

By: Senator(s) Nunnelee

To: Public Health and
WelfareSENATE BILL NO. 3121
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 43-17-5, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE CERTAIN APPLICANT JOB SEARCH REQUIREMENTS FOR TANF
3 APPLICANTS; TO REQUIRE TANF RECIPIENTS TO PARTICIPATE IN JOB
4 SEARCH SKILLS TRAINING AND A JOB READINESS PROGRAM WITHIN A
5 CERTAIN TIME AFTER APPLICATION; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 43-17-5, Mississippi Code of 1972, is
8 amended as follows:

9 43-17-5. (1) The amount of Temporary Assistance for Needy
10 Families (TANF) benefits which may be granted for any dependent
11 child and a needy caretaker relative shall be determined by the
12 county department with due regard to the resources and necessary
13 expenditures of the family and the conditions existing in each
14 case, and in accordance with the rules and regulations made by the
15 Department of Human Services which shall not be less than the
16 Standard of Need in effect for 1988, and shall be sufficient when
17 added to all other income (except that any income specified in the
18 federal Social Security Act, as amended, may be disregarded) and
19 support available to the child to provide such child with a
20 reasonable subsistence compatible with decency and health. The
21 first family member in the dependent child's budget may receive an
22 amount not to exceed One Hundred Ten Dollars (\$110.00) per month;
23 the second family member in the dependent child's budget may
24 receive an amount not to exceed Thirty-six Dollars (\$36.00) per
25 month; and each additional family member in the dependent child's
26 budget an amount not to exceed Twenty-four Dollars (\$24.00) per
27 month. The maximum for any individual family member in the
28 dependent child's budget may be exceeded for foster or medical

29 care or in cases of mentally retarded or physically handicapped
30 children. TANF benefits granted shall be specifically limited
31 only (a) to children existing or conceived at the time the
32 caretaker relative initially applies and qualifies for such
33 assistance, unless this limitation is specifically waived by the
34 department, or (b) to a child born following a twelve (12)
35 consecutive month period of discontinued benefits by the caretaker
36 relative.

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

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

45 (a) Families without a minor child residing with the
46 custodial parent or other adult caretaker relative of the child;
47 (b) Families which include an adult who has received
48 TANF assistance for sixty (60) months after the commencement of
49 the Mississippi TANF program, whether or not such period of time
50 is consecutive;

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

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

58 (e) Any individual who has not attained eighteen (18)
59 years of age, is not married to the head of household, has a minor
60 child at least twelve (12) weeks of age in his or her care, and
61 has not successfully completed a high school education or its

62 equivalent, if such individual does not participate in educational
63 activities directed toward the attainment of a high school diploma
64 or its equivalent, or an alternative educational or training
65 program approved by the department;

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

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

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

81 (i) Any individual who fails to comply with the
82 provisions of the Employability Development Plan signed by the
83 individual which prescribe those activities designed to help the
84 individual become and remain employed, or to participate
85 satisfactorily in the assigned work activity, as authorized under
86 subsection (6)(c) and (d), or who does not engage in an applicant
87 job search within the thirty-day period for TANF application
88 approval after receiving the advice and consultation of
89 eligibility workers and/or caseworkers of the department providing
90 a detailed description of available job search venues in the
91 individual's county of residence or the surrounding counties;

92 (j) A parent or caretaker relative who has not engaged
93 in an allowable work activity once the department determines the
94 parent or caretaker relative is ready to engage in work, or once

95 the parent or caretaker relative has received TANF assistance
96 under the program for twenty-four (24) months, whether or not
97 consecutive, whichever is earlier;

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

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

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

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

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

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

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

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

125 (iv) If the person is a parent or caretaker
126 relative with whom a dependent child is living, child care is
127 available for the child.

128 The monthly attendance requirement under this subsection
129 shall be attendance at the school in which the person is enrolled
130 for each day during a month that the school conducts classes in
131 which the person is enrolled, with not more than two (2) absences
132 during the month for reasons other than the reasons listed in
133 paragraph (e)(iv) of this subsection. Persons who fail to meet
134 participation requirements in this subsection shall be subject to
135 sanctions as provided in paragraph (f) of this subsection.

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

138 (i) A school as defined in Section 37-13-91(2);
139 (ii) A vocational, technical and adult education
140 program; or
141 (iii) A course of study meeting the standards
142 established by the State Department of Education for the granting
143 of a declaration of equivalency of high school graduation.

144 (c) If any compulsory-school-age child, as defined in
145 Section 37-13-91(2), to which TANF eligibility requirements apply
146 is not in compliance with the compulsory school attendance
147 requirements of Section 37-13-91(6), the superintendent of schools
148 of the school district in which the child is enrolled or eligible
149 to attend shall notify the county department of human services of
150 the child's noncompliance. The Department of Human Services shall
151 review school attendance information as provided under this
152 paragraph at all initial eligibility determinations and upon
153 subsequent report of unsatisfactory attendance.

154 (d) The signature of a person on an application for
155 TANF benefits constitutes permission for the release of school
156 attendance records for that person or for any child residing with
157 that person. The department shall request information from the
158 child's school district about the child's attendance in the school
159 district's most recently completed semester of attendance. If
160 information about the child's previous school attendance is not

161 available or cannot be verified, the department shall require the
162 child to meet the monthly attendance requirement for one (1)
163 semester or until the information is obtained. The department
164 shall use the attendance information provided by a school district
165 to verify attendance for a child. The department shall review
166 with the parent or caretaker relative a child's claim that he or
167 she has a good cause for not attending school.

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

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

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

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

186 (iii) The child is prohibited by the school
187 district from attending school and an expulsion is pending. This
188 exemption no longer applies once the teenager has been expelled;
189 however, a teenager who has been expelled and is making
190 satisfactory progress towards obtaining a GED equivalent shall be
191 eligible for TANF benefits; or

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

194 1. Illness, injury or incapacity of the child
195 or the minor parent's child;
196 2. Court-required appearances or temporary
197 incarceration;
198 3. Medical or dental appointments for the
199 child or minor parent's child;
200 4. Death of a close relative;
201 5. Observance of a religious holiday;
202 6. Family emergency;
203 7. Breakdown in transportation;
204 8. Suspension; or
205 9. Any other circumstance beyond the control
206 of the child, as defined in regulations of the department.

207 (f) Upon determination that a child has failed without
208 good cause to attend school as required, the department shall
209 provide written notice to the parent or caretaker relative
210 (whoever is the primary recipient of the TANF benefits) that
211 specifies:

212 (i) That the family will be sanctioned in the next
213 possible payment month because the child who is required to attend
214 school has failed to meet the attendance requirement of this
215 subsection;

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

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

221 The child's parent or caretaker relative (whoever is the
222 primary recipient of the TANF benefits) may request a fair hearing
223 on the department's determination that the child has not been
224 attending school. If the child's parents or caretaker relative
225 does not request a fair hearing under this subsection, or if,
226 after a fair hearing has been held, the hearing officer finds that

227 the child without good cause has failed to meet the monthly
228 attendance requirement, the department shall discontinue or deny
229 TANF benefits to the child thirteen (13) years old, or older, in
230 the next possible payment month. The department shall discontinue
231 or deny twenty-five percent (25%) of the family grant when a child
232 six (6) through twelve (12) years of age without good cause has
233 failed to meet the monthly attendance requirement. Both the child
234 and family sanction may apply when children in both age groups
235 fail to meet the attendance requirement without good cause. A
236 sanction applied under this subsection shall be effective for one
237 (1) month for each month that the child failed to meet the monthly
238 attendance requirement. In the case of a dropout, the sanction
239 shall remain in force until the parent or caretaker relative
240 provides written proof from the school district that the child has
241 reenrolled and met the monthly attendance requirement for one (1)
242 calendar month. Any month in which school is in session for at
243 least ten (10) days during the month may be used to meet the
244 attendance requirement under this subsection. This includes
245 attendance at summer school. The sanction shall be removed the
246 next possible payment month.

247 (5) All parents or caretaker relatives shall have their
248 dependent children receive vaccinations and booster vaccinations
249 against those diseases specified by the State Health Officer
250 pursuant to Section 41-23-37 in accordance with the vaccination
251 and booster vaccination schedule prescribed by the State Health
252 Officer for children of that age, in order for the parents or
253 caretaker relatives to be eligible or remain eligible to receive
254 TANF benefits. Proof of having received such vaccinations and
255 booster vaccinations shall be given by presenting the certificates
256 of vaccination issued by any health care provider licensed to
257 administer vaccinations, and submitted on forms specified by the
258 State Board of Health. If the parents without good cause do not
259 have their dependent children receive the vaccinations and booster

260 vaccinations as required by this subsection and they fail to
261 comply after thirty (30) days' notice, the department shall
262 sanction the family's TANF benefits by twenty-five percent (25%)
263 for the next payment month and each subsequent payment month until
264 the requirements of this subsection are met.

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

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

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

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

288 (b) The Department of Human Services shall operate a
289 statewide work program for TANF recipients to provide work
290 activities and supportive services to enable families to become
291 self-sufficient and improve their competitive position in the work
292 force in accordance with the requirements of the federal Personal

293 Responsibility and Work Opportunity Reconciliation Act of 1996
294 (Public Law 104-193), as amended, and the regulations promulgated
295 thereunder. Within sixty (60) days after the initial application
for TANF benefits, the TANF recipient must participate in a job
296 search skills training workshop or a job readiness program, which
297 shall include resume writing, job search skills, employability
298 skills and, if available at no charge, the General Aptitude Test
299 Battery or its equivalent. All adults who are not specifically
300 exempt shall be referred by the department for allowable work
301 activities. An adult may be exempt from the mandatory work
302 activity requirement for the following reasons:

304 (i) Incapacity;

305 (ii) Temporary illness or injury, verified by
306 physician's certificate;

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

309 (iv) Caretaker of a child under twelve (12)

310 months, for not more than twelve (12) months of the sixty-month
311 maximum benefit period;

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

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

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

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

326 deemed necessary by the department but not to exceed a total of
327 twelve (12) months, which need not be consecutive, in the
328 sixty-month maximum benefit period. For the purposes of this
329 subparagraph (ix), "domestic violence" means that an individual
330 has been subjected to:

- 331 1. Physical acts that resulted in, or
332 threatened to result in, physical injury to the individual;
- 333 2. Sexual abuse;
- 334 3. Sexual activity involving a dependent
335 child;
- 336 4. Being forced as the caretaker relative of
337 a dependent child to engage in nonconsensual sexual acts or
338 activities;
- 339 5. Threats of, or attempts at, physical or
340 sexual abuse;
- 341 6. Mental abuse; or
- 342 7. Neglect or deprivation of medical care.

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

- 350 (i) Unsubsidized employment;
- 351 (ii) Subsidized private employment;
- 352 (iii) Subsidized public employment;
- 353 (iv) Work experience (including work associated
354 with the refurbishing of publicly assisted housing), if sufficient
355 private employment is not available;
- 356 (v) On-the-job training;
- 357 (vi) Job search and job readiness assistance
358 consistent with federal TANF regulations;

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

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

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

402 (iv) For the fourth violation, the person shall be
403 permanently disqualified.

404 For a two-parent family, unless prohibited by state or
405 federal law, Medicaid assistance shall be terminated only for the
406 person whose failure to participate in allowable work activity
407 caused the family's TANF assistance to be sanctioned under this
408 subsection (6)(e), unless an individual is pregnant, but shall not
409 be terminated for any other person in the family who is meeting
410 that person's applicable work requirement or who is not required
411 to work. Minor children shall continue to be eligible for
412 Medicaid benefits regardless of the disqualification of their
413 parent or caretaker relative for TANF assistance under this
414 subsection (6), unless prohibited by state or federal law.

415 (f) Any person enrolled in a two-year or four-year
416 college program who meets the eligibility requirements to receive
417 TANF benefits, and who is meeting the applicable work requirements
418 and all other applicable requirements of the TANF program, shall
419 continue to be eligible for TANF benefits while enrolled in the
420 college program for as long as the person meets the requirements
421 of the TANF program, unless prohibited by federal law.

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

425 equivalent job within six (6) months before the date of the TANF
426 recipient's employment or assignment; or (ii) if the employer has
427 terminated the employment of any regular employee or otherwise
428 caused an involuntary reduction of its work force in order to fill
429 the vacancy so created with an adult receiving TANF assistance.
430 The Mississippi Department of Employment Security, established
431 under Section 71-5-101, shall appoint one or more impartial
432 hearing officers to hear and decide claims by employees of
433 violations of this paragraph (g). The hearing officer shall hear
434 all the evidence with respect to any claim made hereunder and such
435 additional evidence as he may require and shall make a
436 determination and the reason therefor. The claimant shall be
437 promptly notified of the decision of the hearing officer and the
438 reason therefor. Within ten (10) days after the decision of the
439 hearing officer has become final, any party aggrieved thereby may
440 secure judicial review thereof by commencing an action, in the
441 circuit court of the county in which the claimant resides, against
442 the department for the review of such decision, in which action
443 any other party to the proceeding before the hearing officer shall
444 be made a defendant. Any such appeal shall be on the record which
445 shall be certified to the court by the department in the manner
446 provided in Section 71-5-531, and the jurisdiction of the court
447 shall be confined to questions of law which shall render its
448 decision as provided in that section.

449 (7) The Department of Human Services may provide child care
450 for eligible participants who require such care so that they may
451 accept employment or remain employed. The department may also
452 provide child care for those participating in the TANF program
453 when it is determined that they are satisfactorily involved in
454 education, training or other allowable work activities. The
455 department may contract with Head Start agencies to provide child
456 care services to TANF recipients. The department may also arrange
457 for child care by use of contract or vouchers, provide vouchers in

458 advance to a caretaker relative, reimburse a child care provider,
459 or use any other arrangement deemed appropriate by the department,
460 and may establish different reimbursement rates for child care
461 services depending on the category of the facility or home. Any
462 center-based or group home child care facility under this
463 paragraph shall be licensed by the State Department of Health
464 pursuant to law. When child care is being provided in the child's
465 own home, in the home of a relative of the child, or in any other
466 unlicensed setting, the provision of such child care may be
467 monitored on a random basis by the Department of Human Services or
468 the State Department of Health. Transitional child care
469 assistance may be continued if it is necessary for parents to
470 maintain employment once support has ended, unless prohibited
471 under state or federal law. Transitional child care assistance
472 may be provided for up to twenty-four (24) months after the last
473 month during which the family was eligible for TANF assistance, if
474 federal funds are available for such child care assistance.

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

480 (9) Medicaid assistance shall be provided to a family of
481 TANF program participants for up to twenty-four (24) consecutive
482 calendar months following the month in which the participating
483 family would be ineligible for TANF benefits because of increased
484 income, expiration of earned income disregards, or increased hours
485 of employment of the caretaker relative; however, Medicaid
486 assistance for more than twelve (12) months may be provided only
487 if a federal waiver is obtained to provide such assistance for
488 more than twelve (12) months and federal and state funds are
489 available to provide such assistance.

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

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

504 (12) No new TANF program requirement or restriction
505 affecting a person's eligibility for TANF assistance, or allowable
506 work activity, which is not mandated by federal law or regulation
507 may be implemented by the Department of Human Services after July
508 1, 2004, unless such is specifically authorized by an amendment to
509 this section by the Legislature.

510 **SECTION 2.** This act shall take effect and be in force from
511 and after July 1, 2006.