

HOUSE BILL No. 6584

September 20, 2006, Introduced by Reps. Palsrok, Kooiman, Stahl and Pastor 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

1 assistance to the family.

2 (2) A penalty shall not be imposed if the recipient has
3 demonstrated that there was good cause for failing to comply. The
4 ~~family independence agency~~ **DEPARTMENT** shall determine the
5 circumstances that constitute good cause based on factors that are
6 beyond the **RECIPIENT'S** control. ~~of a recipient.~~

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

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

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

24 (b) For any instance of noncompliance, before determining that
25 a penalty shall be imposed, the ~~family independence agency~~
26 **DEPARTMENT** shall determine if good cause for noncompliance exists.
27 The ~~family independence agency~~ **DEPARTMENT** shall notify the

1 recipient that he or she has 10 days to demonstrate good cause for
2 noncompliance. If **THE DEPARTMENT DETERMINES THAT** good cause ~~is not~~
3 ~~determined to~~ **DOES NOT** exist **FOR THE NONCOMPLIANCE**, assistance
4 shall be terminated. ~~After termination, the assistance group is~~
5 ~~ineligible for family independence program assistance for not less~~
6 ~~than 1 calendar month.~~

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

9 (a) A recipient quits a job.

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

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

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

15 (6) If a recipient does not meet the recipient's individual
16 ~~social contract~~ **PERSONAL RESPONSIBILITY PLAN OR PERSONAL WORK PLAN**
17 requirements, the ~~family independence agency may~~ **DEPARTMENT SHALL**
18 impose a penalty.

19 ~~After termination for noncompliance, the assistance group~~
20 ~~is ineligible for family independence program assistance for not~~
21 ~~less than 1 calendar month. After assistance has been terminated~~
22 ~~for not less than 1 calendar month, family independence program~~
23 ~~assistance may be approved if the recipient completes a willingness~~
24 ~~to comply test. For purposes of this section, "willingness to~~
25 ~~comply" means participating in work first or other self-sufficiency~~
26 ~~activities for up to 40 hours within 10 working days. At the time~~
27 ~~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 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 PENALTIES 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 TO RECEIVE FAMILY INDEPENDENCE PROGRAM ASSISTANCE FOR NOT LESS THAN 3 CALENDAR MONTHS.

(B) FOR THE SECOND INSTANCE OF NONCOMPLIANCE, THE RECIPIENT IS INELIGIBLE TO RECEIVE FAMILY INDEPENDENCE PROGRAM ASSISTANCE FOR

1 NOT LESS THAN 3 CALENDAR MONTHS.

2 (C) FOR THE THIRD INSTANCE OF NONCOMPLIANCE IN A 24-MONTH
3 PERIOD, THE RECIPIENT IS INELIGIBLE TO RECEIVE FAMILY INDEPENDENCE
4 PROGRAM ASSISTANCE FOR NOT LESS THAN 24 CALENDAR MONTHS.

5 (D) FOR THE FOURTH INSTANCE OF NONCOMPLIANCE IN A 24-MONTH
6 PERIOD, THE RECIPIENT IS PERMANENTLY INELIGIBLE TO RECEIVE FAMILY
7 INDEPENDENCE PROGRAM ASSISTANCE.

8 (8) FOR ALL INSTANCES OF NONCOMPLIANCE RESULTING IN
9 TERMINATION OF FAMILY INDEPENDENCE ASSISTANCE FOR ANY PERIOD OF
10 TIME DESCRIBED IN SUBSECTION (7), BOTH OF THE FOLLOWING APPLY:

11 (A) FAMILY INDEPENDENCE PROGRAM ASSISTANCE MAY BE APPROVED TO
12 BEGIN AT THE CONCLUSION OF THE PENALTY PERIOD IF THE RECIPIENT
13 ATTENDS A JOINT MEETING WITH HIS OR HER FAMILY INDEPENDENCE
14 SPECIALIST CASEWORKER AND A WORK FIRST PROGRAM CASEWORKER AND THE
15 PERSONAL RESPONSIBILITY PLAN, PERSONAL WORK PLAN, OR BOTH ARE
16 REVIEWED, MODIFIED AS NECESSARY, AND APPROVED BY THE FAMILY
17 INDEPENDENCE SPECIALIST CASEWORKER AND THE WORK FIRST PROGRAM
18 CASEWORKER. THE REEVALUATION REQUIRED UNDER THIS SUBDIVISION SHALL
19 INCLUDE A DISCUSSION AND OFFICIAL WARNING REGARDING PENALTIES THAT
20 MAY BE IMPOSED FOR FUTURE INSTANCES OF NONCOMPLIANCE.

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

24 Enacting section 1. This amendatory act does not take effect
25 unless Senate Bill No. _____ or House Bill No. 6581(request no.
26 05678'06) of the 93rd Legislature is enacted into law.