

# HOUSE BILL No. 5970

October 19, 2016, Introduced by Rep. Kosowski and referred to the Committee on Criminal Justice.

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending sections 57b and 109m (MCL 400.57b and 400.109m), section 57b as amended by 2015 PA 56 and section 109m as added by 2014 PA 341, and by adding section 10h.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           **SEC. 10H. (1) IF AN INDIVIDUAL MEETS ALL ELIGIBILITY**  
2           **REQUIREMENTS TO RECEIVE ASSISTANCE UNDER THIS ACT AND THAT**  
3           **INDIVIDUAL IS OR WAS A VICTIM OF HUMAN TRAFFICKING, HE OR SHE IS**  
4           **ELIGIBLE TO RECEIVE ASSISTANCE UNDER THIS ACT.**

5           **(2) AN INDIVIDUAL WHO PROVIDES THE DEPARTMENT WITH AN ORIGINAL**  
6           **CERTIFICATION OR ORIGINAL ELIGIBILITY LETTER FROM THE OFFICE OF**  
7           **REFUGEE RESETTLEMENT WITHIN THE UNITED STATES DEPARTMENT OF HEALTH**  
8           **AND HUMAN SERVICES IS NOT REQUIRED TO PROVIDE ANY OTHER IMMIGRATION**  
9           **DOCUMENTS TO RECEIVE ASSISTANCE.**

1           (3) AS USED IN THIS SECTION, "VICTIM OF HUMAN TRAFFICKING"  
2 MEANS THE INDIVIDUAL IS OR WAS EITHER OF THE FOLLOWING:

3           (A) A VICTIM OF A VIOLATION UNDER CHAPTER LXVIIA OF THE  
4 MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.462A TO 750.462H.

5           (B) A VICTIM OF TRAFFICKING UNDER THE VICTIMS OF TRAFFICKING  
6 AND VIOLENCE PROTECTION ACT OF 2000, PUBLIC LAW 106-386.

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

10           (a) Is a member of a family or a family independence program  
11 assistance group.

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

14           (c) In the case of a minor parent, meets the requirements of  
15 subsection (2).

16           (d) Is a United States citizen, a permanent resident alien, ~~or~~  
17 a refugee, **OR A VICTIM OF HUMAN TRAFFICKING AS DEFINED IN SECTION**  
18 **10H. ~~If~~—EXCEPT FOR A VICTIM OF HUMAN TRAFFICKING AS DEFINED IN**  
19 **SECTION 10H, IF** the applicant indicates that he or she is not a  
20 United States citizen, the department shall verify the applicant's  
21 immigration status using the federal systematic alien verification  
22 for entitlements (SAVE) program. **AN INDIVIDUAL WHO PROVIDES THE**  
23 **DEPARTMENT WITH AN ORIGINAL CERTIFICATION OR ORIGINAL ELIGIBILITY**  
24 **LETTER FROM THE OFFICE OF REFUGEE RESETTLEMENT WITHIN THE UNITED**  
25 **STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES IS NOT REQUIRED TO**  
26 **PROVIDE ANY OTHER IMMIGRATION DOCUMENTS TO RECEIVE FAMILY**  
27 **INDEPENDENCE PROGRAM ASSISTANCE.**

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

2 (f) Meets any other eligibility criteria required for the  
3 receipt of federal or state funds or determined by the department  
4 to be necessary for the accomplishment of the goals of the family  
5 independence program.

6 (g) Is a member of a program group that meets the requirements  
7 of subsection (6).

8 (2) A minor parent and the minor parent's child shall not  
9 receive family independence program assistance unless they live in  
10 an adult-supervised household. The family independence program  
11 assistance shall be paid on behalf of the minor parent and child to  
12 an adult in the adult-supervised household. Child care in  
13 conjunction with participation in education, employment readiness,  
14 training, or employment programs, that have been approved by the  
15 department, shall be provided for the minor parent's child. The  
16 minor parent and child shall live with the minor parent's parent,  
17 stepparent, or legal guardian unless the department determines that  
18 there is good cause for not requiring the minor parent and child to  
19 live with a parent, stepparent, or legal guardian. The department  
20 shall determine the circumstances that constitute good cause, based  
21 on a parent's, stepparent's, or guardian's unavailability or  
22 unwillingness or based on a reasonable belief that there is  
23 physical, sexual, or substance abuse, or domestic violence,  
24 occurring in the household, or that there is other risk to the  
25 physical or emotional health or safety of the minor parent or  
26 child. If the department determines that there is good cause for  
27 not requiring a minor parent to live with a parent, stepparent, or

1 legal guardian, the minor parent and child shall live in another  
2 adult-supervised household. A local office director may waive the  
3 requirement set forth in this subsection with respect to a minor  
4 parent who is at least 17 years of age, attending secondary school  
5 full-time, and participating in a department service plan or a teen  
6 parenting program, if moving would require the minor parent to  
7 change schools.

8 (3) If a recipient who is otherwise eligible for family  
9 independence program assistance under this section is currently  
10 applying for supplemental security income and seeking exemption  
11 from the PATH program, the recipient shall be evaluated and  
12 assessed as provided in this section before a family self-  
13 sufficiency plan is developed under section 57e. Based on a report  
14 resulting from the evaluation and assessment, the caseworker shall  
15 make a determination and referral as follows:

16 (a) A determination that the recipient is eligible to  
17 participate in the PATH program and a referral to the PATH program.

18 (b) A determination that the recipient is exempt from PATH  
19 program participation under section 57f and a referral to a  
20 sheltered work environment or subsidized employment.

21 (c) A determination that the recipient is exempt from PATH  
22 program participation under section 57f and a referral for  
23 supplemental security income advocacy.

24 (4) The department may contract with a legal services  
25 organization to assist recipients with the process for applying for  
26 supplemental security income. The department may also contract with  
27 a nonprofit rehabilitation organization to perform the evaluation

1 and assessment described under subsection (3). If the department  
2 contracts with either a nonprofit legal or rehabilitation services  
3 organization, uniform contracts shall be used statewide that  
4 include, but are not limited to, uniform rates and performance  
5 measures.

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

9 (6) Except as provided in subsection (7), ~~and beginning after~~  
10 ~~the date on which the department implements the policy described in~~  
11 ~~subsection (7),~~ a family independence program assistance group  
12 shall not receive family independence program assistance if a  
13 member of the program group does not meet the attendance  
14 requirements of section 1561 of the revised school code, 1976 PA  
15 451, MCL 380.1561, with respect to a child under the age of 16.  
16 Except as provided in subsection (7), ~~and beginning after the date~~  
17 ~~on which the department implements the policy described in~~  
18 ~~subsection (7),~~ if a member of the program group does not meet the  
19 attendance requirements of section 1561 of the revised school code,  
20 1976 PA 451, MCL 380.1561, with respect to a child age 16 and  
21 above, the child shall be removed from the program group. The  
22 department shall implement policies in accordance with this  
23 subsection that are effective and binding on all program groups and  
24 are exempt from the rule promulgation requirements of the  
25 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to  
26 24.328.

27 (7) ~~Not later than 1 year after the effective date of the~~

1 ~~amendatory act that added this subsection, the~~ **THE** department shall  
2 implement a policy that it must follow before terminating a family  
3 independence program assistance group from receiving family  
4 independence program assistance as provided in subsection (6) or  
5 before removing a child from the program group as provided in  
6 subsection (6). The department shall apply the policy described in  
7 this subsection before removing a family independence program  
8 assistance group from receiving family independence program  
9 assistance as described in subsection (6) and before removing a  
10 child from a family independence program assistance group as  
11 described in subsection (6).

12       Sec. 109m. (1) If an individual is a victim of a human  
13 trafficking violation, he or she may receive medical assistance  
14 benefits for medical and psychological treatment resulting from his  
15 or her status as a victim of that human trafficking violation.

16       **(2) AN INDIVIDUAL WHO PROVIDES AN ORIGINAL CERTIFICATION OR**  
17 **ORIGINAL ELIGIBILITY LETTER FROM THE OFFICE OF REFUGEE RESETTLEMENT**  
18 **WITHIN THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES IS**  
19 **NOT REQUIRED TO PROVIDE ANY OTHER IMMIGRATION DOCUMENTS TO RECEIVE**  
20 **MEDICAL ASSISTANCE.**

21       **(3) ~~(2)~~—As used in this section, "human trafficking violation"**  
22 **means a violation of chapter LXVIIA of the Michigan penal code,**  
23 **1931 PA 328, MCL 750.462a to 750.462h, OR A VIOLATION OF THE**  
24 **VICTIMS OF TRAFFICKING AND VIOLENCE PROTECTION ACT OF 2000, PUBLIC**  
25 **LAW 106-386.**

26       Enacting section 1. This amendatory act takes effect 90 days  
27 after the date it is enacted into law.