

HOUSE BILL No. 5512

May 1, 2014, Introduced by Rep. Kurtz and referred to the Committee on Families, Children, and Seniors.

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

1 the department approves as a family setting that provides care and
2 control of a minor parent and his or her child and supportive
3 services including, but not limited to, counseling, guidance, or
4 supervision.

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

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

17 (i) Under the age of 18.

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

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

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

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

23 (B) A caretaker of the child.

24 (ii) A pregnant woman.

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

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

1 program.

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

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

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

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

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

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

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

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

1 (N) ~~(m)~~—"Payment standard" means the standard upon which
2 family independence program assistance benefits are based.

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

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

9 (Q) ~~(p)~~—"Substance abuse" means that term as defined in
10 section ~~6107 of the public health code, 1978 PA 368, MCL~~
11 ~~333.6107-100D OF THE MENTAL HEALTH CODE, 1974 PA 258, MCL~~
12 ~~330.1100D.~~

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

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

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

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

1 (a) For the first instance of noncompliance, the family is
2 ineligible to receive family independence program assistance for
3 not less than 3 calendar months.

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

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

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

12 (a) A recipient quits a job.

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

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

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

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

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

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

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

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

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

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

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.

3 ~~—— (6) The department may promulgate rules in accordance with the~~
4 ~~administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to~~
5 ~~24.328, identifying other reasons for good cause under this~~
6 ~~section. Any rule promulgated under this subsection shall not apply~~
7 ~~1 year after the effective date of the amendatory act that added~~
8 ~~this subsection.~~