

By: Representatives Mims, Formby

To: Public Health and Human Services

HOUSE BILL NO. 49

1 AN ACT TO PROVIDE THAT ADULT APPLICANTS FOR TANF BENEFITS IN  
2 THE ASSISTANCE UNIT WHO OTHERWISE QUALIFY FOR CASH ASSISTANCE  
3 UNDER THE TANF PROGRAM SHALL BE REQUIRED TO COMPLETE A WRITTEN  
4 SCREENING QUESTIONNAIRE DESIGNED TO DETERMINE THE LIKELIHOOD OF  
5 THE PERSON HAVING A SUBSTANCE USE DISORDER; TO PROVIDE THAT IF THE  
6 RESULTS OF THE WRITTEN SCREENING QUESTIONNAIRE INDICATE A  
7 REASONABLE LIKELIHOOD THAT AN ADULT RECIPIENT MAY HAVE A SUBSTANCE  
8 USE DISORDER INVOLVING THE MISUSE OF A DRUG, THE DEPARTMENT SHALL  
9 REQUIRE THE PERSON TO SUBMIT TO A DRUG TEST AT THE DEPARTMENT'S  
10 EXPENSE IN ORDER TO CONTINUE TO RECEIVE CASH ASSISTANCE; TO  
11 PROVIDE THAT IF AN ADULT RECIPIENT REFUSES TO TAKE THE REQUIRED  
12 DRUG TEST, THE DEPARTMENT SHALL TERMINATE CASH ASSISTANCE AND THE  
13 PERSON MAY NOT REAPPLY FOR CASH ASSISTANCE FOR A CERTAIN PERIOD OF  
14 TIME; TO PROVIDE THAT IF AN ADULT RECIPIENT TESTS POSITIVE FOR THE  
15 UNLAWFUL USE OF A DRUG AFTER TAKING A DRUG TEST, THE PERSON SHALL  
16 BE GIVEN A LIST OF APPROVED SUBSTANCE USE DISORDER TREATMENT  
17 PROVIDERS THAT ARE AVAILABLE IN THE AREA IN WHICH THE PERSON  
18 RESIDES, AND MAY CONTINUE TO RECEIVE BENEFITS IF THE PERSON ENTERS  
19 INTO AND FOLLOWS THE REQUIREMENTS OF A SUBSTANCE USE DISORDER  
20 TREATMENT PLAN; TO PROVIDE THAT IF AN ADULT RECIPIENT DECLINES TO  
21 ENTER INTO A SUBSTANCE USE DISORDER TREATMENT PLAN, OR IF THE  
22 RECIPIENT ENTERS INTO, BUT FAILS TO MEET, A REQUIREMENT OF A  
23 SUBSTANCE USE DISORDER TREATMENT PLAN, THE DEPARTMENT SHALL  
24 TERMINATE CASH ASSISTANCE AND THE PERSON MAY NOT REAPPLY FOR CASH  
25 ASSISTANCE FOR A CERTAIN PERIOD OF TIME; TO AMEND SECTION 43-17-5,  
26 MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PROVISIONS OF THIS  
27 ACT; AND FOR RELATED PURPOSES.

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

29 SECTION 1. (1) As used in this section:



30 (a) "Adult" means a person who is eighteen (18) years  
31 of age or older.

32 (b) "Department" means the Department of Human  
33 Services.

34 (c) "Drug" means a controlled substance, as defined in  
35 Section 41-29-105, for which a person does not have a valid  
36 prescription.

37 (d) "Drug test" means a chemical test administered for  
38 the purpose of determining the presence or absence of a drug or  
39 metabolites in a person's body fluids.

40 (2) Adult applicants for Temporary Assistance for Needy  
41 Families (TANF) benefits in the assistance unit who otherwise  
42 qualify for cash assistance under the TANF program shall be  
43 required to complete a written screening questionnaire designed to  
44 determine the likelihood of the person having a substance use  
45 disorder.

46 (3) If the results of the written screening questionnaire  
47 indicate a reasonable likelihood that an adult recipient may have  
48 a substance use disorder involving the misuse of a drug, the  
49 department shall require the person to submit to a drug test at  
50 the department's expense in order to continue to receive cash  
51 assistance under the TANF program.

52 (4) If an adult recipient refuses to take the required drug  
53 test, the department shall terminate cash assistance for the  
54 person and the person may not reapply for cash assistance for:



55 (a) Ninety (90) days after a first refusal to take a  
56 drug test within one (1) year; or

57 (b) One (1) year after a second refusal to take a drug  
58 test within one (1) year.

59 (5) A drug test shall be administered with due regard to the  
60 privacy and dignity of the person being tested.

61 (6) Before taking a drug test, an adult recipient may advise  
62 the person administering the test regarding any prescription or  
63 over-the-counter medication that the person is taking.

64 (7) The result of a drug test is a private record and  
65 disclosure to a third party is prohibited.

66 (8) If an adult recipient tests negative for the unlawful  
67 use of a drug after taking a drug test, the person remains  
68 eligible for cash assistance, subject to the other TANF  
69 eligibility requirements.

70 (9) If an adult recipient tests positive for the unlawful  
71 use of a drug after taking a drug test, the person:

72 (a) Shall be given a list of approved substance use  
73 disorder treatment providers that are available in the area in  
74 which the person resides; and

75 (b) May continue to receive benefits if the person  
76 enters into and follows the requirements of a substance use  
77 disorder treatment plan, including:

78 (i) Receiving treatment from an approved substance  
79 use disorder treatment provider for at least sixty (60) days;



80 (ii) Testing negative for the unlawful use of a  
81 drug:

82 1. In each later drug test required by  
83 department rule during treatment; and

84 2. In an additional drug test given at the  
85 conclusion of treatment; and

86 (iii) Meeting the other TANF requirements for  
87 receiving cash assistance.

88 (10) If an adult recipient declines to enter into a  
89 substance use disorder treatment plan, or if the recipient enters  
90 into but fails to meet a requirement of a substance use disorder  
91 treatment plan, including if the person refuses to take a drug  
92 test required by a substance use disorder treatment plan or tests  
93 positive for the unlawful use of a drug in a drug test required by  
94 a substance use disorder treatment plan, the department shall  
95 terminate cash assistance for the person and the person may not  
96 reapply for cash assistance for:

97 (a) Ninety (90) days after the day on which the  
98 department determines that the person is no longer eligible for  
99 cash assistance; or

100 (b) One (1) year after the day on which the department  
101 determines that the person is no longer eligible for cash  
102 assistance, if the department has previously determined on at  
103 least one (1) other occasion in the past year that the person is  
104 no longer eligible for cash assistance.



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

107           43-17-5. (1) The amount of Temporary Assistance for Needy  
108 Families (TANF) benefits which may be granted for any dependent  
109 child and a needy caretaker relative shall be determined by the  
110 county department with due regard to the resources and necessary  
111 expenditures of the family and the conditions existing in each  
112 case, and in accordance with the rules and regulations made by the  
113 Department of Human Services which shall not be less than the  
114 Standard of Need in effect for 1988, and shall be sufficient when  
115 added to all other income (except that any income specified in the  
116 federal Social Security Act, as amended, may be disregarded) and  
117 support available to the child to provide such child with a  
118 reasonable subsistence compatible with decency and health. The  
119 first family member in the dependent child's budget may receive an  
120 amount not to exceed One Hundred Ten Dollars (\$110.00) per month;  
121 the second family member in the dependent child's budget may  
122 receive an amount not to exceed Thirty-six Dollars (\$36.00) per  
123 month; and each additional family member in the dependent child's  
124 budget an amount not to exceed Twenty-four Dollars (\$24.00) per  
125 month. The maximum for any individual family member in the  
126 dependent child's budget may be exceeded for foster or medical  
127 care or in cases of children with an intellectual disability or a  
128 physical disability. TANF benefits granted shall be specifically  
129 limited only (a) to children existing or conceived at the time the



130 caretaker relative initially applies and qualifies for such  
131 assistance, unless this limitation is specifically waived by the  
132 department, or (b) to a child born following a  
133 twelve-consecutive-month period of discontinued benefits by the  
134 caretaker relative.

135 (2) TANF benefits in Mississippi shall be provided to the  
136 recipient family by an online electronic benefits transfer system.

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

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

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

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

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



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

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

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

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

177           (i) Any individual who fails to comply with the  
178 provisions of the Employability Development Plan signed by the



179 individual which prescribe those activities designed to help the  
180 individual become and remain employed, or to participate  
181 satisfactorily in the assigned work activity, as authorized under  
182 subsection (6) (c) and (d), or who does not engage in applicant job  
183 search activities within the thirty-day period for TANF  
184 application approval after receiving the advice and consultation  
185 of eligibility workers and/or caseworkers of the department  
186 providing a detailed description of available job search venues in  
187 the individual's county of residence or the surrounding counties;

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

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

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

202 (m) For a period of ten (10) years following  
203 conviction, individuals convicted in federal or state court of





204 having made a fraudulent statement or representation with respect  
205 to the individual's place of residence in order to receive TANF,  
206 food stamps or Supplemental Security Income (SSI) assistance under  
207 Title XVI or Title XIX simultaneously from two (2) or more  
208 states; \* \* \*

209 (n) Individuals who are recipients of federal  
210 Supplemental Security Income (SSI) assistance \* \* \*; and

211 (o) Individuals who are eighteen (18) years of age or  
212 older who are not in compliance with the drug testing and  
213 substance use disorder treatment requirements of Section 1 of this  
214 act.

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

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

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

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

225 (iv) If the person is a parent or caretaker  
226 relative with whom a dependent child is living, child care is  
227 available for the child.



228           The monthly attendance requirement under this subsection  
229 shall be attendance at the school in which the person is enrolled  
230 for each day during a month that the school conducts classes in  
231 which the person is enrolled, with not more than two (2) absences  
232 during the month for reasons other than the reasons listed in  
233 paragraph (e)(iv) of this subsection. Persons who fail to meet  
234 participation requirements in this subsection shall be subject to  
235 sanctions as provided in paragraph (f) of this subsection.

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

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

239                       (ii) A vocational, technical and adult education  
240 program; or

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

244           (c) If any compulsory-school-age child, as defined in  
245 Section 37-13-91(2), to which TANF eligibility requirements apply  
246 is not in compliance with the compulsory school attendance  
247 requirements of Section 37-13-91(6), the superintendent of schools  
248 of the school district in which the child is enrolled or eligible  
249 to attend shall notify the county department of human services of  
250 the child's noncompliance. The Department of Human Services shall  
251 review school attendance information as provided under this



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

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

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



277           If a school district fails to provide to the department the  
278 information about the school attendance of any child within  
279 fifteen (15) working days after a written request, the department  
280 shall notify the Department of Audit within three (3) working days  
281 of the school district's failure to comply with that requirement.  
282 The Department of Audit shall begin audit proceedings within five  
283 (5) working days of notification by the Department of Human  
284 Services to determine the school district's compliance with the  
285 requirements of this subsection (4). If the Department of Audit  
286 finds that the school district is not in compliance with the  
287 requirements of this subsection, the school district shall be  
288 penalized as follows: The Department of Audit shall notify the  
289 State Department of Education of the school district's  
290 noncompliance, and the Department of Education shall reduce the  
291 calculation of the school district's average daily attendance  
292 (ADA) that is used to determine the allocation of Mississippi  
293 Adequate Education Program funds by the number of children for  
294 which the district has failed to provide to the Department of  
295 Human Services the required information about the school  
296 attendance of those children. The reduction in the calculation of  
297 the school district's ADA under this paragraph shall be effective  
298 for a period of one (1) year.

299           (e) A child who is required to attend school to meet  
300 the requirements under this subsection shall comply except when



301 there is good cause, which shall be demonstrated by any of the  
302 following circumstances:

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

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

308 (iii) The child is prohibited by the school  
309 district from attending school and an expulsion is pending. This  
310 exemption no longer applies once the teenager has been expelled;  
311 however, a teenager who has been expelled and is making  
312 satisfactory progress towards obtaining a GED equivalent shall be  
313 eligible for TANF benefits; or

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

316 1. Illness, injury or incapacity of the child  
317 or the minor parent's child;

318 2. Court-required appearances or temporary  
319 incarceration;

320 3. Medical or dental appointments for the  
321 child or minor parent's child;

322 4. Death of a close relative;

323 5. Observance of a religious holiday;

324 6. Family emergency;

325 7. Breakdown in transportation;



326                   8. Suspension; or  
327                   9. Any other circumstance beyond the control  
328 of the child, as defined in regulations of the department.

329                   (f) Upon determination that a child has failed without  
330 good cause to attend school as required, the department shall  
331 provide written notice to the parent or caretaker relative  
332 (whoever is the primary recipient of the TANF benefits) that  
333 specifies:

334                   (i) That the family will be sanctioned in the next  
335 possible payment month because the child who is required to attend  
336 school has failed to meet the attendance requirement of this  
337 subsection;

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

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

343                   The child's parent or caretaker relative (whoever is the  
344 primary recipient of the TANF benefits) may request a fair hearing  
345 on the department's determination that the child has not been  
346 attending school. If the child's parents or caretaker relative  
347 does not request a fair hearing under this subsection, or if,  
348 after a fair hearing has been held, the hearing officer finds that  
349 the child without good cause has failed to meet the monthly  
350 attendance requirement, the department shall discontinue or deny



351 TANF benefits to the child thirteen (13) years old, or older, in  
352 the next possible payment month. The department shall discontinue  
353 or deny twenty-five percent (25%) of the family grant when a child  
354 six (6) through twelve (12) years of age without good cause has  
355 failed to meet the monthly attendance requirement. Both the child  
356 and family sanction may apply when children in both age groups  
357 fail to meet the attendance requirement without good cause. A  
358 sanction applied under this subsection shall be effective for one  
359 (1) month for each month that the child failed to meet the monthly  
360 attendance requirement. In the case of a dropout, the sanction  
361 shall remain in force until the parent or caretaker relative  
362 provides written proof from the school district that the child has  
363 reenrolled and met the monthly attendance requirement for one (1)  
364 calendar month. Any month in which school is in session for at  
365 least ten (10) days during the month may be used to meet the  
366 attendance requirement under this subsection. This includes  
367 attendance at summer school. The sanction shall be removed the  
368 next possible payment month.

369 (5) All parents or caretaker relatives shall have their  
370 dependent children receive vaccinations and booster vaccinations  
371 against those diseases specified by the State Health Officer under  
372 Section 41-23-37 in accordance with the vaccination and booster  
373 vaccination schedule prescribed by the State Health Officer for  
374 children of that age, in order for the parents or caretaker  
375 relatives to be eligible or remain eligible to receive TANF



376 benefits. Proof of having received such vaccinations and booster  
377 vaccinations shall be given by presenting the certificates of  
378 vaccination issued by any health care provider licensed to  
379 administer vaccinations, and submitted on forms specified by the  
380 State Board of Health. If the parents without good cause do not  
381 have their dependent children receive the vaccinations and booster  
382 vaccinations as required by this subsection and they fail to  
383 comply after thirty (30) days' notice, the department shall  
384 sanction the family's TANF benefits by twenty-five percent (25%)  
385 for the next payment month and each subsequent payment month until  
386 the requirements of this subsection are met.

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





401 refused to accept a referral or offer of employment, training or  
402 education if he or she:

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

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

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

410 (b) The Department of Human Services shall operate a  
411 statewide work program for TANF recipients to provide work  
412 activities and supportive services to enable families to become  
413 self-sufficient and improve their competitive position in the  
414 workforce in accordance with the requirements of the federal  
415 Personal Responsibility and Work Opportunity Reconciliation Act of  
416 1996 (Public Law 104-193), as amended, and the regulations  
417 promulgated thereunder, and the Deficit Reduction Act of 2005  
418 (Public Law 109-171), as amended. Within sixty (60) days after  
419 the initial application for TANF benefits, the TANF recipient must  
420 participate in a job search skills training workshop or a job  
421 readiness program, which shall include resume writing, job search  
422 skills, employability skills and, if available at no charge, the  
423 General Aptitude Test Battery or its equivalent. All adults who  
424 are not specifically exempt shall be referred by the department



425 for allowable work activities. An adult may be exempt from the  
426 mandatory work activity requirement for the following reasons:

427 (i) Incapacity;

428 (ii) Temporary illness or injury, verified by  
429 physician's certificate;

430 (iii) Is in the third trimester of pregnancy, and  
431 there are complications verified by the certificate of a  
432 physician, nurse practitioner, physician assistant, or any other  
433 licensed health care professional practicing under a protocol with  
434 a licensed physician;

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

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

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

442 (vii) Receiving treatment for substance abuse, if  
443 the person is in compliance with the substance abuse treatment  
444 plan;

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

448 (ix) History of having been a victim of domestic  
449 violence, which has been reported as required by state law and is



450 substantiated by police reports or court records, and being at  
451 risk of further domestic violence, shall be exempt for a period as  
452 deemed necessary by the department but not to exceed a total of  
453 twelve (12) months, which need not be consecutive, in the  
454 sixty-month maximum benefit period. For the purposes of this  
455 subparagraph (ix), "domestic violence" means that an individual  
456 has been subjected to:

- 457 1. Physical acts that resulted in, or  
458 threatened to result in, physical injury to the individual;
- 459 2. Sexual abuse;
- 460 3. Sexual activity involving a dependent  
461 child;
- 462 4. Being forced as the caretaker relative of  
463 a dependent child to engage in nonconsensual sexual acts or  
464 activities;
- 465 5. Threats of, or attempts at, physical or  
466 sexual abuse;
- 467 6. Mental abuse; or
- 468 7. Neglect or deprivation of medical care.

469 (c) For all families, all adults who are not  
470 specifically exempt shall be required to participate in work  
471 activities for at least the minimum average number of hours per  
472 week specified by federal law or regulation, not fewer than twenty  
473 (20) hours per week (thirty-five (35) hours per week for



474 two-parent families) of which are attributable to the following  
475 allowable work activities:

476 (i) Unsubsidized employment;

477 (ii) Subsidized private employment;

478 (iii) Subsidized public employment;

479 (iv) Work experience (including work associated  
480 with the refurbishing of publicly assisted housing), if sufficient  
481 private employment is not available;

482 (v) On-the-job training;

483 (vi) Job search and job readiness assistance  
484 consistent with federal TANF regulations;

485 (vii) Community service programs;

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

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

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

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



497 (d) The following are allowable work activities which  
498 may be attributable to hours in excess of the minimum specified in  
499 subsection (6) (c):

500 (i) Job skills training directly related to  
501 employment;

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

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

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

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

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

520 (ii) For the second violation, the department  
521 shall terminate the TANF assistance otherwise payable to the



522 family for a six-month period or until the person has complied  
523 with the required work activity, whichever is longer;

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

528 (iv) For the fourth violation, the person shall be  
529 permanently disqualified.

530 For a two-parent family, unless prohibited by state or  
531 federal law, Medicaid assistance shall be terminated only for the  
532 person whose failure to participate in allowable work activity  
533 caused the family's TANF assistance to be sanctioned under this  
534 subsection (6) (e), unless an individual is pregnant, but shall not  
535 be terminated for any other person in the family who is meeting  
536 that person's applicable work requirement or who is not required  
537 to work. Minor children shall continue to be eligible for  
538 Medicaid benefits regardless of the disqualification of their  
539 parent or caretaker relative for TANF assistance under this  
540 subsection (6), unless prohibited by state or federal law.

541 (f) Any person enrolled in a two-year or four-year  
542 college program who meets the eligibility requirements to receive  
543 TANF benefits, and who is meeting the applicable work requirements  
544 and all other applicable requirements of the TANF program, shall  
545 continue to be eligible for TANF benefits while enrolled in the



546 college program for as long as the person meets the requirements  
547 of the TANF program, unless prohibited by federal law.

548 (g) No adult in a work activity required under this  
549 subsection (6) shall be employed or assigned (i) when any other  
550 individual is on layoff from the same or any substantially  
551 equivalent job within six (6) months before the date of the TANF  
552 recipient's employment or assignment; or (ii) if the employer has  
553 terminated the employment of any regular employee or otherwise  
554 caused an involuntary reduction of its workforce in order to fill  
555 the vacancy so created with an adult receiving TANF assistance.  
556 The Mississippi Department of Employment Security, established  
557 under Section 71-5-101, shall appoint one or more impartial  
558 hearing officers to hear and decide claims by employees of  
559 violations of this paragraph (g). The hearing officer shall hear  
560 all the evidence with respect to any claim made hereunder and such  
561 additional evidence as he may require and shall make a  
562 determination and the reason therefor. The claimant shall be  
563 promptly notified of the decision of the hearing officer and the  
564 reason therefor. Within ten (10) days after the decision of the  
565 hearing officer has become final, any party aggrieved thereby may  
566 secure judicial review thereof by commencing an action, in the  
567 circuit court of the county in which the claimant resides, against  
568 the department for the review of such decision, in which action  
569 any other party to the proceeding before the hearing officer shall  
570 be made a defendant. Any such appeal shall be on the record which



571 shall be certified to the court by the department in the manner  
572 provided in Section 71-5-531, and the jurisdiction of the court  
573 shall be confined to questions of law which shall render its  
574 decision as provided in that section.

575 (7) The Department of Human Services may provide child care  
576 for eligible participants who require such care so that they may  
577 accept employment or remain employed. The department may also  
578 provide child care for those participating in the TANF program  
579 when it is determined that they are satisfactorily involved in  
580 education, training or other allowable work activities. The  
581 department may contract with Head Start agencies to provide child  
582 care services to TANF recipients. The department may also arrange  
583 for child care by use of contract or vouchers, provide vouchers in  
584 advance to a caretaker relative, reimburse a child care provider,  
585 or use any other arrangement deemed appropriate by the department,  
586 and may establish different reimbursement rates for child care  
587 services depending on the category of the facility or home. Any  
588 center-based or group home child care facility under this  
589 subsection shall be licensed by the State Department of Health  
590 pursuant to law. When child care is being provided in the child's  
591 own home, in the home of a relative of the child, or in any other  
592 unlicensed setting, the provision of such child care may be  
593 monitored on a random basis by the Department of Human Services or  
594 the State Department of Health. Transitional child care  
595 assistance may be continued if it is necessary for parents to





596 maintain employment once support has ended, unless prohibited  
597 under state or federal law. Transitional child care assistance  
598 may be provided for up to twenty-four (24) months after the last  
599 month during which the family was eligible for TANF assistance, if  
600 federal funds are available for such child care assistance.

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

606 (9) Medicaid assistance shall be provided to a family of  
607 TANF program participants for up to twenty-four (24) consecutive  
608 calendar months following the month in which the participating  
609 family would be ineligible for TANF benefits because of increased  
610 income, expiration of earned income disregards, or increased hours  
611 of employment of the caretaker relative; however, Medicaid  
612 assistance for more than twelve (12) months may be provided only  
613 if a federal waiver is obtained to provide such assistance for  
614 more than twelve (12) months and federal and state funds are  
615 available to provide such assistance.

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



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

630 (12) Any unspent TANF funds remaining from the prior fiscal  
631 year may be expended for any TANF allowable activities.

632 (13) The Mississippi Department of Human Services shall  
633 provide TANF applicants information and referral to programs that  
634 provide information about birth control, prenatal health care,  
635 abstinence education, marriage education, family preservation and  
636 fatherhood.

637 (14) No new TANF program requirement or restriction  
638 affecting a person's eligibility for TANF assistance, or allowable  
639 work activity, which is not mandated by federal law or regulation  
640 may be implemented by the Department of Human Services after July  
641 1, 2004, unless such is specifically authorized by an amendment to  
642 this section by the Legislature.

643 **SECTION 3.** This act shall take effect and be in force from  
644 and after July 1, 2014.

