

SUBSTITUTE FOR
HOUSE BILL NO. 4409

A bill to amend 1939 PA 280, entitled
"The social welfare act,"
by amending sections 57, 57a, 57b, 57c, 57d, 57e, 57g, 57i, 57l,
57p, 57q, 57r, and 57u (MCL 400.57, 400.57a, 400.57b, 400.57c,
400.57d, 400.57e, 400.57g, 400.57i, 400.57l, 400.57p, 400.57q,
400.57r, and 400.57u), section 57 as amended and section 57p as
added by 2006 PA 471, section 57a as amended by 1999 PA 26, section
57b as amended and sections 57q and 57u as added by 2006 PA 468,
section 57c as added by 1995 PA 223, sections 57d, 57g, and 57r as
amended by 2007 PA 9, section 57e as amended by 2006 PA 469,
section 57i as added by 2000 PA 478, and section 57l as added by
1999 PA 17; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 57. (1) As used in this section and sections 57a to 57u:

2 (a) "Adult-supervised household" means either of the
3 following:

4 (i) The place of residence of a parent, stepparent, or legal
5 guardian of a minor parent.

6 (ii) A living arrangement not described in subparagraph (i) that
7 the department approves as a family setting that provides care and
8 control of a minor parent and his or her child and supportive
9 services including, but not limited to, counseling, guidance, or
10 supervision.

11 (b) "Caretaker" means an individual who is acting as parent
12 for a child in the absence or because of the disability of the
13 child's parent or stepparent and who is the child's legal guardian,
14 grandparent, great grandparent, great-great grandparent, sibling,
15 stepsibling, aunt, great aunt, great-great aunt, uncle, great
16 uncle, great-great uncle, nephew, niece, first cousin, or first
17 cousin once-removed, a spouse of any person listed above, a parent
18 of the putative father, or an unrelated individual aged 21 or older
19 whose appointment as legal guardian of the child is pending.

20 (c) "Child" means an individual who is not emancipated under
21 1968 PA 293, MCL 722.1 to 722.6, who lives with a parent or
22 caretaker, and who is either of the following:

23 (i) Under the age of 18.

24 (ii) Age 18 ~~or 19,~~ **AND** a full-time high school student. ~~—and~~
25 ~~reasonably expected to graduate from high school before the age of~~
26 ~~20.~~

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(d) "Family" means 1 or more of the following:

(i) A household consisting of a child and either of the following:

(A) A parent or stepparent of the child.

(B) A caretaker of the child.

(ii) A pregnant woman.

(iii) A parent of a child in foster care.

(e) "Family independence **PROGRAM** assistance" means financial assistance provided to a family under the family independence program.

(f) "Family independence **PROGRAM** assistance group" means all those members of a program group who receive family independence **PROGRAM** assistance.

(g) "Family independence program" means the program of financial assistance established under section 57a.

(h) "Family self-sufficiency plan" means a document described in section 57e that is executed by a family in return for receiving family independence **PROGRAM** assistance.

(I) "JET PROGRAM" MEANS THE JOBS, EDUCATION AND TRAINING PROGRAM ADMINISTERED BY THE [MICHIGAN ECONOMIC DEVELOPMENT CORPORATION OR A SUCCESSOR ENTITY] FOR APPLICANTS AND RECIPIENTS OF FAMILY INDEPENDENCE PROGRAM ASSISTANCE OR A SUCCESSOR PROGRAM.

(J) "MEDICAL REVIEW TEAM" MEANS THE TEAM COMPOSED OF A DISABILITY EXAMINER AND A PHYSICIAN AS A MEDICAL CONSULTANT WHO CERTIFIES DISABILITY FOR THE PURPOSE OF ELIGIBILITY FOR ASSISTANCE UNDER THIS ACT.

(K) "NEGATIVE ACTION PERIOD" MEANS THE TIME FRAME A CLIENT IS

1 **GIVEN NOTICE FOR A BENEFIT DECREASE OR CLOSURE OF THE FAMILY**
 2 **INDEPENDENCE PROGRAM BENEFIT.**

3 (I) ~~(i)~~—"Minor parent" means an individual under the age of 18
 4 who is not emancipated under 1968 PA 293, MCL 722.1 to 722.6, and
 5 who is either the biological parent of a child living in the same
 6 household or a pregnant woman.

7 (M) ~~(j)~~—"Payment standard" means the standard upon which
 8 family independence program **ASSISTANCE** benefits are based. ~~if the~~
 9 ~~family independence assistance group has no net income.~~

10 (N) ~~(k)~~—"Program group" means a family and all those
 11 individuals living with a family whose income and assets are
 12 considered for purposes of determining financial eligibility for
 13 family independence **PROGRAM** assistance.

14 (O) ~~(l)~~—"Recipient" means an individual receiving family
 15 independence **PROGRAM** assistance.

16 (P) ~~(m)~~—"Substance abuse" means that term as defined in
 17 section 6107 of the public health code, 1978 PA 368, MCL 333.6107.

18 (Q) ~~(n)~~—"Substance abuse treatment" means outpatient or
 19 inpatient services or participation in alcoholics anonymous or a
 20 similar program.

21 (R) ~~(o)~~—"Supplemental security income" means the program of
 22 supplemental security income provided under title XVI.

23 ~~—— (p) "Work first" means the program of employment and training~~
 24 ~~administered by the department of labor and economic growth for~~
 25 ~~applicants and recipients of family independence assistance.~~

26 (2) A reference in this act to "aid to dependent children" or
 27 "aid to families with dependent children" means "family

1 independence program assistance".

2 Sec. 57a. (1) The ~~family independence agency~~ **DEPARTMENT** shall
3 establish and administer the family independence program to provide
4 assistance to families who are making efforts to achieve
5 independence.

6 (2) The ~~family independence agency~~ **DEPARTMENT** shall administer
7 the family independence program to accomplish all of the following:

8 (a) Provide financial support to eligible families while they
9 pursue self-improvement activities and engage in efforts to become
10 financially independent.

11 (b) Ensure that recipients who are minor parents live in
12 adult-supervised households in order to reduce long-term dependency
13 on financial assistance.

14 (c) Assist families in determining and overcoming the barriers
15 preventing them from achieving financial independence.

16 (d) Ensure that families pursue other sources of support
17 available to them.

18 (3) The ~~family independence agency~~ **DEPARTMENT** shall establish
19 income and asset levels for eligibility, types of income and assets
20 to be considered in making eligibility determinations, payment
21 standards, composition of the program group and the family
22 independence **PROGRAM** assistance group, program budgeting and
23 accounting methods, and client reporting requirements to meet the
24 following goals:

25 (a) Efficient, fair, cost-effective administration of the
26 family independence program.

27 (b) Provision of family independence **PROGRAM** assistance to

1 families willing to work toward eventual self-sufficiency.

2 ~~—— (4) Not later than October 1, 2001, the family independence~~
3 ~~agency shall implement an automated finger imaging system designed~~
4 ~~to prevent an individual from receiving cash assistance, food~~
5 ~~stamps, or both under more than 1 name. Beginning at the effective~~
6 ~~date of the establishment and implementation of the finger imaging~~
7 ~~system, an individual applying for cash assistance, food stamps, or~~
8 ~~both must provide the family independence agency with an automated~~
9 ~~finger image or images as a condition of eligibility. Finger~~
10 ~~imaging obtained pursuant to this subsection shall be used only for~~
11 ~~the purposes of reducing fraud in obtaining public benefits or~~
12 ~~assistance under this act.~~

13 ~~—— (5) The family independence agency shall establish the~~
14 ~~automated finger image system that, at a minimum, includes the~~
15 ~~following:~~

16 ~~—— (a) Confidentiality of the automated finger image records~~
17 ~~taken pursuant to this section.~~

18 ~~—— (b) A system for administrative appeal of a matter relating to~~
19 ~~the taking or verification of an individual's automated finger~~
20 ~~image.~~

21 ~~—— (c) A requirement to exempt children from providing the~~
22 ~~automated finger image unless there is a reasonable suspicion that~~
23 ~~the family group is committing fraud. For the purpose of this~~
24 ~~subdivision, "family group" means a family and all those~~
25 ~~individuals living with a family who apply for or receive cash~~
26 ~~assistance, food stamps, or both.~~

27 ~~—— (d) A requirement to exempt individuals from whom the~~

~~1 automated finger image technology is unable to obtain an accurate
2 finger image.~~

~~3 (c) A requirement to exempt patients placed in nursing homes
4 from providing the automated finger image.~~

~~5 (f) In addition to the population groups named in subdivisions
6 (c), (d), and (e), authority to exempt certain other population
7 groups from providing the automated finger image including, but not
8 limited to, homebound recipients.~~

~~9 (6) The family independence agency shall remove an
10 individual's finger image from the department's file if the
11 individual has not received benefits or assistance from the family
12 independence agency within the previous 12 months.~~

~~13 (7) The family independence agency may negotiate and enter
14 into a compact or reciprocal agreement with another state
15 department, the federal government, an agency of the federal
16 government, or an agency of another state for the purpose of
17 implementing and administering the finger imaging provisions of
18 this section as long as the compact or reciprocal agreement is not
19 inconsistent with the limitations of use and access contained in
20 subsection (4).~~

~~21 (8) The family independence agency shall conduct semi-annual
22 security reviews to monitor the automated finger imaging system to
23 insure that all of the following occur:~~

~~24 (a) All records maintained as part of the system are accurate
25 and complete.~~

~~26 (b) Effective software and hardware designs have been
27 instituted with security features to prevent unauthorized access to~~

1 ~~records.~~

2 ~~—— (c) Access to record information is restricted to authorized~~
3 ~~personnel.~~

4 ~~—— (d) System and operational programs are used that will~~
5 ~~prohibit inquiry, record updates, or destruction of records from a~~
6 ~~terminal other than automated finger imaging system terminals that~~
7 ~~are designated to permit inquiry, record updates, or destruction of~~
8 ~~records.~~

9 ~~—— (e) System and operational programs are used to detect and~~
10 ~~report all unauthorized attempts to penetrate an automated finger~~
11 ~~imaging system, program, or file.~~

12 ~~—— (9) Beginning December 31 of the first year the automated~~
13 ~~finger imaging system has been fully implemented, the family~~
14 ~~independence agency shall compile and report annually to the senate~~
15 ~~and house committees having jurisdiction over family independence~~
16 ~~agency matters the following information concerning the operation~~
17 ~~of the automated finger imaging system:~~

18 ~~—— (a) An analysis of the costs and savings of the system~~
19 ~~including, but not limited to, administrative costs, operation~~
20 ~~costs, and actual savings due to confirmed fraud and fraud~~
21 ~~deterrence.~~

22 ~~—— (b) The number of individuals who have applied for assistance~~
23 ~~under more than 1 name.~~

24 ~~—— (c) The number of individuals refusing to provide a finger~~
25 ~~image and the reasons for the refusal.~~

26 ~~—— (d) A detailed summary of the results of reviews required by~~
27 ~~subsection (8).~~

~~—— (10) Except as necessary to carry out a compact or agreement under subsection (7) or unless otherwise required by law, the family independence agency shall not sell, transfer, or release information identifying an individual named in the automated finger imaging system record to a third person, including, but not limited to, another state department or agency.~~

~~—— (11) A person shall not disclose information from the automated finger imaging system record in a manner that is not authorized by law or rule. A violation of this subsection is a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00, or both.~~

~~—— (12) At the time an individual applies for cash assistance, food stamps, or both, the family independence agency shall inform the individual of all of the following:~~

~~—— (a) The requirement to allow the department to take a finger image from the individual.~~

~~—— (b) The fact that the finger image may be compared to the finger images of other benefit recipients to prevent duplicate participation.~~

~~—— (c) The fact that the department is prohibited by law from using the finger image for a different purpose.~~

Sec. 57b. (1) ~~Subject to section 57l, an~~ **AN** individual who meets all of the following requirements is eligible for family independence **PROGRAM** assistance:

(a) Is a member of a family or a family independence **PROGRAM** assistance group.

(b) Is a member of a program group whose income and assets are

1 less than the income and asset limits set by the department.

2 (c) In the case of a minor parent, meets the requirements of
3 subsection (2).

4 (d) Is a United States citizen, a permanent resident alien, or
5 a refugee. **IF THE APPLICANT INDICATES THAT HE OR SHE IS NOT A**
6 **UNITED STATES CITIZEN, THE DEPARTMENT SHALL VERIFY THE APPLICANT'S**
7 **IMMIGRATION STATUS USING THE FEDERAL SYSTEMATIC ALIEN VERIFICATION**
8 **FOR ENTITLEMENTS (SAVE) PROGRAM.**

9 (e) Is a resident of this state as described in section 32.

10 (f) Meets any other eligibility criterion required for the
11 receipt of federal or state funds or determined by the department
12 to be necessary for the accomplishment of the goals of the family
13 independence program.

14 (2) A minor parent and the minor parent's child shall not
15 receive family independence **PROGRAM** assistance unless they live in
16 an adult-supervised household. The family independence **PROGRAM**
17 assistance shall be paid on behalf of the minor parent and child to
18 an adult in the adult-supervised household. Child care in
19 conjunction with participation in education, employment readiness,
20 training, or employment programs, ~~which~~**THAT** have been approved by
21 the department, shall be provided for the minor parent's child. The
22 minor parent and child shall live with the minor parent's parent,
23 stepparent, or legal guardian unless the department determines that
24 there is good cause for not requiring the minor parent and child to
25 live with a parent, stepparent, or legal guardian. The department
26 shall determine the circumstances that constitute good cause, based
27 on a parent's, stepparent's, or guardian's unavailability or

1 unwillingness or based on a reasonable belief that there is
2 physical, sexual, or substance abuse, or domestic violence,
3 occurring in the household, or that there is other risk to the
4 physical or emotional health or safety of the minor parent or
5 child. If the department determines that there is good cause for
6 not requiring a minor parent to live with a parent, stepparent, or
7 legal guardian, the minor parent and child shall live in another
8 adult-supervised household. A local office director may waive the
9 requirement set forth in this subsection with respect to a minor
10 parent who is at least 17 years of age, attending secondary school
11 full-time, and participating in a department service plan or a teen
12 parenting program, if moving would require the minor parent to
13 change schools.

14 (3) ~~Beginning December 31, 2006, if~~ **IF** a recipient who is
15 otherwise eligible for family independence **PROGRAM** assistance under
16 this section is currently applying for supplemental security income
17 and seeking exemption from the ~~work first~~ **JET** program, the
18 recipient shall be evaluated and assessed as provided in this
19 section before a family self-sufficiency plan is developed under
20 section 57e. Based on a report resulting from the evaluation and
21 assessment, the caseworker shall make a determination and referral
22 as follows:

23 (a) A determination that the recipient is eligible to
24 participate in ~~work first~~ **THE JET PROGRAM** and a referral to the
25 ~~work first~~ **JET** program.

26 (b) A determination that the recipient is exempt from ~~work~~
27 ~~first~~ **JET PROGRAM** participation under section 57f and a referral to

1 a sheltered work environment or subsidized employment.

2 (c) A determination that the recipient is exempt from ~~work~~
3 ~~first-JET PROGRAM~~ participation under section 57f and a referral ~~to~~
4 ~~a legal services organization~~ for supplemental security income
5 advocacy.

6 (4) The department may contract with a legal services
7 organization to assist recipients with the process for applying for
8 supplemental security income. The department may also contract with
9 a nonprofit rehabilitation organization to perform the evaluation
10 and assessment described under subsection (3). If the department
11 contracts with either a nonprofit legal or rehabilitation services
12 organization, uniform contracts shall be used statewide that
13 include, but are not limited to, uniform rates and performance
14 measures.

15 (5) The auditor general shall conduct an annual audit of the
16 evaluation and assessment process required under this section and
17 submit a report of his or her findings to the legislature.

18 Sec. 57c. If a minor parent applies for family independence
19 **PROGRAM** assistance, the ~~family independence agency-DEPARTMENT~~ shall
20 do all of the following:

21 (a) Inform the minor parent of the eligibility requirements of
22 section 57b(2) and the circumstances under which there is good
23 cause for permitting the minor parent to live in an adult-
24 supervised household other than the home of his or her parent or
25 legal guardian.

26 (b) Complete a home visit ~~and-OR~~ other appropriate
27 investigation before requiring a minor parent to live with his or

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her parent, stepparent, or legal guardian.

(c) If applicable, assist the minor parent to find an adult-supervised household in which to live.

(D) INFORM THE MINOR PARENT OF THE REQUIREMENT TO ATTEND SCHOOL FULL-TIME.

Sec. 57d. (1) The department and the ~~[department of labor and economic growth]~~ **MICHIGAN ECONOMIC DEVELOPMENT CORPORATION OR A SUCCESSOR ENTITY]** shall conduct

weekly orientation sessions for family independence **PROGRAM** assistance applicants. After the department makes an initial determination that an adult or a child aged 16 or older who is not attending elementary or secondary school full-time may be eligible for family independence **PROGRAM** assistance and is not exempt from ~~work first~~ **JET PROGRAM** participation under section 57f, that individual shall participate in assigned work-related activities. The individual, the department, and a ~~work first~~ **JET PROGRAM** representative shall develop the family's family self-sufficiency plan in accordance with section 57e.

(2) If an applicant who is not exempt from ~~work first~~ **JET PROGRAM** participation under section 57f fails to cooperate with ~~work first~~ **THE JET PROGRAM** or other required employment and training activities, the family is ineligible for family independence **PROGRAM** assistance.

~~— (3) The department shall impose penalties under section 57g if a recipient fails to comply with any of the following:~~

~~— (a) Work first activities.~~

~~— (b) Employment and training activities.~~

~~— (c) Child support requirements.~~

1 (3) ~~(4)~~—The department shall impose penalties under section
2 57g if the individual fails to comply with the individual's family
3 self-sufficiency ~~plan's requirements~~ **PLAN**.

4 (4) ~~(5)~~—If the individual is complying with the family self-
5 sufficiency plan, the department, a ~~work first~~ **JET PROGRAM**
6 representative, and the recipient ~~shall~~ **MAY** revise the family self-
7 sufficiency plan if necessary and the family independence **PROGRAM**
8 assistance group shall continue to receive family independence
9 **PROGRAM** assistance so long as the recipients meet family
10 independence **PROGRAM** assistance ~~program~~ requirements.

11 (5) ~~(6)~~—The department shall reassess the recipient's
12 eligibility for family independence **PROGRAM** assistance ~~not later~~
13 ~~than 24~~ **EVERY 12** months after the date the application for family
14 independence **PROGRAM** assistance was approved. At the time of a
15 reassessment under this subsection, the recipient shall meet with
16 his or her ~~department caseworker and work first~~ **JET** program
17 ~~caseworker~~ **REPRESENTATIVE** and redevelop the family self-sufficiency
18 plan.

19 Sec. 57e. (1) Each family receiving family independence
20 **PROGRAM** assistance shall execute a family self-sufficiency plan
21 outlining the responsibilities of members of the family
22 independence program assistance group, the contractual nature of
23 family independence program assistance, and the focus on the goal
24 of attaining self-sufficiency. The family self-sufficiency plan
25 shall be developed by the department and the adult family members
26 of the family independence **PROGRAM** assistance ~~program~~ group with
27 the details of ~~work first~~ **JET PROGRAM** participation to be included

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1 in the family self-sufficiency plan being developed by the
2 department, the ~~[department of labor and economic growth~~ **MICHIGAN**
3 **ECONOMIC DEVELOPMENT CORPORATION OR A SUCCESSOR ENTITY]**, and the adult
4 family members of the family
5 independence **PROGRAM** assistance ~~program~~ group. Except as described
6 in section 57b, the department shall complete a thorough assessment
7 to facilitate development of the family self-sufficiency plan,
8 including consideration of referral to a life skills program, and
9 determination as to whether the family independence **PROGRAM**
10 assistance ~~program~~ group's adult members are eligible to
11 participate in the ~~work first-JET~~ program or are exempt from ~~work~~
12 ~~first-JET~~ **PROGRAM** participation under section 57f. The family self-
13 sufficiency plan shall identify compliance goals that are to be met
14 by members of the family independence **PROGRAM** assistance ~~program~~
15 group and goals and responsibilities of the members of the family
16 independence **PROGRAM** assistance ~~program~~ group, the department, and
17 the ~~work first-JET~~ program. The family self-sufficiency plan shall
18 reflect the individual needs and abilities of the particular
19 family, and shall include at least all of the following:

20 (a) The obligation of each adult and each child aged 16 or
21 older who is not attending elementary or secondary school full-time
22 to participate in the ~~work first-JET~~ program unless exempt under
23 section 57f.

24 (b) The obligation of each minor parent who has not completed
25 secondary school to attend school.

26 (c) Except as provided in section 57f(3) **AND (4)**, the
27 obligation of each adult to engage in employment, ~~work first-JET~~
PROGRAM activities, education or training, community service

1 activities, or self-improvement activities, as determined
2 appropriate by the department.

3 (d) The obligation to cooperate in the establishment of
4 paternity and **TO ASSIGN CHILD AND SPOUSAL SUPPORT TO THE DEPARTMENT**
5 **AS REQUIRED BY FEDERAL LAW AND TO COOPERATE IN** the procurement of
6 child support, if applicable.

7 (e) The obligation of a recipient who fails to comply with
8 compliance goals due to substance abuse to participate in substance
9 abuse treatment and submit to any periodic drug testing required by
10 the treatment program.

11 (f) If the recipient is determined to be eligible to
12 participate in the ~~work-first~~ **JET** program, the obligation that the
13 requirements of the family self-sufficiency plan must, at a
14 minimum, meet federal guidelines for work participation. Exceptions
15 may be granted if it is determined that the recipient or a family
16 member in the recipient's household has a disability that needs
17 reasonable accommodation as required by section 504 of title V of
18 the rehabilitation act of 1973, 29 USC 794, subtitle A of title II
19 of the Americans with disabilities act of 1990, 42 USC 12131 to
20 12134, or another identified barrier that interferes with the
21 recipient's ability to participate in required activities.
22 Reasonable accommodation must be made to adjust the number of
23 required hours or the types of activities required to take the
24 identified limitations into account.

25 (g) The obligation that the recipient must enroll in a GED
26 preparation program, a high school completion program, or a
27 literacy training program, if the department determines the

resources are available and the assessment and plan demonstrate that these issues present a barrier to the recipient meeting the requirements in his or her family self-sufficiency plan. This basic educational skills training shall be combined with other occupational skills training, whenever possible, to assure that it can be counted toward federal work participation requirements.

(H) NOTIFICATION TO THE RECIPIENT OF THE 48-MONTH LIFETIME CUMULATIVE TOTAL FOR COLLECTING FAMILY INDEPENDENCE PROGRAM ASSISTANCE.

(I) A PROHIBITION ON USING FAMILY INDEPENDENCE PROGRAM ASSISTANCE TO PURCHASE LOTTERY TICKETS, ALCOHOL, OR TOBACCO, FOR GAMBLING, OR FOR ILLEGAL ACTIVITIES OR ANY OTHER NONESSENTIAL ITEMS.

(J) INFORMATION REGARDING SANCTIONS THAT SHALL BE IMPOSED UNDER SECTION 57G FOR NONCOMPLIANCE.

(K) ~~(h)~~ Any other obligation the department determines is necessary to enable the family to achieve independence.

(2) The department shall monitor each family's compliance with the family self-sufficiency plan.

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 section. Penalties may be cumulative and may include reduction of the grant, removal of an individual 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 control of a recipient.~~

~~—— (3) Recipients who are willing to participate in activities leading to self sufficiency but who require 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 them.~~

~~—— (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) If good cause is not determined to exist, assistance shall be terminated. After termination, the assistance group is ineligible for family independence program assistance for not less than 1 calendar month.~~

~~—— (5) For the purposes of subsections (1) to (8), "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.~~

~~1 (c) A recipient voluntarily reduces the hours of employment or
2 otherwise reduces earnings.~~

~~3 (d) A recipient does not participate in work first activities.~~

~~4 (6) If a recipient does not meet the recipient's individual
5 social contract requirements, the department may impose a penalty.~~

~~6 (7) After termination for noncompliance, the assistance group
7 is ineligible for family independence program assistance for not
8 less than 1 calendar month. After assistance has been terminated
9 for not less than 1 calendar month, family independence program
10 assistance may be approved if the recipient completes a willingness
11 to comply test. For purposes of this section, "willingness to
12 comply" means participating in work first or other self sufficiency
13 activities for up to 40 hours within 10 working days. At the time
14 any penalty is imposed under this section, the department shall
15 provide the recipient written notice of his or her option to
16 immediately reapply for family independence program benefits and
17 that he or she may complete a "willingness to comply test" during
18 the penalty period.~~

~~19 (8) The department shall submit a report for the period
20 between February 1, 2002 and December 31, 2002 to the legislature,
21 the house and senate fiscal agencies, and the appropriate house and
22 senate standing committees that handle family and children's
23 issues, that contains all of the following information for that
24 time period:~~

~~25 (a) The number of sanctions imposed and reapplications made.~~

~~26 (b) The number of family independence program cases reopened.~~

~~27 (c) The number of referrals to emergency shelters by the~~

1 ~~department.~~

2 ~~—— (d) The number of sanctions imposed on families with at least~~
3 ~~1 disabled parent.~~

4 ~~—— (e) The number of sanctions imposed on families with disabled~~
5 ~~children.~~

6 ~~—— (9) Subsections (1) to (8) do not apply after March 31, 2007.~~
7 ~~Subsections (10) to (15) apply beginning April 1, 2007.~~

8 (1) ~~(10) Beginning April 1, 2007, EXCEPT AS PROVIDED IN~~
9 **SUBSECTION (5)**, if a recipient does not meet his or her individual
10 family self-sufficiency plan requirements and is therefore
11 noncompliant, the department shall impose the penalties described
12 under this section. The department shall implement a schedule of
13 penalties for instances of noncompliance as described in this
14 subsection. The penalties shall be as follows:

15 (a) For the first instance of noncompliance, the family is
16 ineligible to receive family independence program assistance for
17 not less than 3 calendar months.

18 (b) For the second instance of noncompliance, the family is
19 ineligible to receive family independence program assistance for
20 not less than ~~3~~6 calendar months.

21 (c) For the third instance of noncompliance, the family is
22 **PERMANENTLY** ineligible to receive family independence program
23 assistance. ~~for 12 calendar months.~~

24 (2) ~~(11) For the purposes of subsections (10) to (16) (1) TO~~
25 (4), "noncompliance" means 1 or more of the following:

26 (a) A recipient quits a job.

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

1 (C) A RECIPIENT VOLUNTARILY REDUCES EMPLOYMENT HOURS OR
2 EARNINGS.

3 (D) A RECIPIENT REFUSES A BONA FIDE OFFER OF EMPLOYMENT OR
4 ADDITIONAL HOURS UP TO 40 HOURS PER WEEK.

5 (E) ~~(e)~~ A recipient does not participate in ~~work-first-JET~~
6 PROGRAM activities.

7 (F) ~~(d)~~ A recipient is noncompliant with his or her family
8 self-sufficiency plan.

9 (G) A RECIPIENT STATES ORALLY OR IN WRITING HIS OR HER INTENT
10 NOT TO COMPLY WITH FAMILY INDEPENDENCE PROGRAM OR JET PROGRAM
11 REQUIREMENTS.

12 (H) A RECIPIENT REFUSES EMPLOYMENT SUPPORT SERVICES IF THE
13 REFUSAL PREVENTS PARTICIPATION IN AN EMPLOYMENT OR SELF-SUFFICIENCY
14 RELATED ACTIVITY.

15 (3) ~~(12)~~ For any instance of noncompliance, the recipient
16 shall receive NOTICE OF THE NONCOMPLIANCE. THE RECIPIENT SHALL HAVE
17 not less than ~~12 days' notice~~ A 12-DAY NEGATIVE ACTION PERIOD
18 before the penalties prescribed in this section are imposed. If the
19 recipient demonstrates good cause for the noncompliance during this
20 period and if the family independence specialist caseworker and the
21 ~~work-first-JET~~ program caseworker agree that good cause exists for
22 the recipient's noncompliance, a penalty shall not be imposed. For
23 the purpose of this subsection, good cause is 1 or more of the
24 following:

25 (a) The recipient suffers from a temporary debilitating
26 illness or injury or an immediate family member has a debilitating
27 illness or injury and the recipient is needed in the home to care

1 for the family member.

2 (b) The recipient lacks child care as described in section
3 407(e)(2) of the personal responsibility and work opportunity
4 reconciliation act of 1996, Public Law 104-193, 42 USC 607(e)(2).

5 (c) Either employment or training commuting time is more than
6 2 hours per day or is more than 3 hours per day when there are
7 unique and compelling circumstances, such as a salary at least
8 twice the applicable minimum wage or the job is the only available
9 job placement within a 3-hour commute per day, not including the
10 time necessary to transport a child to child care facilities.

11 (d) Transportation is not available to the recipient at a
12 reasonable cost.

13 (e) The employment or participation involves illegal
14 activities.

15 (f) The recipient is physically or mentally unfit to perform
16 the job, as documented by medical evidence or by reliable
17 information from other sources.

18 (g) The recipient is illegally discriminated against on the
19 basis of age, race, disability, gender, color, national origin, or
20 religious beliefs.

21 (h) Credible information or evidence establishes 1 or more
22 unplanned or unexpected events or factors that reasonably could be
23 expected to prevent, or significantly interfere with, the
24 recipient's compliance with employment and training requirements.

25 (i) The recipient quit employment to obtain comparable
26 employment.

27 (4) ~~(13)~~ For all instances of noncompliance resulting in

1 termination of family independence **PROGRAM** assistance for any
2 period of time described in subsection ~~(10)~~ **(1)**, the period of time
3 the recipient is ineligible to receive family independence program
4 assistance applies toward the recipient's 48-month cumulative
5 lifetime total.

6 ~~—— (14) Beginning April 1, 2007, for the first instance that a~~
7 ~~family independence specialist caseworker determines a recipient to~~
8 ~~be noncompliant, all of the following shall occur:~~

9 ~~—— (a) The department shall notify the recipient in writing~~
10 ~~within 3 business days of determining that the recipient is~~
11 ~~noncompliant. The notification shall include all of the following:~~

12 ~~—— (i) The reason the recipient has been determined to be~~
13 ~~noncompliant.~~

14 ~~—— (ii) The penalty that will be imposed for the noncompliance.~~

15 ~~—— (iii) An opportunity for the recipient to meet in person with~~
16 ~~the family independence specialist caseworker within 10 business~~
17 ~~days of the determination that the recipient is noncompliant.~~

18 ~~—— (b) If the recipient meets with a family independence~~
19 ~~specialist caseworker within 10 business days, the family~~
20 ~~independence specialist caseworker and the recipient shall review~~
21 ~~and modify the family self sufficiency plan as determined necessary~~
22 ~~by the family independence specialist caseworker. The family~~
23 ~~independence specialist caseworker shall discuss and provide an~~
24 ~~official warning regarding penalties that shall be imposed if the~~
25 ~~recipient continues to be noncompliant. The family independence~~
26 ~~specialist caseworker shall inform the recipient that he or she~~
27 ~~must verify compliance with his or her family self sufficiency plan~~

1 ~~within 10 business days.~~

2 ~~—— (c) If the recipient fails to meet with the family~~
3 ~~independence specialist caseworker within 10 business days of the~~
4 ~~determination that the recipient is noncompliant, the recipient is~~
5 ~~subject to the provisions of subsection (10)(a).~~

6 ~~—— (d) If the recipient fails to verify compliance under~~
7 ~~subdivision (b), the recipient is subject to the provisions of~~
8 ~~subsection (10)(a).~~

9 ~~—— (15) The meeting described in subsection (14) is only~~
10 ~~available for the first time a family independence specialist~~
11 ~~caseworker determines the recipient to be noncompliant regardless~~
12 ~~of whether that recipient becomes subject to the provisions of~~
13 ~~subsection (10)(a).~~

14 (5) ~~(16)~~ Family independence program **ASSISTANCE** benefits shall
15 be terminated if a recipient fails, without good cause, to comply
16 with applicable child support requirements including efforts to
17 establish paternity, and **ASSIGN OR** obtain child support. The **FAMILY**
18 **INDEPENDENCE PROGRAM** assistance group is ineligible for family
19 independence program assistance for not less than 1 calendar month.
20 After **FAMILY INDEPENDENCE PROGRAM** assistance has been terminated
21 for not less than 1 calendar month, **FAMILY INDEPENDENCE PROGRAM**
22 assistance may be restored if the noncompliant recipient complies
23 with child support requirements including the action to establish
24 paternity and obtain child support.

25 ~~—— (17) This section does not apply after September 30, 2011.~~

26 (6) **THE DEPARTMENT MAY PROMULGATE RULES IN ACCORDANCE WITH THE**
27 **ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA 306, MCL 24.201 TO**

1 24.328, IDENTIFYING OTHER REASONS FOR GOOD CAUSE UNDER THIS
2 SECTION. ANY RULE PROMULGATED UNDER THIS SUBSECTION SHALL NOT APPLY
3 1 YEAR AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED
4 THIS SUBSECTION.

5 Sec. 57i. (1) If a landlord or provider of housing
6 participates in the ~~family independence agency~~ **DEPARTMENT** rent
7 vendoring program, the landlord shall certify that the dwelling
8 unit being provided meets all of the following requirements:

9 (a) The dwelling unit does not have a condition that would
10 facilitate the spread of a communicable disease. As used in this
11 subdivision, "communicable disease" means that term as defined in
12 section 5101 of the public health code, 1978 PA 368, MCL 333.5101.

13 (b) The dwelling unit is fit for human habitation.

14 (c) The dwelling unit is not dangerous to life or health due
15 to lack of repair of, a defect in, or the construction of a
16 drainage source or device, plumbing, lighting, ventilation, or a
17 heating source or device.

18 (2) If the ~~family independence agency~~ **DEPARTMENT** is notified
19 by an enforcing agency that a landlord or provider of housing has a
20 violation of a housing code that constitutes a hazard to the health
21 or safety of the occupants, the ~~family independence agency~~
22 **DEPARTMENT** shall terminate that landlord's or provider's
23 participation in the rent vendoring program for the dwelling unit
24 until the violation is corrected.

25 (3) A landlord or provider of housing shall not evict an
26 occupant from a dwelling unit based solely on termination of the
27 landlord's or provider's participation in the rent vendoring

1 program due to action taken by the ~~family independence agency~~
2 **DEPARTMENT** under subsection (2) **OR SUBSECTION (4)**. An occupant who
3 is evicted in violation of this subsection may bring an action in
4 any court having jurisdiction to recover treble damages, costs of
5 the action, and reasonable attorney fees.

6 (4) IF THE DEPARTMENT IS NOTIFIED THAT A LANDLORD OR PROVIDER
7 OF HOUSING IS DELINQUENT ON PAYMENT OF PROPERTY TAXES OR IF THE
8 TITLE OF THE PROPERTY REVERTS TO THE STATE FOR NONPAYMENT OF
9 PROPERTY TAXES, THE DEPARTMENT SHALL TERMINATE THAT LANDLORD'S OR
10 PROVIDER OF HOUSING'S PARTICIPATION IN THE RENT VENDORING PROGRAM
11 FOR THAT PROPERTY.

12 Sec. 57l. ~~(1) Subject to subsection (2), the family~~
13 ~~independence agency may require substance abuse testing as a~~
14 ~~condition for family independence assistance eligibility under this~~
15 ~~act.~~

16 ~~—— (2) The family independence agency shall implement a pilot~~
17 ~~program of substance abuse testing as a condition for family~~
18 ~~independence assistance eligibility in at least 3 counties,~~
19 ~~including random substance abuse testing. It is the intent of the~~
20 ~~legislature that a statewide program of substance abuse testing of~~
21 ~~family independence assistance recipients, including random~~
22 ~~substance abuse testing, be implemented before April 1, 2003.~~
23 ~~However, statewide implementation of the substance abuse testing~~
24 ~~program shall not begin until all of the following have been~~
25 ~~completed.~~

26 ~~—— (a) The pilot programs have first been evaluated by the~~
27 ~~department and the evaluation has been submitted to the~~

1 legislature.

2 ~~—— (b) The evaluation under subdivision (a) includes at least the~~
3 ~~factors enumerated in subsection (5) (a) through (d) as well as an~~
4 ~~analysis of the pilot program.~~

5 ~~—— (c) Six months have passed since the evaluation required in~~
6 ~~subdivision (a) has been submitted to the legislature.~~

7 ~~—— (3) An individual described in section 57b shall not be~~
8 ~~considered to have tested positive for substance abuse until the~~
9 ~~sample has been retested to rule out a false positive by gas~~
10 ~~chromatography with mass spectrometry, gas chromatography, high~~
11 ~~performance liquid chromatography, or an equally, or more, specific~~
12 ~~test using the same sample obtained for the original test.~~

13 ~~An individual described in section 57b who tests positive for~~
14 ~~substance abuse under this section shall agree to and participate~~
15 ~~in substance abuse assessment and comply with a required substance~~
16 ~~abuse treatment plan. Failure to comply with a substance abuse~~
17 ~~assessment or treatment plan shall be penalized in the same manner~~
18 ~~as a work first program violation imposed under section 57d or 57g.~~
19 ~~An individual is exempt from substance abuse testing authorized by~~
20 ~~this section if the individual is participating in a substance~~
21 ~~abuse rehabilitation program that the individual was ordered to~~
22 ~~participate in by a circuit court that has established procedures~~
23 ~~to expedite the closing of criminal cases involving a crime~~
24 ~~established under part 74 of the public health code, 1978 PA 368,~~
25 ~~MCL 333.7401 to 333.7461.~~

26 ~~—— (4) Before implementing substance abuse testing under this~~
27 ~~section, the family independence agency shall notify the senate and~~

~~house of representatives standing committees having jurisdiction over this act and the senate and house of representatives appropriations subcommittees having jurisdiction over the family independence agency budget of the planned implementation.~~

~~—— (5) If the family independence agency implements substance abuse testing as authorized and required by this section, the family independence agency shall submit an annual report on the testing program to the senate and house of representatives standing committees having jurisdiction over this act and the senate and house of representatives appropriations subcommittees having jurisdiction over the family independence agency budget. The annual report shall include at least all of the following information for the preceding year:~~

~~—— (a) The number of individuals tested, the substances tested for, the results of the testing, and the number of referrals for treatment.~~

~~—— (b) The costs of the testing and the resulting treatment.~~

~~—— (c) Sanctions, if any, that have been imposed on recipients as a result of the testing program.~~

~~—— (d) The percentage and number of households receiving family independence assistance that include an individual who has tested positive for substance abuse under the program and that also include an individual who has been named as a perpetrator in a case classified as a central registry case under the child protection law, 1975 PA 238, MCL 722.621 to 722.638.~~

~~—— (6) The substance abuse testing authorized and required by this section does not apply to an individual 65 years old or older.~~

House Bill No. 4409 (H-2) as amended May 10, 2011

(1) THE DEPARTMENT SHALL REVIEW THE FEASIBILITY OF A SUBSTANCE ABUSE TESTING PROGRAM WITHIN THE FAMILY INDEPENDENCE PROGRAM. THE DEPARTMENT SHALL REPORT THE FINDINGS OF A REVIEW UNDER THIS SECTION TO THE SENATE AND HOUSE OF REPRESENTATIVES COMMITTEES DEALING WITH HUMAN SERVICES MATTERS NOT LATER THAN DECEMBER 1, 2011.

(2) THE REVIEW CONDUCTED UNDER AND THE REPORT PRESENTED UNDER SUBSECTION (1) SHALL INCLUDE, AT LEAST, BOTH OF THE FOLLOWING:

(A) THE METHODS OF SUBSTANCE ABUSE TESTING REVIEWED.

(B) THE COSTS ASSOCIATED WITH THE METHODS IDENTIFIED UNDER SUBDIVISION (A).

~~Sec. 57p. (1) Beginning April 1, 2007, any month in which any of the following occur shall not be counted toward the cumulative total of 48 months in a lifetime for family independence assistance.~~

~~—— (a) The recipient has been temporarily exempted from work first under section 57f(3)(g) and (4).~~

~~—— (b) The recipient is employed and meeting the requirements of his or her family self-sufficiency plan.~~

~~—— (c) The unemployment rate in the county in which the recipient resides is 25% above the state average for unemployment.~~

~~—— (d) Compliance with certain family independence program requirements are waived under section 56i(1)(c).~~

~~—— (2) This section does not apply after September 30, 2011. ANY MONTH IN WHICH A RECIPIENT HAS BEEN EXEMPTED FROM THE JET PROGRAM UNDER SECTION 57F(3) OR (4)(B) SHALL [NOT BE] COUNTED TOWARD THE CUMULATIVE TOTAL OF 48 MONTHS IN A LIFETIME FOR FAMILY INDEPENDENCE PROGRAM ASSISTANCE.~~

1 Sec. 57q. ~~(1) The department shall develop and implement a~~
2 ~~plan to incrementally increase the earned income disregard for~~
3 ~~family independence program recipients from \$200.00 plus 20% to not~~
4 ~~more than 67% of earned income by September 30, 2010. BEGINNING~~
5 ~~OCTOBER 1, 2011, UPON THE INITIAL APPLICATION FOR BENEFITS FOR~~
6 ~~FAMILY INDEPENDENCE PROGRAM ASSISTANCE, THE DEPARTMENT SHALL~~
7 ~~DISREGARD \$200.00 PLUS 20% OF THE FAMILY INDEPENDENCE PROGRAM~~
8 ~~ASSISTANCE GROUP'S EARNED INCOME FOR PURPOSES OF DETERMINING IF THE~~
9 ~~APPLICANT'S EARNED INCOME EXCEEDS THE INCOME AND ASSET LIMITS SET~~
10 ~~BY THE DEPARTMENT.~~

11 (2) BEGINNING OCTOBER 1, 2011, THE DEPARTMENT SHALL DISREGARD
12 \$200.00 PLUS 50% OF THE FAMILY INDEPENDENCE PROGRAM ASSISTANCE
13 GROUP'S EARNED INCOME FOR THE PURPOSE OF DETERMINING IF THE FAMILY
14 INDEPENDENCE PROGRAM ASSISTANCE GROUP'S INCOME EXCEEDS THE INCOME
15 AND ASSET LIMITS SET BY THE DEPARTMENT THROUGHOUT THE DURATION OF
16 RECEIVING FAMILY INDEPENDENCE PROGRAM ASSISTANCE.

17 Sec. 57r. ~~(1) Beginning October 1, 2007, if the department~~
18 ~~determines that an individual is eligible to participate in the~~
19 ~~work first program and resides in a county in which a jobs,~~
20 ~~education and training (JET) program is available, family~~
21 ~~independence PROGRAM assistance shall be paid to that AN individual~~
22 ~~for not longer than a cumulative total of 48 months during that~~
23 ~~individual's lifetime. If the recipient is meeting all the~~
24 ~~requirements outlined in his or her family self sufficiency plan,~~
25 ~~has not received more than 2 penalties under section 57g after~~
26 ~~October 1, 2007, has not received any penalties under section 57g~~
27 ~~in the preceding 12 months, and labor market conditions or~~

~~employment barriers prevent employment placement, the recipient may apply to the department for an extension of family independence assistance benefits for a period not to exceed 12 months over the 48-month cumulative lifetime total. Nothing in this subsection prevents the department from providing assistance to individuals who are determined to be exempt from work first participation under section 57f.~~

~~—— (2) This section does not apply after September 30, 2011.~~

Sec. 57u. (1) The department shall provide a report of exemptions under section 57f by district office and by criteria.

(2) The department shall provide a report by district office on the number of sanctions issued, the number of compliance exceptions granted, and the success rate of recipients given the compliance exception under section 57g.

(3) The department shall require district managers to track performance of caseworkers with regard to sanctions under section 57g.

(4) The department shall require reporting by county office on referrals to ~~nonprofit rehabilitation organizations under section 57b~~ **THE MEDICAL REVIEW TEAM** and the following:

(a) Referrals pending less than 90 days.

(b) Referrals pending 90 to 180 days.

(c) Referrals pending 180 to 365 days.

(5) The department shall require a quarterly report on cases in which the recipient has applied for supplemental security income under section 57b as follows:

(a) The number of cases assessed.

1 (b) The number of cases referred to ~~work first~~ **THE JET**
2 **PROGRAM.**

3 (c) The number of cases placed in subsidized employment.

4 (d) The number of cases referred to legal services advocacy
5 programs and the number of cases granted supplemental security
6 income.

7 (6) The department shall report the progress of the plan
8 required under section 57q and its implementation progress annually
9 by April 1.

10 (7) Except for the reporting requirement provided in
11 subsection (6), all the reports required under this section shall
12 be provided on a quarterly basis to all of the following:

13 (a) The senate and house standing committees dealing with
14 appropriations for human services.

15 (b) The senate and house fiscal agencies.

16 (c) The majority leader of the senate and the speaker of the
17 house of representatives.

18 Enacting section 1. Sections 57h, 57k, 57o, and 57t of the
19 social welfare act, 1939 PA 280, MCL 400.57h, 400.57k, 400.57o, and
20 400.57t, are repealed.