

THE SOCIAL WELFARE ACT (EXCERPT)
Act 280 of 1939

***** 400.57g.amended THIS AMENDED SECTION IS EFFECTIVE 91 DAYS AFTER ADJOURNMENT
OF THE 2024 REGULAR SESSION SINE DIE *****

400.57g.amended Failure to comply with plan; penalties; "noncompliance" defined; notice; good cause; period of time recipient ineligible; denial or termination of benefits; "good cause" defined.

Sec. 57g. (1) Except as provided in subsection (5), if a recipient does not meet the recipient's individual family self-sufficiency plan requirements and is therefore noncompliant, the department shall impose the penalties described under this section. The department shall implement a schedule of penalties for instances of noncompliance as described in this subsection. The penalties imposed under this subsection are as follows:

(a) For the first instance of noncompliance, the family is ineligible to receive family independence program assistance for not less than 3 calendar months.

(b) For the second instance of noncompliance, the family is ineligible to receive family independence program assistance for not less than 6 calendar months.

(c) For the third instance of noncompliance, the family is permanently ineligible to receive family independence program assistance.

(2) For the purposes of subsections (1) to (4), "noncompliance" means 1 or more of the following:

(a) A recipient quits a job.

(b) A recipient is fired for misconduct or absenteeism.

(c) A recipient voluntarily reduces employment hours or earnings.

(d) A recipient refuses a bona fide offer of employment or additional hours up to 40 hours per week.

(e) A recipient does not participate in PATH program activities.

(f) A recipient is noncompliant with the recipient's family self-sufficiency plan.

(g) A recipient states orally or in writing the recipient's intent not to comply with family independence program or PATH program requirements.

(h) A recipient refuses employment support services if the refusal prevents participation in an employment or self-sufficiency related activity.

(3) For any instance of noncompliance, the recipient shall receive notice of the noncompliance. The recipient has not less than a 12-day negative action period before the penalties prescribed in this section are imposed. If the recipient demonstrates good cause for the noncompliance during this period and if the family independence specialist caseworker and the PATH program caseworker agree that good cause exists for the recipient's noncompliance, a penalty must not be imposed. For the purpose of this subsection, good cause is 1 or more of the following:

(a) The recipient suffers from a temporary debilitating illness or injury or an immediate family member has a debilitating illness or injury and the recipient is needed in the home to care for the family member.

(b) The recipient lacks child care as described in section 607(e)(2) of the personal responsibility and work opportunity reconciliation act of 1996, 42 USC 607.

(c) Either employment or training commuting time is more than 2 hours per day or is more than 3 hours per day when there are unique and compelling circumstances, such as a salary at least twice the applicable minimum wage or the job is the only available job placement within a 3-hour commute per day, not including the time necessary to transport a child to child care facilities.

(d) Transportation is not available to the recipient at a reasonable cost.

(e) The employment or participation involves illegal activities.

(f) The recipient is physically or mentally unfit to perform the job, as documented by medical evidence or by reliable information from other sources.

(g) The recipient is illegally discriminated against on the basis of age, race, disability, gender, color, national origin, or religious beliefs.

(h) Credible information or evidence establishes 1 or more unplanned or unexpected events or factors that reasonably could be expected to prevent, or significantly interfere with, the recipient's compliance with employment and training requirements.

(i) The recipient quit employment to obtain comparable employment.

(4) For all instances of noncompliance resulting in termination of family independence program assistance for any period of time described in subsection (1), the period of time the recipient is ineligible to receive family independence program assistance applies toward the recipient's 60-month cumulative lifetime total.

(5) Family independence program assistance benefits must be denied or terminated if a recipient fails,

without good cause, to comply with applicable child support requirements including efforts to establish paternity, and assign or obtain child support. The family independence program assistance group is ineligible for family independence program assistance for not less than 1 calendar month. After family independence program assistance has been terminated for not less than 1 calendar month, family independence program assistance may be restored if the noncompliant recipient complies with child support requirements including the action to establish paternity and obtain child support. As used in this subsection, "good cause" includes an instance in which efforts to establish paternity or assign or obtain child support would harm the child or in which there is danger of physical or emotional harm to the child or the recipient.

History: Add. 1995, Act 223, Eff. Mar. 28, 1996;—Am. 2001, Act 280, Eff. Mar. 22, 2002;—Am. 2006, Act 468, Imd. Eff. Dec. 20, 2006;—Am. 2007, Act 9, Imd. Eff. May 18, 2007;—Am. 2011, Act 131, Eff. Oct. 1, 2011;—Am. 2014, Act 375, Eff. Jan. 1, 2016;—Am. 2024, Act 138, Eff. (sine die).

Popular name: Act 280