

# SENATE BILL No. 1086

September 5, 2018, Introduced by Senators HOPGOOD, JONES, GREGORY, ANANICH, EMMONS and GREEN and referred to the Committee on Families, Seniors and Human Services.

A bill to amend 1939 PA 280, entitled  
"The social welfare act,"  
by amending section 57g (MCL 400.57g), as amended by 2014 PA 375.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

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

11             (b) For the second instance of noncompliance, the family is

ineligible to receive family independence program assistance for not less than 6 calendar months.

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

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

(a) A recipient quits a job.

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

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

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

(e) A recipient does not participate in PATH program activities.

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

(g) A recipient states orally or in writing his or her intent not to comply with family independence program or PATH program requirements.

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

(3) For ~~any~~**AN** instance of noncompliance, the recipient shall receive notice of the noncompliance. The recipient shall have not less than a 12-day negative action period before the penalties prescribed in this section are imposed. If the recipient

1 demonstrates good cause for the noncompliance during this period  
2 and if the family independence specialist caseworker and the PATH  
3 program caseworker agree that good cause exists for the recipient's  
4 noncompliance, a penalty shall not be imposed. For the purpose of  
5 this subsection, good cause is 1 or more of the following:

6 (a) The recipient suffers from a temporary debilitating  
7 illness or injury or an immediate family member has a debilitating  
8 illness or injury and the recipient is needed in the home to care  
9 for the family member.

10 (b) The recipient lacks child care as described in section  
11 407(e)(2) of the personal responsibility and work opportunity  
12 reconciliation act of 1996, 42 USC 607.

13 (c) Either employment or training commuting time is more than  
14 2 hours per day or is more than 3 hours per day when there are  
15 unique and compelling circumstances, such as a salary at least  
16 twice the applicable minimum wage or the job is the only available  
17 job placement within a 3-hour commute per day, not including the  
18 time necessary to transport a child to child care facilities.

19 (d) Transportation is not available to the recipient at a  
20 reasonable cost.

21 (e) The employment or participation involves illegal  
22 activities.

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

26 (g) The recipient is illegally discriminated against on the  
27 basis of age, race, disability, gender, color, national origin, or

1 religious beliefs.

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

6 (i) The recipient quit employment to obtain comparable  
7 employment.

8 (4) For all instances of noncompliance resulting in  
9 termination of family independence program assistance for ~~any~~<sup>A</sup>  
10 period of time described in subsection (1), the period of time the  
11 recipient is ineligible to receive family independence program  
12 assistance applies toward the recipient's 48-month cumulative  
13 lifetime total.

14 (5) Family independence program assistance benefits shall be  
15 denied or terminated if a recipient fails, without good cause, to  
16 comply with applicable child support requirements including efforts  
17 to establish paternity, and assign or obtain child support. The  
18 family independence program assistance group is ineligible for  
19 family independence program assistance for not less than 1 calendar  
20 month. After family independence program assistance has been  
21 terminated for not less than 1 calendar month, family independence  
22 program assistance may be restored if the noncompliant recipient  
23 complies with child support requirements including the action to  
24 establish paternity and obtain child support. As used in this  
25 subsection, "good cause" includes an instance in which efforts to  
26 establish paternity or assign or obtain child support would harm  
27 the child or in which there is danger of physical or emotional harm

1 to the child or the recipient. GOOD CAUSE ALSO INCLUDES, BUT IS NOT  
2 LIMITED TO, AN INSTANCE IN WHICH THE CHILD IS A VICTIM OF ABUSE,  
3 THE CHILD WAS CONCEIVED AS THE RESULT OF NONCONSENSUAL SEXUAL  
4 PENETRATION, OR THE CHILD WAS CONCEIVED AS A RESULT OF AN ACT FOR  
5 WHICH THE CHILD'S BIOLOGICAL FATHER WAS CONVICTED OF CRIMINAL  
6 SEXUAL CONDUCT AS PROVIDED IN SECTIONS 520A TO 520E AND 520G OF THE  
7 MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.520A TO 750.520E AND  
8 750.520G, OR A SUBSTANTIALLY SIMILAR STATUTE OF ANOTHER STATE OR  
9 THE FEDERAL GOVERNMENT.

10 (6) IF AN APPLICANT OR RECIPIENT IS DENIED A GOOD CAUSE  
11 EXEMPTION AS DESCRIBED IN SUBSECTION (5), THE DEPARTMENT MUST  
12 NOTIFY THE APPLICANT OR RECIPIENT NOT MORE THAN 30 DAYS AFTER THE  
13 DETERMINATION IS MADE THAT THE REQUEST FOR A GOOD CAUSE EXEMPTION  
14 WAS DENIED. THIS NOTIFICATION MUST BE SENT BY MAIL AND MUST INCLUDE  
15 A SPACE FOR THE APPLICANT OR RECIPIENT TO SIGN TO CONSENT OR NOT  
16 CONSENT TO THE APPLICATION BEING PROCESSED. THE FORM MUST CLEARLY  
17 STATE THAT IF THE APPLICANT OR RECIPIENT CONSENTS TO PROCEED WITH  
18 THE APPLICATION, INFORMATION SHALL BE PROVIDED TO THE COUNTY  
19 PROSECUTOR FOR THE PURPOSE OF ESTABLISHING PATERNITY, OBTAINING  
20 CHILD SUPPORT, OR BOTH. THE FORM MUST ALSO CLEARLY STATE THAT IF  
21 THE APPLICANT OR RECIPIENT CHOOSES TO WITHDRAW THE APPLICATION, THE  
22 CHILD SUPPORT SPECIALIST CANNOT PROVIDE THE COUNTY PROSECUTOR WITH  
23 INFORMATION FOR THE PURPOSE OF ESTABLISHING PATERNITY, OBTAINING  
24 CHILD SUPPORT, OR BOTH. THE APPLICANT OR RECIPIENT MUST PROVIDE  
25 THIS INFORMATION TO THE DEPARTMENT WITHIN 30 DAYS AFTER THE DATE OF  
26 THE LETTER DENYING A GOOD CAUSE EXEMPTION.

27 (7) IF THE RECIPIENT RECEIVES A GOOD CAUSE EXEMPTION FROM THE

1 DEPARTMENT AS DESCRIBED IN SUBSECTIONS (5) AND (6), THE DEPARTMENT  
2 SHALL NOT PROVIDE THE COUNTY PROSECUTOR WITH ANY INFORMATION FOR  
3 THE PURPOSE OF ESTABLISHING PATERNITY, OBTAINING CHILD SUPPORT, OR  
4 BOTH.

5 Enacting section 1. This amendatory act takes effect 90 days  
6 after the date it is enacted into law.