

SENATE BILL No. 752

January 18, 2018, Introduced by Senators SCHMIDT, EMMONS, PROOS, HANSEN, HILDENBRAND, MACGREGOR and JONES 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 57, 57a, and 57b (MCL 400.57, 400.57a, and 400.57b), section 57 as amended by 2014 PA 375, section 57a as amended by 2012 PA 607, and section 57b as amended by 2015 PA 56.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

2 ~~57v.~~ 57z:

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

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

7 (ii) A living arrangement not described in subparagraph (i)

1 that the department approves as a family setting that provides care
2 and control of a minor parent and his or her child and supportive
3 services including, but not limited to, counseling, guidance, or
4 supervision.

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

14 (c) "Child" means an individual who is not emancipated under
15 1968 PA 293, MCL 722.1 to 722.6, who lives with a parent or
16 caretaker, and who is either of the following:

17 (i) Under the age of 18.

18 (ii) Age 18 and a full-time high school student.

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

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

22 (A) A parent or stepparent of the child.

23 (B) A caretaker of the child.

24 (ii) A pregnant woman.

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

26 (e) "Family independence program assistance" means financial
27 assistance provided to a family under the family independence

1 program.

2 (f) "Family independence program assistance group" means all
3 those members of a program group who receive family independence
4 program assistance.

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

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

10 ~~—— (i) "JET program" means the jobs, education and training~~
11 ~~program administered by the Michigan economic development~~
12 ~~corporation or a successor entity for applicants and recipients of~~
13 ~~family independence program assistance or a successor program. A~~
14 ~~reference to the JET program means the PATH program.~~

15 (I) ~~(j)~~ "Medical review team" means the team composed of a
16 disability examiner and a physician as a medical consultant who
17 certifies disability for the purpose of eligibility for assistance
18 under this act.

19 (J) ~~(k)~~ "Negative action period" means the time frame a client
20 is given notice for a benefit decrease or closure of the family
21 independence program benefit.

22 (K) ~~(l)~~ "Minor parent" means an individual under the age of 18
23 who is not emancipated under 1968 PA 293, MCL 722.1 to 722.6, and
24 who is either the biological parent of a child living in the same
25 household or a pregnant woman.

26 (L) ~~(m)~~ "PATH program" means the PATH: partnership.
27 accountability. training. hope. work partnership program. **A**

1 **REFERENCE TO THE JET PROGRAM MEANS THE PATH PROGRAM.**

2 (M) ~~(n)~~—"Payment standard" means the standard upon which
3 family independence program assistance benefits are based.

4 (N) ~~(e)~~—"Program group" means a family and all those
5 individuals living with a family whose income and assets are
6 considered for purposes of determining financial eligibility for
7 family independence program assistance. **PROGRAM GROUP DOES NOT**
8 **INCLUDE A NEW SPOUSE BEGINNING 1 MONTH AFTER THE MARRIAGE UNTIL 18**
9 **MONTHS AFTER THE MARRIAGE.**

10 (O) ~~(p)~~—"Recipient" means an individual receiving family
11 independence program assistance.

12 (P) ~~(q)~~—"Substance abuse" means that term as defined in
13 section 100d of the mental health code, 1974 PA 258, MCL 330.1100d.

14 (Q) ~~(r)~~—"Substance abuse treatment" means outpatient or
15 inpatient services or participation in alcoholics anonymous or a
16 similar program.

17 (R) ~~(s)~~—"Supplemental security income" means the program of
18 supplemental security income provided under title XVI.

19 (2) A reference in this act to "aid to dependent children" or
20 "aid to families with dependent children" means "family
21 independence program assistance".

22 Sec. 57a. (1) The department shall establish and administer
23 the family independence program to provide temporary assistance to
24 families who are making efforts to achieve independence. Family
25 independence program assistance is not an entitlement.

26 (2) The department shall administer the family independence
27 program to accomplish all of the following:

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

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

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

9 (d) Ensure that families pursue other sources of support
10 available to them.

11 (3) The department shall establish income and asset levels for
12 eligibility, types of income and assets to be considered in making
13 eligibility determinations, payment standards, composition of the
14 program group and the family independence program assistance group,
15 program budgeting and accounting methods, and client reporting
16 requirements to meet the following goals:

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

19 (b) Provision of family independence program assistance to
20 families willing to work toward eventual self-sufficiency.

21 (4) In accordance with 42 USC 608(a)(7)(A) and 45 CFR 260.31,
22 the department shall not provide family independence program
23 assistance to any program group that includes an adult who has
24 received assistance under any state program funded with temporary
25 assistance for needy families for more than 60 months, whether or
26 not consecutive, after October 1, 1996. This subsection does not
27 apply to a program group that includes an adult who is exempt from

1 participation in the ~~JET-PATH~~ program under section 57f(3) or
2 (4)(b), (e), or (f), if that adult also was exempt from
3 participation in the JET program under section 57f(3) or (4)(b),
4 (e), or (f) ~~on the effective date of the 2012 amendatory act that~~
5 ~~added this subsection.~~ **JANUARY 9, 2013.** No other provision of this
6 act prohibits the department from terminating family independence
7 program assistance under this subsection.

8 **(5) THE DEPARTMENT SHALL EXCLUDE A NEW SPOUSE'S INCOME WHEN**
9 **DETERMINING FINANCIAL ELIGIBILITY FOR FAMILY INDEPENDENCE PROGRAM**
10 **ASSISTANCE FROM 1 MONTH AFTER THE DATE OF THE MARRIAGE UNTIL 18**
11 **MONTHS AFTER THAT DATE IF THE HOUSEHOLD INCOME DOES NOT EXCEED 275%**
12 **OF THE FEDERAL POVERTY GUIDELINES.**

13 Sec. 57b. (1) An individual who meets all of the following
14 requirements is eligible for family independence program
15 assistance:

16 (a) Is a member of a family or a family independence program
17 assistance group.

18 (b) Is a member of a program group whose income and assets are
19 less than the income and asset limits set by the department. **THE**
20 **DEPARTMENT SHALL EXCLUDE A NEW SPOUSE'S INCOME WHEN DETERMINING A**
21 **PROGRAM GROUP'S INCOME AND ASSETS FROM 1 MONTH AFTER THE DATE OF**
22 **THE MARRIAGE UNTIL 18 MONTHS AFTER THAT DATE IF THE HOUSEHOLD**
23 **INCOME DOES NOT EXCEED 275% OF THE FEDERAL POVERTY GUIDELINES.**

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

26 (d) Is a United States citizen, a permanent resident alien, or
27 a refugee. If the applicant indicates that he or she is not a

1 United States citizen, the department shall verify the applicant's
2 immigration status using the federal systematic alien verification
3 for entitlements (SAVE) program.

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

5 (f) Meets any other eligibility criteria required for the
6 receipt of federal or state funds or determined by the department
7 to be necessary for the accomplishment of the goals of the family
8 independence program.

9 (g) Is a member of a program group that meets the requirements
10 of subsection (6).

11 (2) A minor parent and the minor parent's child shall not
12 receive family independence program assistance unless they live in
13 an adult-supervised household. The family independence program
14 assistance shall be paid on behalf of the minor parent and child to
15 an adult in the adult-supervised household. Child care in
16 conjunction with participation in education, employment readiness,
17 training, or employment programs, that have been approved by the
18 department, shall be provided for the minor parent's child. The
19 minor parent and child shall live with the minor parent's parent,
20 stepparent, or legal guardian unless the department determines that
21 there is good cause for not requiring the minor parent and child to
22 live with a parent, stepparent, or legal guardian. The department
23 shall determine the circumstances that constitute good cause, based
24 on a parent's, stepparent's, or guardian's unavailability or
25 unwillingness or based on a reasonable belief that there is
26 physical, sexual, or substance abuse, or domestic violence,
27 occurring in the household, or that there is other risk to the

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

11 (3) If a recipient who is otherwise eligible for family
12 independence program assistance under this section is currently
13 applying for supplemental security income and seeking exemption
14 from the PATH program, the recipient shall be evaluated and
15 assessed as provided in this section before a family self-
16 sufficiency plan is developed under section 57e. Based on a report
17 resulting from the evaluation and assessment, the caseworker shall
18 make a determination and referral as follows:

19 (a) A determination that the recipient is eligible to
20 participate in the PATH program and a referral to the PATH program.

21 (b) A determination that the recipient is exempt from PATH
22 program participation under section 57f and a referral to a
23 sheltered work environment or subsidized employment.

24 (c) A determination that the recipient is exempt from PATH
25 program participation under section 57f and a referral for
26 supplemental security income advocacy.

27 (4) The department may contract with a legal services

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

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

12 (6) Except as provided in subsection (7) and beginning after
13 the date on which the department implements the policy described in
14 subsection (7), a family independence program assistance group
15 shall not receive family independence program assistance if a
16 member of the program group does not meet the attendance
17 requirements of section 1561 of the revised school code, 1976 PA
18 451, MCL 380.1561, with respect to a child under the age of 16.
19 Except as provided in subsection (7) and beginning after the date
20 on which the department implements the policy described in
21 subsection (7), if a member of the program group does not meet the
22 attendance requirements of section 1561 of the revised school code,
23 1976 PA 451, MCL 380.1561, with respect to a child age 16 and
24 above, the child shall be removed from the program group. The
25 department shall implement policies in accordance with this
26 subsection that are effective and binding on all program groups and
27 are exempt from the rule promulgation requirements of the

1 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to
2 24.328.

3 (7) Not later than ~~1 year after the effective date of the~~
4 ~~amendatory act that added this subsection,~~ **JUNE 11, 2016**, the
5 department shall implement a policy that it must follow before
6 terminating a family independence program assistance group from
7 receiving family independence program assistance as provided in
8 subsection (6) or before removing a child from the program group as
9 provided in subsection (6). The department shall apply the policy
10 described in this subsection before removing a family independence
11 program assistance group from receiving family independence program
12 assistance as described in subsection (6) and before removing a
13 child from a family independence program assistance group as
14 described in subsection (6).

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