HOUSE BILL NO. 1403

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

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

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

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

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

H. B. No. 1403 ~ OFFICIAL ~ 20/HR31/R1909 PAGE 1 (RF\JAB)
(2) The department shall carry out an intense public information campaign to inform low-income workers, and especially public assistance recipients, of the availability of and application rules for the federal Earned Income Tax Credit (EITC), in order to maximize the refund of federal income tax withheld from those persons. The information campaign shall include publishing and circulating bulletins or notices to recipients of Temporary Assistance for Needy Families (TANF) benefits and other public assistance that publicize and explain the EITC and the criteria for family eligibility for the EITC. The department also shall carry out an intense information campaign to inform employers of the availability of and the criteria for eligibility for the Work Opportunity Tax Credit (WOTC), which offers employers a credit against their federal tax liability for hiring people from certain target groups, including TANF recipients, and to inform employers of the availability of and the criteria for eligibility for the state income tax credit for employers who hire persons receiving TANF benefits as authorized under Section 27-7-22.1.

(3) The department shall establish and maintain a statewide incoming wide area telephone service hot line for the purpose of reporting suspected cases of welfare eligibility fraud, Supplemental Nutrition Assistance Program (SNAP) fraud and Medicaid fraud. The department is authorized, subject to the extent of appropriations available, to offer financial incentives
to individuals for reporting such suspected cases of public assistance fraud.

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

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

43-17-5. (1) The amount of Temporary Assistance for Needy Families (TANF) benefits which may be granted for any dependent child and a needy caretaker relative shall be determined by the county department with due regard to the resources and necessary expenditures of the family and the conditions existing in each case, and in accordance with the rules and regulations made by the Department of Human Services which shall not be less than the Standard of Need in effect for 1988, and shall be sufficient when added to all other income (except that any income specified in the federal Social Security Act, as amended, may be disregarded) and support available to the child to provide such child with a
reasonable subsistence compatible with decency and health. The first family member in the dependent child's budget may receive an amount not to exceed One Hundred Ten Dollars ($110.00) per month; the second family member in the dependent child's budget may receive an amount not to exceed Thirty-six Dollars ($36.00) per month; and each additional family member in the dependent child's budget an amount not to exceed Twenty-four Dollars ($24.00) per month. The maximum for any individual family member in the dependent child's budget may be exceeded for foster or medical care or in cases of children with an intellectual disability or a physical disability. TANF benefits granted shall be specifically limited only (a) to children existing or conceived at the time the caretaker relative initially applies and qualifies for such assistance, unless this limitation is specifically waived by the department, or (b) to a child born following a twelve-consecutive-month period of discontinued benefits by the caretaker relative.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(ii) A vocational, technical and adult education program; or
(iii) A course of study meeting the standards established by the State Department of Education for the granting of a declaration of equivalency of high school graduation.

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

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

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

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

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

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

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

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

(iv) The child failed to attend school for one or more of the following reasons:
1. Illness, injury or incapacity of the child
or the minor parent's child;

2. Court-required appearances or temporary
incarceration;

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

4. Death of a close relative;

5. Observance of a religious holiday;

6. Family emergency;

7. Breakdown in transportation;

8. Suspension; or

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

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

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

(ii) The beginning date of the sanction, and the
child to whom the sanction applies;
(iii) The right of the child's parents or caretaker relative (whoever is the primary recipient of the TANF benefits) to request a fair hearing under this subsection.

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

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

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

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

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

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

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

(i) Incapacity;

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

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

(iv) Caretaker of a child under twelve (12) months, for not more than twelve (12) months of the sixty-month maximum benefit period;
(v) Caretaker of an ill or incapacitated person, as verified by physician's certificate;

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

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

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

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

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

2. Sexual abuse;

3. Sexual activity involving a dependent child;
4. Being forced as the caretaker relative of a dependent child to engage in nonconsensual sexual acts or activities;

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

6. Mental abuse; or

7. Neglect or deprivation of medical care.

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

(i) Unsubsidized employment;

(ii) Subsidized private employment;

(iii) Subsidized public employment;

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

(v) On-the-job training;

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

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

d) The following are allowable work activities which may be attributable to hours in excess of the minimum specified in paragraph (c) of this subsection:
(i) Job skills training directly related to employment;
(ii) Education directly related to employment for individuals who have not completed high school or received a high school equivalency certificate;
(iii) Satisfactory attendance at high school or in a course of study leading to a high school equivalency, for individuals who have not completed high school or received such equivalency certificate;
(iv) Job search and job readiness assistance consistent with federal TANF regulations.
(e) If any adult or caretaker relative refuses to participate in allowable work activity as required under this subsection (6), the following full family TANF benefit penalty will apply, subject to due process to include notification, conciliation and a hearing if requested by the recipient:

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

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

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

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

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

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

(g) No adult in a work activity required under this subsection (6) shall be employed or assigned (i) when any other individual is on layoff from the same or any substantially equivalent job within six (6) months before the date of the TANF recipient's employment or assignment; or (ii) if the employer has terminated the employment of any regular employee or otherwise caused an involuntary reduction of its workforce in order to fill the vacancy so created with an adult receiving TANF assistance. The Mississippi Department of Employment Security, established under Section 71-5-101, shall appoint one or more impartial hearing officers to hear and decide claims by employees of violations of this paragraph (g). The hearing officer shall hear all the evidence with respect to any claim made hereunder and such
additional evidence as he may require and shall make a
determination and the reason therefor. The claimant shall be
promptly notified of the decision of the hearing officer and the
reason therefor. Within ten (10) days after the decision of the
hearing officer has become final, any party aggrieved thereby may
secure judicial review thereof by commencing an action, in the
circuit court of the county in which the claimant resides, against
the department for the review of such decision, in which action
any other party to the proceeding before the hearing officer shall
be made a defendant. Any such appeal shall be on the record which
shall be certified to the court by the department in the manner
provided in Section 71-5-531, and the jurisdiction of the court
shall be confined to questions of law which shall render its
decision as provided in that section.

(7) The Department of Human Services may provide child care
for eligible participants who require such care so that they may
accept employment or remain employed. The department may also
provide child care for those participating in the TANF program
when it is determined that they are satisfactorily involved in
education, training or other allowable work activities. The
department may contract with Head Start agencies to provide child
care services to TANF recipients. The department may also arrange
for child care by use of contract or vouchers, provide vouchers in
advance to a caretaker relative, reimburse a child care provider,
or use any other arrangement deemed appropriate by the department,
and may establish different reimbursement rates for child care
services depending on the category of the facility or home. Any
center-based or group home child care facility under this
subsection shall be licensed by the State Department of Health
pursuant to law. When child care is being provided in the child's
own home, in the home of a relative of the child, or in any other
unlicensed setting, the provision of such child care may be
monitored on a random basis by the Department of Human Services or
the State Department of Health. Transitional child care
assistance may be continued if it is necessary for parents to
maintain employment once support has ended, unless prohibited
under state or federal law. Transitional child care assistance
may be provided for up to twenty-four (24) months after the last
month during which the family was eligible for TANF assistance, if
federal funds are available for such child care assistance.

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

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

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

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

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

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

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

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

43-19-39. (1) All child support payments collected by the
child support unit pursuant to Section 43-19-35 shall be
distributed in the manner as prescribed by the federal Social
Security Act and any amendments adopted thereto. Nothing
contained herein shall preclude the child support unit in
processing a paternity or support action for and on behalf of a
child or children receiving * * * Temporary Assistance for Needy
Families (TANF) benefits in which the applicant or recipient has
refused cooperation. If a parent of any child receiving public
assistance fails or refuses to cooperate with the local county
department or child support unit in locating and securing support
from the nonsupporting responsible parent, this parent may be
cited to appear before the judge of any court having jurisdiction
over such matter and compelled to disclose such information under
oath. Any parent who, having been cited to appear before a judge
of the court having jurisdiction over such matter, fails or
refuses to appear or fails or refuses to provide the information
requested may be found to be in contempt of * * * the court and
may be fined not more than One Hundred Dollars ($100.00) or
imprisoned not more than six (6) months or both. This subsection
shall not apply to the receipt of Child Care and Development Fund
(CCDF) assistance, as provided in Section 1 of this act.

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

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

43-19-41. Any applicant or recipient who refuses to provide
reasonable assistance to the local county department or to the
child support unit established by the * * * Mississippi Department
of Human Services in identifying and locating the absent parent of
a dependent child or otherwise refuses to cooperate with the
department in securing support or in establishing paternity shall be ineligible for * * * Temporary Assistance for Needy Families (TANF) benefits, shall not be considered a needy relative and shall not be entitled to receive or use any part of the * * * TANF benefits nor shall be eligible for medical assistance under the Mississippi * * * Medicaid Law; however, * * * benefits for the support of the child of such applicant or recipient shall not be denied or terminated as a result of such refusal to provide assistance or cooperation, but that the department may provide * * * benefits to * * * the child in the form of protective vendor payments. This section shall not apply to the receipt of Child Care and Development Fund (CCDF) assistance, as provided in Section 1 of this act.

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