

SENATE BILL No. 650

November 8, 2017, Introduced by Senators BIEDA, JONES, HERTEL, HOPGOOD and ROCCA and referred to the Committee on Families, Seniors and Human Services.

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

1 shall be developed by the department and the adult family members
2 of the family independence program assistance group with the
3 details of ~~JET-PATH~~ program participation to be included in the
4 family self-sufficiency plan being developed by the department, the
5 Michigan ~~economic development corporation~~ **WORKFORCE DEVELOPMENT**
6 **AGENCY** or a successor entity, and the adult family members of the
7 family independence program assistance group. Except as described
8 in section 57b, the department shall complete a thorough assessment
9 to facilitate development of the family self-sufficiency plan,
10 including consideration of referral to a life skills program, and
11 determination as to whether the family independence program
12 assistance group's adult members are eligible to participate in the
13 ~~JET-PATH~~ program or are exempt from ~~JET-PATH~~ program participation
14 under section 57f. The family self-sufficiency plan shall identify
15 compliance goals that are to be met by members of the family
16 independence program assistance group and goals and
17 responsibilities of the members of the family independence program
18 assistance group, the department, and the ~~JET-PATH~~ program. The
19 family self-sufficiency plan shall reflect the individual needs and
20 abilities of the particular family, and shall include at least all
21 of the following:

22 (a) The obligation of each adult and each child aged 16 or
23 older who is not attending elementary or secondary school full-time
24 to participate in the ~~JET-PATH~~ program unless exempt under section
25 57f.

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

1 (c) Except as provided in section 57f(3) and (4), the
2 obligation of each adult to engage in employment, ~~JET-PATH~~ program
3 activities, education or training, community service activities, or
4 self-improvement activities, as determined appropriate by the
5 department.

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

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

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

1 identified limitations into account.

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

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

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

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

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

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

25 Sec. 57g. (1) Except as provided in subsection (5), if a
26 recipient does not meet his or her individual family self-
27 sufficiency plan requirements and is therefore noncompliant, the

1 department shall impose the penalties described under this section.
2 The department shall implement a schedule of penalties for
3 instances of noncompliance as described in this subsection. The
4 penalties shall be as follows:

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

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

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

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

16 (a) A recipient quits a job.

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

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

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

22 (e) A recipient does not participate in PATH program
23 activities.

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

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

1 requirements.

2 (h) A recipient refuses employment support services if the
3 refusal prevents participation in an employment or self-sufficiency
4 related activity.

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

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

18 (b) The recipient lacks child care as described in section
19 407(e)(2) of the personal responsibility and work opportunity
20 reconciliation act of 1996, 42 USC 607.

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

27 (d) Transportation is not available to the recipient at a

1 reasonable cost.

2 (e) The employment or participation involves illegal
3 activities.

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

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

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

14 (i) The recipient quit employment to obtain comparable
15 employment.

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

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

1 month. After family independence program assistance has been
2 terminated for not less than 1 calendar month, family independence
3 program assistance may be restored if the noncompliant recipient
4 complies with child support requirements including the action to
5 establish paternity and obtain child support. As used in this
6 subsection, "good cause" includes an instance in which efforts to
7 establish paternity or assign or obtain child support would harm
8 the child or in which there is danger of physical or emotional harm
9 to the child or the recipient. **GOOD CAUSE INCLUDES AN INSTANCE IN**
10 **WHICH A CHILD WAS CONCEIVED AS A RESULT OF ACTS FOR WHICH THE**
11 **CHILD'S BIOLOGICAL FATHER WAS CONVICTED OF CRIMINAL SEXUAL CONDUCT**
12 **AS PROVIDED IN SECTIONS 520A TO 520E AND 520G OF THE MICHIGAN PENAL**
13 **CODE, 1931 PA 328, MCL 750.520A TO 750.520E AND 750.520G, OR A**
14 **SUBSTANTIALLY SIMILAR STATUTE OF ANOTHER STATE OR THE FEDERAL**
15 **GOVERNMENT, OR IS FOUND BY CLEAR AND CONVINCING EVIDENCE IN A FACT-**
16 **FINDING HEARING TO HAVE COMMITTED ACTS OF NONCONSENSUAL SEXUAL**
17 **PENETRATION.**

18 (6) THE DEPARTMENT MUST INCLUDE ON THE ASSISTANCE APPLICATION
19 AND IN THE ASSISTANCE APPLICATION INFORMATION BOOKLET INFORMATION
20 EXPLAINING THAT THE APPLICANT IS EXCUSED FROM PROVIDING INFORMATION
21 TO ESTABLISH PATERNITY AND OBTAIN CHILD SUPPORT IF THE CHILD WAS
22 CONCEIVED AS A RESULT OF CRIMINAL SEXUAL CONDUCT AS DESCRIBED IN
23 SUBSECTION (5).

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