

**Michigan Office of Administrative Hearings and Rules  
Administrative Rules Division (ARD)**

MOAHR-Rules@michigan.gov

**REQUEST FOR RULEMAKING (RFR)**

**1. Department:**

Health and Human Services

**2. Bureau:**

Economic Stability Administration

**3. Promulgation type:**

Full Process

**4. Title of proposed rule set:**

Food Assistance Program

**5. Rule numbers or rule set range of numbers:**

R 400.3001 - R 400.3015.

**6. Estimated time frame:**

6 months

**Name of person filling out RFR:**

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**7. Describe the general purpose of these rules, including any problems the changes are intended to address.**

The rules provide the eligibility and expectations by the Department for the food stamp recipient in order to continue to receive food stamp assistance. The child support cooperation standard will be rescinded in the food assistance program (FAP) rules as it has been found to create barriers and suspension of the food assistance program to the detriment of the family.

**8. Please cite the specific promulgation authority for the rules (i.e. department director, commission, board, etc.).**

Department Director.

**A. Please list all applicable statutory references (MCLs, Executive Orders, etc.).**

By authority conferred on the department by section 6 of 1939 PA 280, MCL 400.6.

**B. Are the rules mandated by any applicable constitutional or statutory provision? If so, please explain.**

The rules are not mandated by any applicable constitutional or statutory provision.

**9. Please describe the extent to which the rules conflict with or duplicate similar rules, compliance requirements, or other standards adopted at the state, regional, or federal level.**

The proposed rules do not conflict with or duplicate similar rules, compliance requirements, or other standards adopted at the state, regional, or federal level.

**10. Is the subject matter of the rules currently contained in any guideline, handbook, manual, instructional bulletin, form with instructions, or operational memoranda?**

Policies-Child Support Policy-Section 2.15-Cooperation/Noncooperation/Good Cause; Bridges Eligibility Manual BEM 255-FAP Member Disqualification; Bridges application, Bridges forms, Office of Child Support forms, MDHHS booklets regarding program rights and responsibilities.

**11. Are the rules listed on the department's annual regulatory plan as rules to be processed for the current year?**

The rules are listed on the department's annual regulatory plan for 2023-24.

**12. Will the proposed rules be promulgated under Section 44 of the Administrative Procedures Act, 1969 PA 306, MCL 24.244, or under the full rulemaking process?**

Full Process

**13. Please describe the extent to which the rules exceed similar regulations, compliance requirements, or other standards adopted at the state, regional, or federal level.**

The proposed rules do not exceed similar regulations, compliance requirements, or other standards adopted at the state, regional, or federal level. The federal government gives states the option of requiring cooperation for paternity and child support when applying for FAP. Michigan is only one of seven states/territories which requires child support and paternity compliance for food assistance. This requirement creates an unnecessary hardship for families seeking food assistance.

**14. Do the rules incorporate the recommendations received from the public regarding any complaints or comments regarding the rules? If yes, please explain.**

Yes. The rules require additional work for families and have a potential impact on a family's ability to receive the full food assistance benefit for their group size. Additionally, the rules require added work by the local office eligibility specialist and the child support specialist. This work is exacerbated when the parent does not comply or is unable to comply with the requirements or if the parent claims "good cause" for not pursuing child support. The good cause determination process and child support cooperation process is cumbersome and often difficult for both the Department as well as the client. The process of claiming good cause removes other services under Title IV-D. It can lead to unnecessarily invasive questions in addition to dilemmas for the family when deciding if pursuing child support is safe or in the best interest of their family. Families should not have to choose between being able to feed their family and the potential issues that come from pursuing child support from an unwilling parent. Child support services should be an option, not a requirement for food assistance benefits.

**15. If amending an existing rule set, please provide the date of the last evaluation of the rules and the degree, if any, to which technology, economic conditions, or other factors have changed the regulatory activity covered by the rules since the last evaluation.**

In addition to this review, the rules were last reviewed in 2022 for review for changes in light of any new federal or state law for public assistance.

**16. Are there any changes or developments since implementation that demonstrate there is no continued need for the rules, or any portion of the rules?**

The overall rule set is needed. Only the two identified rules, R 400.3009 and R 400.3010, have been identified as no longer needed.

**17. Is there an applicable decision record (as defined in MCL 24.203(6) and required by MCL 24.239(2))? If so, please attach the decision record.**

No

**Based on the information provided in this RFR, MOAHR concludes that there are sufficient policy and legal bases for approving the RFR. The RFR satisfies the requirements of the Administrative Procedures Act of 1969, 1969 PA 306, MCL 24.201 to 24.328, and Executive Order No. 2019-6.**