

# SENATE BILL No. 894

November 10, 2005, Introduced by Senator CLARK-COLEMAN 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 57d and 57g (MCL 400.57d and 400.57g), as  
amended by 2001 PA 280.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 57d. (1) The department **AND THE DEPARTMENT** of ~~career~~  
2 ~~development and the family independence agency~~ **LABOR AND ECONOMIC**  
3 **GROWTH** shall conduct joint orientation sessions for family  
4 independence assistance applicants no less frequently than weekly.  
5 After the ~~family independence agency~~ **DEPARTMENT** makes an initial  
6 determination that an adult or a child aged 16 or older who is not  
7 attending elementary or secondary school full-time might be  
8 eligible for family independence assistance, that individual shall

1 attend a joint orientation session as a condition of eligibility  
2 ~~prior to receipt of~~ **BEFORE RECEIVING** family independence  
3 assistance. After completion of the orientation, the individual and  
4 the ~~family independence agency~~ **DEPARTMENT** shall develop the  
5 family's ~~social contract~~ **FAMILY INDEPENDENCE PLAN** in accordance  
6 with section 57e.

7 (2) **THE JOINT ORIENTATION SESSIONS REQUIRED UNDER SUBSECTION**  
8 **(1) SHALL INCLUDE AN INITIAL ASSESSMENT OF THE FAMILY INDEPENDENCE**  
9 **ASSISTANCE APPLICANT. THE INITIAL ASSESSMENT SHALL INCLUDE, AT A**  
10 **MINIMUM, LITERACY AND SKILLS DETERMINATION, JOB READINESS**  
11 **ASSESSMENT, BASIC SKILLS IDENTIFIER, AND MENTAL OR PHYSICAL**  
12 **BARRIERS OR DISABILITY ASSESSMENT.**

13 (3) **THE JOINT ORIENTATION SESSIONS REQUIRED UNDER SUBSECTION**  
14 **(1) SHALL INCLUDE BASIC LIFE SKILLS ORIENTATION TO PREPARE THE**  
15 **INDIVIDUAL FOR EMPLOYMENT. IF IT IS DETERMINED IN THE INITIAL**  
16 **ASSESSMENT REQUIRED UNDER SUBSECTION (2) THAT THE INDIVIDUAL DOES**  
17 **NOT HAVE THE BASIC LIFE SKILLS REQUIRED TO MAINTAIN EMPLOYMENT, THE**  
18 **INDIVIDUAL SHALL BE IMMEDIATELY REFERRED FOR FURTHER ASSESSMENT AND**  
19 **TRAINING OR EDUCATION IN BASIC LIFE SKILLS.**

20 (4) ~~—(2)—~~ If the individual fails to cooperate with work first  
21 joint orientation or other required employment and training  
22 activities, the family is ineligible for family independence  
23 assistance.

24 (5) ~~—(3)—~~ The ~~family independence agency~~ **DEPARTMENT** shall  
25 impose penalties under section 57g if the individual fails to  
26 comply with any of the following:

27 (a) Work first activities.

1 (b) Employment and training activities.

2 (c) Child support requirements.

3 (6) ~~—(4)— The ~~family independence agency~~ may~~ **DEPARTMENT**  
4 **SHALL** impose penalties under section 57g if the individual fails to  
5 comply with the individual's ~~social contract~~ **FAMILY INDEPENDENCE**  
6 **PLAN'S** requirements.

7 (7) ~~—(5)— If the individual is complying with the ~~social~~~~  
8 ~~contract~~ **FAMILY INDEPENDENCE PLAN**, the ~~family independence agency~~  
9 **DEPARTMENT** and the recipient shall revise the ~~social contract~~  
10 **FAMILY INDEPENDENCE PLAN** if necessary and the family independence  
11 assistance group shall continue to receive family independence  
12 assistance so long as the recipients meet family independence  
13 assistance program requirements.

14 Sec. 57g. (1) The ~~family independence agency~~ **DEPARTMENT**  
15 shall develop a system of penalties to be imposed if a recipient  
16 fails to comply with applicable rules or the provisions of this  
17 section. Penalties may be cumulative and may include reduction of  
18 the grant, removal of an individual from the family independence  
19 assistance group, and termination of assistance to the family.

20 (2) A penalty shall not be imposed if the recipient has  
21 demonstrated that there was good cause for failing to comply. The  
22 ~~family independence agency~~ **DEPARTMENT** shall determine the  
23 circumstances that constitute good cause based on factors that are  
24 beyond the control of a recipient.

25 (3) Recipients who are willing to participate in activities  
26 leading to self-sufficiency but who require child care or  
27 transportation in order to participate shall not be penalized if

1 the ~~family independence agency~~ **DEPARTMENT** determines that child  
2 care or transportation is not reasonably available or provided to  
3 them.

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

6 (a) Family independence program benefits shall be terminated  
7 if a recipient fails, without good cause, to comply with applicable  
8 child support requirements including efforts to establish paternity  
9 and obtain child support. The assistance group is ineligible for  
10 family independence program assistance for not less than 1 calendar  
11 month. After assistance has been terminated for not less than 1  
12 calendar month, assistance may be restored if the noncompliant  
13 recipient complies with child support requirements including the  
14 action to establish paternity and obtain child support.

15 (b) For any instance of noncompliance, before determining that  
16 a penalty shall be imposed, the ~~family independence agency~~  
17 **DEPARTMENT** shall determine if good cause for noncompliance exists.  
18 The ~~family independence agency~~ **DEPARTMENT** shall notify the  
19 recipient that he or she has 10 days to demonstrate good cause for  
20 noncompliance. If good cause is not determined to exist, assistance  
21 shall be terminated. After termination, the assistance group is  
22 ineligible for family independence program assistance for not less  
23 than 1 calendar month.

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

26 (a) A recipient quits a job.

27 (b) A recipient is fired for misconduct or for absenteeism

1 without good cause.

2 (c) A recipient voluntarily reduces the hours of employment or  
3 otherwise reduces earnings.

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

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

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

21 (8) IF A RECIPIENT RECEIVES A PENALTY UNDER THIS SECTION  
22 RESULTING IN TERMINATION FROM THE FAMILY INDEPENDENCE PROGRAM FOR  
23 30 DAYS OR MORE, THE RECIPIENT SHALL ATTEND A JOINT MEETING WITH A  
24 **DEPARTMENT FAMILY INDEPENDENCE CASEWORKER AND A WORK FIRST PROGRAM**  
25 **CASEWORKER.**

26 (9) ~~(8)~~ The ~~family independence agency~~ **DEPARTMENT** shall  
27 submit a report for the period between February 1, 2002 and

1 December 31, 2002 to the legislature, the house and senate fiscal  
2 agencies, and the appropriate house and senate standing committees  
3 that handle family and children's issues, that contains all of the  
4 following information for that time period:

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

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

7 (c) The number of referrals to emergency shelters by the  
8 department.

9 (d) The number of sanctions imposed on families with at least  
10 1 disabled parent.

11 (e) The number of sanctions imposed on families with disabled  
12 children.