

# SENATE BILL No. 893

November 10, 2005, Introduced by Senator CROPSEY and referred to the Committee on Families and Human Services.

A bill to amend 1939 PA 280, entitled  
"The social welfare act,"  
by amending sections 43 and 57g (MCL 400.43 and 400.57g), section  
57g as amended by 2001 PA 280.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 43. (1) ~~All~~ EXCEPT AS PROVIDED IN SUBSECTION (2), ALL  
2       assistance granted under this act shall be reconsidered from time  
3       to time ~~—~~ or as frequently as may be required by the state  
4       department. ~~After~~ EXCEPT AS PROVIDED IN SUBSECTION (2), AFTER  
5       further investigation by the county department, ~~of social welfare,~~  
6       the amount and manner of giving assistance may be changed, or the  
7       assistance may be withdrawn if the state department finds the  
8       recipient's circumstances have changed sufficiently to warrant

1 ~~such~~ **THAT** action. ~~It shall be within the power of the~~ **THE** state  
2 department **MAY**, at any time, ~~to~~ cancel and revoke assistance for  
3 cause, and it may for cause suspend payments for assistance as it  
4 ~~may deem~~ **CONSIDERS** proper, subject to appeal and hearing by the  
5 recipient as provided for in section 9. The provisions of this  
6 section shall be mandatory only with respect to ~~old age~~ **CASH**  
7 assistance ~~, aid to dependent children, aid to the blind, aid to~~  
8 ~~the permanently and totally disabled~~ or any other function  
9 financed in whole or in part by federal funds.

10 (2) **THE DEPARTMENT SHALL NOT CHANGE THE AMOUNT OF ASSISTANCE**  
11 **PROVIDED TO A RECIPIENT BASED ON FAMILY SIZE MORE THAN 1 TIME IN A**  
12 **36-MONTH PERIOD.**

13 Sec. 57g. (1) ~~The family independence agency shall develop a~~  
14 ~~system of penalties to be imposed if a recipient fails to comply~~  
15 ~~with applicable rules or the provisions of this section. Penalties~~  
16 ~~may be cumulative and may include reduction of the grant, removal~~  
17 ~~of an individual from the family independence assistance group, and~~  
18 ~~termination of assistance to the family.~~ **THE DEPARTMENT SHALL**  
19 **DEVELOP A SYSTEM OF PENALTIES TO COMPLY WITH APPLICABLE RULES OR**  
20 **THE PROVISIONS OF THIS SECTION. IF A RECIPIENT DEMONSTRATES**  
21 **NONCOMPLIANCE OR DOES NOT MEET THE RECIPIENT'S FAMILY INDEPENDENCE**  
22 **PLAN EXPECTATIONS, THE DEPARTMENT SHALL IMPOSE A PENALTY AS**  
23 **FOLLOWS:**

24 (A) **FOR THE FIRST INSTANCE OF NONCOMPLIANCE OR FAILURE TO MEET**  
25 **AN EXPECTATION IN THE FAMILY INDEPENDENCE PLAN, THE RECIPIENT IS**  
26 **INELIGIBLE FOR FAMILY INDEPENDENCE PROGRAM ASSISTANCE FOR NOT LESS**  
27 **THAN 1 CALENDAR MONTH.**

1 (B) FOR THE SECOND INSTANCE OF NONCOMPLIANCE OR FAILURE TO  
2 MEET AN EXPECTATION IN THE FAMILY INDEPENDENCE PLAN, THE RECIPIENT  
3 IS INELIGIBLE FOR FAMILY INDEPENDENCE PROGRAM ASSISTANCE FOR NOT  
4 LESS THAN 2 CALENDAR MONTHS.

5 (C) FOR THE THIRD INSTANCE OF NONCOMPLIANCE OR FAILURE TO MEET  
6 AN EXPECTATION IN THE FAMILY INDEPENDENCE PLAN WITHIN A 24-MONTH  
7 PERIOD, THE RECIPIENT IS INELIGIBLE FOR FAMILY INDEPENDENCE PROGRAM  
8 ASSISTANCE FOR NOT LESS THAN 24 CALENDAR MONTHS.

9 (2) A penalty shall not be imposed if the recipient has  
10 demonstrated that there was good cause for failing to comply. The  
11 ~~family independence agency~~ DEPARTMENT shall determine the  
12 circumstances that constitute good cause based on factors that are  
13 beyond the control of a recipient.

14 (3) Recipients who are willing to participate in activities  
15 leading to self-sufficiency but who require child care or  
16 transportation in order to participate shall not be penalized if  
17 the ~~family independence agency~~ DEPARTMENT determines that child  
18 care or transportation is not reasonably available or provided to  
19 them.

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

22 (a) Family independence program benefits shall be terminated  
23 if a recipient fails, without good cause, to comply with applicable  
24 child support requirements including efforts to establish paternity  
25 and obtain child support. The assistance group is ineligible for  
26 family independence program assistance for not less than 1 calendar  
27 month. After assistance has been terminated for not less than 1

1 calendar month, assistance may be restored if the noncompliant  
2 recipient complies with child support requirements including the  
3 action to establish paternity and obtain child support.

4 (b) For any instance of noncompliance, before determining that  
5 a penalty shall be imposed, the ~~family independence agency~~  
6 **DEPARTMENT** shall determine if good cause for noncompliance exists.  
7 The ~~family independence agency~~ **DEPARTMENT** shall notify the  
8 recipient that he or she has 10 days to demonstrate good cause for  
9 noncompliance. ~~If good cause is not determined to exist,~~  
10 ~~assistance shall be terminated. After termination, the assistance~~  
11 ~~group is ineligible for family independence program assistance for~~  
12 ~~not less than 1 calendar month.~~

13 (5) For the purposes of this section, "noncompliance" means 1  
14 or more of the following:

15 (a) A recipient quits a job.

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

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

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

21 ~~—— (6) If a recipient does not meet the recipient's individual~~  
22 ~~social contract requirements, the family independence agency may~~  
23 ~~impose a penalty.~~

24 (6) ~~—(7)— After termination for noncompliance —, the~~  
25 ~~assistance group is ineligible for family independence program~~  
26 ~~assistance for not less than 1 calendar month. After assistance has~~  
27 ~~been terminated for not less than 1 calendar month— OR FAILURE TO~~

1 MEET AN EXPECTATION IN THE FAMILY INDEPENDENCE PLAN SUBJECT TO THE  
2 PROVISIONS IN SUBSECTION (1), family independence program  
3 assistance may be approved if the recipient completes a willingness  
4 to comply test. For purposes of this section, "willingness to  
5 comply" means participating in work first or other self-sufficiency  
6 activities for up to 40 hours within 10 working days. At the time  
7 ~~any~~ A penalty is imposed under this section, the ~~family~~  
8 ~~independence agency~~ **DEPARTMENT** shall provide the recipient written  
9 notice of his or her option to immediately reapply for family  
10 independence program benefits and that he or she may complete a  
11 "willingness to comply test" during the penalty period.

12 (7) ~~—(8)—~~ The ~~family independence agency~~ **DEPARTMENT** shall  
13 submit a report ~~for the period between February 1, 2002 and~~  
14 ~~December 31, 2002~~ **ANNUALLY** to the legislature, the house and  
15 senate fiscal agencies, and the appropriate house and senate  
16 standing committees that handle family and children's issues, that  
17 contains all of the following information for that time period:

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

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

20 (c) The number of referrals to emergency shelters by the  
21 department.

22 (d) The number of sanctions imposed on families with at least  
23 1 disabled parent.

24 (e) The number of sanctions imposed on families with disabled  
25 children.