

HOUSE BILL No. 5438

November 22, 2005, Introduced by Rep. Kooiman and referred to the Committee on Family and Children Services.

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending sections 57a and 57f (MCL 400.57a and 400.57f), section 57a as amended by 1999 PA 26 and section 57f as amended by 2001 PA 280.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 57a. (1) The ~~family independence agency~~ **DEPARTMENT**
2 shall establish and administer the family independence program to
3 provide assistance to families who are making efforts to achieve
4 independence.

5 (2) The ~~family independence agency~~ **DEPARTMENT** shall
6 administer the family independence program to accomplish all of the
7 following:

8 (a) Provide financial support to eligible families while they

1 pursue self-improvement activities and engage in efforts to become
2 financially independent.

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

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

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

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

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

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

21 **(4) AT THE TIME THE DEPARTMENT DETERMINES AN INDIVIDUAL IS**
22 **ELIGIBLE TO RECEIVE FAMILY INDEPENDENCE ASSISTANCE UNDER THIS ACT,**
23 **THE DEPARTMENT SHALL DETERMINE WHETHER THAT INDIVIDUAL IS ELIGIBLE**
24 **TO PARTICIPATE IN THE WORK FIRST PROGRAM OR IF THE INDIVIDUAL IS**
25 **EXEMPT FROM WORK FIRST PARTICIPATION UNDER SECTION 57F. IF THE**
26 **DEPARTMENT DETERMINES THAT AN INDIVIDUAL IS ELIGIBLE TO PARTICIPATE**
27 **IN THE WORK FIRST PROGRAM, FAMILY INDEPENDENCE ASSISTANCE SHALL BE**

1 PAID TO THAT INDIVIDUAL FOR NOT LONGER THAN A CUMULATIVE TOTAL OF
2 48 MONTHS DURING THAT INDIVIDUAL'S LIFETIME. ANY MONTH IN WHICH THE
3 UNEMPLOYMENT RATE IN THE COUNTY IN WHICH THE INDIVIDUAL RESIDES IS
4 HIGHER THAN 10% SHALL NOT BE COUNTED TOWARD THAT INDIVIDUAL'S
5 CUMULATIVE TOTAL OF 48 MONTHS IN A LIFETIME FOR FAMILY INDEPENDENCE
6 ASSISTANCE.

7 (5) NOT LATER THAN 90 DAYS AFTER THE EFFECTIVE DATE OF THE
8 AMENDATORY ACT THAT ADDED THIS SUBSECTION, THE DEPARTMENT SHALL
9 DETERMINE THE AMOUNT OF MONTHS EACH FAMILY INDEPENDENCE ASSISTANCE
10 RECIPIENT WHO IS NOT EXEMPT FROM WORK FIRST PARTICIPATION UNDER
11 SECTION 57F HAS RECEIVED FAMILY INDEPENDENCE ASSISTANCE. IF THE
12 DEPARTMENT DETERMINES THAT A FAMILY INDEPENDENCE ASSISTANCE
13 RECIPIENT HAS RECEIVED FAMILY INDEPENDENCE ASSISTANCE FOR A
14 CUMULATIVE TOTAL OF 48 MONTHS OR MORE AS OF THE EFFECTIVE DATE OF
15 THE AMENDATORY ACT THAT ADDED THIS SUBSECTION, THAT RECIPIENT IS
16 ELIGIBLE TO RECEIVE FAMILY INDEPENDENCE ASSISTANCE FOR NOT MORE
17 THAN 1 YEAR AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT
18 ADDED THIS SUBSECTION.

19 (6) ~~(4)~~ Not later than October 1, 2001, the ~~family~~
20 ~~independence agency~~ DEPARTMENT shall implement an automated finger
21 imaging system designed to prevent an individual from receiving
22 cash assistance, food stamps, or both under more than 1 name.
23 Beginning at the effective date of the establishment and
24 implementation of the finger imaging system, an individual applying
25 for cash assistance, food stamps, or both must provide the ~~family~~
26 ~~independence agency~~ DEPARTMENT with an automated finger image or
27 images as a condition of eligibility. Finger imaging obtained

1 ~~pursuant to~~ **UNDER** this subsection shall be used only for the
2 purposes of reducing fraud in obtaining public benefits or
3 assistance under this act.

4 (7) ~~(5) The family independence agency~~ **DEPARTMENT** shall
5 establish the automated finger image system that, at a minimum,
6 includes the following:

7 (a) Confidentiality of the automated finger image records
8 taken ~~pursuant~~ **ACCORDING** to this section.

9 (b) A system for administrative appeal of a matter relating to
10 the taking or verification of an individual's automated finger
11 image.

12 (c) A requirement to exempt children from providing the
13 automated finger image unless there is a reasonable suspicion that
14 the family group is committing fraud. For the purpose of this
15 subdivision, "family group" means a family and all those
16 individuals living with a family who apply for or receive cash
17 assistance, food stamps, or both.

18 (d) A requirement to exempt individuals from whom the
19 automated finger image technology is unable to obtain an accurate
20 finger image.

21 (e) A requirement to exempt patients placed in nursing homes
22 from providing the automated finger image.

23 (f) In addition to the population groups named in subdivisions
24 (c), (d), and (e), authority to exempt certain other population
25 groups from providing the automated finger image including, but not
26 limited to, homebound recipients.

27 (8) ~~(6) The family independence agency~~ **DEPARTMENT** shall

1 remove an individual's finger image from the department's file if
2 the individual has not received benefits or assistance from the
3 ~~family independence agency~~ **DEPARTMENT** within the previous 12
4 months.

5 (9) ~~(7)~~ The ~~family independence agency~~ **DEPARTMENT** may
6 negotiate and enter into a compact or reciprocal agreement with
7 another state department, the federal government, an agency of the
8 federal government, or an agency of another state for the purpose
9 of implementing and administering the finger imaging provisions of
10 this section as long as the compact or reciprocal agreement is not
11 inconsistent with the limitations of use and access contained in
12 subsection ~~(4)~~ (6).

13 (10) ~~(8)~~ The ~~family independence agency~~ **DEPARTMENT** shall
14 conduct ~~semi-annual~~ **SEMIANNUAL** security reviews to monitor the
15 automated finger imaging system to insure that all of the following
16 occur:

17 (a) All records maintained as part of the system are accurate
18 and complete.

19 (b) Effective software and hardware designs have been
20 instituted with security features to prevent unauthorized access to
21 records.

22 (c) Access to record information is restricted to authorized
23 personnel.

24 (d) System and operational programs are used that will
25 prohibit inquiry, record updates, or destruction of records from a
26 terminal other than automated finger imaging system terminals that
27 are designated to permit inquiry, record updates, or destruction of

1 records.

2 (e) System and operational programs are used to detect and
3 report all unauthorized attempts to penetrate an automated finger
4 imaging system, program, or file.

5 (11) ~~-(9)-~~ Beginning December 31 of the first year the
6 automated finger imaging system has been fully implemented, the
7 ~~family independence agency~~ **DEPARTMENT** shall compile and report
8 annually to the senate and house committees having jurisdiction
9 over ~~family independence agency~~ **DEPARTMENT** matters the following
10 information concerning the operation of the automated finger
11 imaging system:

12 (a) An analysis of the costs and savings of the system
13 including, but not limited to, administrative costs, operation
14 costs, and actual savings due to confirmed fraud and fraud
15 deterrence.

16 (b) The number of individuals who have applied for assistance
17 under more than 1 name.

18 (c) The number of individuals refusing to provide a finger
19 image and the reasons for the refusal.

20 (d) A detailed summary of the results of reviews required by
21 subsection ~~-(8)-~~ (10).

22 (12) ~~-(10)-~~ Except as necessary to carry out a compact or
23 agreement under subsection ~~-(7)-~~ (9) or unless otherwise required
24 by law, the ~~family independence agency~~ **DEPARTMENT** shall not sell,
25 transfer, or release information identifying an individual named in
26 the automated finger imaging system record to a third person,
27 including, but not limited to, another state department or agency.

1 (13) ~~-(11)-~~ A person shall not disclose information from the
2 automated finger imaging system record in a manner that is not
3 authorized by law or rule. A violation of this subsection is a
4 misdemeanor punishable by imprisonment for not more than 93 days or
5 a fine of not more than \$500.00, or both.

6 (14) ~~-(12)-~~ At the time an individual applies for cash
7 assistance, food stamps, or both, the ~~family independence agency~~
8 **DEPARTMENT** shall inform the individual of all of the following:

9 (a) The requirement to allow the department to take a finger
10 image from the individual.

11 (b) The fact that the finger image may be compared to the
12 finger images of other benefit recipients to prevent duplicate
13 participation.

14 (c) The fact that the department is prohibited by law from
15 using the finger image for a different purpose.

16 Sec. 57f. (1) The ~~family independence agency~~ **DEPARTMENT**
17 shall enter into an agreement with the department of ~~career~~
18 ~~development~~ **LABOR AND ECONOMIC GROWTH** in order to facilitate the
19 administration of work first. The ~~family independence agency~~
20 **DEPARTMENT** shall make information on the program available to the
21 legislature.

22 (2) Except as otherwise provided in subsection (3), every
23 member of a family independence assistance group shall be referred
24 to and shall participate in work first. The particular activities
25 in which the recipient is required or authorized to participate,
26 the number of hours of work required, and other details of work
27 first shall be developed by the department ~~of career development~~

1 ~~and the family independence agency~~ **AND THE DEPARTMENT OF LABOR AND**
2 **ECONOMIC GROWTH** and shall be set forth in the recipient's ~~social~~
3 ~~contract~~ **PERSONAL DEVELOPMENT PLAN**. If a recipient has cooperated
4 with work first, the recipient may enroll in a program approved by
5 the local workforce development board. Any and all training or
6 education with the exception of high school completion and GED
7 preparation must be occupationally relevant and in demand in the
8 labor market as determined by the local workforce development board
9 and may be no more than 2 years in duration. Participants must make
10 satisfactory progress while in training or education. **THE**
11 **DEPARTMENT SHALL WORK WITH THE DEPARTMENT OF LABOR AND ECONOMIC**
12 **GROWTH TO IDENTIFY BARRIERS THAT PREVENT WORK FIRST PARTICIPANTS**
13 **FROM OBTAINING EMPLOYMENT AND SELF-SUFFICIENCY.**

14 (3) **ALL FAMILY INDEPENDENCE PROGRAM RECIPIENTS ARE WORK OR**
15 **TRAINING ELIGIBLE UNLESS EXEMPTED FROM WORK FIRST PARTICIPATION**
16 **UNDER THIS SUBSECTION.** The following individuals are exempt from
17 participation in work first:

18 (a) A child under the age of 16.

19 (b) A child aged 16 or older, or a minor parent, who is
20 attending elementary or secondary school full-time.

21 (c) The **CUSTODIAL** parent of a child under the age of 3 months.
22 The ~~family independence agency may~~ **DEPARTMENT SHALL** require a
23 **CUSTODIAL** parent exempted from participation in work first under
24 this subdivision to participate in family services, including, but
25 not limited to, instruction in parenting, nutrition, ~~and~~ child
26 development, **AND ABSTINENCE-BASED FAMILY PLANNING** beginning 6 weeks
27 after the birth of his or her child until the child is 3 months old

1 as fulfillment of that **CUSTODIAL** parent's ~~social contract~~
2 **PERSONAL DEVELOPMENT PLAN** obligation under section 57e(1)(c).

3 (d) An individual aged 65 or older.

4 (e) A recipient of supplemental security income. **AN INDIVIDUAL**
5 **WHO IS APPLYING FOR SUPPLEMENTAL SECURITY INCOME IS NOT**
6 **AUTOMATICALLY EXEMPT FROM PARTICIPATION IN WORK FIRST DURING THE**
7 **APPLICATION PROCESS FOR SUPPLEMENTAL SECURITY INCOME.**

8 (f) An individual who meets 1 or more of the following
9 criteria to the extent that the individual, based on **WRITTEN**
10 medical ~~evidence~~ **VERIFICATION PROVIDED BY A PHYSICIAN,**
11 **PSYCHIATRIST, OR PSYCHOLOGIST** and an assessment of need by the
12 ~~family independence agency~~ **DEPARTMENT**, is severely restricted in
13 his or her ability to participate in employment or training
14 activities:

15 (i) A recipient of social security disability, or medical
16 assistance due to disability or blindness.

17 (ii) An individual suffering from a physical or mental
18 impairment that meets federal supplemental security income
19 disability standards, except that no minimum duration is required.

20 (iii) The spouse of an individual described in subparagraph (i)
21 or (ii) who is the full-time caregiver of that individual.

22 (iv) A parent or caretaker of a child who is suffering from a
23 physical or mental impairment that meets the federal supplemental
24 security income disability standards, except that no minimum
25 duration is required.

26 (4) In addition to those individuals exempt under subsection
27 (3), the ~~family independence agency~~ **DEPARTMENT** may grant a

1 temporary exemption from participation in work first, not to exceed
2 90 days, to an individual who is suffering from a ~~documented~~
3 short-term mental or physical illness, limitation, or disability
4 that severely restricts his or her ability to participate in
5 employment or training activities **AS DOCUMENTED IN WRITING BY A**
6 **PHYSICIAN, PSYCHIATRIST, OR PSYCHOLOGIST**. An individual with a
7 ~~documented~~ mental or physical illness, limitation, or disability
8 **AS DESCRIBED IN THIS SECTION** that does not severely restrict his or
9 her ability to participate in employment or training activities
10 ~~shall be~~ **IS** required to participate in work first at a medically
11 permissible level.

12 (5) An individual is not disabled for purposes of this section
13 if substance abuse is a contributing factor material to the
14 determination of disability.

15 (6) **INDIVIDUALS EXEMPT FROM PARTICIPATION IN WORK FIRST UNDER**
16 **THIS SECTION SHALL BE EVALUATED BY THE DEPARTMENT TO DETERMINE**
17 **ELIGIBILITY TO PARTICIPATE IN OTHER WORK-RELATED ACTIVITIES. IF AN**
18 **INDIVIDUAL IS ELIGIBLE TO PARTICIPATE IN OTHER WORK-RELATED**
19 **ACTIVITIES, THE DEPARTMENT SHALL REFER HIM OR HER TO THOSE**
20 **ACTIVITIES.**

21 (7) **THE DEPARTMENT SHALL REEVALUATE AN INDIVIDUAL EXEMPT FROM**
22 **PARTICIPATION IN WORK FIRST UNDER SUBSECTION (3) EVERY 120 DAYS TO**
23 **DETERMINE WHETHER THE INDIVIDUAL CONTINUES TO BE EXEMPT FROM WORK**
24 **FIRST PARTICIPATION.**

25 (8) **AN INDIVIDUAL EXEMPT FROM PARTICIPATION IN WORK FIRST DUE**
26 **TO A MENTAL OR PHYSICAL ILLNESS, LIMITATION, OR DISABILITY AS**
27 **DOCUMENTED IN WRITING BY A PHYSICIAN, PSYCHIATRIST, OR PSYCHOLOGIST**

1 SHALL BE EVALUATED NOT LATER THAN 90 DAYS FROM THE DEPARTMENT'S
2 RECEIPT OF THAT DOCUMENTATION FOR ELIGIBILITY IN THE SUPPLEMENTAL
3 SECURITY INCOME PROGRAM.

4 Enacting section 1. This amendatory act does not take effect
5 unless all of the following bills of the 93rd Legislature are
6 enacted into law:

7 (a) Senate Bill No.____ or House Bill No. 5444(request no.
8 03799'05).

9 (b) Senate Bill No. ____ or House Bill No. 5445(request no.
10 04044'05).

11 (c) Senate Bill No.____ or House Bill No. 5439(request no.
12 04624'05).

13 (d) Senate Bill No.____ or House Bill No. 5441(request no.
14 04626'05).

15 (e) Senate Bill No.____ or House Bill No. 5440(request no.
16 05231'05).

17 (f) Senate Bill No.____ or House Bill No. 5442(request no.
18 05232'05).

19 (g) Senate Bill No.____ or House Bill No. 5443(request no.
20 05233'05).