

SENATE BILL NO. 506

April 14, 1999, Introduced by Senator HAMMERSTROM and referred
to the Committee on Families, Mental Health and Human
Services.

A bill to amend 1939 PA 280, entitled
"The social welfare act,"
by amending sections 57 and 60 (MCL 400.57 and 400.60),
section 57 as added by 1995 PA 223.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 57. (1) As used in this section and sections 57a to
2 ~~57g~~ 57K:

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)
8 that the family independence agency approves as a family setting
9 that provides care and control of a minor parent and his or her

1 child and supportive services including, but not limited to,
2 counseling, guidance, or supervision.

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

13 (c) "Child" means an individual who is not emancipated under
14 ~~Act No. 293 of the Public Acts of 1968, being sections 722.1 to~~
15 ~~722.6 of the Michigan Compiled Laws~~ 1968 PA 293, MCL 722.1 TO
16 722.6, who lives with a parent or caretaker, and who is either of
17 the following:

18 (i) Under the age of 18.

19 (ii) Age 18 or 19, a full-time high school student, and rea-
20 sonably expected to graduate from high school before the age of
21 20.

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

23 (i) A household consisting of a child and either of the
24 following:

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

26 (B) A caretaker of the child.

1 (ii) A pregnant woman.

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

3 (e) "Family independence assistance" means financial assist-
4 ance provided to a family under the family independence program.

5 (f) "Family independence assistance group" means all those
6 members of a program group who receive family independence
7 assistance.

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

10 (h) "Minor parent" means an individual under the age of 18
11 who is not emancipated under ~~Act No. 293 of the Public Acts of~~
12 ~~1968~~ 1968 PA 293, MCL 722.1 TO 722.6, and who is either the bio-
13 logical parent of a child living in the same household or a preg-
14 nant woman.

15 (i) "Payment standard" means the standard ~~upon which~~ THAT
16 THE family independence program benefits are based ON if the
17 family independence assistance group has no net income.

18 (J) "PUBLIC ASSISTANCE" MEANS 1 OR MORE OF THE FOLLOWING
19 PROVIDED UNDER THIS ACT:

20 (i) FAMILY INDEPENDENCE ASSISTANCE.

21 (ii) STATE FAMILY ASSISTANCE.

22 (iii) STATE DISABILITY ASSISTANCE.

23 (iv) FOOD STAMPS.

24 (K) ~~-(j)-~~ "Program group" means a family and all those indi-
25 viduals living with a family whose income and assets are consid-
26 ered for purposes of determining financial eligibility for family
27 independence assistance.

1 (1) ~~(k)~~ "Recipient" means an individual receiving ~~family~~
2 ~~independence~~ PUBLIC assistance.

3 (M) ~~(l)~~ "Social contract" means a document described in
4 section 57e that is executed by a family in return for the
5 receipt of family independence assistance.

6 (N) ~~(m)~~ "Substance abuse" means that term as defined in
7 section 6107 of the public health code, ~~Act No. 368 of the~~
8 ~~Public Acts of 1978, being section 333.6107 of the Michigan~~
9 ~~Compiled Laws~~ 1978 PA 368, MCL 333.6107.

10 (O) ~~(n)~~ "Substance abuse treatment" means outpatient or
11 inpatient services or participation in alcoholics anonymous or a
12 similar program.

13 (P) ~~(o)~~ "Work first" means the program of employment and
14 training administered by the ~~Michigan jobs commission~~
15 DEPARTMENT OF CAREER DEVELOPMENT for applicants and recipients of
16 family independence assistance.

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

20 Sec. 60. (1) ~~Any person who by means of wilful false~~
21 ~~statement or representation or by impersonation or other fraudu-~~
22 ~~lent device obtains or attempts to obtain, or aids or abets any~~
23 ~~person to obtain (a) assistance or relief to which he is not~~
24 ~~entitled; or (b) a larger amount of assistance or relief than~~
25 ~~that to which he is justly entitled; or any officer or employee~~
26 ~~of a county, city or district department of social welfare who~~
27 ~~authorizes or recommends relief to persons known to him to be~~

~~1 ineligible or to have fraudulently created their eligibility; or~~
~~2 any~~ A PERSON SHALL NOT MAKE A WILLFUL FALSE STATEMENT OR REPRESENTATION, USE AN ACCESS DEVICE OR OTHER FRAUDULENT DEVICE, OR
 3 SENTATION, USE AN ACCESS DEVICE OR OTHER FRAUDULENT DEVICE, OR
 4 ASSIST ANOTHER PERSON TO DO EITHER OF THE FOLLOWING:

5 (A) OBTAIN PUBLIC ASSISTANCE THAT THE PERSON IS NOT ENTITLED
 6 TO RECEIVE.

7 (B) OBTAIN A LARGER AMOUNT OF PUBLIC ASSISTANCE THAN THE
 8 PERSON IS ENTITLED TO RECEIVE.

9 (2) AN EMPLOYEE OF THE FAMILY INDEPENDENCE AGENCY SHALL NOT
 10 KNOWINGLY AUTHORIZE OR RECOMMEND THAT PUBLIC ASSISTANCE BE ISSUED
 11 TO A PERSON WHO IS INELIGIBLE OR WHOSE ELIGIBILITY IS BASED ON
 12 FRAUD.

13 (3) A person ~~who~~ SHALL NOT knowingly ~~buys or aids or~~
 14 ~~abets~~ BUY, ASSIST in buying, or ASSIST in disposal of the prop-
 15 erty of a person receiving PUBLIC assistance ~~or relief~~ without
 16 the consent of the director or supervisor of the state
 17 department. ~~, shall, if~~

18 (4) IF the amount involved ~~shall be of the value of~~ IS
 19 \$500.00 or less, ~~be deemed~~ A PERSON WHO VIOLATES
 20 SUBSECTION (1), (2), OR (3) IS guilty of a misdemeanor. ~~, and~~
 21 ~~shall, if~~ IF the amount involved ~~shall be of the value of~~ IS
 22 more than \$500.00, ~~be deemed~~ THE PERSON IS guilty of a felony
 23 ~~, and~~ upon conviction shall be punished as provided by the laws
 24 of this state.

25 (5) The amount involved as used in this ~~subsection shall be~~
 26 ~~defined as~~ SECTION IS the difference between the lawful amount

1 of PUBLIC assistance ~~or aid~~ and the amount of PUBLIC assistance
2 ~~or aid~~ actually received.

3 (6) If ~~anyone~~ A PERSON receives PUBLIC assistance ~~or~~
4 ~~relief~~ through means enumerated in this section, ~~in which~~ THAT
5 THE prosecution ~~is deemed~~ CONSIDERS unnecessary, the ~~state~~
6 ~~department or county departments~~ FAMILY INDEPENDENCE AGENCY may
7 take the necessary steps to recover from the recipient the amount
8 involved, plus interest at 5% per annum.

9 (7) On conviction of ~~the~~ violation of ~~the provisions~~ A
10 PROVISION of this section of ~~any~~ AN officer or employee of
11 ~~any~~ A county, city, or district ~~department of social welfare,~~
12 ~~such~~ FAMILY INDEPENDENCE AGENCY, THE officer or employee shall
13 be removed or dismissed from office.

14 (8) ~~(2) There is imposed upon every~~ A person receiving
15 ~~relief~~ PUBLIC ASSISTANCE under this act ~~either upon his own~~
16 ~~application or by his inclusion, to his knowledge, in the appli-~~
17 ~~cation of another the~~ HAS A continuing obligation to supply to
18 the ~~department issuing the relief~~ FAMILY INDEPENDENCE AGENCY
19 ALL OF THE FOLLOWING:

20 (a) ~~the~~ THE complete circumstances ~~in regard to his~~ OF
21 THE RECIPIENT'S income from employment or from ~~any other~~
22 ANOTHER source or the existence of income, if known to ~~him~~ THE
23 RECIPIENT, of other ~~persons receiving relief through the same~~
24 ~~application;~~ MEMBERS OF THE FAMILY INDEPENDENCE ASSISTANCE
25 GROUP.

26 (b) ~~information~~ INFORMATION regarding each ~~and every~~
27 offer of employment for ~~himself~~ THE RECIPIENT or, if known to

1 ~~him~~ THE RECIPIENT, of the other ~~persons receiving relief~~
2 ~~through the same application;~~ MEMBERS OF THE FAMILY INDEPENDENCE
3 ASSISTANCE GROUP.

4 (c) ~~information~~ INFORMATION concerning changes in ~~his~~
5 THE RECIPIENT'S OR ANY MEMBER OF THE FAMILY INDEPENDENCE ASSIST-
6 ANCE GROUP'S circumstances ~~or those of other persons receiving~~
7 ~~relief through the same application which~~ THAT would decrease
8 the need for ~~relief; and~~ PUBLIC ASSISTANCE.

9 (d) ~~the~~ THE circumstances or ~~whereabouts, known to him,~~
10 LOCATION of relatives legally responsible for ~~his~~ THE
11 RECIPIENT'S OR ANY MEMBER OF THE FAMILY INDEPENDENCE ASSISTANCE
12 GROUP'S support ~~or for the support of other persons receiving~~
13 ~~relief through the same application~~ if changes in ~~such~~ THE
14 circumstances or ~~whereabouts~~ LOCATION could affect the amount
15 of PUBLIC assistance available from ~~such~~ THE relatives or
16 affect their legal liability to furnish support. ~~Any person who~~
17 ~~shall neglect or refuse to submit to the department issuing~~
18 ~~relief the information required by this section shall, if the~~
19 ~~amount of relief granted as a result of such neglect or refusal~~
20 ~~be less than \$500.00, be guilty of a misdemeanor, and if the~~
21 ~~amount of relief granted as a result of such neglect or refusal~~
22 ~~be \$500.00 or more, shall be deemed guilty of a felony, and upon~~
23 ~~conviction shall be punished as provided by the laws of this~~
24 ~~state.~~

25 (9) A PERSON WHO NEGLECTS OR REFUSES TO SUBMIT TO THE FAMILY
26 INDEPENDENCE AGENCY ISSUING PUBLIC ASSISTANCE INFORMATION
27 REQUIRED BY THIS SECTION IS GUILTY OF A MISDEMEANOR IF THE AMOUNT

1 OF PUBLIC ASSISTANCE GRANTED AS A RESULT OF THE NEGLECT OR
2 REFUSAL IS LESS THAN \$500.00. IF THE AMOUNT OF PUBLIC ASSISTANCE
3 GRANTED AS A RESULT OF THE NEGLECT OR REFUSAL IS \$500.00 OR MORE,
4 THE PERSON IS GUILTY OF A FELONY AND UPON CONVICTION SHALL BE
5 PUNISHED AS PROVIDED BY THE LAWS OF THIS STATE.

6 (10) AS USED IN THIS SECTION, "ACCESS DEVICE" MEANS A CARD,
7 PLATE, CODE, ACCOUNT NUMBER, PERSONAL IDENTIFICATION NUMBER,
8 ELECTRONIC BENEFITS TRANSFER CARD, OR OTHER MEANS OF ACCESS THAT
9 CAN BE USED ALONE OR IN CONJUNCTION WITH ANOTHER ACCESS DEVICE TO
10 DO ANY OF THE FOLLOWING:

11 (A) CONDUCT FINANCIAL TRANSACTIONS.

12 (B) OBTAIN MONEY, PAYMENTS, ALLOTMENTS, CREDITS, BENEFITS,
13 ASSISTANCE, OR OTHER THINGS OF VALUE.

14 (C) INITIATE A TRANSFER OF FUNDS, PAYMENTS, ALLOTMENTS,
15 CREDITS, BENEFITS, OR ASSISTANCE FROM PROGRAMS ESTABLISHED UNDER
16 THIS ACT.