARM**  
5 **THE CHILD OR IN WHICH THERE IS DANGER OF PHYSICAL OR EMOTIONAL HARM**  
6 **TO THE CHILD OR THE RECIPIENT.**

7 ~~—— (6) The department may promulgate rules in accordance with the~~  
8 ~~administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to~~  
9 ~~24.328, identifying other reasons for good cause under this~~  
10 ~~section. Any rule promulgated under this subsection shall not apply~~  
11 ~~1 year after the effective date of the amendatory act that added~~  
12 ~~this subsection.~~

13 Enacting section 1. This amendatory act takes effect January  
14 1, 2016.