

SUBSTITUTE FOR
HOUSE BILL NO. 4388

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

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

1 services including, but not limited to, counseling, guidance, or
2 supervision.

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

12 (c) "Child" means an individual who is not emancipated under
13 1968 PA 293, MCL 722.1 to 722.6, who lives with a parent or
14 caretaker, and who is either of the following:

15 (i) Under the age of 18.

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

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

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

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

21 (B) A caretaker of the child.

22 (ii) A pregnant woman.

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

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

27 (f) "Family independence program assistance group" means all

1 those members of a program group who receive family independence
2 program assistance.

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

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

8 (i) "JET program" means the jobs, education and training
9 program administered by the Michigan economic development
10 corporation or a successor entity for applicants and recipients of
11 family independence program assistance or a successor program.

12 **BEGINNING JANUARY 1, 2013, A REFERENCE TO THE JET PROGRAM MEANS THE**
13 **PATH PROGRAM.**

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

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

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

25 **(M) "PATH PROGRAM" MEANS THE PATH: PARTNERSHIP.**
26 **ACCOUNTABILITY. TRAINING. HOPE. WORK PARTNERSHIP PROGRAM.**

27 **(N) ~~(m)~~**—"Payment standard" means the standard upon which

1 family independence program assistance benefits are based.

2 (O) ~~(n)~~ "Program group" means a family and all those
3 individuals living with a family whose income and assets are
4 considered for purposes of determining financial eligibility for
5 family independence program assistance.

6 (P) ~~(o)~~ "Recipient" means an individual receiving family
7 independence program assistance.

8 (Q) ~~(p)~~ "Substance abuse" means that term as defined in
9 ~~section 6107 of the public health code, 1978 PA 368, MCL~~
10 ~~333.6107-100D OF THE MENTAL HEALTH CODE, 1974 PA 258, MCL~~
11 ~~330.1100D.~~

12 (R) ~~(q)~~ "Substance abuse treatment" means outpatient or
13 inpatient services or participation in alcoholics anonymous or a
14 similar program.

15 (S) ~~(r)~~ "Supplemental security income" means the program of
16 supplemental security income provided under title XVI.

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

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

23 (a) Is a member of a family or a family independence program
24 assistance group.

25 (b) Is a member of a program group whose income and assets are
26 less than the income and asset limits set by the department.

27 (c) In the case of a minor parent, meets the requirements of

1 subsection (2).

2 (d) Is a United States citizen, a permanent resident alien, or
3 a refugee. If the applicant indicates that he or she is not a
4 United States citizen, the department shall verify the applicant's
5 immigration status using the federal systematic alien verification
6 for entitlements (SAVE) program.

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

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

12 **(G) IS A MEMBER OF A PROGRAM GROUP THAT MEETS THE REQUIREMENTS**
13 **OF SUBSECTION (6).**

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, that have been approved by the
21 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) If a recipient who is otherwise eligible for family
15 independence program assistance under this section is currently
16 applying for supplemental security income and seeking exemption
17 from the ~~JET-PATH~~ program, the recipient shall be evaluated and
18 assessed as provided in this section before a family self-
19 sufficiency plan is developed under section 57e. Based on a report
20 resulting from the evaluation and assessment, the caseworker shall
21 make a determination and referral as follows:

22 (a) A determination that the recipient is eligible to
23 participate in the ~~JET-PATH~~ program and a referral to the ~~JET-PATH~~
24 program.

25 (b) A determination that the recipient is exempt from ~~JET-PATH~~
26 program participation under section 57f and a referral to a
27 sheltered work environment or subsidized employment.

1 (c) A determination that the recipient is exempt from ~~JET-PATH~~
2 program participation under section 57f and a referral for
3 supplemental security income advocacy.

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

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

16 (6) **A FAMILY INDEPENDENCE PROGRAM ASSISTANCE GROUP SHALL NOT**
17 **RECEIVE FAMILY INDEPENDENCE PROGRAM ASSISTANCE IF A MEMBER OF THE**
18 **PROGRAM GROUP DOES NOT MEET THE ATTENDANCE REQUIREMENTS OF SECTION**
19 **1561 OF THE REVISED SCHOOL CODE, 1976 PA 451, MCL 380.1561, WITH**
20 **RESPECT TO A CHILD UNDER THE AGE OF 16. IF A MEMBER OF THE PROGRAM**
21 **GROUP DOES NOT MEET THE ATTENDANCE REQUIREMENTS OF SECTION 1561 OF**
22 **THE REVISED SCHOOL CODE, 1976 PA 451, MCL 380.1561, WITH RESPECT TO**
23 **A CHILD AGE 16 AND ABOVE, THE CHILD SHALL BE REMOVED FROM THE**
24 **PROGRAM GROUP. THE DEPARTMENT SHALL IMPLEMENT POLICIES IN**
25 **ACCORDANCE WITH THIS SUBSECTION THAT ARE EFFECTIVE AND BINDING ON**
26 **ALL PROGRAM GROUPS AND ARE EXEMPT FROM THE RULE PROMULGATION**
27 **REQUIREMENTS OF THE ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA**

1 306, MCL 24.201 TO 24.328.