

**THE SOCIAL WELFARE ACT (EXCERPT)**  
**Act 280 of 1939**

STATE DEPARTMENT OF SOCIAL SERVICES

**400.1 Family independence agency; creation; powers and duties; director, assistants, and employees; rules; successor to juvenile institute commission; other references.**

Sec. 1. (1) A department of state government is created that shall be known and designated as the family independence agency, and that shall possess the powers granted and perform the duties imposed in this act. The family independence agency shall consist of a director and the assistants and employees appointed or employed in the family independence agency.

(2) The family independence agency is responsible for the operation and supervision of the institutions and facilities established within the family independence agency. The institutions and facilities may be operated on a coeducational basis. The family independence agency shall make and enforce its own rules, not inconsistent with the law governing the institutions or facilities under its control, respecting the conduct of the institutions and facilities, discipline in the institutions and facilities, the care of property, and the welfare of the residents.

(3) The family independence agency shall be, in all respects, the legal successor to the powers, duties and responsibilities of the juvenile institute commission.

(4) A reference in this act to "the state department of social services", "the state department", or "department" means the family independence agency.

**History:** 1939, Act 280, Imd. Eff. June 16, 1939;—Am. 1943, Act 208, Imd. Eff. Apr. 17, 1943;—Am. 1947, Act 224, Imd. Eff. June 17, 1947;—CL 1948, 400.1;—Am. 1957, Act 95, Eff. Sept. 27, 1957;—Am. 1972, Act 301, Eff. Jan. 1, 1973;—Am. 1995, Act 223, Eff. Mar. 28, 1996.

**Compiler's note:** For transfer of powers and duties of the medical services administration, medical assistance program and state medical program from the department of social services, or the director, to the department of community health, see E.R.O. No. 1996-1, compiled at MCL 330.3101 of the Michigan Compiled Laws.

For transfer of powers and duties of adult foster care licensing, adult foster care licensing advisory council, and child welfare licensing from the department of social services to the director of the department of commerce, see E.R.O. No. 1996-1, compiled at MCL 330.3101 of the Michigan Compiled Laws.

For renaming family independence agency to department of human services, see E.R.O. No. 2004-4, compiled at MCL 400.226.

For transfer of powers and duties of the bureau of family services from the department of consumer and industry services to the family independence agency by Type II transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

For transfer of powers and duties of adult foster care licensing advisory council to the family independence agency by Type II transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.

For transfer of powers and duties of adult foster care licensing advisory council from department of human services and director of department of human services to the director of department of licensing and regulatory affairs, see E.R.O. No. 2015-1, compiled at MCL 400.227.

For creation of department of health and human services and abolishment of department of human services, see E.R.O. No. 2015-1, compiled at MCL 400.227.

For transfer of powers and duties relative to the licensing and regulation of child caring institutions, child placing agencies, foster family homes, foster family group homes, and court-operated facilities from department of licensing and regulatory affairs to the department of health and human services, see E.R.O. No. 2018-6, compiled at MCL 722.110.

**Transfer of powers:** See MCL 16.552.

**Popular name:** Act 280

**Administrative rules:** R 400.1 et seq. of the Michigan Administrative Code.

**400.1a Social welfare act; short title.**

Sec. 1a. This act shall be known and may be cited as "The social welfare act".

**History:** Add. 1943, Act 85, Eff. July 30, 1943;—CL 1948, 400.1a.

**Compiler's note:** For creation of department of health and human services and abolishment of department of human services, see E.R.O. No. 2015-1, compiled at MCL 400.227.

**Popular name:** Act 280

**400.1b Annual appropriation act as time-limited addendum; inclusion of program not as entitlement.**

Sec. 1b. (1) This act shall be read in conjunction with the annual appropriation act appropriating funds for the department for each fiscal year. The annual appropriation act shall be considered as a time-limited addendum to this act.

(2) A program created in or authorized under this act is subject to the annual appropriation of funds. The inclusion of a program in this act does not create an entitlement to that program, and any state department responsible for administering a program under this act is not required to operate that program unless the

legislature appropriates funds for that program.

**History:** Add. 1969, Act 278, Imd. Eff. Aug. 11, 1969;—Am. 1995, Act 223, Eff. Mar. 28, 1996;—Am. 2010, Act 173, Imd. Eff. Sept. 30, 2010.

**Popular name:** Act 280

#### **400.1c Compensation of certain employees injured during course of employment as result of assault by recipient of social services.**

Sec. 1c. (1) A person employed by the department of social services at the W.J. Maxey campus in Whitmore lake or any of its affiliated facilities, at the Adrian training school in Adrian, the Arbor Heights center in Ann Arbor, Camp Nokomis in Prudenville, Camp Shawano in Grayling, or a similar facility under the jurisdiction of the department established or funded by the state after the effective date of this section, who is injured during the course of his or her employment as a result of an assault by a recipient of social services shall receive his or her full wages by the state department until worker's compensation benefits begin and then shall receive in addition to worker's compensation benefits a supplement from the state department which together with the worker's compensation benefits shall equal but not exceed the weekly net wage of the employee at the time of the injury. This supplement shall only apply while the person is on the state department's payroll and is receiving worker's compensation benefits and shall include an employee who is currently receiving worker's compensation due to an injury covered by this section. Fringe benefits normally received by an employee shall be in effect during the time the employee receives the supplement provided by this section from the department.

(2) Subsection (1) shall apply whether the employee was directly assaulted or was assaulted as a result of aiding another employee in subduing a recipient.

**History:** Add. 1978, Act 131, Imd. Eff. May 4, 1978.

**Popular name:** Act 280

#### **400.2 Michigan social welfare commission; powers and duties; appointment, terms, and qualifications of members; governor as ex officio member; oath; removal; vacancies; conducting business at public meeting; notice; quorum; meetings; failure to attend meetings; designation of chairperson and vice-chairperson; compensation and expenses; availability of writings to public.**

Sec. 2. (1) The administration of the powers and duties of the state department shall be vested in a commission of 5 members which commission shall be known as the Michigan social welfare commission. A member of the commission shall not be a member of another commission or board, or hold another position with a state institution or department. Members of the commission shall be appointed by the governor, by and with the advice and consent of the senate, for a term of 5 years each. Of the members first appointed, 1 shall be appointed for a term of 1 year, 1 for a term of 2 years, 1 for a term of 3 years, 1 for a term of 4 years, and 1 for a term of 5 years.

(2) Members of the commission shall be citizens and residents of this state for not less than 5 years who possess and have demonstrated sincere interest, knowledge, and ability consistent with the responsibilities of the office, and not more than 3 of whom shall be members of the same political party. The governor shall be an ex officio member of the commission. Each member of the commission shall qualify by taking and filing with the secretary of state the constitutional oath of office and shall hold office until the appointment and qualification of a successor. A member of the commission may be removed by the governor for misfeasance, malfeasance, or nonfeasance in office, after hearing. Vacancies in the membership of the commission shall be filled for the remainder of the unexpired term, in the same manner as the original appointment.

(3) The business which the commission may perform shall be conducted at a public meeting of the commission held in compliance with Act No. 267 of the Public Acts of 1976, being sections 15.261 to 15.275 of the Michigan Compiled Laws. Public notice of the time, date, and place of the meeting shall be given in the manner required by Act No. 267 of the Public Acts of 1976. A majority of the members of the commission shall constitute a quorum for the transaction of business. The commission shall meet on the call of the chairperson, or on a written request to the chairperson signed by 3 members of the commission, or at times and places as are prescribed by the rules of the commission. The commission shall hold not less than 12 meetings each fiscal year, with an interval of not more than 1 month between meetings.

(4) The failure on the part of a member to attend 3 consecutive meetings of the commission, unless excused by a formal vote of the commission, shall be considered by the governor as ground for removal of the nonattending member, and upon removal, the governor may appoint a successor. The commission shall annually designate 1 member to act as chairperson and 1 member to act as vice-chairperson of the commission.

(5) Each member of the commission shall be reimbursed for necessary travel and other expenses, and shall be paid \$15.00 per day when in actual session, to be paid in the same manner as expenses of other state officers are paid.

(6) Except as prescribed in sections 35 and 64, a writing prepared, owned, used, in the possession of, or retained by the commission in the performance of an official function shall be made available to the public in compliance with Act No. 442 of the Public Acts of 1976, being sections 15.231 to 15.246 of the Michigan Compiled Laws.

**History:** 1939, Act 280, Imd. Eff. June 16, 1939;—CL 1948, 400.2;—Am. 1978, Act 224, Imd. Eff. June 13, 1978.

**Transfer of powers:** See MCL 16.553.

**Popular name:** Act 280

#### **400.3 Family independence agency; director; appointment; salary; expenses; intent as to references.**

Sec. 3. (1) The director of the family independence agency shall be appointed by the governor with the advice and consent of the senate, and shall serve at the pleasure of the governor. The director shall be the executive officer of the family independence agency and shall be responsible to the governor for performing his or her duties.

(2) The director shall receive such salary as shall be appropriated by the legislature, and shall receive actual and necessary traveling and other expenses incurred in the discharge of his or her official duties, to be paid in the same manner as salaries and expenses of other state employees are paid.

(3) Whenever reference is made in this act to the "bureau of social security", or the "state bureau", reference shall be deemed to be intended to be made to the family independence agency.

(4) Whenever reference is made in this act to the "supervisor of the state bureau", reference shall be deemed to be made to the director of the family independence agency.

(5) For counties having a population of 600,000 or less and for all cities regardless of population, whenever reference is made in this act to the "county bureau of social aid", reference shall be deemed to be made to the county or city family independence agency.

**History:** 1939, Act 280, Imd. Eff. June 16, 1939;—Am. 1945, Act 217, Eff. May 18, 1945;—CL 1948, 400.3;—Am. 1957, Act 95, Eff. Sept. 27, 1957;—Am. 1965, Act 401, Imd. Eff. Oct. 27, 1965;—Am. 1996, Act 483, Imd. Eff. Dec. 27, 1996.

**Compiler's note:** The office of director of the state department of social welfare, referred to in this section, was transferred to the department of social services by MCL 16.553.

For creation of department of health and human services and abolishment of department of human services, see E.R.O. No. 2015-1, compiled at MCL 400.227.

**Transfer of powers:** See MCL 16.553.

**Popular name:** Act 280

#### **400.3a Advisory committee; establishment; appointment of members; recommendations from county social services boards and county social services association; advising on statutes and policies.**

Sec. 3a. (1) There is established an advisory committee to the state department consisting of 10 members appointed by the Michigan county social services association in accordance with a plan adopted by a majority of the members of the association. The association shall receive recommendations from the county social service boards and annually prepare and submit recommendations to the director. The director shall receive and respond to recommendations from the association on matters including but not limited to:

(a) The preparation of annual budget recommendations for the department prior to submission to the governor.

(b) Priorities for social services components of the state social services plan prepared in compliance with Title XX of the federal social security act, Public Law 93-641, and subsequent amendments.

(c) Program and policy guidelines relating to the conduct of and eligibility standards for general public relief and burial.

(d) Development and implementation of complementary policies between the department and county social service boards to promote local initiative efforts in work incentive and employment skills training programs.

(e) Policies and procedures relating to medicaid, food stamps, aid to families of dependent children and child welfare programs.

(2) The association may periodically advise the director, the governor, and the legislature on statutes and policies relating to state and local social services.

**History:** Add. 1965, Act 401, Imd. Eff. Oct. 27, 1965;—Am. 1975, Act 237, Eff. Dec. 1, 1975.

**Popular name:** Act 280

#### **400.4 Executive heads of state institutions; appointment; employees, salaries and expenses.**

Sec. 4. The commission shall appoint the executive heads of all state institutions and facilities under the supervision of the state department, and such assistants and employees for them and the state department, and may incur such other expenses as may be necessary to carry out the provisions of this act. The executive head of each state institution under the supervision of the state department shall be responsible for the employment of all assistants and employees thereof. The compensation of all such assistants and employees, and the number thereof, shall be within the appropriations made therefor by the legislature. Such assistants and employees shall receive their actual and necessary traveling and other expenses incurred in the discharge of their official duties. All salaries and expenses shall be paid in the same manner as the salaries and expenses of other state employees are paid.

**History:** 1939, Act 280, Imd. Eff. June 16, 1939;—CL 1948, 400.4;—Am. 1957, Act 95, Eff. Sept. 27, 1957.

**Popular name:** Act 280

#### **400.5 Divisions within state department of social welfare; creation, abolition.**

Sec. 5. The commission is hereby authorized and empowered to create or abolish divisions within the state department for the economic and efficient administration of the work of such department, and to allocate and re-allocate their several functions and duties.

**History:** 1939, Act 280, Imd. Eff. June 16, 1939;—CL 1948, 400.5.

**Popular name:** Act 280

#### **400.5a Adverse action against child placing agency prohibited; basis.**

Sec. 5a. In accordance with section 23g of chapter X of the probate code of 1939, 1939 PA 288, MCL 710.23g, and sections 14e and 14f of 1973 PA 116, MCL 722.124e and 722.124f, the department shall not take an adverse action against a child placing agency on the basis that the child placing agency has declined or will decline to provide services that conflict with, or provide services under circumstances that conflict with, the child placing agency's sincerely held religious beliefs contained in a written policy, statement of faith, or other document adhered to by the child placing agency.

**History:** Add. 2015, Act 55, Eff. Sept. 9, 2015.

**Compiler's note:** Enacting section 1 of Act 55 of 2015 provides:

"Enacting section 1. It is the intent of the legislature to protect child placing agencies' free exercise of religion protected by the United States constitution and the state constitution of 1963. This amendatory act is not intended to limit or deny any person's right to adopt a child or participate in foster care."

#### **400.6 Rules, regulations, and policies; appointment and duties of bipartisan task force of legislators; applicability of subsection (2) to enrolled medicaid providers.**

Sec. 6. (1) The family independence agency may promulgate all rules necessary or desirable for the administration of programs under this act. Rules shall be promulgated under the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, being sections 24.201 to 24.328 of the Michigan Compiled Laws. Beginning 2 years after the effective date of subsection (2), if the Michigan supreme court rules that sections 45 and 46 of Act No. 306 of the Public Acts of 1969, being sections 24.245 and 24.246 of the Michigan Compiled Laws, are unconstitutional and a statute requiring legislative review of administrative rules is not enacted within 90 days after the Michigan supreme court ruling, this subsection does not apply.

(2) The family independence agency may develop regulations to implement the goals and principles of assistance programs created under this act, including all standards and policies related to applicants and recipients that are necessary or desirable to administer the programs. These regulations are effective and binding on all those affected by the assistance programs. Except for policies described in subsections (3) and (4), regulations described in this subsection, setting standards and policies necessary or desirable to administer the programs, are exempt until the expiration of 12 months after the effective date of this subsection from the rule promulgation requirements of the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, being sections 24.201 to 24.328 of the Michigan Compiled Laws. Upon the expiration of 12 months after the effective date of this subsection, regulations described in this subsection are not effective and binding unless processed as emergency rules under section 48 of Act No. 306 of the Public Acts of 1969, being section 24.248 of the Michigan Compiled Laws, or promulgated in accordance with Act No. 306 of the Public Acts of 1969.

(3) The family independence agency may develop policies to establish income and asset limits, types of income and assets to be considered for eligibility, and payment standards for assistance programs administered under this act. Policies developed under this subsection are effective and binding on all those

affected by the assistance programs. Policies described in this subsection are exempt from the rule promulgation requirements of Act No. 306 of the Public Acts of 1969. Not less than 30 days before policies developed under this subsection are implemented, they shall be submitted to the senate and house standing committees and appropriation subcommittees with oversight of human services.

(4) The family independence agency may develop policies to implement requirements that are mandated by federal statute or regulations as a condition of receipt of federal funds. Policies developed under this subsection are effective and binding on all those affected by the programs. Policies described in this subsection are exempt from the rule promulgation requirements of Act No. 306 of the Public Acts of 1969.

(5) All rules, regulations, and policies established by the family independence agency shall be in writing, shall be provided to the legislature, and shall be made available for inspection by any member of the public at all offices of the family independence agency during regular business hours.

(6) Until the expiration of 12 months after the effective date of this subsection, a bipartisan task force of legislators appointed in the same manner as members are appointed to standing committees of the legislature shall meet regularly with the family independence agency to review proposed policies and regulations for the family independence program. Meetings of the bipartisan task force are subject to the open meetings act, Act No. 267 of the Public Acts of 1976, being sections 15.261 to 15.275 of the Michigan Compiled Laws.

(7) Subsection (2) does not apply to standards and policies related to the providers of services which have a written contractual relationship or are an enrolled medicaid provider with the family independence agency.

**History:** 1939, Act 280, Imd. Eff. June 16, 1939;—CL 1948, 400.6;—Am. 1957, Act 95, Eff. Sept. 27, 1957;—Am. 1995, Act 223, Eff. Mar. 28, 1996.

**Compiler's note:** In separate opinions, the Michigan Supreme Court held that Section 45(8), (9), (10), and (12) and the second sentence of Section 46(1) ("An agency shall not file a rule ... until at least 10 days after the date of the certificate of approval by the committee or after the legislature adopts a concurrent resolution approving the rule.") of the Administrative Procedures Act of 1969, in providing for the Legislature's reservation of authority to approve or disapprove rules proposed by executive branch agencies, did not comply with the enactment and presentment requirements of Const 1963, Art 4, and violated the separation of powers provision of Const 1963, Art 3, and, therefore, were unconstitutional. These specified portions were declared to be severable with the remaining portions remaining effective. Blank v Department of Corrections, 462 Mich 103 (2000).

**Popular name:** Act 280

**Administrative rules:** R 400.1 et seq. and R 400.3151 et seq. of the Michigan Administrative Code.

#### **400.7 Rules and regulations; publication, seal, certified copies as evidence; body corporate, powers.**

Sec. 7. The commission may devise a seal, and the rules and regulations of the commission may be published over the seal of the commission. Copies of all records and papers in the office of the state department, certified by a duly authorized agent of the commission and authenticated by the seal of the commission, shall be evidence in all cases equally, and with the like effect, as the originals. The commission shall be a body corporate, and is hereby authorized to lease any lands under its jurisdiction and to do any other act or thing necessary in carrying out the provisions of this act.

**History:** 1939, Act 280, Imd. Eff. June 16, 1939;—CL 1948, 400.7.

**Popular name:** Act 280

#### **400.8 Witnesses; compelled attendance, oaths; jurisdiction of courts.**

Sec. 8. Any member of the commission or the director may issue a subpoena requiring any person to appear and be examined with reference to any matter within the jurisdiction of the commission and within the scope of the inquiry or investigation being conducted by the said commission or director, and to produce any books, records or papers, pertinent to such inquiry. Any member of the commission, the director, or their duly authorized agents, may administer an oath to a witness in any pending matter. In case of disobedience of a subpoena, the commission or director may by petition invoke the aid of the circuit court of the county in which the witness resides, or the circuit court of the county in which the inquiry is being held, to require the attendance and testimony of witnesses and the production of books, papers and documents. Any such circuit court of the state, may, in case of contumacy or refusal to obey a subpoena, issue an order requiring such person to appear and to produce books, records, and papers if so ordered and give evidence touching the matter in question. Any failure to obey such order of the court may be punished by such court as a contempt thereof.

**History:** 1939, Act 280, Imd. Eff. June 16, 1939;—CL 1948, 400.8;—Am. 1957, Act 95, Eff. Sept. 27, 1957.

**Popular name:** Act 280

#### **400.9 Rules for conduct of hearings; procedure; hearing authority; powers and duties; review; representation of department; compliance with Open Meetings Act.**



Sec. 9. (1) Pursuant to the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, as amended, being sections 24.201 to 24.328 of the Michigan Compiled Laws, the director shall promulgate rules for the conduct of hearings within the state department. The rules shall provide adequate procedure for a fair hearing of appeals and complaints, when requested in writing by the state department or by an applicant for or recipient of, or former recipient of, assistance or service, financed in whole or in part by state or federal funds. Hearings shall be conducted by agents designated by the director. The director may appoint a hearing authority to decide these cases. The hearing authority shall be vested with the powers and duties of the director to hold and decide hearings. The director may also upon his or her own motion review a decision of a county or district department with respect to the granting of assistance financed in whole or in part by state or federal funds, and may consider and pass upon an application for assistance that has not been acted upon by the county or district department within a reasonable time.

(2) Irrespective of funding source, the state department may be represented in any hearing held pursuant to subsection (1) by a duly authorized employee or agent of the state department.

(3) A hearing held pursuant to this section shall be held as prescribed in the open meetings act, Act No. 267 of the Public Acts of 1976, as amended, being sections 15.261 to 15.275 of the Michigan Compiled Laws.

**History:** 1939, Act 280, Imd. Eff. June 16, 1939;—CL 1948, 400.9;—Am. 1957, Act 95, Eff. Sept. 27, 1957;—Am. 1965, Act 401, Imd. Eff. Oct. 27, 1965;—Am. 1971, Act 193, Imd. Eff. Dec. 20, 1971;—Am. 1978, Act 224, Imd. Eff. June 13, 1978;—Am. 1982, Act 131, Imd. Eff. Apr. 20, 1982;—Am. 1993, Act 41, Imd. Eff. May 27, 1993.

**Popular name:** Act 280

**Administrative rules:** R 400.1 et seq.; R 400.3351; and R 400.3401 et seq. of the Michigan Administrative Code.

#### **400.10 Administration of social security act and food stamp act; cooperation with federal, state, and local governments; reports; welfare and relief problems; plan for distribution and allotment of federal moneys; rules; agreements; assuring federal approval.**

Sec. 10. The family independence agency is designated as the state agency to cooperate with the federal government in the administration of the social security act, chapter 531, 49 Stat. 620. The family independence agency may administer the food stamp act of 1977, Public Law 88-525, 7 U.S.C. 2011 to 2012 and 2013 to 2032, and any other law which the governor or the legislature of the state may designate. The family independence agency may cooperate with the proper departments or agencies of the federal government and with all other departments or agencies of the state and local governments, and supervise the administration by local governmental departments or agencies of any plans established by the state in cooperation with the federal government under these provisions and the rules promulgated pursuant thereto. The director shall make reports, in such form and containing such information, required under the social security act, and shall comply with the requirements made to assure the correctness and verification of the reports.

(2) The director, with the approval of the governor, may cooperate with the federal government, or any of its agencies or instrumentalities, in handling the welfare and relief problems and needs of the people of this state, to the extent authorized by the laws of this state.

(3) The director may adopt any plan required or desirable to participate in the distribution of federal moneys or the assistance of the federal government, and may accept on behalf of the state any allotment of federal moneys. The state treasurer may forward state moneys to the federal social security administration for federal administration of the state supplemental program of the social security act in accordance with an agreement pertaining thereto. The director may promulgate rules and the director or his or her designee may enter into any agreement or agreements with federal, state, or local units of government or private agencies necessary to enable the state or such units to participate in any plan the director deems desirable for the welfare of the people of this state.

(4) For the purpose of assuring full federal approval of the activities of the department and local departments with respect to the operation of a plan, the director may do all things reasonable and proper to conform with federal requirements pertaining to methods and standards of administration. In making rules with respect thereto, there shall be included such methods and standards of administration for the conduct of the work of local units, including the necessary supervision thereof, as may be required for the receipt of aid from the federal government.

**History:** 1939, Act 280, Imd. Eff. June 16, 1939;—CL 1948, 400.10;—Am. 1950, Ex. Sess., Act 42, Eff. Oct. 1, 1950;—Am. 1973, Act 156, Imd. Eff. Dec. 6, 1973;—Am. 1973, Act 189, Imd. Eff. Jan. 8, 1974;—Am. 1996, Act 483, Imd. Eff. Dec. 27, 1996.

**Popular name:** Act 280

**Administrative rules:** R 400.1 et seq.; R 400.1101 et seq.; R 400.7171 et seq.; R 400.7391 et seq.; and R 400.7701 et seq. of the Michigan Administrative Code.

#### **400.10a Disclosure of certain recipients to law enforcement agency; federal approval; definitions.**

Sec. 10a. (1) Notwithstanding any other provision of this act, and subject to subsection (2), the department shall disclose the address of a recipient, applicant, or known member of a recipient's or applicant's household to a federal, state, or local law enforcement officer if the officer furnishes the department with the name of the recipient, applicant, or known member of the recipient's or applicant's household, the recipient's, applicant's, or member's social security number or other identifying information, if known, and information showing that the recipient, applicant, or member of the household is subject to arrest under an outstanding warrant arising from a felony charge or under an outstanding warrant for extradition arising from a criminal charge in another jurisdiction, or is a material witness in a criminal case arising from a felony charge.

(2) If federal approval is required in order to prevent the loss of federal reimbursement as a result of the application of this section to a recipient receiving family independence assistance or food stamps, the department shall promptly take any action necessary to obtain federal approval. In the absence of any necessary federal approval, the department shall apply this section only to recipients of state family assistance and state disability assistance.

(3) As used in this section, section 10b, and section 10c:

(a) "Felony" means a violation of a penal law of this state or the United States for which the offender may be punished by imprisonment for more than 1 year, an offense expressly designated by law to be a felony, or a violation of felony probation or parole.

(b) "Known member of a recipient's household" means an individual listed on the recipient's application for public assistance as an individual who is living with the recipient.

(c) "Material witness" means an individual who is required by subpoena, summons, certificate, or other order of a court to appear and give testimony in a criminal case.

(d) "Public assistance" means family independence program, state family assistance, state disability assistance, food assistance program, or child development and care program provided under this act.

(e) "Recipient" means an individual receiving public assistance.

**History:** Add. 1996, Act 190, Eff. Oct. 1, 1996;—Am. 2011, Act 198, Imd. Eff. Oct. 18, 2011.

**Popular name:** Act 280

#### **400.10b Individual subject to felony charge; eligibility for cash or food assistance; federal approval; review by department director; definitions.**

Sec. 10b. (1) Subject to subsection (3) and except as provided in subsection (5), the department shall not grant cash assistance under this act to an individual if the department receives information provided under section 10a that the individual is subject to arrest under an outstanding warrant arising from a felony charge against that individual in this or any other jurisdiction. Except as otherwise provided in this subsection, the department shall not grant food assistance to an individual if the individual has an outstanding felony warrant and law enforcement is actively seeking the individual. This subsection does not affect the eligibility for assistance of other members of the individual's household. An individual described in this subsection is eligible for cash assistance when he or she is no longer subject to arrest under an outstanding warrant as described in this section and law enforcement is not actively seeking the individual. This subsection does not apply to an individual applying for food assistance if he or she has an outstanding felony warrant for a violation of part 74 of the public health code, 1978 PA 368, MCL 333.7401 to 333.7461.

(2) Subject to subsection (3), the department shall not grant cash assistance under this act to an individual if the department receives information under section 84 of the corrections code of 1953, 1953 PA 232, MCL 791.284, that the individual has absconded from supervision under that act. Subject to subsection (3), the department shall not grant food assistance under this act to an individual if the department receives information under section 84 of the corrections code of 1953, 1953 PA 232, MCL 791.284, that the individual has absconded from supervision under that act and that law enforcement or the department of corrections is actively seeking the individual.

(3) If federal approval is required in order to prevent the loss of federal reimbursement as a result of the application of this section to a recipient receiving family independence program assistance or food assistance, the department shall promptly take any action necessary to obtain federal approval. In the absence of any necessary federal approval, the department shall apply this section only to recipients of state family assistance and state disability assistance.

(4) The department director or his or her designee shall review information provided by the department of state police under section 4 of the C.J.I.S. policy council act, 1974 PA 163, MCL 28.214, to determine if cash assistance or food assistance recipients or applicants are subject to arrest under an outstanding warrant as

described in section 10a. The department director or his or her designee shall review information provided by the department of corrections under section 84 of the corrections code of 1953, 1953 PA 232, MCL 791.284, to determine if cash assistance recipients or applicants are subject to a warrant for absconding. The department director or his or her designee shall review information provided by the department of corrections under section 84 of the corrections code of 1953, 1953 PA 232, MCL 791.284, to determine if food assistance recipients or applicants are subject to a warrant for absconding and if law enforcement is actively seeking the recipients or applicants.

(5) Subject to subsection (3) and except as provided in subsection (1), the department shall not grant cash assistance or food assistance under this act to an individual if the department receives information from the department of state police as provided in subsection (4) that the individual is subject to an arrest under an outstanding warrant described in section 10a. Subject to subsection (3), the department shall not grant cash assistance under this act to an individual if the department receives information from the department of corrections that the individual has absconded from supervision. Subject to subsection (3), the department shall not grant food assistance under this act to an individual if the department receives information from the department of corrections that the individual has absconded from supervision and law enforcement is actively seeking the individual.

(6) As used in this section:

(a) "Abscond" and "actively seeking" mean those terms as defined in section 84 of the corrections code of 1953, 1953 PA 232, MCL 791.284.

(b) "Cash assistance" means cash benefits provided under the family independence program, the refugee assistance program, or state disability assistance.

(c) "Food assistance" means the food benefits provided under the food assistance program administered under this act.

**History:** Add. 1996, Act 190, Eff. Oct. 1, 1996;—Am. 2011, Act 198, Imd. Eff. Oct. 18, 2011;—Am. 2017, Act 13, Eff. June 29, 2017;—Am. 2020, Act 392, Imd. Eff. Jan. 4, 2021.

**Popular name:** Act 280

#### **400.10c Automated program; development and implementation; comparison of list of individuals receiving public assistance with information regarding outstanding felony or extradition warrants; access to address information; report; "extradition warrant" defined.**

Sec. 10c. (1) The department of technology, management, and budget shall work with the department and the department of state police to develop and implement an automated program that does a comparison of the department's list of public assistance recipients, and of any other list maintained by the department of individuals receiving assistance under this act, with the information regarding an outstanding felony warrant or extradition warrant received by the department of state police. This comparison shall only include public assistance recipients. Unless otherwise prohibited by law, this comparison shall include information regarding outstanding felony warrants or extradition warrants contained in a nonpublic record. The department of state police shall take all reasonable and necessary measures using the available technology to ensure the accuracy of information regarding outstanding felony warrants before transmitting the information under this subsection to the department. The department shall take all reasonable and necessary measures using the available technology to ensure the accuracy of this comparison before notifying a local office of an outstanding felony warrant or extradition warrant. If a comparison discloses that a person on the department's list of public assistance recipients has an outstanding felony warrant or extradition warrant or if the department is otherwise notified by the department of state police that a person has an outstanding felony warrant or extradition warrant, the department shall notify the local office handling the recipient's public assistance case of that outstanding felony warrant or extradition warrant. The local office shall take appropriate action regarding cases that local office receives notification of under this subsection.

(2) The department of technology, management, and budget shall work with the department and the department of state police to develop and implement an automated program that allows the department of state police to access address information of public assistance applicants or recipients. The department of technology, management, and budget shall ensure that the department of state police does not have access to benefit information, only address information.

(3) Not later than July 1, 2013, the automated program described in this section shall be implemented by the department. Upon implementation, the department shall submit a report to the chairpersons of the senate and house appropriations subcommittees handling the department budget, and the senate and house policy offices and fiscal agencies, that the automated program has been implemented.

(4) As used in this section, "extradition warrant" means an outstanding warrant for extradition arising from a criminal charge against the individual in another jurisdiction.



**History:** Add. 2011, Act 198, Imd. Eff. Oct. 18, 2011;—Am. 2012, Act 78, Imd. Eff. Apr. 11, 2012.

**Popular name:** Act 280

#### **400.10d Determination of financial eligibility for family independence program; application of asset test.**

Sec. 10d. For the purposes of determining financial eligibility for the family independence program administered under this act, the department must apply an asset test.

**History:** Add. 2012, Act 79, Imd. Eff. Apr. 11, 2012;—Am. 2023, Act 53, Eff. Feb. 13, 2024.

**Popular name:** Act 280

#### **400.10e Determination of financial eligibility for family independence program and food assistance program; inclusion of money received from lottery or gambling winnings.**

Sec. 10e. Money received from lottery winnings or other gambling winnings shall be included when determining financial eligibility for the family independence program and the food assistance program administered under this act as follows:

(a) If received as a lump-sum payment, lottery winnings and other gambling winnings shall be counted as assets.

(b) If received in installment payments, lottery winnings and other gambling winnings shall be counted as unearned income.

**History:** Add. 2012, Act 78, Imd. Eff. Apr. 11, 2012.

**Popular name:** Act 280

#### **400.10e[1] Repealed. 2013, Act 41, Imd. Eff. June 5, 2013.**

**Compiler's note:** The repealed section pertained to performance of incarceration match to determine eligibility for bridge card.

**Popular name:** Act 280

#### **400.10f Performance of monthly incarceration match to determine eligibility for bridge card; issuance prohibited or terminated; performance of monthly match to determine if recipient is deceased.**

Sec. 10f. (1) The department shall perform an incarceration match monthly to obtain information to assist in determining eligibility based on incarceration status.

(2) If the department determines that a recipient is incarcerated at the time the incarceration match is performed, the department shall not issue a bridge card to that incarcerated recipient. If a bridge card has already been issued to the incarcerated recipient, the department shall terminate that recipient's bridge card access.

(3) The department shall perform a monthly match using the United States social security death index database to determine if a recipient is deceased. If the department determines that a recipient is deceased at the time the United States social security death index match is performed, the department shall not issue a bridge card to that deceased recipient. If a bridge card has already been issued to the deceased recipient, the department shall terminate that recipient's bridge card access.

**History:** Add. 2013, Act 41, Imd. Eff. June 5, 2013.

**Popular name:** Act 280

#### **400.10g Determination of financial eligibility; money associated with designated beneficiary's ABLE savings account; "ABLE savings account", "designated beneficiary", and "qualified disability expenses" defined.**

Sec. 10g. (1) For any assistance program for which financial eligibility is determined under this act, the department shall disregard in its financial eligibility determination money associated with a designated beneficiary's ABLE savings account, including, but not limited to, all of the following:

(a) Money in a designated beneficiary's ABLE savings account.

(b) Earnings on money in a designated beneficiary's ABLE savings account.

(c) Contributions to a designated beneficiary's own ABLE savings account.

(d) Distributions from an ABLE savings account for the designated beneficiary's qualified disability expenses.

(2) As used in this section, "ABLE savings account", "designated beneficiary", and "qualified disability expenses" mean those terms as defined in section 2 of the Michigan achieving a better life experience (ABLE) program act.

**History:** Add. 2015, Act 162, Eff. Jan. 26, 2016.

#### **400.11 Definitions.**

Sec. 11. As used in this section and sections 11a to 11f:

(a) "Abuse" means harm or threatened harm to an adult's health or welfare caused by another person. Abuse includes, but is not limited to, nonaccidental physical or mental injury, sexual abuse, or maltreatment.

(b) "Adult in need of protective services" or "adult" means a vulnerable person not less than 18 years of age who is suspected of being or believed to be abused, neglected, or exploited.

(c) "Exploitation" means an action that involves the misuse of an adult's funds, property, or personal dignity by another person.

(d) "Neglect" means harm to an adult's health or welfare caused by the inability of the adult to respond to a harmful situation or by the conduct of a person who assumes responsibility for a significant aspect of the adult's health or welfare. Neglect includes the failure to provide adequate food, clothing, shelter, or medical care. A person shall not be considered to be abused, neglected, or in need of emergency or protective services for the sole reason that the person is receiving or relying upon treatment by spiritual means through prayer alone in accordance with the tenets and practices of a recognized church or religious denomination, and this act shall not require any medical care or treatment in contravention of the stated or implied objection of that person.

(e) "Protective services" includes, but is not limited to, remedial, social, legal, health, mental health, and referral services provided in response to a report of alleged harm or threatened harm because of abuse, neglect, or exploitation.

(f) "Vulnerable" means a condition in which an adult is unable to protect himself or herself from abuse, neglect, or exploitation because of a mental or physical impairment or because of advanced age.

**History:** Add. 1982, Act 519, Eff. Mar. 30, 1983;—Am. 1990, Act 122, Imd. Eff. June 26, 1990.

**Compiler's note:** Former MCL 400.11, creating an irrevocable medical assistance account within the general fund, was repealed by Act 321 of 1966.

Popular name: Act 280

#### **400.11a Reporting abuse, neglect, or exploitation of adult; oral report; contents of written report; reporting criminal activity; construction of section.**

Sec. 11a. (1) A person who is employed, licensed, registered, or certified to provide health care, educational, social welfare, mental health, or other human services; an employee of an agency licensed to provide health care, educational, social welfare, mental health, or other human services; a law enforcement officer; or an employee of the office of the county medical examiner who suspects or has reasonable cause to believe that an adult has been abused, neglected, or exploited shall make immediately, by telephone or otherwise, an oral report to the county department of social services of the county in which the abuse, neglect, or exploitation is suspected of having or believed to have occurred. After making the oral report, the reporting person may file a written report with the county department. A person described in this subsection who is also required to make a report pursuant to section 21771 of the public health code, Act No. 368 of the Public Acts of 1978, as amended, being section 333.21771 of the Michigan Compiled Laws and who makes that report is not required to make a duplicate report to the county department of social services under this section.

(2) A report made by a physician or other licensed health professional pursuant to subsection (1) shall not be considered a violation of any legally recognized privileged communication or a violation of article 15 of the public health code, Act No. 368 of the Public Acts of 1978, being sections 333.16101 to 333.18838 of the Michigan Compiled Laws.

(3) In addition to those persons required to make an oral report under subsection (1), any person who suspects that an adult has been abused, neglected, or exploited may make a report to the county department of social services of the county in which the abuse, neglect, or exploitation is suspected of having occurred.

(4) A report made under this section shall contain the name of the adult and a description of the abuse, neglect, or exploitation. If possible, the report shall contain the adult's age and the names and addresses of the adult's guardian or next of kin, and of the persons with whom the adult resides, including their relationship to the adult. The report shall contain other information available to the reporting person that may establish the cause of the abuse, neglect, or exploitation and the manner in which the abuse, neglect, or exploitation occurred or is occurring. The county department shall reduce to writing the information provided in an oral report received pursuant to this section.

(5) The county department shall report to a police agency any criminal activity that it believes to be occurring, upon receipt of the oral report.

(6) This section shall not be construed as limiting the responsibilities of the police agency of a local unit of

government to enforce the laws of this state or as precluding the police agency from reporting and investigating, as appropriate, alleged criminal conduct.

**History:** Add. 1982, Act 519, Eff. Mar. 30, 1983;—Am. 1987, Act 208, Imd. Eff. Dec. 22, 1987;—Am. 1990, Act 122, Imd. Eff. June 26, 1990.

**Popular name:** Act 280

**400.11b Investigation; purpose; basis; providing licensee with substance of allegations; response to allegations; cooperation of local law enforcement officers; investigation not to be in place of investigation of suspected criminal conduct; scope of investigation; in-person interview; search warrant; availability of protective services; collaboration with other agencies; petition for finding of incapacity and appointment of guardian or temporary guardian; petition for appointment of conservator; report; providing copy of report to state department and prosecuting attorney.**

Sec. 11b. (1) Within 24 hours after receiving a report made or information obtained under section 11a, the county department shall commence an investigation to determine whether the person suspected of being or believed to be abused, neglected, or exploited is an adult in need of protective services. A reasonable belief on the part of the county department that the person is an adult in need of protective services is a sufficient basis for investigation. If an investigation pertains to an adult residing in an adult foster care facility licensed by the department of licensing and regulatory affairs, the county department shall provide the adult foster care licensee with the substance of the abuse or neglect allegations as soon as practicable after the beginning of the investigation. The licensee must have the opportunity to respond to the allegations, and the response must be included in the record.

(2) Upon a request by the county department, local law enforcement officers shall cooperate with the county department in an investigation of suspected abuse, neglect, or exploitation. The investigation required by this section is not in place of an investigation by the appropriate police agency regarding suspected criminal conduct arising from the suspected abuse, neglect, or exploitation.

(3) The investigation must include a determination of the nature, extent, and cause of the abuse, neglect, or exploitation; examination of evidence; identification, if possible, of the person responsible for the abuse, neglect, or exploitation; the names and conditions of other adults in the place of residence; an evaluation of the persons responsible for the care of the adult, if appropriate; the environment of the residence; the relationship of the adult to the person responsible for the adult's care; an evaluation as to whether or not the adult would consent to receiving protective services; and other pertinent data.

(4) The investigation must include an in-person interview with the adult. The county department shall conduct the interview by means of a personal visit with the adult in the adult's dwelling or in the office of the county department. In attempting to conduct a personal visit with the adult in the adult's dwelling, if admission to the dwelling is denied, the county department may seek to obtain a search warrant as provided in 1966 PA 189, MCL 780.651 to 780.659.

(5) The investigation may include a medical, psychological, social, vocational, and educational evaluation and review.

(6) In the course of an investigation, the county department shall determine if the adult is or was abused, neglected, or exploited. The county department shall make available to the adult the appropriate and least restrictive protective services, directly or through the purchase of services from other agencies and professions, and shall take necessary action to safeguard and enhance the adult's welfare, if possible. The county department also shall collaborate with law enforcement officers, courts of competent jurisdiction, and appropriate state and community agencies providing human services, which services are provided in relation to preventing, identifying, and treating adult abuse, neglect, or exploitation. If the abuse, neglect, or exploitation involves substance use disorder, the county department shall collaborate with the local substance use disorder coordinating agency as designated by the office of recovery oriented systems of care in the department for a referral for substance use disorder services. The county department may petition for a finding of incapacity and to have a guardian or temporary guardian appointed as provided in section 5303 or 5312 of the estates and protected individuals code, 1998 PA 386, MCL 700.5303 and 700.5312, and may petition to have a conservator appointed as provided in section 5401 of the estates and protected individuals code, 1998 PA 386, MCL 700.5401, for a vulnerable adult. If a financial institution made the report of suspected abuse, neglect, or exploitation, the county department may inform that financial institution of the status of the investigation.

(7) Upon completion of an investigation, the county department shall prepare a written report of the investigation and its findings. A copy of this written report shall be forwarded to the department upon request.

(8) The county department may provide a copy of the written report to the prosecuting attorney for the county in which the adult suspected of being or believed to be abused, neglected, or exploited resides or is found.

(9) A representative from the department, the department of state police, the department of attorney general, and the office of services to the aging, and an individual who is a representative of long-term care providers and is designated by the department of attorney general, shall meet and develop a state model protocol for investigating vulnerable adult abuse cases. A county prosecuting attorney, in cooperation with the local county department and local law enforcement agencies, may adopt a local protocol for investigating vulnerable adult abuse cases that is based on the state model protocol.

**History:** Add. 1982, Act 519, Eff. Mar. 30, 1983;—Am. 1988, Act 422, Imd. Eff. Dec. 27, 1988;—Am. 1990, Act 122, Imd. Eff. June 26, 1990;—Am. 2000, Act 61, Eff. Apr. 1, 2000;—Am. 2012, Act 175, Imd. Eff. June 19, 2012;—Am. 2020, Act 345, Eff. Mar. 24, 2021.

**Popular name:** Act 280

#### **400.11c Confidentiality of identity of person making report; immunity from civil liability; presumption; extent of immunity; abrogation of privileged communication; exception; sharing of information and records.**

Sec. 11c. (1) The identity of a person making a report under section 11a or 11b shall be confidential, subject only to disclosure with the consent of that person or by judicial process. A person acting in good faith who makes a report or who assists in the implementation of sections 11 to 11f is immune from civil liability that might otherwise be incurred by making the report or by assisting in the making of the report. A person making a report or assisting in the implementation of sections 11 to 11f is presumed to have acted in good faith. The immunity from civil liability extends only to an act performed under sections 11 to 11f and does not extend to a negligent act that causes personal injury or death.

(2) Any legally recognized privileged communication, except that between attorney and client and except as specified in section 11a(2), is abrogated and does not constitute grounds for excusing a report otherwise required to be made under this act.

(3) Notwithstanding any other confidentiality provision in this act and sections 5 and 7(2) of the child protection law, 1975 PA 238, MCL 722.625 and 722.627, information or records in the possession of the department or the department of licensing and regulatory affairs may be shared to the extent necessary for the proper functioning of the department or the department of licensing and regulatory affairs in administering child or adult welfare or child or adult foster care facility licensing under this act or in an investigation conducted under section 43b. Information or records shared under this subsection shall not be released by the department or the department of licensing and regulatory affairs unless otherwise permitted under this act or other state or federal law.

**History:** Add. 1982, Act 519, Eff. Mar. 30, 1983;—Am. 2016, Act 493, Eff. Apr. 6, 2017.

**Popular name:** Act 280

#### **400.11d Availability of writing to public; exception; correction of inaccurate statements; identification of unsubstantiated statements.**

Sec. 11d. (1) Except as provided in section 5 of the financial exploitation prevention act, a writing prepared, owned, used, in the possession of, or retained by the state department in the performance of its duties under this act must be made available to the public in compliance with freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

(2) The state department shall correct any inaccurate statement and shall clearly identify any unsubstantiated statement in a record or report provided to the state department under sections 11 to 11e.

(3) Any person who is the subject of a report provided to the state department under sections 11 to 11e may request that the director correct an inaccurate report or clearly identify as unsubstantiated any record of a case for which the investigation did not reveal an incident described in sections 11 to 11e. If the director determines that the request is valid, the state department shall take the appropriate action. A correction or identification provided for in this subsection must not be made until an investigation has been completed and the case has been closed to receipt of adult protective services.

**History:** Add. 1982, Act 519, Eff. Mar. 30, 1983;—Am. 2020, Act 346, Eff. Sept. 26, 2021.

**Popular name:** Act 280

#### **400.11e Failure to make report; liability; disposition of fine.**

Sec. 11e. (1) A person required to make a report pursuant to section 11a who fails to do so is liable civilly for the damages proximately caused by the failure to report, and a civil fine of not more than \$500.00 for each

failure to report.

(2) A civil fine which is ordered under subsection (1) shall be deposited in the general fund of the state, to be appropriated annually to the state department.

**History:** Add. 1982, Act 519, Eff. Mar. 30, 1983.

**Popular name:** Act 280

#### **400.11f Certain actions and investigations prohibited; report; interdepartmental agreements; coordinating investigations; agreement establishing criteria.**

Sec. 11f. (1) The state department shall not take any action pursuant to sections 11 to 11e in the case of a person who is residing in a state funded and operated facility or institution, including but not limited to a correctional institution, mental hospital, psychiatric hospital, psychiatric unit, or a developmental disability regional center.

(2) The state department shall not investigate suspected abuse, neglect, or any other suspected incident pursuant to sections 11 to 11e if the department of public health has investigative and enforcement responsibility for the incident pursuant to section 20201, 21771, or 21799a of the public health code, Act No. 368 of the Public Acts of 1978, as amended, being sections 333.20201, 333.21771, and 333.21799a of the Michigan Compiled Laws. The state department shall refer a report of suspected abuse or neglect in an institution governed by those sections to the department of public health.

(3) Sections 11 to 11e do not preclude the director from entering into interdepartmental agreements to carry out the duties and responsibilities of the state department under sections 11 to 11e in state funded and operated facilities or institutions, or to coordinate investigation in state licensed facilities under contract with a state agency in order to avoid duplication of effort among state agencies having statutory responsibility to investigate.

(4) The state department and the department of attorney general shall enter into an agreement establishing criteria to be used to determine those complaints involving a facility that receives funding under title XIX of the social security act, chapter 531, 49 Stat. 620, 42 U.S.C. 1396 to 1396d, 1396f to 1396g, and 1396i to 1396s, or involving the delivery of a service funded under title XIX of the social security act, which complaints shall be referred immediately to the department of attorney general for possible investigation and prosecution.

**History:** Add. 1982, Act 519, Eff. Mar. 30, 1983;—Am. 1990, Act 122, Imd. Eff. June 26, 1990.

**Popular name:** Act 280

#### **400.12 Transfer of funds.**

Sec. 12. All funds in the hands of the state treasurer or on deposit to the credit of any of the departments, boards, commissions and offices which are hereby abolished shall be transferred to and are hereby appropriated for the state department of social welfare, and shall be disbursed on its order.

**History:** 1939, Act 280, Imd. Eff. June 16, 1939;—CL 1948, 400.12.

**Popular name:** Act 280

#### **400.13 Reciprocal agreements with other states; authorization, exception.**

Sec. 13. The commission is hereby authorized, subject to the approval of the attorney general, to enter into reciprocal agreements with corresponding state agencies of other states, regarding the interstate transportation of indigent persons, and to arrange with the proper officials in this state for the acceptance, transfer and support of persons receiving any form of public aid or relief in other states in accordance with the terms of such reciprocal agreement: Provided, That this state shall not, nor shall any county or any county department of social welfare, in this state, be committed to the support of persons whom the commission determines are not entitled to public support under the laws of this state. This section shall be so interpreted and construed as to effectuate its general purpose to make uniform laws of such states as enact similar legislation.

**History:** 1939, Act 280, Imd. Eff. June 16, 1939;—CL 1948, 400.13.

**Popular name:** Act 280

#### **400.14 Additional powers and duties of department; powers and duties of county social services boards as to general public relief transferred to department; changing eligibility standards and coverages for medical care.**

Sec. 14. (1) The state department has all of the following additional powers and duties:

(a) To allocate and distribute to the county and district departments of social services, as provided in section 18, and in accordance with the rules promulgated by the director, money appropriated by the legislature or received from the federal government for the relief of destitution or unemployment within the



state, or a political subdivision of the state.

(b) To distribute, as provided in this act, subject to federal rules and regulations, and in accordance with the rules promulgated by the director, money appropriated by the legislature or received from the federal government for the granting of aid to dependent children and supplemental security income; for medical, dental, optometric, nursing, pharmaceutical, and burial relief; for services furnished by professions under the public health code, Act No. 368 of the Public Acts of 1978, as amended, being sections 333.1101 to 333.25211 of the Michigan Compiled Laws; and for other relief or welfare services provided by law.

(c) To operate a day care program in rural and urban areas and assist in the development of sound programs and standards for day care by public organizations throughout the state. If the director, commissioner, or those officials responsible for enforcing a state or local building code determine that a dwelling unit fails to meet the standards of that code through fault of the landlord, the department may refuse to pay public assistance grants authorized under this act for payment of rent on the dwelling unit. A written notice of the refusal, stating the grounds for the refusal and listing the defects to be corrected, shall be mailed immediately to the landlord by certified mail. During the period of refusal, the landlord may bring an action against the department in the nature of quo warranto, but may not maintain an action for the rent or possession of the premises. If the defects have been corrected or if the department's refusal to pay is determined by a court of competent jurisdiction to be wrongful, the department shall pay the rent that is owed, but not more than the amount of the grants withheld.

(g) To assist other departments, agencies, and institutions of the federal and state governments, when so requested, in performing services in conformity with the purposes of this act. The director shall act as certifying agent for federal departments or agencies in determining eligibility of applicants for aid or service rendered by those departments or agencies. The rules of the state departments under this subsection shall be binding upon the county departments of social services.

(h) To collect and compile statistics, make special fact-finding studies, and publish reports in reference to the field of welfare, including a biennial report as provided in section 17.

(i) To arbitrate and decide disputed or contested claims between 2 or more counties relative to the settlement or domicile of a person or family given or in need of any form of public aid or relief, and to determine and declare the county of settlement or domicile in any instance when so requested or on the department's own volition. All decisions and determinations made under this subdivision shall be binding upon the county departments of social services.

(j) To administer or supervise relief or welfare functions vested in the department by law, and to provide for the progressive codification of the laws governing relief and welfare problems.

(k) To inspect county infirmaries and places of detention for juveniles for the purpose of obtaining facts pertaining to the usefulness and proper management of the infirmaries and places of detention, and of promoting proper, efficient, and humane administration of those infirmaries and places of detention. A reasonable order of the department fixing minimum standards of sanitation, fire protection, food, and comfortable lodging may be enforced, through mandamus or injunction in the circuit court for the county where the county infirmary or place of detention for the juveniles is located, through proper proceedings instituted by the attorney general on behalf of the department. The burden of proof shall be on the department to establish the reasonableness of the order.

(l) To promulgate by rules a recommended schedule of payment for care and maintenance, pursuant to the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, as amended, being sections 24.201 to 24.328 of the Michigan Compiled Laws, to be used, as provided by law, in determining the amount of payment to be made by patients, their guardians, or relatives who are liable for the care and maintenance of persons entitled to treatment under the mental health code, Act No. 258 of the Public Acts of 1974, as amended, being sections 330.1001 to 330.2106 of the Michigan Compiled Laws. The department in promulgating the schedule may give consideration to the person's income, the number of other persons he or she is obligated to support, his or her estate, medical and other necessary expenses, and other relevant matters.

(n) To provide or contract for legal services for persons receiving assistance under this act in guardianship and support proceedings.

(p) To provide services to adults and aging persons, which shall include:

(i) Services for the blind in accordance with the rehabilitation act of 1973, 29 U.S.C. 701 to 796i.

(ii) Services authorized in title XX of the social security act, 42 U.S.C. 1397 to 1397e.

(q) To license and regulate child care organizations and programs as described in Act No. 116 of the Public Acts of 1973, as amended, being sections 722.111 to 722.128 of the Michigan Compiled Laws.

(2) Other sections of this act notwithstanding, all powers and duties of the county social services boards to develop, implement, and administer a program of general public relief, are transferred to the state department effective beginning with the first county fiscal year following December 1, 1975. However, in a county that

operates a patient care management system pursuant to section 66j, the county social services board may change the eligibility standards and coverages for medical care for persons eligible for services under a patient care management system subject to the consent of the county board of commissioners, or, in a charter county, subject to the consent of the county board of commissioners and the county executive.

**History:** 1939, Act 280, Imd. Eff. June 16, 1939;—Am. 1944, 1st Ex. Sess., Act 30, Imd. Eff. Mar. 3, 1944;—CL 1948, 400.14;—Am. 1949, Act 142, Eff. Sept. 23, 1949;—Am. 1951, Act 248, Imd. Eff. June 15, 1951;—Am. 1952, Act 237, Eff. Sept. 18, 1952;—Am. 1957, Act 95, Eff. Sept. 27, 1957;—Am. 1964, Act 220, Eff. Aug. 28, 1964;—Am. 1965, Act 283, Imd. Eff. July 22, 1965;—Am. 1966, Act 229, Imd. Eff. July 11, 1966;—Am. 1969, Act 310, Eff. Mar. 20, 1970;—Am. 1975, Act 237, Eff. Dec. 1, 1975;—Am. 1976, Act 136, Imd. Eff. May 27, 1976;—Am. 1978, Act 87, Eff. Apr. 1, 1978;—Am. 1982, Act 519, Eff. Mar. 30, 1983;—Am. 1987, Act 266, Imd. Eff. Dec. 28, 1987.

**Compiler's note:** For transfer of powers and duties related to the inspection of infirmaries and places of detention for juveniles from the family independence agency to the director of the department of consumer and industry services, see E.R.O. No. 1996-2, compiled at MCL 445.2001 of the Michigan Compiled Laws.

For transfer of the adult community placement program from the aging and adult services agency to the department of health and human services; and abolishment of the aging and adult services agency, see E.R.O. No. 2021-2, compiled at MCL 400.562.

**Popular name:** Act 280

**Administrative rules:** R 400.1 et seq.; R 400.1101 et seq.; R 400.3351; R 400.3401 et seq.; R 400.3501 et seq.; R 400.7101 et seq.; R 400.7171 et seq.; R 400.7391 et seq.; and R 400.7701 et seq. of the Michigan Administrative Code.

#### **400.14a State department; camps, purposes.**

Sec. 14a. The state department shall be authorized to operate camps for the furnishing of relief and medical care to homeless and unattached persons.

**History:** Add. 1945, Act 157, Eff. Sept. 6, 1945;—CL 1948, 400.14a.

**Popular name:** Act 280

#### **400.14b Family planning services; notice of availability, contents; referral, drugs and appliances, rules and regulations.**

Sec. 14b. The director, and under his supervision, county, city and district departments of social welfare, may provide written or oral notice to recipients of public assistance of the availability of advice and treatment in family planning. Such notice shall include a statement that receipt of public assistance is in no way dependent upon a request or nonrequest for family planning services. No effort shall be made to suggest or persuade recipients to request or not request family planning services. The director, and under his supervision, county, city and district departments of social welfare may make available upon request of recipients of public assistance advice and treatment in family planning by referral upon request of the recipient to a licensed medical doctor, licensed osteopathic physician, public agency or, on a contractual basis, to a private agency of the recipient's choice. Necessary drugs and recognized medical appliances for use in family planning may also be made available through licensed pharmacists upon prescription issued by a licensed physician. Such family planning services shall be made available in accordance with rules and regulations promulgated by the director under law.

**History:** Add. 1965, Act 302, Imd. Eff. July 22, 1965;—Am. 1966, Act 248, Imd. Eff. July 11, 1966.

**Popular name:** Act 280

#### **400.14c Minimum housing standards; establishment, annual review; use of relief grants.**

Sec. 14c. The state department shall establish minimum housing standards for the maintenance of health and decency which shall be not less than those required by the provisions of Act No. 167 of the Public Acts of 1917, as amended, being sections 125.401 to 125.519 of the Compiled Laws of 1948, and shall review the standards at least once each year. No general relief authorized under this act shall be used to pay rent for any dwelling that does not meet the standard established under this section.

**History:** Add. 1966, Act 192, Imd. Eff. July 1, 1966;—Am. 1967, Act 76, Imd. Eff. June 21, 1967.

**Popular name:** Act 280

#### **400.14d Juvenile residential care facility in county with population less than 50,000; direct care worker; qualification; conflict with administrative rule.**

Sec. 14d. (1) In a juvenile residential care facility operated by a court under section 14 that is located in a county with a population of less than 50,000, a direct care worker is qualified to and shall be allowed to work in the facility if he or she has completed high school or obtained a general equivalency diploma (GED).

(2) If an administrative rule conflicts with the provisions of this section, the provisions of this section prevail.

**History:** Add. 2018, Act 12, Eff. May 7, 2018.

**Popular name:** Act 280

#### **400.14e Federal food stamps; distribution by mail; rules.**

Sec. 14e. The department, within 60 days after the effective date of this section, may establish a system for distribution by mail of federal food stamps to persons who make the required payments therefor to the department before the mailing. The department may promulgate rules to implement this section.

**History:** Add. 1971, Act 177, Imd. Eff. Dec. 2, 1971.

**Popular name:** Act 280

#### **400.14f Administration of program or performance of duty; contract with private individual or agency.**

Sec. 14f. Subject to section 5 of article XI of the state constitution of 1963, the family independence agency may contract with a private individual or agency to administer a program created under this act or to perform a duty of the family independence agency under this act.

**History:** Add. 1995, Act 223, Eff. Mar. 28, 1996.

**Popular name:** Act 280

#### **400.14g Pilot projects.**

Sec. 14g. In order to achieve more efficient and effective use of funds for public assistance, to reduce dependency, or to improve the living conditions and increase the incomes of individuals receiving public assistance, the family independence agency may establish and conduct pilot projects in 1 or more county or district offices. The family independence agency may apply different policies in the pilot programs than it applies in the rest of the county or district offices, and may conduct the pilot projects as long as is necessary to provide a reasonable test of the policy being evaluated. Pilot projects shall be consistent with principles and goals set forth in this act.

**History:** Add. 1995, Act 223, Eff. Mar. 28, 1996.

**Popular name:** Act 280

#### **400.14h Electronic benefit transfer system; use for food stamp distribution; rescission of rules.**

Sec. 14h. (1) The family independence agency shall use an electronic benefit transfer system for food stamp distribution.

(2) To the extent that rules or parts of rules promulgated under this act conflict with the provisions of this section, the provisions of this section supersede those rules or parts of rules.

(3) The following rules are rescinded:

- (a) R 400.3002 of the Michigan administrative code.
- (b) R 400.3003 of the Michigan administrative code.
- (c) R 400.3004 of the Michigan administrative code.
- (d) R 400.3007 of the Michigan administrative code.
- (e) R 400.3008 of the Michigan administrative code.
- (f) R 400.3012 of the Michigan administrative code.
- (g) R 400.3013 of the Michigan administrative code.
- (h) R 400.3125 of the Michigan administrative code.

**History:** Add. 2001, Act 280, Eff. Mar. 22, 2002.

**Popular name:** Act 280

#### **400.14i Repealed. 2011, Act 240, Imd. Eff. Dec. 2, 2011.**

**Compiler's note:** The repealed section pertained to applicability of MCL 400.56f(3)(c), (e), and (f) and 400.57g(4), (5), (6), and (7).

#### **400.14j Issuance of food assistance benefits; number of times per month.**

Sec. 14j. (1) If the department determines that an individual is eligible for food assistance benefits of \$100.00 per month or more, the department shall issue his or her regular food assistance benefits 2 times each month. The department may continue to issue food assistance benefits 1 time per month to recipients receiving food assistance benefits that are less than \$100.00 per month. The department may continue to issue food assistance benefits on a staggered basis by case ending digit.

(2) This section does not apply to issuing initial food assistance benefits, retroactive food assistance benefits, or supplemental food assistance benefits.

**History:** Add. 2008, Act 107, Imd. Eff. Apr. 25, 2008.

**Popular name:** Act 280

#### **400.14/ Replacement cost of electronic benefits transfer card.**

Sec. 14l. (1) A recipient shall not be charged for the replacement cost of an electronic benefits transfer card the first time the card is replaced. A recipient is responsible for payment of the actual replacement cost and administrative cost of the electronic benefits transfer card for each subsequent time the card is replaced.

(2) The payment required under subsection (1) shall be deducted from the recipient's benefits.

**History:** Add. 2012, Act 196, Imd. Eff. June 26, 2012.

**Popular name:** Act 280

#### **400.14m Federal ineligibility for food assistance for convictions of certain felonies; state opt-out.**

Sec. 14m. According to the option granted to this state by 21 USC 862a(d)(1), an individual convicted under federal or state law of a felony involving possession, distribution, or use of a controlled substance is exempt from the prohibition contained in 21 USC 862a(a) against eligibility for food assistance program benefits for those convictions.

**History:** Add. 2020, Act 392, Imd. Eff. Jan. 4, 2021.

**Popular name:** Act 280

#### **400.15 Gifts; acceptance by commission; duties of attorney general.**

Sec. 15. The commission may receive on behalf of the state of Michigan any grant, devise, bequest, donation, gift, or assignment of money, bonds, or choses in action, or any property, real or personal, and accept that property, so that the right and title to that property shall pass to the state of Michigan. All bonds, notes, or choses in action, or the proceeds of the bonds, notes, or choses in action when collected, and all other property or things of value received by the commission shall be reported to the state treasurer and used for the purposes set forth in the grant, devise, bequest, donation, gift, or assignment if such purposes are within the powers conferred on the commission. If it is necessary to protect or assert the right or title to any property received or derived under this section, or to collect or reduce into possession any bond, note, bill, or chose in action, the attorney general, upon request of the commission, shall take the necessary and proper proceedings and bring suit in the name of the commission on behalf of the state of Michigan in any court of competent jurisdiction, state or federal, and prosecute all such suits.

**History:** 1939, Act 280, Imd. Eff. June 16, 1939;—CL 1948, 400.15;—Am. 2002, Act 84, Imd. Eff. Mar. 26, 2002.

**Popular name:** Act 280

#### **400.16 Budget; preparation by commission, submission to governor.**

Sec. 16. The commission shall prepare and submit to the governor or budget director the estimated needs and costs to operate the state department, including the several institutions under the jurisdiction of the department, in accordance with the requirements of the laws of this state.

**History:** 1939, Act 280, Imd. Eff. June 16, 1939;—CL 1948, 400.16.

**Popular name:** Act 280

#### **400.17 Report of program goals and biennial report to governor and legislature; recommendations.**

Sec. 17. (1) The family independence agency shall establish program goals consistent with section 57a and shall report these goals to the governor and the legislature within 6 months after the effective date of this subsection.

(2) The family independence agency shall prepare and on or before the fifteenth day of December in each even-numbered year make a report to the governor, setting forth the operation of the family independence agency during the preceding fiscal biennium of the state, reporting on progress toward the goals established under subsection (1), and containing any findings and recommendations of the family independence agency. The report shall also be submitted to the legislature.

**History:** 1939, Act 280, Imd. Eff. June 16, 1939;—CL 1948, 400.17;—Am. 1957, Act 95, Eff. Sept. 27, 1957;—Am. 1995, Act 223, Eff. Mar. 28, 1996.

**Popular name:** Act 280

#### **400.18 Appropriations for general public relief; distribution of moneys to county and district departments; assumption of program costs by state; exclusions; county expenditures and costs; reimbursement of county payments; difference between county's shared revenue**

**and county's costs; supplemental security income and aid to dependent children; general public relief payments.**

Sec. 18. (1) The state department shall provide for the distribution of such moneys as shall be appropriated by the legislature for public welfare grants in respect to general relief, but not expenditures in respect to a county medical care facility, other infirmary care in a county infirmary not existing on January 1, 1981, or inpatient hospitalization, to the several county and district departments of social services on the basis of monthly reporting to the department by the county departments.

(2) Effective December 1, 1979 in counties having a fiscal year beginning December 1 and ending November 30 and effective January 1, 1980 in counties having a fiscal year beginning January 1 and ending December 31, all expenditures for a program of general public relief shall be appropriated from the general revenues of the state. The state shall assume the full cost of the general relief program for public welfare costs including total administration, but excluding costs incurred for county hospitalization and in the administration of and care in a county medical care facility, or infirmary not existing on January 1, 1981.

(3) The period from December 1, 1974 through November 30, 1975 shall be the base year upon which the reductions of county expenditures shall be determined in those counties having a fiscal year beginning December 1 and ending November 30. The period from January 1, 1975 through December 31, 1975 shall be the base year upon which the reductions of county expenditures shall be determined in those counties having a fiscal year beginning January 1 and ending December 31. Net county costs shall be the county portion of matchable general relief expenditures which were matched by state funds during the base year, not to exceed 1 mill of the county's 1974 state equalized valuation, as certified by the director. During the first county fiscal year following the base year, county costs shall be 80% of the net county costs. During the second county fiscal year following the base year, county costs shall be 60% of the net county costs. During the third county fiscal year following the base year, county costs shall be 40% of the net county costs. During the fourth county fiscal year following the base year, county costs shall be 20% of the net county costs.

(4) Beginning with the first county fiscal year following the base year, county payments to recipients of general public relief shall be reimbursed monthly by the state for all costs certified by the director, less the county costs.

(5) The difference between a county's unrestricted state shared revenue distributed during the county's 1976 fiscal year pursuant to the provisions of Act No. 140 of the Public Acts of 1971, as amended, being sections 141.901 to 141.921 of the Michigan Compiled Laws, and the county's costs for general public relief in its 1976 fiscal year as certified by the department of management and budget shall be at least 30 cents per capita more than the difference between the county's unrestricted state shared revenue distributed during the county's 1975 fiscal year and the net county costs for general public relief as defined in subsection (3). Any additional amount required to fulfill the provisions of this subsection shall be paid from the general fund and remitted to the county with the June, 1977 payment provided under subsection (4).

(6) The state department shall provide for the allocation and distribution of such moneys as shall be appropriated by the legislature or received from the federal government, for supplemental security income and aid to dependent children to be disbursed in accordance with the laws of this state.

(7) The state department may make arrangements to disburse amounts to general public relief recipients after determination of the recipients' needs by county. The arrangements shall permit general public relief payments by the department and voucher or vendor payments for persons entitled to general public relief not involving any federal funds, where the well-being of the recipient or the protection of general public relief funds makes such payments desirable. Nothing in this section or act shall be construed, however, as limiting the right of the state department to make warrants payable to and deliver same to any creditor of a recipient of general public relief who has provided food, shelter, or public utility service to such recipients at the request of the state department.

**History:** 1939, Act 280, Imd. Eff. June 16, 1939;—CL 1948, 400.18;—Am. 1950, Ex. Sess., Act 19, Eff. Mar. 31, 1951;—Am. 1951, Act 125, Eff. Sept. 28, 1951;—Am. 1957, Act 286, Imd. Eff. June 13, 1957;—Am. 1965, Act 401, Imd. Eff. Oct. 27, 1965;—Am. 1975, Act 237, Eff. Dec. 1, 1975;—Am. 1980, Act 486, Imd. Eff. Jan. 20, 1981.

**Popular name:** Act 280

**400.18a Friend of the court incentive payment program; establishment; activities; subsection (1) inapplicable to certain judicial circuits; annual appropriation.**

Sec. 18a. (1) A friend of the court incentive payment program is established in the state department. Except as provided in subsection (2), the program shall consist of the following activities:

(a) An annual determination of the gross amount of child support payments collected by each office of the friend of the court for families receiving aid to families with dependent children, which amount is collected under the friend of the court act, Act No. 294 of the Public Acts of 1982, being sections 552.501 to 552.535 of



the Michigan Compiled Laws, or the support and parenting time enforcement act, Act No. 295 of the Public Acts of 1982, being sections 552.601 to 552.650 of the Michigan Compiled Laws.

(b) The remitting of 3% of the amount determined under subdivision (a) for an office, to the county treasurer for the appropriate county or counties for deposit in the fund of the court created in section 2530 of the revised judiciary act of 1961, Act No. 236 of the Public Acts of 1961, being section 600.2530 of the Michigan Compiled Laws, if the county board of commissioners makes appropriations in accordance with that section.

(2) Subsection (1) does not apply to any judicial circuit in which the employees serving in the circuit court are employees of the state judicial council.

(3) The legislature annually shall appropriate to the state department an amount equal to the amount required to be remitted under subsection (1)(b).

**History:** Add. 1982, Act 298, Eff. July 1, 1983;—Am. 1996, Act 12, Eff. June 1, 1996.

**Compiler's note:** Former MCL 400.18a, providing for allocation and distribution of aid to persons permanently and totally disabled, was repealed by Act 286 of 1957.

**Popular name:** Act 280

#### **400.18b Repealed. 1975, Act 280, Eff. Jan. 1, 1976.**

**Compiler's note:** The repealed section pertained to distribution of moneys for foster care of children.

**Popular name:** Act 280

#### **400.18c Foster care of children; use of licensed child caring institutions or placement agencies; supervision by county department; standards of care and service; placement of child at least 16 but less than 21 years of age or at least 18 but less than 21 years of age.**

Sec. 18c. (1) Foster care financed by a county department shall be provided by the use of licensed child caring institutions or placement agencies, in accordance with the needs of the child, or if licensed child caring institutions or placement agencies are not available, or there is a religious conflict, foster care shall be provided under the direct supervision of the county department, which care shall meet the following standards of care and service:

(a) Personnel engaged in placement and supervision of children in foster care shall have qualifying training and experience.

(b) Adequate records shall be maintained with information on the physical and mental health of the child, his or her emotional stability and family background, together with the reasons for the child's placement away from home to aid in planning for any child placed by the department, toward the end that the child may be reunited with his or her family as soon as it appears possible.

(c) Family foster homes used by the department shall be selected with consideration of the religious, racial, and cultural background of the child to be placed and children thus placed shall be visited in these homes at least once a month.

(2) The department may place a child who is at least 16 but less than 21 years of age in an unlicensed residence to live independently, or in the unlicensed residence of an adult who has no supervisory responsibility for the child, if the department maintains supervisory responsibility for that child. If the child is at least 18 but less than 21 years of age, he or she must meet the requirements of the young adult voluntary foster care act.

**History:** Add. 1955, Act 113, Eff. Oct. 14, 1955;—Am. 2011, Act 230, Imd. Eff. Nov. 22, 2011.

**Popular name:** Act 280

#### **400.18d Foster care of children; county emergency receiving facility for temporary care, standards.**

Sec. 18d. The county department of social welfare, upon authorization of the county board of supervisors, may operate an emergency receiving facility for the temporary care of homeless, dependent or neglected children for whom such care is necessary, pending foster care placement or restoration to their own homes or any other plan deemed best for the health, safety and welfare of such children. The county department operating an emergency receiving facility shall maintain the standards of the state department established in respect to places of detention for juveniles under section 14 of this act.

**History:** Add. 1958, Act 29, Eff. Sept. 13, 1958.

**Popular name:** Act 280

#### **400.18e State plan for foster care; focus groups; establishment; funds.**

Sec. 18e. (1) The family independence agency shall establish and administer a state plan for foster care

according to the provisions of part E of title IV of the social security act, 42 USC 670 to 679b. The state plan shall include programs and services that promote, implement, and support foster care focus groups. When developing and annually reviewing the state plans to carry out foster care policy and services, the family independence agency shall utilize input from locally-based foster care focus groups.

(2) Foster care focus groups shall be composed of youth in foster care or independent living programs, youth previously in foster care, foster parents or relatives caring for youth in foster care, and adults previously in foster care or independent living programs. The majority of the focus group consists of youth in foster care or independent living programs.

(3) In order to inform the legislature, the executive office, the judiciary, and the public of the needs and interests of youth in foster care, foster parents, and relatives caring for youth in foster care, the foster care focus groups are encouraged to be established in both of the following:

(a) Licensed child placing agencies with which the family independence agency contracts for youth foster care services that have an annual average daily foster care caseload of 150 or more cases or that derives more than 50% of its operating budget from contracts with the family independence agency for youth foster care services.

(b) Counties in which the family independence agency has an annual average daily foster care caseload of 150 or more cases.

(4) State and federal funds appropriated to implement state plans in compliance with part E of title IV of the social security act, 42 USC 670 to 679b and state laws may be used to meet the provisions of this section.

**History:** Add. 2004, Act 18, Imd. Eff. Mar. 4, 2004.

**Popular name:** Act 280

#### **400.19 Powers and duties as to Michigan employment institution for blind; transfer to state department.**

Sec. 19. The powers and duties vested by law in the board of corrections and charities and transferred to the state welfare commission, in the state welfare department, in the director of the state welfare department, in the state welfare commission and in the state institute commission as relating to the Michigan employment institution for the blind at Saginaw are hereby transferred to and vested in the state department of social welfare herein created. Immediately on the taking effect of this act, the departments, boards, commissions and officers whose powers and duties are hereby transferred shall be abolished, and, whenever reference thereto is made in any law of the state, reference shall be deemed to be intended to be made to the state department of social welfare.

**History:** 1939, Act 280, Imd. Eff. June 16, 1939;—CL 1948, 400.19;—Am. 1957, Act 95, Eff. Sept. 27, 1957.

**Popular name:** Act 280

#### **400.20 Powers and duties as to social welfare; transfer to state department.**

Sec. 20. All of the powers and duties prescribed in any law of this state with respect to any subject matter vested in the state department of social welfare shall be transferred to and be vested in said department.

**History:** 1939, Act 280, Imd. Eff. June 16, 1939;—CL 1948, 400.20.

**Popular name:** Act 280

#### **400.21 Refusal of access or information to social welfare commission; misdemeanor.**

Sec. 21. Any officer, superintendent or employe of any institution, home, hospital, or other facility subject to inspection under the provisions of this act, who shall refuse to admit any member of the commission, or any duly authorized agent of the state department, acting within the scope of his authority, for the purpose of inspection, or who shall refuse or neglect to furnish any information required by the commission, or said duly authorized agent, acting within the scope of his authority, shall be guilty of a misdemeanor and shall be punished as provided in the laws of this state.

**History:** 1939, Act 280, Imd. Eff. June 16, 1939;—CL 1948, 400.21.

**Popular name:** Act 280