

By: Representative Hines

To: Public Health and Human Services; Appropriations

HOUSE BILL NO. 1403

1 AN ACT TO PROHIBIT THE DEPARTMENT OF HUMAN SERVICES OR ANY  
2 DESIGNATED LEAD AGENCY ADMINISTERING THE CHILD CARE AND  
3 DEVELOPMENT FUND (CCDF) WITHIN THE STATE FROM REQUIRING  
4 COOPERATION WITH CHILD SUPPORT ENFORCEMENT TO BE ELIGIBLE FOR THE  
5 RECEIPT OF FEDERAL CCDF ASSISTANCE; TO AMEND SECTIONS 43-1-7,  
6 43-17-5, 43-19-39 AND 43-19-41, MISSISSIPPI CODE OF 1972, TO  
7 CONFORM TO THE PRECEDING PROVISION; AND FOR RELATED PURPOSES.

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

9 **SECTION 1.** The Mississippi Department of Human Services or  
10 any other designated lead agency within the state administering  
11 the federal Child Care and Development Fund (CCDF) shall not  
12 require applicants to cooperate with child support enforcement to  
13 be eligible to receive CCDF assistance.

14 **SECTION 2.** Section 43-1-7, Mississippi Code of 1972, is  
15 amended as follows:

16 43-1-7. (1) The Department of Human Services may establish  
17 family resource centers to help families who are receiving or are  
18 eligible to receive assistance from government agencies to  
19 facilitate their access to services and resources that will lead  
20 to increased family independence.



21           (2) The department shall carry out an intense public  
22 information campaign to inform low-income workers, and especially  
23 public assistance recipients, of the availability of and  
24 application rules for the federal Earned Income Tax Credit (EITC),  
25 in order to maximize the refund of federal income tax withheld  
26 from those persons. The information campaign shall include  
27 publishing and circulating bulletins or notices to recipients of  
28 Temporary Assistance for Needy Families (TANF) benefits and other  
29 public assistance that publicize and explain the EITC and the  
30 criteria for family eligibility for the EITC. The department also  
31 shall carry out an intense information campaign to inform  
32 employers of the availability of and the criteria for eligibility  
33 for the Work Opportunity Tax Credit (WOTC), which offers employers  
34 a credit against their federal tax liability for hiring people  
35 from certain target groups, including TANF recipients, and to  
36 inform employers of the availability of and the criteria for  
37 eligibility for the state income tax credit for employers who hire  
38 persons receiving TANF benefits as authorized under Section  
39 27-7-22.1.

40           (3) The department shall establish and maintain a statewide  
41 incoming wide area telephone service hot line for the purpose of  
42 reporting suspected cases of welfare eligibility fraud, \* \* \*  
43 Supplemental Nutrition Assistance Program (SNAP) fraud and  
44 Medicaid fraud. The department is authorized, subject to the  
45 extent of appropriations available, to offer financial incentives



46 to individuals for reporting such suspected cases of public  
47 assistance fraud.

48 (4) Any applicant for or recipient of TANF benefits or \* \* \*  
49 SNAP benefits shall be required to agree that, as a condition of  
50 eligibility for those benefits, the person will cooperate with the  
51 department in determining paternity for the purposes of enforcing  
52 child support obligations. The department shall utilize methods  
53 and procedures provided for by state or federal law in determining  
54 paternity and enforcing child support obligations. This  
55 subsection shall not apply to the receipt of Child Care and  
56 Development Fund (CCDF) assistance, as provided in Section 1 of  
57 this act.

58 **SECTION 3.** Section 43-17-5, Mississippi Code of 1972,  
59 is amended as follows:

60 43-17-5. (1) The amount of Temporary Assistance for Needy  
61 Families (TANF) benefits which may be granted for any dependent  
62 child and a needy caretaker relative shall be determined by the  
63 county department with due regard to the resources and necessary  
64 expenditures of the family and the conditions existing in each  
65 case, and in accordance with the rules and regulations made by the  
66 Department of Human Services which shall not be less than the  
67 Standard of Need in effect for 1988, and shall be sufficient when  
68 added to all other income (except that any income specified in the  
69 federal Social Security Act, as amended, may be disregarded) and  
70 support available to the child to provide such child with a



71 reasonable subsistence compatible with decency and health. The  
72 first family member in the dependent child's budget may receive an  
73 amount not to exceed One Hundred Ten Dollars (\$110.00) per month;  
74 the second family member in the dependent child's budget may  
75 receive an amount not to exceed Thirty-six Dollars (\$36.00) per  
76 month; and each additional family member in the dependent child's  
77 budget an amount not to exceed Twenty-four Dollars (\$24.00) per  
78 month. The maximum for any individual family member in the  
79 dependent child's budget may be exceeded for foster or medical  
80 care or in cases of children with an intellectual disability or a  
81 physical disability. TANF benefits granted shall be specifically  
82 limited only (a) to children existing or conceived at the time the  
83 caretaker relative initially applies and qualifies for such  
84 assistance, unless this limitation is specifically waived by the  
85 department, or (b) to a child born following a  
86 twelve-consecutive-month period of discontinued benefits by the  
87 caretaker relative.

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

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

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



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

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

105 (d) Families who fail to cooperate in establishing  
106 paternity or obtaining child support, as required by law; however,  
107 this paragraph shall not apply to the receipt of Child Care and  
108 Development Fund (CCDF) assistance, as provided in Section 1 of  
109 this act;

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

118 (f) Any individual who has not attained eighteen (18)  
119 years of age, is not married, has a minor child in his or her  
120 care, and does not reside in a place or residence maintained by a



121 parent, legal guardian or other adult relative or the individual  
122 as such parent's, guardian's or adult relative's own home;

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

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

133 (i) Any individual who fails to comply with the  
134 provisions of the Employability Development Plan signed by the  
135 individual which prescribe those activities designed to help the  
136 individual become and remain employed, or to participate  
137 satisfactorily in the assigned work activity, as authorized under  
138 subsection (6) (c) and (d), or who does not engage in applicant job  
139 search activities within the thirty-day period for TANF  
140 application approval after receiving the advice and consultation  
141 of eligibility workers and/or caseworkers of the department  
142 providing a detailed description of available job search venues in  
143 the individual's county of residence or the surrounding counties;

144 (j) A parent or caretaker relative who has not engaged  
145 in an allowable work activity once the department determines the



146 parent or caretaker relative is ready to engage in work, or once  
147 the parent or caretaker relative has received TANF assistance  
148 under the program for twenty-four (24) months, whether or not  
149 consecutive, whichever is earlier;

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

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

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

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

166 (o) Individuals who are eighteen (18) years of age or  
167 older who are not in compliance with the drug testing and  
168 substance use disorder treatment requirements of Section 43-17-6.

169 (4) (a) Any person who is otherwise eligible for TANF  
170 benefits, including custodial and noncustodial parents, shall be



171 required to attend school and meet the monthly attendance  
172 requirement as provided in this subsection if all of the following  
173 apply:

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

175 (ii) The person has not graduated from a public or  
176 private high school or obtained a High School Equivalency Diploma  
177 equivalent;

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

180 (iv) If the person is a parent or caretaker  
181 relative with whom a dependent child is living, child care is  
182 available for the child.

183 The monthly attendance requirement under this subsection  
184 shall be attendance at the school in which the person is enrolled  
185 for each day during a month that the school conducts classes in  
186 which the person is enrolled, with not more than two (2) absences  
187 during the month for reasons other than the reasons listed in  
188 paragraph (e)(iv) of this subsection. Persons who fail to meet  
189 participation requirements in this subsection shall be subject to  
190 sanctions as provided in paragraph (f) of this subsection.

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

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

194 (ii) A vocational, technical and adult education  
195 program; or





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

199 (c) If any compulsory-school-age child, as defined in  
200 Section 37-13-91(2), to which TANF eligibility requirements apply  
201 is not in compliance with the compulsory school attendance  
202 requirements of Section 37-13-91(6), the superintendent of schools  
203 of the school district in which the child is enrolled or eligible  
204 to attend shall notify the county department of human services of  
205 the child's noncompliance. The Department of Human Services shall  
206 review school attendance information as provided under this  
207 paragraph at all initial eligibility determinations and upon  
208 subsequent report of unsatisfactory attendance.

209 (d) The signature of a person on an application for  
210 TANF benefits constitutes permission for the release of school  
211 attendance records for that person or for any child residing with  
212 that person. The department shall request information from the  
213 child's school district about the child's attendance in the school  
214 district's most recently completed semester of attendance. If  
215 information about the child's previous school attendance is not  
216 available or cannot be verified, the department shall require the  
217 child to meet the monthly attendance requirement for one (1)  
218 semester or until the information is obtained. The department  
219 shall use the attendance information provided by a school district  
220 to verify attendance for a child. The department shall review



221 with the parent or caretaker relative a child's claim that he or  
222 she has a good cause for not attending school.

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

232 If a school district fails to provide to the department the  
233 information about the school attendance of any child within  
234 fifteen (15) working days after a written request, the department  
235 shall notify the Department of Audit within three (3) working days  
236 of the school district's failure to comply with that requirement.  
237 The Department of Audit shall begin audit proceedings within five  
238 (5) working days of notification by the Department of Human  
239 Services to determine the school district's compliance with the  
240 requirements of this subsection (4). If the Department of Audit  
241 finds that the school district is not in compliance with the  
242 requirements of this subsection, the school district shall be  
243 penalized as follows: The Department of Audit shall notify the  
244 State Department of Education of the school district's  
245 noncompliance, and the Department of Education shall reduce the



246 calculation of the school district's average daily attendance  
247 (ADA) that is used to determine the allocation of Mississippi  
248 Adequate Education Program funds by the number of children for  
249 which the district has failed to provide to the Department of  
250 Human Services the required information about the school  
251 attendance of those children. The reduction in the calculation of  
252 the school district's ADA under this paragraph shall be effective  
253 for a period of one (1) year.

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

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

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

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

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



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

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

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

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



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

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



320 least ten (10) days during the month may be used to meet the  
321 attendance requirement under this subsection. This includes  
322 attendance at summer school. The sanction shall be removed the  
323 next possible payment month.

324 (5) All parents or caretaker relatives shall have their  
325 dependent children receive vaccinations and booster vaccinations  
326 against those diseases specified by the State Health Officer under  
327 Section 41-23-37 in accordance with the vaccination and booster  
328 vaccination schedule prescribed by the State Health Officer for  
329 children of that age, in order for the parents or caretaker  
330 relatives to be eligible or remain eligible to receive TANF  
331 benefits. Proof of having received such vaccinations and booster  
332 vaccinations shall be given by presenting the certificates of  
333 vaccination issued by any health care provider licensed to  
334 administer vaccinations, and submitted on forms specified by the  
335 State Board of Health. If the parents without good cause do not  
336 have their dependent children receive the vaccinations and booster  
337 vaccinations as required by this subsection and they fail to  
338 comply after thirty (30) days' notice, the department shall  
339 sanction the family's TANF benefits by twenty-five percent (25%)  
340 for the next payment month and each subsequent payment month until  
341 the requirements of this subsection are met.

342 (6) (a) If the parent or caretaker relative applying for  
343 TANF assistance is work eligible, as determined by the Department  
344 of Human Services, the person shall be required to engage in an



345 allowable work activity once the department determines the parent  
346 or caretaker relative is determined work eligible, or once the  
347 parent or caretaker relative has received TANF assistance under  
348 the program for twenty-four (24) months, whether or not  
349 consecutive, whichever is earlier. No TANF benefits shall be  
350 given to any person to whom this section applies who fails without  
351 good cause to comply with the Employability Development Plan  
352 prepared by the department for the person, or who has refused to  
353 accept a referral or offer of employment, training or education in  
354 which he or she is able to engage, subject to the penalties  
355 prescribed in paragraph (e) of this subsection. A person shall be  
356 deemed to have refused to accept a referral or offer of  
357 employment, training or education if he or she:

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

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

363 (iii) Willfully fails to report for allowable work  
364 activities as prescribed in paragraphs (c) and (d) of this  
365 subsection.

366 (b) The Department of Human Services shall operate a  
367 statewide work program for TANF recipients to provide work  
368 activities and supportive services to enable families to become  
369 self-sufficient and improve their competitive position in the



370 workforce in accordance with the requirements of the federal  
371 Personal Responsibility and Work Opportunity Reconciliation Act of  
372 1996 (Public Law 104-193), as amended, and the regulations  
373 promulgated thereunder, and the Deficit Reduction Act of 2005  
374 (Public Law 109-171), as amended. Within sixty (60) days after  
375 the initial application for TANF benefits, the TANF recipient must  
376 participate in a job search skills training workshop or a job  
377 readiness program, which shall include resume writing, job search  
378 skills, employability skills and, if available at no charge, the  
379 General Aptitude Test Battery or its equivalent. All adults who  
380 are not specifically exempt shall be referred by the department  
381 for allowable work activities. An adult may be exempt from the  
382 mandatory work activity requirement for the following reasons:

383 (i) Incapacity;

384 (ii) Temporary illness or injury, verified by  
385 physician's certificate;

386 (iii) Is in the third trimester of pregnancy, and  
387 there are complications verified by the certificate of a  
388 physician, nurse practitioner, physician assistant, or any other  
389 licensed health care professional practicing under a protocol with  
390 a licensed physician;

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





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

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

398 (vii) Receiving treatment for substance abuse, if  
399 the person is in compliance with the substance abuse treatment  
400 plan;

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

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

- 413 1. Physical acts that resulted in, or  
414 threatened to result in, physical injury to the individual;  
415 2. Sexual abuse;  
416 3. Sexual activity involving a dependent  
417 child;



418                   4. Being forced as the caretaker relative of  
419 a dependent child to engage in nonconsensual sexual acts or  
420 activities;

421                   5. Threats of, or attempts at, physical or  
422 sexual abuse;

423                   6. Mental abuse; or

424                   7. Neglect or deprivation of medical care.

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

432                   (i) Unsubsidized employment;

433                   (ii) Subsidized private employment;

434                   (iii) Subsidized public employment;

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

438                   (v) On-the-job training;

439                   (vi) Job search and job readiness assistance  
440 consistent with federal TANF regulations;

441                   (vii) Community service programs;



442 (viii) Vocational educational training (not to  
443 exceed twelve (12) months with respect to any individual);  
444 (ix) The provision of child care services to an  
445 individual who is participating in a community service program;  
446 (x) Satisfactory attendance at high school or in a  
447 course of study leading to a high school equivalency certificate,  
448 for heads of household under age twenty (20) who have not  
449 completed high school or received such certificate;  
450 (xi) Education directly related to employment, for  
451 heads of household under age twenty (20) who have not completed  
452 high school or received such equivalency certificate.  
453 (d) The following are allowable work activities which  
454 may be attributable to hours in excess of the minimum specified in  
455 paragraph (c) of this subsection:  
456 (i) Job skills training directly related to  
457 employment;  
458 (ii) Education directly related to employment for  
459 individuals who have not completed high school or received a high  
460 school equivalency certificate;  
461 (iii) Satisfactory attendance at high school or in  
462 a course of study leading to a high school equivalency, for  
463 individuals who have not completed high school or received such  
464 equivalency certificate;  
465 (iv) Job search and job readiness assistance  
466 consistent with federal TANF regulations.



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

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

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

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

484 (iv) For the fourth violation, the person shall be  
485 permanently disqualified.

486 For a two-parent family, unless prohibited by state or  
487 federal law, Medicaid assistance shall be terminated only for the  
488 person whose failure to participate in allowable work activity  
489 caused the family's TANF assistance to be sanctioned under this  
490 paragraph (e), unless an individual is pregnant, but shall not be  
491 terminated for any other person in the family who is meeting that



492 person's applicable work requirement or who is not required to  
493 work. Minor children shall continue to be eligible for Medicaid  
494 benefits regardless of the disqualification of their parent or  
495 caretaker relative for TANF assistance under this subsection (6),  
496 unless prohibited by state or federal law.

497 (f) Any person enrolled in a two-year or four-year  
498 college program who meets the eligibility requirements to receive  
499 TANF benefits, and who is meeting the applicable work requirements  
500 and all other applicable requirements of the TANF program, shall  
501 continue to be eligible for TANF benefits while enrolled in the  
502 college program for as long as the person meets the requirements  
503 of the TANF program, unless prohibited by federal law.

504 (g) No adult in a work activity required under this  
505 subsection (6) shall be employed or assigned (i) when any other  
506 individual is on layoff from the same or any substantially  
507 equivalent job within six (6) months before the date of the TANF  
508 recipient's employment or assignment; or (ii) if the employer has  
509 terminated the employment of any regular employee or otherwise  
510 caused an involuntary reduction of its workforce in order to fill  
511 the vacancy so created with an adult receiving TANF assistance.  
512 The Mississippi Department of Employment Security, established  
513 under Section 71-5-101, shall appoint one or more impartial  
514 hearing officers to hear and decide claims by employees of  
515 violations of this paragraph (g). The hearing officer shall hear  
516 all the evidence with respect to any claim made hereunder and such



517 additional evidence as he may require and shall make a  
518 determination and the reason therefor. The claimant shall be  
519 promptly notified of the decision of the hearing officer and the  
520 reason therefor. Within ten (10) days after the decision of the  
521 hearing officer has become final, any party aggrieved thereby may  
522 secure judicial review thereof by commencing an action, in the  
523 circuit court of the county in which the claimant resides, against  
524 the department for the review of such decision, in which action  
525 any other party to the proceeding before the hearing officer shall  
526 be made a defendant. Any such appeal shall be on the record which  
527 shall be certified to the court by the department in the manner  
528 provided in Section 71-5-531, and the jurisdiction of the court  
529 shall be confined to questions of law which shall render its  
530 decision as provided in that section.

531 (7) The Department of Human Services may provide child care  
532 for eligible participants who require such care so that they may  
533 accept employment or remain employed. The department may also  
534 provide child care for those participating in the TANF program  
535 when it is determined that they are satisfactorily involved in  
536 education, training or other allowable work activities. The  
537 department may contract with Head Start agencies to provide child  
538 care services to TANF recipients. The department may also arrange  
539 for child care by use of contract or vouchers, provide vouchers in  
540 advance to a caretaker relative, reimburse a child care provider,  
541 or use any other arrangement deemed appropriate by the department,



542 and may establish different reimbursement rates for child care  
543 services depending on the category of the facility or home. Any  
544 center-based or group home child care facility under this  
545 subsection shall be licensed by the State Department of Health  
546 pursuant to law. When child care is being provided in the child's  
547 own home, in the home of a relative of the child, or in any other  
548 unlicensed setting, the provision of such child care may be  
549 monitored on a random basis by the Department of Human Services or  
550 the State Department of Health. Transitional child care  
551 assistance may be continued if it is necessary for parents to  
552 maintain employment once support has ended, unless prohibited  
553 under state or federal law. Transitional child care assistance  
554 may be provided for up to twenty-four (24) months after the last  
555 month during which the family was eligible for TANF assistance, if  
556 federal funds are available for such child care assistance.

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

562 (9) Medicaid assistance shall be provided to a family of  
563 TANF program participants for up to twenty-four (24) consecutive  
564 calendar months following the month in which the participating  
565 family would be ineligible for TANF benefits because of increased  
566 income, expiration of earned income disregards, or increased hours



567 of employment of the caretaker relative; however, Medicaid  
568 assistance for more than twelve (12) months may be provided only  
569 if a federal waiver is obtained to provide such assistance for  
570 more than twelve (12) months and federal and state funds are  
571 available to provide such assistance.

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

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

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

588 (13) The Mississippi Department of Human Services shall  
589 provide TANF applicants information and referral to programs that  
590 provide information about birth control, prenatal health care,





591 abstinence education, marriage education, family preservation and  
592 fatherhood.

593 (14) No new TANF program requirement or restriction  
594 affecting a person's eligibility for TANF assistance, or allowable  
595 work activity, which is not mandated by federal law or regulation  
596 may be implemented by the Department of Human Services after July  
597 1, 2004, unless such is specifically authorized by an amendment to  
598 this section by the Legislature.

599 **SECTION 4.** Section 43-19-39, Mississippi Code of 1972, is  
600 amended as follows:

601 43-19-39. (1) All child support payments collected by the  
602 child support unit pursuant to Section 43-19-35 shall be  
603 distributed in the manner as prescribed by the federal Social  
604 Security Act and any amendments adopted thereto. Nothing  
605 contained herein shall preclude the child support unit in  
606 processing a paternity or support action for and on behalf of a  
607 child or children receiving \* \* \* Temporary Assistance for Needy  
608 Families (TANF) benefits in which the applicant or recipient has  
609 refused cooperation. If a parent of any child receiving public  
610 assistance fails or refuses to cooperate with the local county  
611 department or child support unit in locating and securing support  
612 from the nonsupporting responsible parent, this parent may be  
613 cited to appear before the judge of any court having jurisdiction  
614 over such matter and compelled to disclose such information under  
615 oath. Any parent who, having been cited to appear before a judge



616 of the court having jurisdiction over such matter, fails or  
617 refuses to appear or fails or refuses to provide the information  
618 requested may be found to be in contempt of \* \* \* the court and  
619 may be fined not more than One Hundred Dollars (\$100.00) or  
620 imprisoned not more than six (6) months or both. This subsection  
621 shall not apply to the receipt of Child Care and Development Fund  
622 (CCDF) assistance, as provided in Section 1 of this act.

623 (2) In a manner which is consistent with the federal Social  
624 Security Act, any amendments thereto and its implementing  
625 regulations, the child support unit is \* \* \* authorized to  
626 withhold from distribution any payment or portion thereof which it  
627 may receive on behalf of a child or children for whom it is  
628 providing services if reimbursement is needed for any payments  
629 which may have been mistakenly or erroneously advanced on behalf  
630 of that child or children. The child support unit shall adopt  
631 policies that minimize any hardship that is caused by withholding  
632 from distribution any current support payments to reimburse past  
633 mistaken or erroneous advancements.

634 **SECTION 5.** Section 43-19-41, Mississippi Code of 1972, is  
635 amended as follows:

636 43-19-41. Any applicant or recipient who refuses to provide  
637 reasonable assistance to the local county department or to the  
638 child support unit established by the \* \* \* Mississippi Department  
639 of Human Services in identifying and locating the absent parent of  
640 a dependent child or otherwise refuses to cooperate with the



641 department in securing support or in establishing paternity shall  
642 be ineligible for \* \* \* Temporary Assistance for Needy Families  
643 (TANF) benefits, shall not be considered a needy relative and  
644 shall not be entitled to receive or use any part of the \* \* \* TANF  
645 benefits nor shall be eligible for medical assistance under the  
646 Mississippi \* \* \* Medicaid Law; however, \* \* \* benefits for the  
647 support of the child of such applicant or recipient shall not be  
648 denied or terminated as a result of such refusal to provide  
649 assistance or cooperation, but that the department may  
650 provide \* \* \* benefits to \* \* \* the child in the form of  
651 protective vendor payments. This section shall not apply to the  
652 receipt of Child Care and Development Fund (CCDF) assistance, as  
653 provided in Section 1 of this act.

654         **SECTION 6.** This act shall take effect and be in force from  
655 and after July 1, 2020.

