

LEXSTAT MCLS 400.57B

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CHAPTER 400 SOCIAL SERVICES
THE SOCIAL WELFARE ACT
COUNTY DEPARTMENTS OF SOCIAL SERVICES

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MCLS § 400.57b (2007)

MCL § 400.57b

§ 400.57b. Family independence assistance; eligibility requirements generally; requirements applicable to minor parent and minor parent's child; recipient applying for supplemental security income and seeking exemption from work first program; evaluation and assessment process; audit.

Sec. 57b. (1) Subject to section 571, an individual who meets all of the following requirements is eligible for family independence assistance:

- (a) Is a member of a family or a family independence assistance group.
- (b) Is a member of a program group whose income and assets are less than the income and asset limits set by the department .
- (c) In the case of a minor parent, meets the requirements of subsection (2).
- (d) Is a United States citizen, a permanent resident alien, or a refugee.
- (e) Is a resident of this state as described in section 32.
- (f) Meets any other eligibility criterion required for the receipt of federal or state funds or determined by the department to be necessary for the accomplishment of the goals of the family independence program.

(2) A minor parent and the minor parent's child shall not receive family independence assistance unless they live in an adult-supervised household. The family independence assistance shall be paid on behalf of the minor parent and child to an adult in the adult-supervised household. Child care in conjunction with participation in education, employment readiness, training, or employment programs, which have been approved by the department , shall be provided for the minor parent's child. The minor parent and child shall live with the minor parent's parent, stepparent, or legal guardian unless the department determines that there is good cause for not requiring the minor parent and child to live with a parent, stepparent, or legal guardian. The department shall determine the circumstances that constitute good cause, based on a parent's, stepparent's, or guardian's unavailability or unwillingness or based on a reasonable belief that there is physical, sexual, or substance abuse, or domestic violence, occurring in the household, or that there is other risk to the physical or emotional health or safety of the minor parent or child. If the department determines that there is good cause for not requiring a minor parent to live with a parent, stepparent, or legal guardian, the minor parent and child shall live in another adult-supervised household. A local office director may waive the requirement set forth in this subsection with respect to a minor parent who is at least 17 years of age, attending secondary school full-time, and participating in a department service plan or a teen parenting program, if moving would require the minor parent to change schools.

(3) Beginning December 31, 2006, if a recipient who is otherwise eligible for family independence assistance under this section is currently applying for supplemental security income and seeking exemption from the work first program, the recipient shall be evaluated and assessed as provided in this section before a family self-sufficiency plan is devel-

oped under section 57e. Based on a report resulting from the evaluation and assessment, the caseworker shall make a determination and referral as follows:

- (a) A determination that the recipient is eligible to participate in work first and a referral to the work first program.
- (b) A determination that the recipient is exempt from work first participation under section 57f and a referral to a sheltered work environment or subsidized employment.
- (c) A determination that the recipient is exempt from work first participation under section 57f and a referral to a legal services organization for supplemental security income advocacy.
- (4) The department may contract with a legal services organization to assist recipients with the process for applying for supplemental security income. The department may also contract with a nonprofit rehabilitation organization to perform the evaluation and assessment described under subsection (3). If the department contracts with either a nonprofit legal or rehabilitation services organization, uniform contracts shall be used statewide that include, but are not limited to, uniform rates and performance measures.
- (5) The auditor general shall conduct an annual audit of the evaluation and assessment process required under this section and submit a report of his or her findings to the legislature.

HISTORY: Act 280, 1939, p 513; imd eff June 16, 1939.

Pub Acts 1939, No. 280, § 57b, as added by Pub Acts 1995, No. 223, eff March 28, 1996 (see 1995 note below); amended by Pub Acts 1999, No. 9, eff March 10, 2000 (see 1999 note below).

Amended by Pub Acts 2006, No. 468, imd eff December 20, 2006 (see 2006 note below).

NOTES:

Editor's notes:

Pub Acts 1995, No. 223, §§ 2, 4, eff March 28, 1996, provide:

"Section 2. The family independence program is a successor to the program of aid to families with dependent children administered under section 56 of the social welfare act, Act No. 280 of the Public Acts of 1939, being *sections 400.1 to 400.119b of the Michigan Compiled Laws*. The family independence agency may operate the aid to families with dependent children program under the federal regulations in effect on September 30, 1995 for up to 180 days after the effective date of this amendatory act and may begin to implement the family independence program on a partial basis until that time as administrative procedures are developed to administer the family independence program. Individuals who are receiving aid to families with dependent children on the effective date of this amendatory act shall continue to receive assistance under the program requirements in effect on September 30, 1995 until the family's eligibility is assessed under family independence program regulations and policies.

"Section 4. This amendatory act shall not take effect unless House Bill No. 5354 of the 88th Legislature [Pub Acts 1995, No. 224] is enacted into law."

Pub Acts 1999, No. 9, enacting § 1, eff March 10, 2000, provides:

"Enacting section 1. This amendatory act does not take effect unless House Bill No. 4090 of the 90th Legislature [Pub Acts 1999, No. 17] is enacted into law."

Pub Acts 2006, No. 468, enacting § 1, imd eff December 20, 2006, provides:

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

- "(a) Senate Bill No. 1500 [Pub Acts 2006, No. 470].
- "(b) Senate Bill No. 1501 [Pub Acts 2006, No. 471].
- "(c) House Bill No. 6587 [Pub Acts 2006, No. 469]."

Effect of amendment notes:

The 1999 amendment in subsection (1), introductory paragraph, substituted "Subject to section 57l, an" for "An"; and in subsection (2), inserted "based" after "unwillingness or" and "that there is" after "household, or" and added a comma after "violence" in the fifth sentence.

The 2006 amendment in subsection (1), paragraphs (b) and (f) and subsection (2), substituted "department" for "family independence agency" throughout; in subsection (2), following "service plan" deleted "of the family independence agency"; and added subsections (3)-(5).

Statutory references:

Sections 32, 57e, 57f and 57l, above referred to, are §§ 400.32, 400.57e, 400.57f and 400.57l.

LexisNexis(TM) Michigan analytical references:

Michigan Law and Practice, Aliens and Immigration § 7

CASE NOTES

I. UNDER CURRENT LAW.

1-15. [Reserved for future supplementation.]

II. UNDER FORMER SECTIONS.

16. Former § 400.56g.

I. UNDER CURRENT LAW.

1-15. [Reserved for future supplementation.]

II. UNDER FORMER SECTIONS.

16. Former § 400.56g.

An interest of an applicant for or recipient of Aid to Families With Dependent Children in real property, not marketable after good-faith efforts to sell, was not an available resources for purposes of the AFDC limitation on resources of applicants or recipients (42 USC 603 et seq.; 45 CFR 233.20). *McKee v Department of Social Services* (1985) 424 Mich 404, 381 NW2d 679.

Invalidation of the transfer-of-assets provision of the Social Welfare Act could impair the state's capacity to deal with the problem of mounting welfare costs and an increasing financial dependency of many citizens; a finding of conflict between the state and federal statutes concerning aid to dependent children could allow abuse of the aid to families with dependent children program because without the transfer-of-assets provision persons would become eligible for benefits simply by giving away or signing over control of their assets. *Pease v Director, Michigan Dep't of Social Services* (1981) 1