

THE SOCIAL WELFARE ACT (EXCERPT)
Act 280 of 1939

400.14 Additional powers and duties of department; powers and duties of county social services boards as to general public relief transferred to department; changing eligibility standards and coverages for medical care.

Sec. 14. (1) The state department has all of the following additional powers and duties:

(a) To allocate and distribute to the county and district departments of social services, as provided in section 18, and in accordance with the rules promulgated by the director, money appropriated by the legislature or received from the federal government for the relief of destitution or unemployment within the state, or a political subdivision of the state.

(b) To distribute, as provided in this act, subject to federal rules and regulations, and in accordance with the rules promulgated by the director, money appropriated by the legislature or received from the federal government for the granting of aid to dependent children and supplemental security income; for medical, dental, optometric, nursing, pharmaceutical, and burial relief; for services furnished by professions under the public health code, Act No. 368 of the Public Acts of 1978, as amended, being sections 333.1101 to 333.25211 of the Michigan Compiled Laws; and for other relief or welfare services provided by law.

(c) To operate a day care program in rural and urban areas and assist in the development of sound programs and standards for day care by public organizations throughout the state. If the director, commissioner, or those officials responsible for enforcing a state or local building code determine that a dwelling unit fails to meet the standards of that code through fault of the landlord, the department may refuse to pay public assistance grants authorized under this act for payment of rent on the dwelling unit. A written notice of the refusal, stating the grounds for the refusal and listing the defects to be corrected, shall be mailed immediately to the landlord by certified mail. During the period of refusal, the landlord may bring an action against the department in the nature of quo warranto, but may not maintain an action for the rent or possession of the premises. If the defects have been corrected or if the department's refusal to pay is determined by a court of competent jurisdiction to be wrongful, the department shall pay the rent that is owed, but not more than the amount of the grants withheld.

(g) To assist other departments, agencies, and institutions of the federal and state governments, when so requested, in performing services in conformity with the purposes of this act. The director shall act as certifying agent for federal departments or agencies in determining eligibility of applicants for aid or service rendered by those departments or agencies. The rules of the state departments under this subsection shall be binding upon the county departments of social services.

(h) To collect and compile statistics, make special fact-finding studies, and publish reports in reference to the field of welfare, including a biennial report as provided in section 17.

(i) To arbitrate and decide disputed or contested claims between 2 or more counties relative to the settlement or domicile of a person or family given or in need of any form of public aid or relief, and to determine and declare the county of settlement or domicile in any instance when so requested or on the department's own volition. All decisions and determinations made under this subdivision shall be binding upon the county departments of social services.

(j) To administer or supervise relief or welfare functions vested in the department by law, and to provide for the progressive codification of the laws governing relief and welfare problems.

(k) To inspect county infirmaries and places of detention for juveniles for the purpose of obtaining facts pertaining to the usefulness and proper management of the infirmaries and places of detention, and of promoting proper, efficient, and humane administration of those infirmaries and places of detention. A reasonable order of the department fixing minimum standards of sanitation, fire protection, food, and comfortable lodging may be enforced, through mandamus or injunction in the circuit court for the county where the county infirmary or place of detention for the juveniles is located, through proper proceedings instituted by the attorney general on behalf of the department. The burden of proof shall be on the department to establish the reasonableness of the order.

(l) To promulgate by rules a recommended schedule of payment for care and maintenance, pursuant to the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, as amended, being sections 24.201 to 24.328 of the Michigan Compiled Laws, to be used, as provided by law, in determining the amount of payment to be made by patients, their guardians, or relatives who are liable for the care and maintenance of persons entitled to treatment under the mental health code, Act No. 258 of the Public Acts of 1974, as amended, being sections 330.1001 to 330.2106 of the Michigan Compiled Laws. The department in promulgating the schedule may give consideration to the person's income, the number of other persons he or she is obligated to support, his or her estate, medical and other necessary expenses, and other relevant matters.

(n) To provide or contract for legal services for persons receiving assistance under this act in guardianship and support proceedings.

(p) To provide services to adults and aging persons, which shall include:

(i) Services for the blind in accordance with the rehabilitation act of 1973, 29 U.S.C. 701 to 796i.

(ii) Services authorized in title XX of the social security act, 42 U.S.C. 1397 to 1397e.

(q) To license and regulate child care organizations and programs as described in Act No. 116 of the Public Acts of 1973, as amended, being sections 722.111 to 722.128 of the Michigan Compiled Laws.

(2) Other sections of this act notwithstanding, all powers and duties of the county social services boards to develop, implement, and administer a program of general public relief, are transferred to the state department effective beginning with the first county fiscal year following December 1, 1975. However, in a county that operates a patient care management system pursuant to section 66j, the county social services board may change the eligibility standards and coverages for medical care for persons eligible for services under a patient care management system subject to the consent of the county board of commissioners, or, in a charter county, subject to the consent of the county board of commissioners and the county executive.

History: 1939, Act 280, Imd. Eff. June 16, 1939;—Am. 1944, 1st Ex. Sess., Act 30, Imd. Eff. Mar. 3, 1944;—CL 1948, 400.14;—Am. 1949, Act 142, Eff. Sept. 23, 1949;—Am. 1951, Act 248, Imd. Eff. June 15, 1951;—Am. 1952, Act 237, Eff. Sept. 18, 1952;—Am. 1957, Act 95, Eff. Sept. 27, 1957;—Am. 1964, Act 220, Eff. Aug. 28, 1964;—Am. 1965, Act 283, Imd. Eff. July 22, 1965;—Am. 1966, Act 229, Imd. Eff. July 11, 1966;—Am. 1969, Act 310, Eff. Mar. 20, 1970;—Am. 1975, Act 237, Eff. Dec. 1, 1975;—Am. 1976, Act 136, Imd. Eff. May 27, 1976;—Am. 1978, Act 87, Eff. Apr. 1, 1978;—Am. 1982, Act 519, Eff. Mar. 30, 1983;—Am. 1987, Act 266, Imd. Eff. Dec. 28, 1987.

Compiler's note: For transfer of powers and duties related to the inspection of infirmaries and places of detention for juveniles from the family independence agency to the director of the department of consumer and industry services, see E.R.O. No. 1996-2, compiled at MCL 445.2001 of the Michigan Compiled Laws.

For transfer of the adult community placement program from the aging and adult services agency to the department of health and human services; and abolishment of the aging and adult services agency, see E.R.O. No. 2021-2, compiled at MCL 400.562.

Popular name: Act 280

Administrative rules: R 400.1 et seq.; R 400.1101 et seq.; R 400.3351; R 400.3401 et seq.; R 400.3501 et seq.; R 400.7101 et seq.; R 400.7171 et seq.; R 400.7391 et seq.; and R 400.7701 et seq. of the Michigan Administrative Code.