

By: Dearing

To: Public Health and
Welfare;
Appropriations

SENATE BILL NO. 2766

1 AN ACT TO AUTHORIZE AND DIRECT THE DEPARTMENT OF HUMAN
2 SERVICES TO ESTABLISH AND OPERATE A STATEWIDE TANF WORK PROGRAM
3 TRAINING AND RESOURCE CENTER, FOCUSING ON COMPREHENSIVE
4 ASSESSMENT, EDUCATION, SKILL DEVELOPMENT, TRAINING, SUBSTANCE
5 ABUSE, MENTAL AND PHYSICAL BARRIERS, OUT OF WEDLOCK PREGNANCY,
6 PREVENTION OF TEEN PREGNANCY, ABSTINENCE EDUCATION, AND
7 ENTREPRENEURIAL DEVELOPMENT; TO INTEGRATE THE TANF WORK PROGRAM IN
8 MISSISSIPPI'S WORK FORCE BY ALLOCATING FUNDING FOR LOCAL EMPLOYERS
9 TO TRAIN AND HIRE TANF PARTICIPANTS; TO PROVIDE FOR FUNDING FOR
10 THE PROGRAM; TO AMEND SECTION 43-17-5, MISSISSIPPI CODE OF 1972,
11 TO REQUIRE DHS TO PROVIDE CHILD CARE, TRANSITIONAL CHILD CARE AND
12 TRANSPORTATION SERVICES FOR TANF RECIPIENTS; TO REVISE CURRENT
13 CHILD CARE AND TRANSPORTATION POLICY; AND FOR RELATED PURPOSES.

14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

15 SECTION 1. (1) The Department of Human Services shall
16 establish and operate statewide TANF Work Program Training and
17 Resource Centers focusing on a comprehensive assessment process.
18 Initial attention will focus on the assessment of the
19 participant's barriers to self-sufficiency. Assessment will be an
20 ongoing process which begins with the initial contact with the
21 TANF worker and continues in subsequent contacts with each of the
22 partners in the collaboration and typically involves multiple,
23 sequential formal appraisals of participant's characteristics and
24 needs. The appraisal of the participant's skills and needs will
25 be an ongoing process with first comprehensive assessment
26 completed when it is determined that the individual is not
27 employable. At a minimum, this assessment will include the
28 following:

- 29 (a) Math and reading skills test;
30 (b) Job history and skills assessment;
31 (c) Aptitude test;

(d) Mental and physical assessment;

(e) Screening and identifying treatment for substance abuse;

(f) Child care; and

(g) Transportation.

(2) The TANF Work Program Training and Resources Centers shall provide vocational and skill training for participants, such as:

(a) Clerical;

(b) Food service;

(c) Basic computer;

(d) Entrepreneurial development;

(e) GED courses.

(3) The TANF Work Program Training and Resources Centers shall provide screening, counseling and support services for the following barriers:

(a) Substance abuse;

(b) Mental health;

(c) Learning disabilities;

(d) Physical disabilities.

(4) The TANF Work Program Training and Resources Centers shall provide preventative programs such as:

(a) Out of wedlock pregnancies;

(b) Prevention of teen pregnancy.

(5) The TANF Work Program Training and Resources Centers shall provide funding for local employers to hire and train TANF participants. The work activities are as follows:

(a) On-the-job training - which is training by an employer in the private or public sector, where the participant is a regular status employee. Through a contractual arrangement, the employer is provided funding to offset the cost of training the employee. A training plan is established by the employer, and the employer agrees to retain the employee upon successful completion

65 of the training plan.

66 (b) Work experience - provide participants an
67 opportunity to develop basic work habits, practice old skills,
68 learn new skills and demonstrate ability to a prospective
69 employer. This activity is limited to customers not otherwise
70 able to locate unsubsidized employment and who need experience to
71 move into public or private sector unsubsidized employment. The
72 participant is paid a minimum wage or slightly above minimum wage
73 for hours worked.

74 (6) The TANF Work Program Training and Resources Centers
75 shall provide transportation and child care for participants until
76 participants have reached a level of self-sufficiency.

77 (7) The Department of Human Services shall allocate to the
78 maximum extent possible federal Temporary Assistance for Needy
79 Families (TANF) funds for eligible recipients for the TANF Work
80 Program Training and Resource Centers programs authorized under
81 this section, and shall transfer as necessary TANF funds to the
82 Child Care Development Block Grant Fund or the Social Services
83 Block Grant Fund for those program services that cannot be funded
84 from TANF directly, subject to specific appropriation therefor by
85 the Legislature.

86 (8) The TANF Work Program Training and Resource Centers may
87 accept any funds, public or private, made available to it for the
88 program. The funds shall be used to award grants to the
89 participating centers for the support of such programs.

90 SECTION 2. Section 43-17-5, Mississippi Code of 1972, is
91 amended as follows:

92 43-17-5. (1) The amount of Temporary Assistance for Needy
93 Families (TANF) benefits which may be granted for any dependent
94 child and a needy caretaker relative shall be determined by the
95 county department with due regard to the resources and necessary
96 expenditures of the family and the conditions existing in each
97 case, and in accordance with the rules and regulations made by the

Department of Human Services which shall not be less than the Standard of Need in effect for 1988, and shall be sufficient when added to all other income (except that any income specified in the federal Social Security Act, as amended, may be disregarded) and support available to the child to provide such child with a reasonable subsistence compatible with decency and health. The first family member in the dependent child's budget may receive an amount not to exceed One Hundred Ten Dollars (\$110.00) per month; the second family member in the dependent child's budget may receive an amount not to exceed Thirty-six Dollars (\$36.00) per month; and each additional family member in the dependent child's budget an amount not to exceed Twenty-four Dollars (\$24.00) per month. The maximum for any individual family member in the dependent child's budget may be exceeded for foster or medical care or in cases of mentally retarded or physically handicapped children. TANF benefits granted shall be specifically limited only (a) to children existing or conceived at the time the caretaker relative initially applies and qualifies for such assistance, unless this limitation is specifically waived by the department, or (b) to a child born following a twelve (12) consecutive month period of discontinued benefits by the caretaker relative.

(2) TANF cash benefits in Mississippi shall be provided by monthly checks mailed to the recipient family until such time as an on-line electronic benefits transfer system for TANF benefit payments is implemented pursuant to Section 43-1-28.

(3) The Department of Human Services shall deny TANF benefits to the following categories of individuals, except for individuals and families specifically exempt or excluded for good cause as allowed by federal statute or regulation:

(a) Families without a minor child residing with the custodial parent or other adult caretaker relative of the child;

(b) Families which include an adult who has received

TANF assistance for sixty (60) months after the commencement of the Mississippi TANF program, whether or not such period of time is consecutive;

(c) Families not assigning to the state any rights a family member may have, on behalf of the family member or of any other person for whom the family member has applied for or is receiving such assistance, to support from any other person, as required by law;

(d) Families who fail to cooperate in establishing paternity or obtaining child support, as required by law;

(e) Any individual who has not attained eighteen (18) years of age, is not married to the head of household, has a minor child at least twelve (12) weeks of age in his or her care, and has not successfully completed a high school education or its equivalent, if such individual does not participate in educational activities directed toward the attainment of a high school diploma or its equivalent, or an alternative educational or training program approved by the department;

(f) Any individual who has not attained eighteen (18) years of age, is not married, has a minor child in his or her care, and does not reside in a place or residence maintained by a parent, legal guardian or other adult relative or the individual as such parent's, guardian's or adult relative's own home;

(g) Any minor child who has been, or is expected by a parent or other caretaker relative of the child to be, absent from the home for a period of more than thirty (30) days;

(h) Any individual who is a parent or other caretaker relative of a minor child who fails to notify the department of the absence of the minor child from the home for the thirty-day period specified in paragraph (g), by the end of the five-day period that begins with the date that it becomes clear to the individual that the minor child will be absent for the thirty-day period;

(i) Any individual who fails to comply with the provisions of the Employability Development Plan signed by the individual which prescribe those activities designed to help the individual become and remain employed, or to participate satisfactorily in the assigned work activity, as authorized under subsection (6)(c);

(j) A parent or caretaker relative who has not engaged in an allowable work activity once the department determines the parent or caretaker relative is ready to engage in work, or once the parent or caretaker relative has received TANF assistance under the program for twenty-four (24) months, whether or not consecutive, whichever is earlier;

(k) Any individual who is fleeing to avoid prosecution, or custody or confinement after conviction, under the laws of the jurisdiction from which the individual flees, for a crime, or an attempt to commit a crime, which is a felony under the laws of the place from which the individual flees, or who is violating a condition of probation or parole imposed under federal or state law;

(l) Aliens who are not qualified under federal law;

(m) For a period of ten (10) years following conviction, individuals convicted in federal or state court of having made a fraudulent statement or representation with respect to the individual's place of residence in order to receive TANF, food stamps or Supplemental Security Income (SSI) assistance under Title XVI or Title XIX simultaneously from two (2) or more states; and

(n) Individuals who are recipients of federal Supplemental Security Income (SSI) assistance.

(4) (a) Any person who is otherwise eligible for TANF benefits, including custodial and noncustodial parents, shall be required to attend school and meet the monthly attendance requirement as provided in this subsection if all of the following

197 apply:

198 (i) The person is under age twenty (20);

199 (ii) The person has not graduated from a public or
200 private high school or obtained a GED equivalent;

201 (iii) The person is physically able to attend
202 school and is not excused from attending school; and

203 (iv) If the person is a parent or caretaker
204 relative with whom a dependent child is living, child care is
205 available for the child.

206 The monthly attendance requirement under this subsection
207 shall be attendance at the school in which the person is enrolled
208 for each day during a month that the school conducts classes in
209 which the person is enrolled, with not more than two (2) absences
210 during the month for reasons other than the reasons listed in
211 paragraph (e)(iv) of this subsection. Persons who fail to meet
212 participation requirements in this subsection shall be subject to
213 sanctions as provided in paragraph (f) of this subsection.

214 (b) As used in this subsection, "school" means any one
215 (1) of the following:

216 (i) A school as defined in Section 37-13-91(2);

217 (ii) A vocational, technical and adult education
218 program; or

219 (iii) A course of study meeting the standards
220 established by the State Department of Education for the granting
221 of a declaration of equivalency of high school graduation.

222 (c) If any compulsory-school-age child, as defined in
223 Section 37-13-91(2), to which TANF eligibility requirements apply
224 is not in compliance with the compulsory school attendance
225 requirements of Section 37-13-91(6), the superintendent of schools
226 of the school district in which the child is enrolled or eligible
227 to attend shall notify the county department of human services of
228 the child's noncompliance. The Department of Human Services shall
229 review school attendance information as provided under this

paragraph at all initial eligibility determinations and upon subsequent report of unsatisfactory attendance.

(d) The signature of a person on an application for TANF benefits constitutes permission for the release of school attendance records for that person or for any child residing with that person. The department shall request information from the child's school district about the child's attendance in the school district's most recently completed semester of attendance. If information about the child's previous school attendance is not available or cannot be verified, the department shall require the child to meet the monthly attendance requirement for one (1) semester or until the information is obtained. The department shall use the attendance information provided by a school district to verify attendance for a child. The department shall review with the parent or caretaker relative a child's claim that he or she has a good cause for not attending school.

A school district shall provide information to the department about the attendance of a child who is enrolled in a public school in the district within five (5) working days of the receipt of a written request for such information from the department. The school district shall define how many hours of attendance count as a full day and shall provide that information, upon request, to the department. In reporting attendance, the school district may add partial days' absence together to constitute a full day's absence.

(e) A child who is required to attend school to meet the requirements under this subsection shall comply except when there is good cause, which shall be demonstrated by any of the following circumstances:

(i) The minor parent is the caretaker of a child less than twelve (12) weeks old; or

(ii) The department determines that child care services are necessary for the minor parent to attend school and

263 there is no child care available; or

264 (iii) The child is prohibited by the school
265 district from attending school and an expulsion is pending. This
266 exemption no longer applies once the teenager has been expelled;
267 however, a teenager who has been expelled and is making
268 satisfactory progress towards obtaining a GED equivalent shall be
269 eligible for TANF benefits; or

270 (iv) The child failed to attend school for one or
271 more of the following reasons:

- 272 1. Illness, injury or incapacity of the child
273 or the minor parent's child;
- 274 2. Court-required appearances or temporary
275 incarceration;
- 276 3. Medical or dental appointments for the
277 child or minor parent's child;
- 278 4. Death of a close relative;
- 279 5. Observance of a religious holiday;
- 280 6. Family emergency;
- 281 7. Breakdown in transportation;
- 282 8. Suspension; or
- 283 9. Any other circumstance beyond the control
284 of the child, as defined in regulations of the department.

285 (f) Upon determination that a child has failed without
286 good cause to attend school as required, the department shall
287 provide written notice to the parent or caretaker relative
288 (whoever is the primary recipient of the TANF benefits) that
289 specifies:

290 (i) That the family will be sanctioned in the next
291 possible payment month because the child who is required to attend
292 school has failed to meet the attendance requirement of this
293 subsection;

294 (ii) The beginning date of the sanction, and the
295 child to whom the sanction applies;

(iii) The right of the child's parents or caretaker relative (whoever is the primary recipient of the TANF benefits) to request a fair hearing under this subsection.

The child's parent or caretaker relative (whoever is the primary recipient of the TANF benefits) may request a fair hearing on the department's determination that the child has not been attending school. If the child's parents or caretaker relative does not request a fair hearing under this subsection, or if, after a fair hearing has been held, the hearing officer finds that the child without good cause has failed to meet the monthly attendance requirement, the department shall discontinue or deny TANF benefits to the child thirteen (13) years old, or older, in the next possible payment month. The department shall discontinue or deny twenty-five percent (25%) of the family grant when a child six (6) through twelve (12) years of age without good cause has failed to meet the monthly attendance requirement. Both the child and family sanction may apply when children in both age groups fail to meet the attendance requirement without good cause. A sanction applied under this subsection shall be effective for one (1) month for each month that the child failed to meet the monthly attendance requirement. In the case of a dropout, the sanction shall remain in force until the parent or caretaker relative provides written proof from the school district that the child has reenrolled and met the monthly attendance requirement for one (1) calendar month. Any month in which school is in session for at least ten (10) days during the month may be used to meet the attendance requirement under this subsection. This includes attendance at summer school. The sanction shall be removed the next possible payment month.

(5) All parents or caretaker relatives shall have their dependent children receive vaccinations and booster vaccinations against those diseases specified by the State Health Officer pursuant to Section 41-23-37 in accordance with the vaccination

and booster vaccination schedule prescribed by the State Health Officer for children of that age, in order for the parents or caretaker relatives to be eligible or remain eligible to receive TANF benefits. Proof of having received such vaccinations and booster vaccinations shall be given by presenting the certificates of vaccination issued by any health care provider licensed to administer vaccinations, and submitted on forms specified by the State Board of Health. If the parents without good cause do not have their dependent children receive the vaccinations and booster vaccinations as required by this subsection and they fail to comply after thirty (30) days' notice, the department shall sanction the family's TANF benefits by twenty-five percent (25%) for the next payment month and each subsequent payment month until the requirements of this subsection are met.

(6) (a) If the parent or caretaker relative applying for TANF assistance is an employable person, as determined by the Department of Human Services, the person shall be required to engage in an allowable work activity once the department determines the parent or caretaker relative is ready to engage in work, or once the parent or caretaker relative has received TANF assistance under the program for twenty-four (24) months, whether or not consecutive, whichever is earlier. No TANF benefits shall be given to any person to whom this section applies who fails without good cause to comply with the Employability Development Plan prepared by the department for the person, or who has refused to accept a referral or offer of employment, training or education in which he or she is able to engage, subject to the penalties prescribed in subsection (6)(d). A person shall be deemed to have refused to accept a referral or offer of employment, training or education if he or she:

(i) Willfully fails to report for an interview with respect to employment when requested to do so by the department; or

(ii) Willfully fails to report to the department the result of a referral to employment; or

(iii) Willfully fails to report for allowable work activities as prescribed in subsection (6)(c).

(b) The Department of Human Services shall operate a statewide work program for TANF recipients to provide work activities and supportive services to enable families to become self-sufficient and improve their competitive position in the work force in accordance with the requirements of the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193), as amended, and the regulations promulgated thereunder. All adults who are not specifically exempt shall be referred by the department for allowable work activities. An adult may be exempt from the mandatory work activity requirement for the following reasons:

- (i) Incapacity;
 - (ii) Temporary illness or injury, verified by physician's certificate;
 - (iii) Is in the third trimester of pregnancy, verified by physician's certificate;
 - (iv) Caretaker of a child under twelve (12) months, for not more than twelve (12) months of the sixty-month maximum benefit period;
 - (v) Caretaker of an ill or incapacitated person, as verified by physician's certificate;
 - (vi) Age, if over sixty (60) or under eighteen (18) years of age;
 - (vii) Receiving treatment for substance abuse, if the person is in compliance with the substance abuse treatment plan;
 - (viii) In a two-parent family, the caretaker of a severely disabled child, as verified by a physician's certificate;
- or

(ix) History of having been a victim of domestic violence, which has been reported as required by state law and is substantiated by police reports or court records, and being at risk of further domestic violence, shall be exempt for a period as deemed necessary by the department but not to exceed a total of twelve (12) months, which need not be consecutive, in the sixty-month maximum benefit period. For the purposes of this paragraph (ix), "domestic violence" means that an individual has been subjected to:

1. Physical acts that resulted in, or threatened to result in, physical injury to the individual;
2. Sexual abuse;
3. Sexual activity involving a dependent child;
4. Being forced as the caretaker relative of a dependent child to engage in nonconsensual sexual acts or activities;
5. Threats of, or attempts at, physical or sexual abuse;
6. Mental abuse; or
7. Neglect or deprivation of medical care.

(c) For all families, all adults who are not specifically exempt shall be required to participate in work activities for at least the minimum average number of hours per week specified by federal law or regulation, not fewer than twenty (20) hours per week (thirty-five (35) hours per week for two-parent families) of which are attributable to the following allowable work activities:

- (i) Unsubsidized employment;
- (ii) Subsidized private employment;
- (iii) Subsidized public employment;
- (iv) Work experience (including work associated with the refurbishing of publicly assisted housing), if sufficient

private employment is not available;

(v) On-the-job training;

(vi) Job search and job readiness assistance

consistent with federal TANF regulations;

(vii) Community service programs;

(viii) Vocational educational training (not to exceed twelve (12) months with respect to any individual);

(ix) The provision of child care services to an individual who is participating in a community service program;

(x) Satisfactory attendance at high school or in a course of study leading to a high school equivalency certificate, for heads of household under age twenty (20) who have not completed high school or received such certificate;

(xi) Education directly related to employment, for heads of household under age twenty (20) who have not completed high school or received such equivalency certificate.

The following are allowable work activities which may be attributable to hours in excess of the minimum specified above:

(i) Job skills training directly related to employment;

(ii) Education directly related to employment for individuals who have not completed high school or received a high school equivalency certificate;

(iii) Satisfactory attendance at high school or in a course of study leading to a high school equivalency, for individuals who have not completed high school or received such equivalency certificate;

(iv) Job search and job readiness assistance consistent with federal TANF regulations.

(d) If any adult or caretaker relative refuses to participate in allowable work activity as required under this subsection (6), the following full family TANF benefit penalty will apply, subject to due process to include notification,

461 conciliation and a hearing if requested by the recipient:

462 (i) For the first violation, the department shall
463 terminate the TANF assistance otherwise payable to the family for
464 a two-month period or until the person has complied with the
465 required work activity, whichever is longer;

466 (ii) For the second violation, the department
467 shall terminate the TANF assistance otherwise payable to the
468 family for a six-month period or until the person has complied
469 with the required work activity, whichever is longer;

470 (iii) For the third violation, the department
471 shall terminate the TANF assistance otherwise payable to the
472 family for a twelve-month period or until the person has complied
473 with the required work activity, whichever is longer;

474 (iv) For the fourth violation, the person shall be
475 permanently disqualified.

476 For a two-parent family, unless prohibited by state or
477 federal law, Medicaid assistance shall be terminated only for the
478 person whose failure to participate in allowable work activity
479 caused the family's TANF assistance to be sanctioned under this
480 subsection (6)(d), unless an individual is pregnant, but shall not
481 be terminated for any other person in the family who is meeting
482 that person's applicable work requirement or who is not required
483 to work. Minor children shall continue to be eligible for
484 Medicaid benefits regardless of the disqualification of their
485 parent or caretaker relative for TANF assistance under this
486 subsection (6), unless prohibited by state or federal law.

487 (e) Any person enrolled in a two-year or four-year
488 college program who meets the eligibility requirements to receive
489 TANF benefits, and who is meeting the applicable work requirements
490 and all other applicable requirements of the TANF program, shall
491 continue to be eligible for TANF benefits while enrolled in the
492 college program for as long as the person meets the requirements
493 of the TANF program, unless prohibited by federal law.

(f) No adult in a work activity required under this subsection (6) shall be employed or assigned (i) when any other individual is on layoff from the same or any substantially equivalent job within six (6) months before the date of the TANF recipient's employment or assignment; or (ii) if the employer has terminated the employment of any regular employee or otherwise caused an involuntary reduction of its work force in order to fill the vacancy so created with an adult receiving TANF assistance. The Mississippi Employment Security Commission, established under Section 71-5-101, shall appoint one or more impartial hearing officers to hear and decide claims by employees of violations of this paragraph (f). The hearing officer shall hear all the evidence with respect to any claim made hereunder and such additional evidence as he may require and shall make a determination and the reason therefor. The claimant shall be promptly notified of the decision of the hearing officer and the reason therefor. Within ten (10) days after the decision of the hearing officer has become final, any party aggrieved thereby may secure judicial review thereof by commencing an action, in the circuit court of the county in which the claimant resides, against the commission for the review of such decision, in which action any other party to the proceeding before the hearing officer shall be made a defendant. Any such appeal shall be on the record which shall be certified to the court by the commission in the manner provided in Section 71-5-531, and the jurisdiction of the court shall be confined to questions of law which shall render its decision as provided in that section.

(7) The Department of Human Services shall provide child care for eligible participants who require such care so that they may accept employment or remain employed. The department shall also provide child care for those participating in the TANF program when it is determined that they are satisfactorily involved in education, training or other allowable work

activities. The department may contract with Head Start agencies to provide child care services to TANF recipients. The department may also arrange for child care by use of contract or vouchers, provide vouchers in advance to a caretaker relative, reimburse a child care provider, or use any other arrangement deemed appropriate by the department, and may establish different reimbursement rates for child care services depending on the category of the facility or home. Any center-based or group home child care facility under this paragraph shall be licensed by the State Department of Health pursuant to law. When child care is being provided in the child's own home, in the home of a relative of the child, or in any other unlicensed setting, the provision of such child care may be monitored on a random basis by the Department of Human Services or the State Department of Health. Transitional child care assistance shall be continued if it is necessary for parents to maintain employment once support has ended, unless prohibited under state or federal law. Transitional child care assistance shall be provided for up to twenty-four (24) months after the last month during which the family was eligible for TANF assistance, if federal funds are available for such child care assistance.

(8) The Department of Human Services shall provide transportation or provide reasonable reimbursement for transportation expenses that are necessary for individuals to be able to participate in allowable work activity under the TANF program.

(9) Medicaid assistance shall be provided to a family of TANF program participants for up to twenty-four (24) consecutive calendar months following the month in which the participating family would be ineligible for TANF benefits because of increased income, expiration of earned income disregards, or increased hours of employment of the caretaker relative; however, Medicaid assistance for more than twelve (12) months may be provided only

if a federal waiver is obtained to provide such assistance for more than twelve (12) months and federal and state funds are available to provide such assistance.

(10) The department shall require applicants for and recipients of public assistance from the department to sign a personal responsibility contract that will require the applicant or recipient to acknowledge his or her responsibilities to the state.

(11) The department shall enter into an agreement with the State Personnel Board and other state agencies that will allow those TANF participants who qualify for vacant jobs within state agencies to be placed in state jobs. State agencies participating in the TANF work program shall receive any and all benefits received by employers in the private sector for hiring TANF recipients. This subsection (11) shall be effective only if the state obtains any necessary federal waiver or approval and if federal funds are available therefor.

(12) No new TANF program requirement or restriction affecting a person's eligibility for TANF assistance, or allowable work activity, which is not mandated by federal law or regulation may be implemented by the Department of Human Services after the effective date of this act, unless such is specifically authorized by an amendment to this section by the Legislature.

SECTION 3. This act shall take effect and be in force from and after July 1, 2000.