

STATE OF MICHIGAN
93RD LEGISLATURE
REGULAR SESSION OF 2005

Introduced by Reps. Farhat, Palsrok, Nofs, Baxter, Emmons, Garfield, Robertson, Pavlov, Hansen, Booher, Jones, Moore, Hummel, Pastor, Stahl, Taub, Hoogendyk, Marleau, Huizenga, Gosselin, Palmer, Amos, Brandenburg, Drolet and Kooiman

ENROLLED HOUSE BILL No. 5441

AN ACT to amend 1939 PA 280, entitled "An act to protect the welfare of the people of this state; to provide general assistance, hospitalization, infirmary and medical care to poor or unfortunate persons; to provide for compliance by this state with the social security act; to provide protection, welfare and services to aged persons, dependent children, the blind, and the permanently and totally disabled; to administer programs and services for the prevention and treatment of delinquency, dependency and neglect of children; to create a state department of social services; to prescribe the powers and duties of the department; to provide for the interstate and intercounty transfer of dependents; to create county and district departments of social services; to create within certain county departments, bureaus of social aid and certain divisions and offices thereunder; to prescribe the powers and duties of the departments, bureaus and officers; to provide for appeals in certain cases; to prescribe the powers and duties of the state department with respect to county and district departments; to prescribe certain duties of certain other state departments, officers, and agencies; to make an appropriation; to prescribe penalties for the violation of the provisions of this act; and to repeal certain parts of this act on specific dates," by amending section 57g (MCL 400.57g), as amended by 2001 PA 280.

The People of the State of Michigan enact:

Sec. 57g. (1) The department shall develop a system of penalties to be imposed if a recipient fails to comply with applicable rules or the provisions of this act related to family independence program benefits and work first compliance. Penalties may be cumulative and may include reduction of the grant, removal of the recipient from the family independence assistance group, and termination of assistance to the family.

(2) A penalty shall not be imposed if the recipient has demonstrated that there was good cause for failing to comply. The department shall determine the circumstances that constitute good cause based on factors that are beyond the recipient's control.

(3) A recipient who is willing to participate in activities leading to self-sufficiency but who requires child care or transportation in order to participate shall not be penalized if the department determines that child care or transportation is not reasonably available or provided to 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 department shall determine if good cause for noncompliance exists. The 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 does not exist for the noncompliance, assistance shall be terminated.

(5) For the 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 family self-sufficiency plan requirements, the department shall impose a penalty.

(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 not less than 24 calendar months.

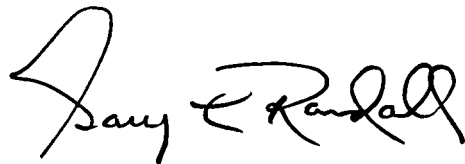
(8) For all instances of noncompliance resulting in termination of family independence assistance for any period of time, both of the following apply:

(a) Family independence program assistance may be approved to begin at the conclusion of the sanction period if the recipient attends a joint meeting with his or her family independence specialist caseworker and a work first program caseworker and the family self-sufficiency plan is reviewed, modified as necessary, and approved by the family independence specialist caseworker and the work first program caseworker. The reevaluation required under this subdivision shall include a discussion and official warning regarding sanctions that may be imposed for future instances of noncompliance.

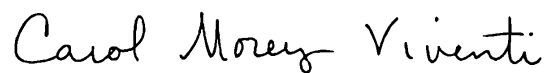
(b) The period of time the recipient is ineligible to receive family independence program assistance applies toward the recipient's 48-month cumulative lifetime total.

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

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved _____

Governor