

RELIEF AND SUPPORT OF POOR PERSONS Act 146 of 1925

AN ACT to revise and consolidate the laws relating to the relief and support of poor persons; to prescribe penalties for violations of certain provisions of this act, and to repeal certain acts relating to poor persons.

History: 1925, Act 146, Eff. Aug. 27, 1925.

The People of the State of Michigan enact:

CHAPTER I SUPPORT OF POOR BY PRIVATE PERSONS

401.1 Definitions.

Sec. 1. As used in this act:

(a) "Poor person" means a person who does not have property, exempt or otherwise, and who is unable, because of physical or mental disability or age, to earn a livelihood, or a person who has some means but is eligible to receive relief or assistance granted under Act No. 280 of the Public Acts of 1939, as amended, being sections 400.1 to 400.121 of the Michigan Compiled Laws.

(b) "Settlement" means the place where a person last continuously lived, for 1 year, without receiving public relief or assistance.

(c) "Settled" means the place of settlement.

(d) "Dependent child" means a poor person under 18 years of age.

(e) "Relative" means a husband, wife, father, or mother.

History: 1925, Act 146, Eff. Aug. 27, 1925;—CL 1929, 8208;—CL 1948, 401.1;—Am. 1953, Act 148, Imd. Eff. June 2, 1953;—Am. 1980, Act 313, Imd. Eff. Dec. 5, 1980.

401.2 Expired. 1980, Act 480, Eff. Jan. 1, 1982.

Compiler's note: The expired section pertained to relieving, maintaining, and supporting poor persons and dependent children.

401.3 Failure of relative to provide support; application for order to compel relief; notice.

Sec. 3. Upon the failure of any relative of a poor person to relieve and maintain the poor person, the county department of social services in the county in which the poor person resides, shall apply with the advice and assistance of the prosecuting attorney to the probate court of the county where the poor person or relative dwells or the poor person has a legal settlement, for an order to compel the relief. Upon application for an order to compel relief, notice shall be given to necessary parties, as provided by law.

History: 1925, Act 146, Eff. Aug. 27, 1925;—Am. 1929, Act 49, Eff. Aug. 28, 1929;—CL 1929, 8210;—CL 1948, 401.3;—Am. 1953, Act 148, Imd. Eff. June 2, 1953;—Am. 1980, Act 313, Imd. Eff. Dec. 5, 1980.

Former law: See section 2, R.S. 1846, Ch. 37, being CL 1857, § 1419; CL 1871, § 1802; How., § 1742; CL 1897, § 4488; and CL 1915, § 5192.

401.4 Failure of relatives to provide support; hearing, order.

Sec. 4. The court to which such application may be made, shall proceed in a summary way to hear the proofs and allegations of the parties, and shall order such of the relatives aforesaid of such poor person, as appear to be of sufficient ability and as appear to owe a duty of support under this act, to relieve and maintain such poor person, and shall therein specify the sum which will be sufficient for the support of such poor person, and how it is to be paid.

History: 1925, Act 146, Eff. Aug. 27, 1925;—CL 1929, 8211;—CL 1948, 401.4;—Am. 1953, Act 148, Imd. Eff. June 2, 1953.

Former law: See section 3, R.S. 1846, Ch. 37, being CL 1857, § 1420; CL 1871, § 1803; How., § 1743; CL 1897, § 4489; and CL 1915, § 5193.

401.5 Court order to perform duty of support.

Sec. 5. The court shall order the relative or relatives to perform the duty of support, in the following order: The husband or wife shall be first required to maintain the poor person, if of sufficient ability; if a husband or wife does not exist, or he or she is not of sufficient ability, then the father or mother of the poor person.

History: 1925, Act 146, Eff. Aug. 27, 1925;—CL 1929, 8212;—CL 1948, 401.5;—Am. 1953, Act 148, Imd. Eff. June 2, 1953;—Am. 1957, Act 44, Eff. Sept. 27, 1957;—Am. 1980, Act 313, Imd. Eff. Dec. 5, 1980.

Former law: See section 4, R.S. 1846, Ch. 37, being CL 1857, § 1421; CL 1871, § 1804; How., § 1744; CL 1897, § 4490; and CL 1915, § 5194.

401.6 Direction of proportionate liability.

Sec. 6. If it shall appear that any such relative is unable wholly to maintain such poor person, but is able to contribute towards his support, the court may, in its discretion, direct 2 or more relatives of different degrees to maintain such poor person, and shall prescribe the proportion which each shall contribute for that purpose; and if it shall appear that the relatives liable as aforesaid are not of sufficient ability wholly to maintain such poor person, but are able to contribute something therefor, the court shall direct the sum, in proportion to their ability, which such relatives shall severally pay weekly or monthly for that purpose.

History: 1925, Act 146, Eff. Aug. 27, 1925;—CL 1929, 8213;—CL 1948, 401.6;—Am. 1953, Act 148, Imd. Eff. June 2, 1953.

Former law: See section 5, R.S. 1846, Ch. 37, being CL 1857, § 1422; CL 1871, § 1805; How., § 1745; CL 1897, § 4491; and CL 1915, § 5195.

401.7 Duration of order; change in terms.

Sec. 7. Such order may specify the time during which the relatives aforesaid shall maintain such poor person, or during which any of the said sums so directed by the court shall be paid, or it may be indefinite, or until the further order of the court; and the said court may from time to time vary such order, whenever circumstances shall require it, on the application either of any relative affected thereby, or of the county department of social welfare, or of the bureau of social aid of the county department of social welfare.

History: 1925, Act 146, Eff. Aug. 27, 1925;—CL 1929, 8214;—CL 1948, 401.7;—Am. 1953, Act 148, Imd. Eff. June 2, 1953.

Former law: See section 6, R.S. 1846, Ch. 37, being CL 1857, § 1423; CL 1871, § 1806; How., § 1746; CL 1897, § 4492; and CL 1915, § 5196.

401.8 Cost of application; enforcement of orders.

Sec. 8. The costs and expenses of any application under the provisions of this chapter, shall be ascertained by the court, and paid by the relatives against whom any order may be made, and the payment thereof, and obedience to the order of maintenance, and to any order of such court for the payment of money as aforesaid, may be enforced by process of attachment from such court.

History: 1925, Act 146, Eff. Aug. 27, 1925;—CL 1929, 8215;—CL 1948, 401.8.

Former law: See section 7, R.S. 1846, Ch. 37, being CL 1857, § 1424; CL 1871, § 1807; How., § 1747; CL 1897, § 4493; and CL 1915, § 5197.

401.9 Failure to obey order; civil action by department of social welfare; contempt of court, penalty.

Sec. 9. If any relative, who shall have been required by such order to relieve or maintain any poor person, shall neglect to do so, and shall neglect to pay the sum prescribed by the court for the support of such poor person, the county department of social welfare or the bureau of social aid of the county department of social welfare may maintain an action against such relatives, as for moneys paid, laid out and expended, and shall recover therein the sum so prescribed by the said court for every period of time as stated in said order during which the said order shall have been disobeyed, up to the time of such recovery, with costs of suit. If any such relative, being of sufficient ability, fails or refuses to obey the order of the court to relieve or maintain any poor person, and upon proceedings duly had for that purpose, has been found guilty of contempt of court for such failure or refusal, the court, on the making of such order, holding such party in contempt, in addition to the other remedies provided by law, may make an order placing such delinquent on probation or may order him confined in the county jail, where his earnings, or at least 1/2 of such earnings, shall be applied to the support of such poor person until the order or decree of such court has been complied with, or until the further order of the court, but for a period of not exceeding 1 year.

History: 1925, Act 146, Eff. Aug. 27, 1925;—CL 1929, 8216;—CL 1948, 401.9;—Am. 1953, Act 148, Imd. Eff. June 2, 1953.

Former law: See section 8, R.S. 1846, Ch. 37, being CL 1857, § 1425; CL 1871, § 1808; How., § 1748; CL 1897, § 4494; and CL 1915, § 5198.

401.10-401.16 Repealed. 1957, Act 292, Eff. Sept. 27, 1957.

Compiler's note: The repealed sections authorized seizure of and collection of rents from or sale of property of father, mother, or husband who has abandoned his or her children or wife, provided for restoration of such property, and permitted sale of poor person's personality for support of such person.

401.17-401.21 Repealed. 1980, Act 313, Imd. Eff. Dec. 5, 1980.

Compiler's note: The repealed sections pertained to nonsupport of parent by adult resident of state.

CHAPTER II SUPPORT AND RELIEF BY THE PUBLIC

402.1-402.4 Repealed. 1957, Act 292, Eff. Sept. 27, 1957.

Compiler's note: The repealed sections provided for support of poor by county, city, and township and made provisions relating to superintendents of the poor.

402.5 Superintendents of poor; powers and duties.

Sec. 5. They shall have the general superintendence of all the poor who may be in their respective counties, and shall have power, and it shall be their duty:

First, To have charge of the county infirmary that has been or shall be erected, and to provide suitable places for the keeping of such poor, when so directed by the board of supervisors, when houses for that purpose shall not have been erected by the county; and for that purpose to rent a tenement or tenements, and land not exceeding 80 acres, and to cause the poor of the county to be maintained at such places;

Second, To ordain and establish prudential rules, regulations, and by-laws, and for the government and good order of such places so provided, and of the county infirmaries and for the employment, relief, management, and government of the persons therein placed;

Third, To employ 1 or more suitable persons to be keepers of such houses or places, and all necessary officers and servants; and to vest in them such powers for the government of such houses as shall be necessary, reserving to the poor persons, who may be placed under the care of such keepers, the right to appeal to the superintendents;

Fourth, To purchase the furniture, implements, provisions, and materials, that shall be necessary for the maintenance of the poor and their employment and labor, and to sell and dispose of the proceeds of such labor as they shall deem expedient: Provided, That no furniture, implements, provisions, or materials, shall be purchased of a superintendent of the poor; and any superintendent being the owner of any such furniture, implements, provisions, or materials, sold to or purchased by such superintendents, or interested directly or indirectly in the profits on any such furniture, implements, provisions, or materials, by commission or otherwise, shall forfeit his interest in the same; and in addition to such forfeiture, a penalty of 50 dollars for each and every violation of the prohibitions and terms of this proviso is hereby imposed, to be collected by and in the name of the county treasurer, in the same manner as the forfeiture provided for by section 21 of this chapter.

Fifth, To prescribe the rate of allowance to be made to any person for bringing poor persons to the county infirmary, or place provided for the poor, which amount shall be paid by the county treasurer, on the production of a certificate signed by the chairman and countersigned by the secretary of the board of superintendents;

Sixth, To commence any suit wherein they may be entitled to prosecute upon any recognizance bond, or security taken for the indemnity of any township or of the county, and prosecute the same to effect;

Seventh, To draw, from time to time, on the county treasurer for all necessary expenses incurred in the discharge of their duties, which draft shall be paid by him out of the moneys placed in his hands for the support of the poor;

Eighth, To render to the board of supervisors of their county at their annual meeting, a detailed account of all moneys received and expended by them, or under their directions, and of all their proceedings;

Ninth, To pay over all moneys belonging to the county, remaining in their hands, to the county treasurer, within 15 days after receiving the same.

Tenth, To associate with the superintendents and directors of the poor of other counties and cities within this state, in the organization of a state association of superintendents of the poor, keepers and matrons of the county infirmaries and city poor directors, and provide for annual meetings and the attendance thereof of such superintendents, matrons and keepers of county infirmaries, as the said superintendents shall determine.

History: 1925, Act 146, Eff. Aug. 27, 1925;—CL 1929, 8233;—CL 1948, 402.5.

Former law: See section 5 of Act 148 of 1869, being CL 1871, § 1820; Act 77 of 1875; How., § 1759; CL 1897, § 4506; and CL 1915, § 5210.

402.6-402.17 Repealed. 1957, Act 170, Eff. Sept. 27, 1957;—1957, Act 292, Eff. Sept. 27, 1957;—1961, Act 184, Eff. Sept. 8, 1961.

Compiler's note: The repealed sections provided for county infirmary or medical care facility and for admission, support and discharge of inmates.

402.18 Bringing poor or indigent person from outside state into county; intent; penalties.

Sec. 18. Any person who shall bring or remove, or cause to be brought or removed, any poor or indigent person, from outside this state, into any county within it, with intent to make such county chargeable with the support of the poor person, shall forfeit and pay \$50.00, to be recovered before the district or municipal court

of the judicial district or municipality into which the poor person was brought, or in which the offender is located; and shall also be required to transport the poor person out of the state, or support him or her at his or her own expense.

History: 1925, Act 146, Eff. Aug. 27, 1925;—CL 1929, 8246;—CL 1948, 402.18;—Am. 1990, Act 222, Imd. Eff. Oct. 8, 1990.

Former law: See section 22 of Act 148 of 1869, being CL 1871, § 1837; How., § 1776; CL 1897, § 4523; and CL 1915, § 5227.

402.19 Conviction for violation of MCL 402.18; security; penalty.

Sec. 19. It shall be lawful for the court before whom the person shall be convicted for a violation of the provisions of the section 18, to require of the person satisfactory security that he or she will, within a reasonable time, to be named by the court, transport the person out of the state, or indemnify the county for all charges and expenses which may have been, or may be incurred in the support of the poor person. If the person shall neglect or refuse to give the security when required, it shall be the duty of the court to commit him or her to the county jail for a term not exceeding 3 months.

History: 1925, Act 146, Eff. Aug. 27, 1925;—Am. 1929, Act 128, Eff. Aug. 28, 1929;—CL 1929, 8247;—CL 1948, 402.19;—Am. 1990, Act 222, Imd. Eff. Oct. 8, 1990.

Former law: See section 23 of Act 148 of 1869, being CL 1871, § 1838; How., § 1777; CL 1897, § 4524; and CL 1915, § 5228.

402.20-402.38 Repealed. 1957, Act 292, Eff. Sept. 27, 1957.

Compiler's note: The repealed sections determined how money received by any superintendent or supervisor of any township, city or ward was to be paid to county treasurer, set penalty for failure, required annual expense estimate and auditing of accounts, imposed penalty for failure to report, differentiated between county and township or city support, required yearly expense statements, and provided for tax levy and assessments for support of poor.

402.39 Semi-annual report of township and city supervisors on expense of support; neglect to file, falsification, penalty.

Sec. 39. It shall be the duty of the supervisors of townships and cities in those counties where the townships and cities are made liable for their respective poor, on or before the first day of April and October in each year, to report to the county superintendents of the poor, and the township board, or the legislative body of the city, in such form as they shall direct, the number of poor persons who have been relieved or supported in such township or city the preceding year, and the whole expense of such support. Any supervisor or director who shall neglect or refuse to make such report, or who shall willfully make any false report, shall be guilty of a misdemeanor, and on conviction thereof be subject to a fine of not exceeding 1,000 dollars, to be recovered by the prosecuting attorney of the county, in the name of the people of this state, and to be paid into the township or city treasury, as the case may be.

History: 1925, Act 146, Eff. Aug. 27, 1925;—CL 1929, 8267;—CL 1948, 402.39.

Former law: See sections 52 and 53 of Act 148 of 1869; Act 155 of 1871, being CL 1871, §§ 1867 and 1868; How., §§ 1806 and 1807; CL 1897, §§ 4533 and 4554; and CL 1915, §§ 5257 and 5258.

402.40 Repealed. 1957, Act 292, Eff. Sept. 27, 1957.

Compiler's note: The repealed section provided that county board of supervisors could, by a 2/3 vote, restore or abolish distinction between town, city and county poor.

402.41 Reports of local poor officer; contents, form; failure to make, penalty.

Sec. 41. It shall be the duty of any director or overseer of the poor authorized by law to furnish relief to poor persons and of the supervisor of each township, district, or ward in this state on the last day of September and on the last day before his term of office shall expire, to make and transmit to the county superintendents of the poor of the county in which such township, district, or ward is situated, a full statement or report of the number of poor persons relieved or maintained by him since the date of his last report, with the names of the heads of families and the number of persons in each family, also the names of persons not members of any family who have received assistance and the causes of their indigence, if he can ascertain the same, the amount paid for transportation, for medical attendance and for funeral expenses, also his charges for services, and any and all other facts and expenditures necessary to a complete showing of his transactions and of the condition of such persons. Said report shall be made in such form as the secretary of state shall prescribe, and the secretary of state shall prepare and annually transmit blanks for that purpose to the county superintendents of the poor, who shall distribute them to the several directors and overseers of the poor and supervisors in their respective counties; and such reports shall be made by the directors, overseers, and supervisors in the counties where the poor are made a township or city charge, as well as in counties where they are all made a county charge, and any supervisor, director, or overseer who shall neglect or refuse to make such report shall be guilty of a misdemeanor, and on conviction thereof may be punished as prescribed

by law for the commission of such offenses.

History: 1925, Act 146, Eff. Aug. 27, 1925;—CL 1929, 8269;—CL 1948, 402.41.

Former law: See section 1 of Act 107 of 1875; Act 229 of 1879, being How., § 1810; Act 76 of 1885; CL 1897, § 4573; CL 1915, § 5298; sections 1 and 2 of Act 121 of 1885, being How., §§ 1809a and 1809b; CL 1897, §§ 4576 and 4577; and CL 1915, §§ 5301 and 5302.

402.42 Reports of local poor officer; compensation.

Sec. 42. Every supervisor, director, or overseer of the poor who shall make the reports herein provided for shall receive as full compensation therefor the sum of 5 cents each for the first 25 families and persons not members of any family so relieved, and the sum of 3 cents for each of such families and persons above that number, to be paid by the county treasurer out of the general fund on the certificate of the superintendents of the poor that said reports have been made in all respects as required by law, but no supervisor, director, or overseer shall receive less than 25 cents for each report so made out and forwarded to the superintendents of the poor.

History: 1925, Act 146, Eff. Aug. 27, 1925;—CL 1929, 8270;—CL 1948, 402.42.

Former law: See section 2 of Act 107 of 1875; Act 229 of 1879, being How., § 1811; Act 76 of 1885; CL 1897, § 4574; and CL 1915, § 5299.

402.43 Annual report of county superintendent of poor; contents.

Sec. 43. That it shall be the duty of the county superintendents of the poor, annually, between the first and tenth days of November, to consolidate on blanks to be furnished by the secretary of state for that purpose, all said reports received by them during the year ending the thirtieth day of September next preceding, and the said superintendents shall incorporate into their annual reports to the secretary of state, the several facts, statements, and expenditures reported to them by the supervisors, directors, and overseers, so that their reports shall make a complete showing of the number of poor persons who have been relieved and maintained in the county during the year, with the names of heads of families, and the causes of their indigency; the amount paid for transportation; for medical attendance; and for funeral expenses; the charges and fees of the several officers authorized by law to furnish relief to poor persons, and all other expenditures incurred in the relief and maintenance of such indigent persons.

History: 1925, Act 146, Eff. Aug. 27, 1925;—CL 1929, 8271;—CL 1948, 402.43.

Former law: See section 3 of Act 107 of 1875; Act 229 of 1879, being How., § 1812; CL 1897, § 4575; and CL 1915, § 5300.

402.44, 402.45 Repealed. 1957, Act 292, Eff. Sept. 27, 1957.

Compiler's note: The repealed sections made poor person's property subject to suit to recover aid extended, provided for return of any balance after poor person ceased to be public charge.

CHAPTER III

RELIEF AND SUPPORT IN COUNTIES OTHER THAN COUNTY OF SETTLEMENT

403.1-403.8 Repealed. 1957, Act 292, Eff. Sept. 27, 1957.