

HOUSE SUBSTITUTE FOR SENATE SUBSTITUTE FOR  
HOUSE BILL NO. 5441

A bill to amend 1939 PA 280, entitled  
"The social welfare act,"  
by amending section 57g (MCL 400.57g), as amended by 2001 PA 280.

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

1       Sec. 57g. (1) The ~~family independence agency~~ **DEPARTMENT**  
2 shall develop a system of penalties to be imposed if a recipient  
3 fails to comply with applicable rules or the provisions of this  
4 ~~section~~ **ACT RELATED TO FAMILY INDEPENDENCE PROGRAM BENEFITS AND**  
5 **WORK FIRST COMPLIANCE.** Penalties may be cumulative and may include  
6 reduction of the grant, removal of ~~an individual~~ **THE RECIPIENT**  
7 from the family independence assistance group, and termination of  
8 assistance to the family.

9       (2) A penalty shall not be imposed if the recipient has

1 demonstrated that there was good cause for failing to comply. The  
2 ~~family independence agency~~ **DEPARTMENT** shall determine the  
3 circumstances that constitute good cause based on factors that are  
4 beyond the **RECIPIENT'S** control. ~~of a recipient.~~

5 (3) ~~Recipients who are~~ **A RECIPIENT WHO IS** willing to  
6 participate in activities leading to self-sufficiency but who  
7 ~~require~~ **REQUIRES** child care or transportation in order to  
8 participate shall not be penalized if the ~~family independence~~  
9 ~~agency~~ **DEPARTMENT** determines that child care or transportation is  
10 not reasonably available or provided to ~~them~~ **HIM OR HER.**

11 (4) The system of penalties developed under subsection (1)  
12 shall include both of the following:

13 (a) Family independence program benefits shall be terminated  
14 if a recipient fails, without good cause, to comply with applicable  
15 child support requirements including efforts to establish paternity  
16 and obtain child support. The assistance group is ineligible for  
17 family independence program assistance for not less than 1 calendar  
18 month. After assistance has been terminated for not less than 1  
19 calendar month, assistance may be restored if the noncompliant  
20 recipient complies with child support requirements including the  
21 action to establish paternity and obtain child support.

22 (b) For any instance of noncompliance, before determining that  
23 a penalty shall be imposed, the ~~family independence agency~~  
24 **DEPARTMENT** shall determine if good cause for noncompliance exists.  
25 The ~~family independence agency~~ **DEPARTMENT** shall notify the  
26 recipient that he or she has 10 days to demonstrate good cause for  
27 noncompliance. If **THE DEPARTMENT DETERMINES THAT** good cause ~~is not~~

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determined to **DOES NOT** exist **FOR THE NONCOMPLIANCE**, assistance shall be terminated. ~~[After termination, the assistance group is ineligible for family independence program assistance for not less than 1 calendar month.]~~

(5) For the ~~purposes~~ **PURPOSE** of this section, "noncompliance" means 1 or more of the following:

(a) A recipient quits a job.

(b) A recipient is fired for misconduct or for absenteeism without good cause.

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

(d) A recipient does not participate in work first activities.

(6) If a recipient does not meet the recipient's individual ~~social contract~~ **FAMILY SELF-SUFFICIENCY PLAN** requirements, the ~~family independence agency may~~ **DEPARTMENT SHALL** impose a penalty.

~~—— (7) After termination for noncompliance, the assistance group is ineligible for family independence program assistance for not less than 1 calendar month. After assistance has been terminated for not less than 1 calendar month, family independence program assistance may be approved if the recipient completes a willingness to comply test. For purposes of this section, "willingness to comply" means participating in work first or other self-sufficiency activities for up to 40 hours within 10 working days. At the time any penalty is imposed under this section, the family independence agency shall provide the recipient written notice of his or her option to immediately reapply for family independence program benefits and that he or she may complete a "willingness to comply~~

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test" during the penalty period.

~~—— (8) The family independence agency shall submit a report for the period between February 1, 2002 and December 31, 2002 to the legislature, the house and senate fiscal agencies, and the appropriate house and senate standing committees that handle family and children's issues, that contains all of the following information for that time period:~~

~~—— (a) The number of sanctions imposed and reapplications made.~~

~~—— (b) The number of family independence program cases reopened.~~

~~—— (c) The number of referrals to emergency shelters by the department.~~

~~—— (d) The number of sanctions imposed on families with at least 1 disabled parent.~~

~~—— (e) The number of sanctions imposed on families with disabled children.~~

**[(7) THE DEPARTMENT SHALL IMPLEMENT A SCHEDULE OF SANCTIONS FOR INSTANCES OF NONCOMPLIANCE AS DESCRIBED IN THIS SUBSECTION. AFTER TERMINATION OF FAMILY INDEPENDENCE PROGRAM ASSISTANCE THE PENALTY SHALL BE AS FOLLOWS:**

**(A) FOR THE FIRST INSTANCE OF NONCOMPLIANCE, THE RECIPIENT IS INELIGIBLE FOR FAMILY INDEPENDENCE PROGRAM ASSISTANCE FOR NOT LESS THAN 3 CALENDAR MONTHS.**

**(B) FOR THE SECOND INSTANCE OF NONCOMPLIANCE, THE RECIPIENT IS INELIGIBLE FOR FAMILY INDEPENDENCE PROGRAM ASSISTANCE FOR NOT LESS THAN 3 CALENDAR MONTHS.**

**(C) FOR A THIRD INSTANCE OF NONCOMPLIANCE IN A 24-MONTH PERIOD, THE RECIPIENT IS INELIGIBLE FOR FAMILY INDEPENDENCE PROGRAM ASSISTANCE FOR**

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1 NOT LESS THAN 24 CALENDAR MONTHS.

2 (8) FOR ALL INSTANCES OF NONCOMPLIANCE RESULTING IN TERMINATION OF  
3 FAMILY INDEPENDENCE ASSISTANCE FOR ANY PERIOD OF TIME, BOTH OF THE  
4 FOLLOWING APPLY:

5 (A) FAMILY INDEPENDENCE PROGRAM ASSISTANCE MAY BE APPROVED TO BEGIN  
6 AT THE CONCLUSION OF THE SANCTION PERIOD IF THE RECIPIENT ATTENDS A JOINT  
7 MEETING WITH HIS OR HER FAMILY INDEPENDENCE SPECIALIST CASEWORKER AND A  
8 WORK FIRST PROGRAM CASEWORKER AND THE FAMILY SELF-SUFFICIENCY PLAN IS  
9 REVIEWED, MODIFIED AS NECESSARY, AND APPROVED BY THE FAMILY INDEPENDENCE  
10 SPECIALIST CASEWORKER AND THE WORK FIRST PROGRAM CASEWORKER. THE  
11 REEVALUATION REQUIRED UNDER THIS SUBDIVISION SHALL INCLUDE A DISCUSSION  
AND OFFICIAL WARNING REGARDING SANCTIONS THAT MAY BE IMPOSED FOR FUTURE  
INSTANCES OF NONCOMPLIANCE.

(B) THE PERIOD OF TIME THE RECIPIENT IS INELIGIBLE TO RECEIVE  
FAMILY INDEPENDENCE PROGRAM ASSISTANCE APPLIES TOWARD THE RECIPIENT'S 48-  
MONTH CUMULATIVE LIFETIME TOTAL.

Enacting section 1. This amendatory act does not take effect unless  
House Bill No. 5439 of the 93rd Legislature is enacted into law.]