

By: Senator(s) Jackson (11th), Jordan,  
Dawkins, Jones, Horhn, Norwood, Simmons  
(12th)

To: Public Health and  
Welfare

SENATE BILL NO. 2562

1 AN ACT TO PROHIBIT THE DEPARTMENT OF HUMAN SERVICES FROM  
2 IMPLEMENTING IN THE CHILD CARE PAYMENT SYSTEM ANY PAYMENT SYSTEM  
3 THAT TRACKS AND RECORDS TIME AND ATTENDANCE THROUGH BIO-METRICS,  
4 FINGER SCANNING OF PARENTS AND DESIGNEES, ELECTRONIC BENEFIT  
5 TRANSFER (EBT) CARDS OR ANY OTHER METHOD THAT WOULD REDUCE  
6 SERVICES, DENY ACCESS TO HIGH QUALITY PROGRAMS, AND UNDULY BURDEN  
7 THE GOALS AND PURPOSE OF THE CHILD CARE DEVELOPMENT FUND (CCDF) AS  
8 A WORK FORCE SUPPORT FOR LOW-INCOME PARENTS; TO REQUIRE THE  
9 DEPARTMENT TO USE ALL AVAILABLE TEMPORARY ASSISTANCE FOR NEEDY  
10 FAMILIES (TANF) FUNDS TO INCREASE THE NUMBER OF CHILDREN SERVED IN  
11 THE CHILD CARE PAYMENT SYSTEM; TO REQUIRE THE DEPARTMENT TO USE  
12 ALL FEDERAL AND STATE CCDF FUNDS FOR SERVICES TO CHILDREN IN THE  
13 CHILD CARE PAYMENT SYSTEM, WITH CERTAIN EXCEPTIONS; TO AMEND  
14 SECTION 43-17-5, MISSISSIPPI CODE OF 1972, TO REQUIRE THAT ANY  
15 UNSPENT TANF FUNDS REMAINING FROM THE PRIOR FISCAL YEAR BE  
16 TRANSFERRED TO THE CCDF; AND FOR RELATED PURPOSES.

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

18 **SECTION 1.** The Department of Human Services is prohibited  
19 from implementing in the Child Care Payment System any payment  
20 system that tracks and records time and attendance through  
21 bio-metrics, finger scanning of parents and designees, electronic  
22 benefit transfer (EBT) cards or any other method that would reduce  
23 services, deny access to high quality programs, and unduly burden  
24 the commerce and matter in accomplishing the goals and purpose of



25 the Child Care Development Fund (CCDF) as a work force support for  
26 low-income parents.

27 **SECTION 2.** (1) The Department of Human Services shall use  
28 all available Temporary Assistance for Needy Families (TANF) funds  
29 to increase the number of children served in the Child Care  
30 Payment System.

31 (2) The Department of Human Services shall use all federal  
32 and state Child Care Development Fund (CCDF) funds for services to  
33 children in the Child Care Payment System, except for the  
34 federally mandated portion to be used for quality improvement  
35 activities and the federally limited amount to be used for  
36 administration.

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

39 43-17-5. (1) The amount of Temporary Assistance for Needy  
40 Families (TANF) benefits which may be granted for any dependent  
41 child and a needy caretaker relative shall be determined by the  
42 county department with due regard to the resources and necessary  
43 expenditures of the family and the conditions existing in each  
44 case, and in accordance with the rules and regulations made by the  
45 Department of Human Services which shall not be less than the  
46 Standard of Need in effect for 1988, and shall be sufficient when  
47 added to all other income (except that any income specified in the  
48 federal Social Security Act, as amended, may be disregarded) and  
49 support available to the child to provide such child with a



50 reasonable subsistence compatible with decency and health. The  
51 first family member in the dependent child's budget may receive an  
52 amount not to exceed One Hundred Ten Dollars (\$110.00) per month;  
53 the second family member in the dependent child's budget may  
54 receive an amount not to exceed Thirty-six Dollars (\$36.00) per  
55 month; and each additional family member in the dependent child's  
56 budget an amount not to exceed Twenty-four Dollars (\$24.00) per  
57 month. The maximum for any individual family member in the  
58 dependent child's budget may be exceeded for foster or medical  
59 care or in cases of children with an intellectual disability or a  
60 physical disability. TANF benefits granted shall be specifically  
61 limited only (a) to children existing or conceived at the time the  
62 caretaker relative initially applies and qualifies for such  
63 assistance, unless this limitation is specifically waived by the  
64 department, or (b) to a child born following a  
65 twelve-consecutive-month period of discontinued benefits by the  
66 caretaker relative.

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

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

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



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

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

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

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

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



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

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

109 (i) Any individual who fails to comply with the  
110 provisions of the Employability Development Plan signed by the  
111 individual which prescribe those activities designed to help the  
112 individual become and remain employed, or to participate  
113 satisfactorily in the assigned work activity, as authorized under  
114 subsection (6) (c) and (d), or who does not engage in applicant job  
115 search activities within the thirty-day period for TANF  
116 application approval after receiving the advice and consultation  
117 of eligibility workers and/or caseworkers of the department  
118 providing a detailed description of available job search venues in  
119 the individual's county of residence or the surrounding counties;

120 (j) A parent or caretaker relative who has not engaged  
121 in an allowable work activity once the department determines the  
122 parent or caretaker relative is ready to engage in work, or once  
123 the parent or caretaker relative has received TANF assistance



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

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

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

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

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

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

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



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

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

153                   (iv) If the person is a parent or caretaker  
154 relative with whom a dependent child is living, child care is  
155 available for the child.

156           The monthly attendance requirement under this subsection  
157 shall be attendance at the school in which the person is enrolled  
158 for each day during a month that the school conducts classes in  
159 which the person is enrolled, with not more than two (2) absences  
160 during the month for reasons other than the reasons listed in  
161 paragraph (e)(iv) of this subsection. Persons who fail to meet  
162 participation requirements in this subsection shall be subject to  
163 sanctions as provided in paragraph (f) of this subsection.

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

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

167                   (ii) A vocational, technical and adult education  
168 program; or

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

172           (c) If any compulsory-school-age child, as defined in  
173 Section 37-13-91(2), to which TANF eligibility requirements apply



174 is not in compliance with the compulsory school attendance  
175 requirements of Section 37-13-91(6), the superintendent of schools  
176 of the school district in which the child is enrolled or eligible  
177 to attend shall notify the county department of human services of  
178 the child's noncompliance. The Department of Human Services shall  
179 review school attendance information as provided under this  
180 paragraph at all initial eligibility determinations and upon  
181 subsequent report of unsatisfactory attendance.

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

196 A school district shall provide information to the department  
197 about the attendance of a child who is enrolled in a public school  
198 in the district within five (5) working days of the receipt of a





199 written request for that information from the department. The  
200 school district shall define how many hours of attendance count as  
201 a full day and shall provide that information, upon request, to  
202 the department. In reporting attendance, the school district may  
203 add partial days' absence together to constitute a full day's  
204 absence.

205       If a school district fails to provide to the department the  
206 information about the school attendance of any child within  
207 fifteen (15) working days after a written request, the department  
208 shall notify the Department of Audit within three (3) working days  
209 of the school district's failure to comply with that requirement.  
210 The Department of Audit shall begin audit proceedings within five  
211 (5) working days of notification by the Department of Human  
212 Services to determine the school district's compliance with the  
213 requirements of this subsection (4). If the Department of Audit  
214 finds that the school district is not in compliance with the  
215 requirements of this subsection, the school district shall be  
216 penalized as follows: The Department of Audit shall notify the  
217 State Department of Education of the school district's  
218 noncompliance, and the Department of Education shall reduce the  
219 calculation of the school district's average daily attendance  
220 (ADA) that is used to determine the allocation of Mississippi  
221 Adequate Education Program funds by the number of children for  
222 which the district has failed to provide to the Department of  
223 Human Services the required information about the school



224 attendance of those children. The reduction in the calculation of  
225 the school district's ADA under this paragraph shall be effective  
226 for a period of one (1) year.

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

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

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

236 (iii) The child is prohibited by the school  
237 district from attending school and an expulsion is pending. This  
238 exemption no longer applies once the teenager has been expelled;  
239 however, a teenager who has been expelled and is making  
240 satisfactory progress towards obtaining a GED equivalent shall be  
241 eligible for TANF benefits; or

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

- 244 1. Illness, injury or incapacity of the child  
245 or the minor parent's child;
- 246 2. Court-required appearances or temporary  
247 incarceration;



248                   3. Medical or dental appointments for the  
249 child or minor parent's child;  
250                   4. Death of a close relative;  
251                   5. Observance of a religious holiday;  
252                   6. Family emergency;  
253                   7. Breakdown in transportation;  
254                   8. Suspension; or  
255                   9. Any other circumstance beyond the control  
256 of the child, as defined in regulations of the department.

257                   (f) Upon determination that a child has failed without  
258 good cause to attend school as required, the department shall  
259 provide written notice to the parent or caretaker relative  
260 (whoever is the primary recipient of the TANF benefits) that  
261 specifies:

262                   (i) That the family will be sanctioned in the next  
263 possible payment month because the child who is required to attend  
264 school has failed to meet the attendance requirement of this  
265 subsection;

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

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

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



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



297 (5) All parents or caretaker relatives shall have their  
298 dependent children receive vaccinations and booster vaccinations  
299 against those diseases specified by the State Health Officer under  
300 Section 41-23-37 in accordance with the vaccination and booster  
301 vaccination schedule prescribed by the State Health Officer for  
302 children of that age, in order for the parents or caretaker  
303 relatives to be eligible or remain eligible to receive TANF  
304 benefits. Proof of having received such vaccinations and booster  
305 vaccinations shall be given by presenting the certificates of  
306 vaccination issued by any health care provider licensed to  
307 administer vaccinations, and submitted on forms specified by the  
308 State Board of Health. If the parents without good cause do not  
309 have their dependent children receive the vaccinations and booster  
310 vaccinations as required by this subsection and they fail to  
311 comply after thirty (30) days' notice, the department shall  
312 sanction the family's TANF benefits by twenty-five percent (25%)  
313 for the next payment month and each subsequent payment month until  
314 the requirements of this subsection are met.

315 (6) (a) If the parent or caretaker relative applying for  
316 TANF assistance is work eligible, as determined by the Department  
317 of Human Services, the person shall be required to engage in an  
318 allowable work activity once the department determines the parent  
319 or caretaker relative is determined work eligible, or once the  
320 parent or caretaker relative has received TANF assistance under  
321 the program for twenty-four (24) months, whether or not



322 consecutive, whichever is earlier. No TANF benefits shall be  
323 given to any person to whom this section applies who fails without  
324 good cause to comply with the Employability Development Plan  
325 prepared by the department for the person, or who has refused to  
326 accept a referral or offer of employment, training or education in  
327 which he or she is able to engage, subject to the penalties  
328 prescribed in subsection (6)(e). A person shall be deemed to have  
329 refused to accept a referral or offer of employment, training or  
330 education if he or she:

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

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

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

338 (b) The Department of Human Services shall operate a  
339 statewide work program for TANF recipients to provide work  
340 activities and supportive services to enable families to become  
341 self-sufficient and improve their competitive position in the  
342 workforce in accordance with the requirements of the federal  
343 Personal Responsibility and Work Opportunity Reconciliation Act of  
344 1996 (Public Law 104-193), as amended, and the regulations  
345 promulgated thereunder, and the Deficit Reduction Act of 2005  
346 (Public Law 109-171), as amended. Within sixty (60) days after



347 the initial application for TANF benefits, the TANF recipient must  
348 participate in a job search skills training workshop or a job  
349 readiness program, which shall include résumé writing, job search  
350 skills, employability skills and, if available at no charge, the  
351 General Aptitude Test Battery or its equivalent. All adults who  
352 are not specifically exempt shall be referred by the department  
353 for allowable work activities. An adult may be exempt from the  
354 mandatory work activity requirement for the following reasons:

355 (i) Incapacity;

356 (ii) Temporary illness or injury, verified by  
357 physician's certificate;

358 (iii) Is in the third trimester of pregnancy, and  
359 there are complications verified by the certificate of a  
360 physician, nurse practitioner, physician assistant, or any other  
361 licensed health care professional practicing under a protocol with  
362 a licensed physician;

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

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

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



370 (vii) Receiving treatment for substance abuse, if  
371 the person is in compliance with the substance abuse treatment  
372 plan;

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

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

385 1. Physical acts that resulted in, or  
386 threatened to result in, physical injury to the individual;

387 2. Sexual abuse;

388 3. Sexual activity involving a dependent  
389 child;

390 4. Being forced as the caretaker relative of  
391 a dependent child to engage in nonconsensual sexual acts or  
392 activities;

393 5. Threats of, or attempts at, physical or  
394 sexual abuse;





395                           6. Mental abuse; or  
396                           7. Neglect or deprivation of medical care.  
397                   (c) For all families, all adults who are not  
398 specifically exempt shall be required to participate in work  
399 activities for at least the minimum average number of hours per  
400 week specified by federal law or regulation, not fewer than twenty  
401 (20) hours per week (thirty-five (35) hours per week for  
402 two-parent families) of which are attributable to the following  
403 allowable work activities:  
404                   (i) Unsubsidized employment;  
405                   (ii) Subsidized private employment;  
406                   (iii) Subsidized public employment;  
407                   (iv) Work experience (including work associated  
408 with the refurbishing of publicly assisted housing), if sufficient  
409 private employment is not available;  
410                   (v) On-the-job training;  
411                   (vi) Job search and job readiness assistance  
412 consistent with federal TANF regulations;  
413                   (vii) Community service programs;  
414                   (viii) Vocational educational training (not to  
415 exceed twelve (12) months with respect to any individual);  
416                   (ix) The provision of child care services to an  
417 individual who is participating in a community service program;  
418                   (x) Satisfactory attendance at high school or in a  
419 course of study leading to a high school equivalency certificate,



420 for heads of household under age twenty (20) who have not  
421 completed high school or received such certificate;

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

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

428 (i) Job skills training directly related to  
429 employment;

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

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

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

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



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

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

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

456 (iv) For the fourth violation, the person shall be  
457 permanently disqualified.

458 For a two-parent family, unless prohibited by state or  
459 federal law, Medicaid assistance shall be terminated only for the  
460 person whose failure to participate in allowable work activity  
461 caused the family's TANF assistance to be sanctioned under this  
462 subsection (6)(e), unless an individual is pregnant, but shall not  
463 be terminated for any other person in the family who is meeting  
464 that person's applicable work requirement or who is not required  
465 to work. Minor children shall continue to be eligible for  
466 Medicaid benefits regardless of the disqualification of their  
467 parent or caretaker relative for TANF assistance under this  
468 subsection (6), unless prohibited by state or federal law.



469 (f) Any person enrolled in a two-year or four-year  
470 college program who meets the eligibility requirements to receive  
471 TANF benefits, and who is meeting the applicable work requirements  
472 and all other applicable requirements of the TANF program, shall  
473 continue to be eligible for TANF benefits while enrolled in the  
474 college program for as long as the person meets the requirements  
475 of the TANF program, unless prohibited by federal law.

476 (g) No adult in a work activity required under this  
477 subsection (6) shall be employed or assigned (i) when any other  
478 individual is on layoff from the same or any substantially  
479 equivalent job within six (6) months before the date of the TANF  
480 recipient's employment or assignment; or (ii) if the employer has  
481 terminated the employment of any regular employee or otherwise  
482 caused an involuntary reduction of its workforce in order to fill  
483 the vacancy so created with an adult receiving TANF assistance.  
484 The Mississippi Department of Employment Security, established  
485 under Section 71-5-101, shall appoint one or more impartial  
486 hearing officers to hear and decide claims by employees of  
487 violations of this paragraph (g). The hearing officer shall hear  
488 all the evidence with respect to any claim made hereunder and such  
489 additional evidence as he may require and shall make a  
490 determination and the reason therefor. The claimant shall be  
491 promptly notified of the decision of the hearing officer and the  
492 reason therefor. Within ten (10) days after the decision of the  
493 hearing officer has become final, any party aggrieved thereby may



494 secure judicial review thereof by commencing an action, in the  
495 circuit court of the county in which the claimant resides, against  
496 the department for the review of such decision, in which action  
497 any other party to the proceeding before the hearing officer shall  
498 be made a defendant. Any such appeal shall be on the record which  
499 shall be certified to the court by the department in the manner  
500 provided in Section 71-5-531, and the jurisdiction of the court  
501 shall be confined to questions of law which shall render its  
502 decision as provided in that section.

503 (7) The Department of Human Services may provide child care  
504 for eligible participants who require such care so that they may  
505 accept employment or remain employed. The department may also  
506 provide child care for those participating in the TANF program  
507 when it is determined that they are satisfactorily involved in  
508 education, training or other allowable work activities. The  
509 department may contract with Head Start agencies to provide child  
510 care services to TANF recipients. The department may also arrange  
511 for child care by use of contract or vouchers, provide vouchers in  
512 advance to a caretaker relative, reimburse a child care provider,  
513 or use any other arrangement deemed appropriate by the department,  
514 and may establish different reimbursement rates for child care  
515 services depending on the category of the facility or home. Any  
516 center-based or group home child care facility under this  
517 subsection shall be licensed by the State Department of Health  
518 pursuant to law. When child care is being provided in the child's



519 own home, in the home of a relative of the child, or in any other  
520 unlicensed setting, the provision of such child care may be  
521 monitored on a random basis by the Department of Human Services or  
522 the State Department of Health. Transitional child care  
523 assistance may be continued if it is necessary for parents to  
524 maintain employment once support has ended, unless prohibited  
525 under state or federal law. Transitional child care assistance  
526 may be provided for up to twenty-four (24) months after the last  
527 month during which the family was eligible for TANF assistance, if  
528 federal funds are available for such child care assistance.

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

534 (9) Medicaid assistance shall be provided to a family of  
535 TANF program participants for up to twenty-four (24) consecutive  
536 calendar months following the month in which the participating  
537 family would be ineligible for TANF benefits because of increased  
538 income, expiration of earned income disregards, or increased hours  
539 of employment of the caretaker relative; however, Medicaid  
540 assistance for more than twelve (12) months may be provided only  
541 if a federal waiver is obtained to provide such assistance for  
542 more than twelve (12) months and federal and state funds are  
543 available to provide such assistance.



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

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

558 (12) Any unspent TANF funds remaining from the prior fiscal  
559 year \* \* \* shall be transferred to the Child Care and Development  
560 Fund (CCDF).

561 (13) The Mississippi Department of Human Services shall  
562 provide TANF applicants information and referral to programs that  
563 provide information about birth control, prenatal health care,  
564 abstinence education, marriage education, family preservation and  
565 fatherhood.

566 (14) No new TANF program requirement or restriction  
567 affecting a person's eligibility for TANF assistance, or allowable  
568 work activity, which is not mandated by federal law or regulation



569 may be implemented by the Department of Human Services after July  
570 1, 2004, unless such is specifically authorized by an amendment to  
571 this section by the Legislature.

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

