

# HOUSE BILL No. 5441

November 22, 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 and referred to the Committee on Family and Children Services.

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~~

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

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

7 (a) A recipient quits a job.

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

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

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

13 (6) If a recipient does not meet the recipient's individual  
14 social contract requirements, the ~~family independence agency~~  
15 **DEPARTMENT** may impose a penalty.

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

complete a "willingness to comply test" during the penalty period.  
AT THE TIME A THIRD PENALTY IS IMPOSED UNDER THIS SECTION, THE  
DEPARTMENT SHALL PROVIDE THE RECIPIENT WRITTEN NOTICE THAT HE OR  
SHE IS NO LONGER ELIGIBLE TO RECEIVE FAMILY INDEPENDENCE PROGRAM  
BENEFITS AND THAT HE OR SHE MAY NOT REAPPLY.

(8) The ~~family independence agency~~ DEPARTMENT 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.

(9) EACH TIME A RECIPIENT IS SCHEDULED TO PARTICIPATE IN  
ACTIVITIES TO FULFILL THE WORK FIRST REQUIREMENT BUT FAILS TO  
PARTICIPATE IN THOSE ACTIVITIES, THE ASSISTANCE GROUP'S FAMILY  
INDEPENDENCE PROGRAM PAYMENT SHALL BE REDUCED BY AN AMOUNT PER HOUR  
EQUAL TO THE CURRENT MINIMUM WAGE RATE AS SET IN STATE OR FEDERAL  
LAW, WHICHEVER IS THE HIGHER AMOUNT AT THE TIME THE REDUCTION IS  
IMPOSED. A REDUCTION OF FAMILY INDEPENDENCE PROGRAM BENEFITS UNDER  
THIS SUBSECTION MAY BE IMPOSED ON THE ASSISTANCE GROUP WITHOUT THE

1 REDUCTION BEING CONSIDERED A TERMINATION OF BENEFITS FOR  
2 NONCOMPLIANCE UNDER SUBSECTION (10).

3 (10) AFTER THE THIRD TERMINATION FOR NONCOMPLIANCE UNDER THIS  
4 SECTION, THE ASSISTANCE GROUP IS INELIGIBLE TO RECEIVE ANY FAMILY  
5 INDEPENDENCE PROGRAM BENEFITS.

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

9 (a) Senate Bill No.\_\_\_\_\_ or House Bill No. 5445(request no.  
10 04044'05).

11 (b) Senate Bill No.\_\_\_\_\_ or House Bill No. 5439(request no.  
12 04624'05).

13 (c) Senate Bill No.\_\_\_\_\_ or House Bill No. 5446(request no.  
14 04625'05).

15 (d) Senate Bill No.\_\_\_\_\_ or House Bill No. 5440(request no.  
16 05231'05).

17 (e) Senate Bill No.\_\_\_\_\_ or House Bill No. 5442(request no.  
18 05232'05).

19 (f) Senate Bill No.\_\_\_\_\_ or House Bill No. 5443(request no.  
20 05233'05).