

**SUBSTITUTE FOR
SENATE BILL NO. 650**

A bill to amend 1939 PA 280, entitled
"The social welfare act,"
by amending sections 57e and 57g (MCL 400.57e and 400.57g), section
57e as amended by 2011 PA 131 and section 57g as amended by 2014 PA
375.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 57e. (1) Each family receiving family independence
2 program assistance shall execute a family self-sufficiency plan
3 outlining the responsibilities of members of the family
4 independence program assistance group, the contractual nature of
5 family independence program assistance, and the focus on the goal
6 of attaining self-sufficiency. The family self-sufficiency plan
7 shall be developed by the department and the adult family members
8 of the family independence program assistance group with the

1 details of ~~JET-PATH~~ program participation to be included in the
2 family self-sufficiency plan being developed by the department, the
3 Michigan ~~economic development corporation~~ **WORKFORCE DEVELOPMENT**
4 **AGENCY** or a successor entity, and the adult family members of the
5 family independence program assistance 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 group's adult members are eligible to participate in the
11 ~~JET-PATH~~ program or are exempt from ~~JET-PATH~~ program participation
12 under section 57f. The family self-sufficiency plan shall identify
13 compliance goals that are to be met by members of the family
14 independence program assistance group and goals and
15 responsibilities of the members of the family independence program
16 assistance group, the department, and the ~~JET-PATH~~ program. The
17 family self-sufficiency plan shall reflect the individual needs and
18 abilities of the particular family, and shall include at least all
19 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 ~~JET-PATH~~ program unless exempt under section
23 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, ~~JET-PATH~~ program

1 activities, education or training, community service activities, or
2 self-improvement activities, as determined appropriate by the
3 department.

4 (d) ~~The~~ **EXCEPT AS PROVIDED IN SECTION 57G(5), THE** obligation
5 to cooperate in the establishment of paternity and to assign child
6 and spousal support to the department as required by federal law
7 and to cooperate in the procurement of child support, if
8 applicable.

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

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

27 (g) The obligation that the recipient must enroll in a GED

1 preparation program, a high school completion program, or a
2 literacy training program, if the department determines the
3 resources are available and the assessment and plan demonstrate
4 that these issues present a barrier to the recipient meeting the
5 requirements in his or her family self-sufficiency plan. This basic
6 educational skills training shall be combined with other
7 occupational skills training, whenever possible, to ~~assure~~ **ENSURE**
8 that it can be counted toward federal work participation
9 requirements.

10 (h) Notification to the recipient of the 48-month lifetime
11 cumulative total for collecting family independence program
12 assistance.

13 (i) A prohibition on using family independence program
14 assistance to purchase lottery tickets, alcohol, or tobacco, for
15 gambling, or for illegal activities or any other nonessential
16 items.

17 (j) Information regarding sanctions that shall be imposed
18 under section 57g for noncompliance.

19 (k) Any other obligation the department determines is
20 necessary to enable the family to achieve independence.

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

23 Sec. 57g. (1) Except as provided in subsection (5), if a
24 recipient does not meet his or her individual family self-
25 sufficiency plan requirements and is therefore noncompliant, the
26 department shall impose the penalties described under this section.
27 The department shall implement a schedule of penalties for

1 instances of noncompliance as described in this subsection. The
2 penalties shall be as follows:

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

6 (b) For the second instance of noncompliance, the family is
7 ineligible to receive family independence program assistance for
8 not less than 6 calendar months.

9 (c) For the third instance of noncompliance, the family is
10 permanently ineligible to receive family independence program
11 assistance.

12 (2) For the purposes of subsections (1) to (4),
13 "noncompliance" means 1 or more of the following:

14 (a) A recipient quits a job.

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

16 (c) A recipient voluntarily reduces employment hours or
17 earnings.

18 (d) A recipient refuses a bona fide offer of employment or
19 additional hours up to 40 hours per week.

20 (e) A recipient does not participate in PATH program
21 activities.

22 (f) A recipient is noncompliant with his or her family self-
23 sufficiency plan.

24 (g) A recipient states orally or in writing his or her intent
25 not to comply with family independence program or PATH program
26 requirements.

27 (h) A recipient refuses employment support services if the

1 refusal prevents participation in an employment or self-sufficiency
2 related activity.

3 (3) For ~~any~~**AN** instance of noncompliance, the recipient shall
4 receive notice of the noncompliance. The recipient shall have not
5 less than a 12-day negative action period before the penalties
6 prescribed in this section are imposed. If the recipient
7 demonstrates good cause for the noncompliance during this period
8 and if the family independence specialist caseworker and the PATH
9 program caseworker agree that good cause exists for the recipient's
10 noncompliance, a penalty shall not be imposed. For the purpose of
11 this subsection, good cause is 1 or more of the following:

12 (a) The recipient suffers from a temporary debilitating
13 illness or injury or an immediate family member has a debilitating
14 illness or injury and the recipient is needed in the home to care
15 for the family member.

16 (b) The recipient lacks child care as described in section
17 407(e)(2) of the personal responsibility and work opportunity
18 reconciliation act of 1996, 42 USC 607.

19 (c) Either employment or training commuting time is more than
20 2 hours per day or is more than 3 hours per day when there are
21 unique and compelling circumstances, such as a salary at least
22 twice the applicable minimum wage or the job is the only available
23 job placement within a 3-hour commute per day, not including the
24 time necessary to transport a child to child care facilities.

25 (d) Transportation is not available to the recipient at a
26 reasonable cost.

27 (e) The employment or participation involves illegal

1 activities.

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

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

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

12 (i) The recipient quit employment to obtain comparable
13 employment.

14 (4) For all instances of noncompliance resulting in
15 termination of family independence program assistance for ~~any~~^A
16 period of time described in subsection (1), the period of time the
17 recipient is ineligible to receive family independence program
18 assistance applies toward the recipient's 48-month cumulative
19 lifetime total.

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

1 program assistance may be restored if the noncompliant recipient
2 complies with child support requirements including the action to
3 establish paternity and obtain child support. As used in this
4 subsection, "good cause" includes an instance in which efforts to
5 establish paternity or assign or obtain child support would harm
6 the child or in which there is danger of physical or emotional harm
7 to the child or the recipient. **GOOD CAUSE INCLUDES, BUT IS NOT**
8 **LIMITED TO, AN INSTANCE IN WHICH THE MOTHER IS A VICTIM OF DOMESTIC**
9 **VIOLENCE, THE CHILD IS A VICTIM OF ABUSE, THE CHILD WAS CONCEIVED**
10 **AS THE RESULT OF NONCONSENSUAL SEXUAL PENETRATION, OR THE CHILD WAS**
11 **CONCEIVED AS A RESULT OF ACTS FOR WHICH THE CHILD'S BIOLOGICAL**
12 **FATHER WAS CONVICTED OF CRIMINAL SEXUAL CONDUCT AS PROVIDED IN**
13 **SECTIONS 520A TO 520E AND 520G OF THE MICHIGAN PENAL CODE, 1931 PA**
14 **328, MCL 750.520A TO 750.520E AND 750.520G, OR A SUBSTANTIALLY**
15 **SIMILAR STATUTE OF ANOTHER STATE OR THE FEDERAL GOVERNMENT.**

16 (6) THE DEPARTMENT MUST INCLUDE IN THE ASSISTANCE APPLICATION
17 INFORMATION BOOKLET INFORMATION EXPLAINING THAT THE APPLICANT IS
18 EXCUSED FROM PROVIDING INFORMATION TO ESTABLISH PATERNITY AND
19 OBTAIN CHILD SUPPORT IF THERE IS GOOD CAUSE AS DESCRIBED IN
20 SUBSECTION (5).

21 Enacting section 1. This amendatory act takes effect 90 days
22 after the date it is enacted into law.