

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  
10      demonstrated that there was good cause for failing to comply. The

~~family independence agency~~ **DEPARTMENT** shall determine the circumstances that constitute good cause based on factors that are beyond the **RECIPIENT'S** control. ~~of a recipient.~~

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

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

(a) Family independence program benefits shall be terminated if a recipient fails, without good cause, to comply with applicable child support requirements including efforts to establish paternity and obtain child support. 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, assistance may be restored if the noncompliant recipient complies with child support requirements including the action to establish paternity and obtain child support.

(b) For any instance of noncompliance, before determining that a penalty shall be imposed, the ~~family independence agency~~ **DEPARTMENT** shall determine if good cause for noncompliance exists. The ~~family independence agency~~ **DEPARTMENT** shall notify the recipient that he or she has 10 days to demonstrate good cause for noncompliance. If **THE DEPARTMENT DETERMINES THAT** good cause ~~is not determined to~~ **DOES NOT** exist **FOR THE NONCOMPLIANCE**, assistance

1 shall be terminated. After termination, the assistance group is  
2 ineligible for family independence program assistance for not less  
3 than 1 calendar month.

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

6 (a) A recipient quits a job.

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

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

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

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

15 (7) After termination for **THE FIRST INSTANCE OF** noncompliance,  
16 the assistance group is ineligible for family independence program  
17 assistance for not less than ~~1~~ **3** calendar ~~month~~ **MONTHS**. After  
18 assistance has been terminated for not less than ~~1~~ **3** calendar  
19 ~~month~~ **MONTHS**, family independence program assistance may be  
20 approved if the recipient completes a willingness to comply test  
21 **AND REEVALUATION OF THE FAMILY SELF-SUFFICIENCY PLAN IS APPROVED**  
22 **AND AMENDED BY A FAMILY INDEPENDENCE SPECIALIST AND A WORK FIRST**  
23 **PROGRAM CASEWORKER. AFTER TERMINATION FOR A SECOND INSTANCE OF**  
24 **NONCOMPLIANCE, THE ASSISTANCE GROUP IS INELIGIBLE FOR FAMILY**  
25 **INDEPENDENCE PROGRAM ASSISTANCE FOR NOT LESS THAN 3 CALENDAR**  
26 **MONTHS. AFTER ASSISTANCE HAS BEEN TERMINATED FOR NOT LESS THAN 3**  
27 **CALENDAR MONTHS, FAMILY INDEPENDENCE PROGRAM ASSISTANCE MAY BE**

1 APPROVED IF THE RECIPIENT COMPLETES A WILLINGNESS TO COMPLY TEST  
 2 AND REEVALUATION OF THE FAMILY SELF-SUFFICIENCY PLAN IS APPROVED  
 3 AND AMENDED BY A FAMILY INDEPENDENCE SPECIALIST AND A WORK FIRST  
 4 PROGRAM CASEWORKER. THE TIME A RECIPIENT IS INELIGIBLE FOR FAMILY  
 5 INDEPENDENCE PROGRAM ASSISTANCE DUE TO TERMINATION AFTER AN  
 6 INSTANCE OF NONCOMPLIANCE SHALL APPLY TOWARD THAT RECIPIENT'S 48-  
 7 MONTH CUMULATIVE LIFETIME TOTAL. For purposes of this section,  
 8 "willingness to comply" means participating in work first or other  
 9 self-sufficiency activities for up to 40 hours within 10 working  
 10 days. At the time ~~any~~ A FIRST OR SECOND penalty is imposed under  
 11 this section, the ~~family independence agency~~ DEPARTMENT shall  
 12 provide the recipient written notice of his or her option to  
 13 immediately reapply for family independence program benefits and  
 14 that he or she may complete a "willingness to comply test" during  
 15 the penalty period. AT THE TIME A THIRD PENALTY IS IMPOSED UNDER  
 16 THIS SECTION IN A 24-MONTH PERIOD, THE RECIPIENT IS INELIGIBLE FOR  
 17 FAMILY INDEPENDENCE PROGRAM ASSISTANCE FOR NOT LESS THAN 24  
 18 CALENDAR MONTHS.

19 (8) ~~The family independence agency~~ EACH COUNTY OFFICE shall  
 20 submit a report ~~for the period between February 1, 2002 and~~  
 21 ~~December 31, 2002~~ ONCE EVERY 90 DAYS to the legislature, the house  
 22 and senate fiscal agencies, ~~and~~ the appropriate house and senate  
 23 standing committees that handle family and children's issues, AND  
 24 THE HOUSE AND SENATE APPROPRIATIONS SUBCOMMITTEES FOR THE  
 25 DEPARTMENT BUDGET, that contains all of the following information  
 26 for that time period:

27 (a) The number of sanctions imposed FOR FIRST INSTANCES OF

1 NONCOMPLIANCE and reapplications made.

2 (B) THE NUMBER OF SANCTIONS IMPOSED FOR SECOND INSTANCES OF  
3 NONCOMPLIANCE AND REAPPLICATIONS MADE.

4 (C) THE NUMBER OF LIFETIME BENEFITS IMPOSED FOR THIRD  
5 INSTANCES OF NONCOMPLIANCE.

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

8 (E) ~~—(e)—~~ The number of ~~referrals to emergency shelters by~~  
9 ~~the department~~ FAMILY INDEPENDENCE PROGRAM CASES PERMANENTLY  
10 CLOSED.

11 ~~——(d) The number of sanctions imposed on families with at least~~  
12 ~~1 disabled parent.~~

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

15 Enacting section 1. This amendatory act does not take effect  
16 unless all of the following bills of the 93rd Legislature are  
17 enacted into law:

18 (a) Senate Bill No. 892.

19 (b) Senate Bill No. 893.

20 (c) Senate Bill No. 894.

21 (d) House Bill No. 5438.

22 (e) House Bill No. 5439.

23 (f) House Bill No. 5440.

24 (g) House Bill No. 5442.