

By: Senator(s) Cuevas

To: Public Health and Welfare

SENATE BILL NO. 2363

1 AN ACT TO AMEND SECTIONS 43-17-1 AND 43-17-5, MISSISSIPPI  
2 CODE OF 1972, TO REQUIRE MOTHERS RECEIVING TANF BENEFITS TO SUBMIT  
3 TO THE CHILD SUPPORT UNIT THE NAME(S) OF THE FATHER OF ELIGIBLE  
4 CHILDREN IN ORDER THAT PATERNITY AND SUPPORT ACTION MAY BE  
5 BROUGHT; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 43-17-1, MississipFpi Code of 1972, is  
8 amended as follows:

9 43-17-1. (1) The State of Mississippi hereby accepts all of  
10 the mandatory provisions and benefits, with the exception of those  
11 provisions under which the state may exercise its options, of  
12 Title I of an act passed by the Senate and House of  
13 Representatives of the United States of America, in Congress  
14 assembled, entitled: "The Personal Responsibility and Work  
15 Opportunity Reconciliation Act of 1996 (Public Law 104-193)," and  
16 known as the Temporary Assistance to Needy Families (TANF)  
17 program.

18 (2) The Department of Human Services shall have all  
19 necessary authority to cooperate with the federal government in  
20 the administration of Public Law 104-193 and all subsequent  
21 federal amendments thereto, to administer any legislation pursuant  
22 thereto enacted by the State of Mississippi, and to administer the  
23 funds provided by the federal government and the State of  
24 Mississippi under the provisions of Section 43-17-1 et seq. for  
25 providing temporary assistance for needy families with minor  
26 children. The Department of Human Services shall have full  
27 authority to formulate state plans consistent with state law as  
28 necessary to administer and operate federal grant funds which

29 provide temporary assistance for needy families with minor  
30 children under Title IV-A of the federal Social Security Act. The  
31 Department of Human Services shall identify in any state plan  
32 submitted to implement the TANF program those requirements or  
33 restrictions, including persons excluded from program  
34 participation which are required under federal law, and those  
35 program requirements or restrictions which the federal law  
36 authorizes but does not require.

37 (3) Any funds received by the State of Mississippi under the  
38 provisions of Public Law 104-193 shall be subject to appropriation  
39 by the Legislature and consistent with the terms and conditions  
40 required under such appropriation.

41 (4) The purpose of the Mississippi Temporary Assistance to  
42 Needy Families (TANF) program shall be to:

43 (a) Provide assistance to needy families so that  
44 children may be cared for in their own homes or in the homes of  
45 relatives when such care is beneficial and may be monitored on a  
46 random basis by the Department of Human Services or the State  
47 Department of Health;

48 (b) End the dependence of needy families on government  
49 benefits by promoting job preparation, work and marriage through,  
50 among other things, job placement, job training and job retention;

51 (c) Prevent and reduce the incidence of out-of-wedlock  
52 pregnancies and establish annual numerical goals for preventing  
53 and reducing the incidence of these pregnancies;

54 (d) Encourage the formation and maintenance of  
55 two-parent families; and

56 (e) Prevent program fraud and abuse.

57 (5) The Department of Human Services shall develop outcome  
58 and output indicators for each program established under the  
59 authority of this section. These measures shall provide  
60 legislators and administrators with information which measures the  
61 success or failure of the department in implementing the programs

62 implemented under the authority of this section. The department  
63 shall annually report to the Legislature the outputs and outcomes  
64 of these programs, with the first report due by December 15, 1997.  
65 Such reports shall include recommendations for making programs  
66 more effective or efficient which can be effected in accordance  
67 with federal law.

68 (6) Assistance may be granted under this chapter to any  
69 dependent child and a caretaker relative who are living in a  
70 suitable family home meeting the standards of care and health and  
71 work requirements fixed by the laws of this state, and the rules  
72 and regulations of the State Department of Human Services. In  
73 order to maintain eligibility for TANF assistance, the mother of  
74 eligible child(ren) shall submit to the Child Support Unit the  
75 name(s) of the father of such children in order that paternity and  
76 appropriate support action may be brought as provided by law.

77 **SECTION 2.** Section 43-17-5, Mississippi Code of 1972, is  
78 amended as follows:

79 43-17-5. (1) The amount of Temporary Assistance for Needy  
80 Families (TANF) benefits which may be granted for any dependent  
81 child and a needy caretaker relative shall be determined by the  
82 county department with due regard to the resources and necessary  
83 expenditures of the family and the conditions existing in each  
84 case, and in accordance with the rules and regulations made by the  
85 Department of Human Services which shall not be less than the  
86 Standard of Need in effect for 1988, and shall be sufficient when  
87 added to all other income (except that any income specified in the  
88 federal Social Security Act, as amended, may be disregarded) and  
89 support available to the child to provide such child with a  
90 reasonable subsistence compatible with decency and health. The  
91 first family member in the dependent child's budget may receive an  
92 amount not to exceed One Hundred Ten Dollars (\$110.00) per month;  
93 the second family member in the dependent child's budget may  
94 receive an amount not to exceed Thirty-six Dollars (\$36.00) per

95 month; and each additional family member in the dependent child's  
96 budget an amount not to exceed Twenty-four Dollars (\$24.00) per  
97 month. The maximum for any individual family member in the  
98 dependent child's budget may be exceeded for foster or medical  
99 care or in cases of mentally retarded or physically handicapped  
100 children. TANF benefits granted shall be specifically limited  
101 only (a) to children existing or conceived at the time the  
102 caretaker relative initially applies and qualifies for such  
103 assistance, unless this limitation is specifically waived by the  
104 department, or (b) to a child born following a twelve (12)  
105 consecutive month period of discontinued benefits by the caretaker  
106 relative.

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

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

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

117 (b) Families which include an adult who has received  
118 TANF assistance for sixty (60) months after the commencement of  
119 the Mississippi TANF program, whether or not such period of time  
120 is consecutive;

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

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

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

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

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

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

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

157           (j) A parent or caretaker relative who has not engaged  
158 in an allowable work activity once the department determines the  
159 parent or caretaker relative is ready to engage in work, or once  
160 the parent or caretaker relative has received TANF assistance

161 under the program for twenty-four (24) months, whether or not  
162 consecutive, whichever is earlier;

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

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

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

178 (n) Individuals who are recipients of federal  
179 Supplemental Security Income (SSI) assistance; and

180 (o) Any individual who fails to submit to the Child  
181 Support Unit the name(s) of the father of any eligible children  
182 for the purpose of establishing paternity or appropriate child  
183 support responsibility as provided by law.

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

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

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

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

194                   (iv) If the person is a parent or caretaker  
195 relative with whom a dependent child is living, child care is  
196 available for the child.

197           The monthly attendance requirement under this subsection  
198 shall be attendance at the school in which the person is enrolled  
199 for each day during a month that the school conducts classes in  
200 which the person is enrolled, with not more than two (2) absences  
201 during the month for reasons other than the reasons listed in  
202 paragraph (e)(iv) of this subsection. Persons who fail to meet  
203 participation requirements in this subsection shall be subject to  
204 sanctions as provided in paragraph (f) of this subsection.

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

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

208                   (ii) A vocational, technical and adult education  
209 program; or

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

213           (c) If any compulsory-school-age child, as defined in  
214 Section 37-13-91(2), to which TANF eligibility requirements apply  
215 is not in compliance with the compulsory school attendance  
216 requirements of Section 37-13-91(6), the superintendent of schools  
217 of the school district in which the child is enrolled or eligible  
218 to attend shall notify the county department of human services of  
219 the child's noncompliance. The Department of Human Services shall  
220 review school attendance information as provided under this  
221 paragraph at all initial eligibility determinations and upon  
222 subsequent report of unsatisfactory attendance.

223           (d) The signature of a person on an application for  
224 TANF benefits constitutes permission for the release of school  
225 attendance records for that person or for any child residing with  
226 that person. The department shall request information from the

227 child's school district about the child's attendance in the school  
228 district's most recently completed semester of attendance. If  
229 information about the child's previous school attendance is not  
230 available or cannot be verified, the department shall require the  
231 child to meet the monthly attendance requirement for one (1)  
232 semester or until the information is obtained. The department  
233 shall use the attendance information provided by a school district  
234 to verify attendance for a child. The department shall review  
235 with the parent or caretaker relative a child's claim that he or  
236 she has a good cause for not attending school.

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

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

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

252 (ii) The department determines that child care  
253 services are necessary for the minor parent to attend school and  
254 there is no child care available; or

255 (iii) The child is prohibited by the school  
256 district from attending school and an expulsion is pending. This  
257 exemption no longer applies once the teenager has been expelled;  
258 however, a teenager who has been expelled and is making



259 satisfactory progress towards obtaining a GED equivalent shall be  
260 eligible for TANF benefits; or

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

263 1. Illness, injury or incapacity of the child  
264 or the minor parent's child;

265 2. Court-required appearances or temporary  
266 incarceration;

267 3. Medical or dental appointments for the  
268 child or minor parent's child;

269 4. Death of a close relative;

270 5. Observance of a religious holiday;

271 6. Family emergency;

272 7. Breakdown in transportation;

273 8. Suspension; or

274 9. Any other circumstance beyond the control  
275 of the child, as defined in regulations of the department.

276 (f) Upon determination that a child has failed without  
277 good cause to attend school as required, the department shall  
278 provide written notice to the parent or caretaker relative  
279 (whoever is the primary recipient of the TANF benefits) that  
280 specifies:

281 (i) That the family will be sanctioned in the next  
282 possible payment month because the child who is required to attend  
283 school has failed to meet the attendance requirement of this  
284 subsection;

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

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

290 The child's parent or caretaker relative (whoever is the  
291 primary recipient of the TANF benefits) may request a fair hearing

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

316 (5) All parents or caretaker relatives shall have their  
317 dependent children receive vaccinations and booster vaccinations  
318 against those diseases specified by the State Health Officer  
319 pursuant to Section 41-23-37 in accordance with the vaccination  
320 and booster vaccination schedule prescribed by the State Health  
321 Officer for children of that age, in order for the parents or  
322 caretaker relatives to be eligible or remain eligible to receive  
323 TANF benefits. Proof of having received such vaccinations and  
324 booster vaccinations shall be given by presenting the certificates

325 of vaccination issued by any health care provider licensed to  
326 administer vaccinations, and submitted on forms specified by the  
327 State Board of Health. If the parents without good cause do not  
328 have their dependent children receive the vaccinations and booster  
329 vaccinations as required by this subsection and they fail to  
330 comply after thirty (30) days' notice, the department shall  
331 sanction the family's TANF benefits by twenty-five percent (25%)  
332 for the next payment month and each subsequent payment month until  
333 the requirements of this subsection are met.

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

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

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

355 (iii) Willfully fails to report for allowable work  
356 activities as prescribed in subsections (6)(c) and (d).

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

368                   (i) Incapacity;

369                   (ii) Temporary illness or injury, verified by  
370 physician's certificate;

371                   (iii) Is in the third trimester of pregnancy,  
372 verified by physician's certificate;

373                   (iv) Caretaker of a child under twelve (12)  
374 months, for not more than twelve (12) months of the sixty-month  
375 maximum benefit period;

376                   (v) Caretaker of an ill or incapacitated person,  
377 as verified by physician's certificate;

378                   (vi) Age, if over sixty (60) or under eighteen  
379 (18) years of age;

380                   (vii) Receiving treatment for substance abuse, if  
381 the person is in compliance with the substance abuse treatment  
382 plan;

383                   (viii) In a two-parent family, the caretaker of a  
384 severely disabled child, as verified by a physician's certificate;

385 or

386                   (ix) History of having been a victim of domestic  
387 violence, which has been reported as required by state law and is  
388 substantiated by police reports or court records, and being at  
389 risk of further domestic violence, shall be exempt for a period as

390 deemed necessary by the department but not to exceed a total of  
391 twelve (12) months, which need not be consecutive, in the  
392 sixty-month maximum benefit period. For the purposes of this  
393 paragraph (ix), "domestic violence" means that an individual has  
394 been subjected to:

- 395 1. Physical acts that resulted in, or  
396 threatened to result in, physical injury to the individual;
- 397 2. Sexual abuse;
- 398 3. Sexual activity involving a dependent  
399 child;
- 400 4. Being forced as the caretaker relative of  
401 a dependent child to engage in nonconsensual sexual acts or  
402 activities;
- 403 5. Threats of, or attempts at, physical or  
404 sexual abuse;
- 405 6. Mental abuse; or
- 406 7. Neglect or deprivation of medical care.

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

- 414 (i) Unsubsidized employment;
- 415 (ii) Subsidized private employment;
- 416 (iii) Subsidized public employment;
- 417 (iv) Work experience (including work associated  
418 with the refurbishing of publicly assisted housing), if sufficient  
419 private employment is not available;
- 420 (v) On-the-job training;
- 421 (vi) Job search and job readiness assistance  
422 consistent with federal TANF regulations;

- 423                   (vii) Community service programs;
- 424                   (viii) Vocational educational training (not to  
425 exceed twelve (12) months with respect to any individual);
- 426                   (ix) The provision of child care services to an  
427 individual who is participating in a community service program;
- 428                   (x) Satisfactory attendance at high school or in a  
429 course of study leading to a high school equivalency certificate,  
430 for heads of household under age twenty (20) who have not  
431 completed high school or received such certificate;
- 432                   (xi) Education directly related to employment, for  
433 heads of household under age twenty (20) who have not completed  
434 high school or received such equivalency certificate.

435           (d) The following are allowable work activities which  
436 may be attributable to hours in excess of the minimum specified in  
437 paragraph (6)(c):

- 438                   (i) Job skills training directly related to  
439 employment;
- 440                   (ii) Education directly related to employment for  
441 individuals who have not completed high school or received a high  
442 school equivalency certificate;
- 443                   (iii) Satisfactory attendance at high school or in  
444 a course of study leading to a high school equivalency, for  
445 individuals who have not completed high school or received such  
446 equivalency certificate;
- 447                   (iv) Job search and job readiness assistance  
448 consistent with federal TANF regulations.

449           (e) If any adult or caretaker relative refuses to  
450 participate in allowable work activity as required under this  
451 subsection (6), the following full family TANF benefit penalty  
452 will apply, subject to due process to include notification,  
453 conciliation and a hearing if requested by the recipient:

- 454                   (i) For the first violation, the department shall  
455 terminate the TANF assistance otherwise payable to the family for

456 a two-month period or until the person has complied with the  
457 required work activity, whichever is longer;

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

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

466 (iv) For the fourth violation, the person shall be  
467 permanently disqualified.

468 For a two-parent family, unless prohibited by state or  
469 federal law, Medicaid assistance shall be terminated only for the  
470 person whose failure to participate in allowable work activity  
471 caused the family's TANF assistance to be sanctioned under this  
472 subsection (6)(e), unless an individual is pregnant, but shall not  
473 be terminated for any other person in the family who is meeting  
474 that person's applicable work requirement or who is not required  
475 to work. Minor children shall continue to be eligible for  
476 Medicaid benefits regardless of the disqualification of their  
477 parent or caretaker relative for TANF assistance under this  
478 subsection (6), unless prohibited by state or federal law.

479 (f) Any person enrolled in a two-year or four-year  
480 college program who meets the eligibility requirements to receive  
481 TANF benefits, and who is meeting the applicable work requirements  
482 and all other applicable requirements of the TANF program, shall  
483 continue to be eligible for TANF benefits while enrolled in the  
484 college program for as long as the person meets the requirements  
485 of the TANF program, unless prohibited by federal law.

486 (g) No adult in a work activity required under this  
487 subsection (6) shall be employed or assigned (i) when any other  
488 individual is on layoff from the same or any substantially

489 equivalent job within six (6) months before the date of the TANF  
490 recipient's employment or assignment; or (ii) if the employer has  
491 terminated the employment of any regular employee or otherwise  
492 caused an involuntary reduction of its work force in order to fill  
493 the vacancy so created with an adult receiving TANF assistance.  
494 The Mississippi Employment Security Commission, established under  
495 Section 71-5-101, shall appoint one or more impartial hearing  
496 officers to hear and decide claims by employees of violations of  
497 this paragraph (g). The hearing officer shall hear all the  
498 evidence with respect to any claim made hereunder and such  
499 additional evidence as he may require and shall make a  
500 determination and the reason therefor. The claimant shall be  
501 promptly notified of the decision of the hearing officer and the  
502 reason therefor. Within ten (10) days after the decision of the  
503 hearing officer has become final, any party aggrieved thereby may  
504 secure judicial review thereof by commencing an action, in the  
505 circuit court of the county in which the claimant resides, against  
506 the commission for the review of such decision, in which action  
507 any other party to the proceeding before the hearing officer shall  
508 be made a defendant. Any such appeal shall be on the record which  
509 shall be certified to the court by the commission in the manner  
510 provided in Section 71-5-531, and the jurisdiction of the court  
511 shall be confined to questions of law which shall render its  
512 decision as provided in that section.

513 (7) The Department of Human Services may provide child care  
514 for eligible participants who require such care so that they may  
515 accept employment or remain employed. The department may also  
516 provide child care for those participating in the TANF program  
517 when it is determined that they are satisfactorily involved in  
518 education, training or other allowable work activities. The  
519 department may contract with Head Start agencies to provide child  
520 care services to TANF recipients. The department may also arrange  
521 for child care by use of contract or vouchers, provide vouchers in



522 advance to a caretaker relative, reimburse a child care provider,  
523 or use any other arrangement deemed appropriate by the department,  
524 and may establish different reimbursement rates for child care  
525 services depending on the category of the facility or home. Any  
526 center-based or group home child care facility under this  
527 paragraph shall be licensed by the State Department of Health  
528 pursuant to law. When child care is being provided in the child's  
529 own home, in the home of a relative of the child, or in any other  
530 unlicensed setting, the provision of such child care may be  
531 monitored on a random basis by the Department of Human Services or  
532 the State Department of Health. Transitional child care  
533 assistance may be continued if it is necessary for parents to  
534 maintain employment once support has ended, unless prohibited  
535 under state or federal law. Transitional child care assistance  
536 may be provided for up to twenty-four (24) months after the last  
537 month during which the family was eligible for TANF assistance, if  
538 federal funds are available for such child care assistance.

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

544 (9) Medicaid assistance shall be provided to a family of  
545 TANF program participants for up to twenty-four (24) consecutive  
546 calendar months following the month in which the participating  
547 family would be ineligible for TANF benefits because of increased  
548 income, expiration of earned income disregards, or increased hours  
549 of employment of the caretaker relative; however, Medicaid  
550 assistance for more than twelve (12) months may be provided only  
551 if a federal waiver is obtained to provide such assistance for  
552 more than twelve (12) months and federal and state funds are  
553 available to provide such assistance.

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

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

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

574           **SECTION 3.** This act shall take effect and be in force from  
575 and after July 1, 2004.