

By: Representative Johnson

To: Public Health and Human Services; Appropriations A

HOUSE BILL NO. 127

1 AN ACT TO AMEND SECTION 43-17-5, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT NO TANF FUNDS SHALL BE PROVIDED TO ANY PERSON WHOSE
3 INCOME IS MORE THAN 200% OF THE FEDERAL POVERTY LEVEL; AND FOR
4 RELATED PURPOSES.

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

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

8 43-17-5. (1) The amount of Temporary Assistance for Needy
9 Families (TANF) benefits which may be granted for any dependent
10 child and a needy caretaker relative shall be determined by the
11 county department with due regard to the resources and necessary
12 expenditures of the family and the conditions existing in each
13 case, and in accordance with the rules and regulations made by the
14 Department of Human Services which shall not be less than the
15 Standard of Need in effect for 1988, and shall be sufficient when
16 added to all other income (except that any income specified in the
17 federal Social Security Act, as amended, may be disregarded) and
18 support available to the child to provide such child with a
19 reasonable subsistence compatible with decency and health. The



20 first family member in the dependent child's budget may receive an
21 amount not to exceed Two Hundred Dollars (\$200.00) per month; the
22 second family member in the dependent child's budget may receive
23 an amount not to exceed Thirty-six Dollars (\$36.00) per month; and
24 each additional family member in the dependent child's budget an
25 amount not to exceed Twenty-four Dollars (\$24.00) per month. The
26 maximum for any individual family member in the dependent child's
27 budget may be exceeded for foster or medical care or in cases of
28 children with an intellectual disability or a physical disability.
29 TANF benefits granted shall be specifically limited only (a) to
30 children existing or conceived at the time the caretaker relative
31 initially applies and qualifies for such assistance, unless this
32 limitation is specifically waived by the department, or (b) to a
33 child born following a twelve-consecutive-month period of
34 discontinued benefits by the caretaker relative.

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

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

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

43 (b) Families which include an adult who has received
44 TANF assistance for sixty (60) months after the commencement of



45 the Mississippi TANF program, whether or not such period of time
46 is consecutive;

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

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

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

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

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



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

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

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



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

101 (1) Aliens who are not qualified under federal law;

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

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

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

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

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



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

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

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

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

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

137 (i) A school as defined in Section 37-13-91(2);
138 (ii) A vocational, technical and adult education
139 program; or



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

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



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

176 If a school district fails to provide to the department the
177 information about the school attendance of any child within
178 fifteen (15) working days after a written request, the department
179 shall notify the Department of Audit within three (3) working days
180 of the school district's failure to comply with that requirement.
181 The Department of Audit shall begin audit proceedings within five
182 (5) working days of notification by the Department of Human
183 Services to determine the school district's compliance with the
184 requirements of this subsection (4). If the Department of Audit
185 finds that the school district is not in compliance with the
186 requirements of this subsection, the school district shall be
187 penalized as follows: The Department of Audit shall notify the
188 State Department of Education of the school district's
189 noncompliance, and the Department of Education shall reduce the
190 calculation of the school district's net enrollment that is used
191 to determine the allocation of total funding formula funds by the



192 number of children for which the district has failed to provide to
193 the Department of Human Services the required information about
194 the school attendance of those children. The reduction in the
195 calculation of the school district's net enrollment under this
196 paragraph shall be effective for a period of one (1) year.

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

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

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

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

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

214 1. Illness, injury or incapacity of the child
215 or the minor parent's child;

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

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

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

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

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



265 attendance at summer school. The sanction shall be removed the
266 next possible payment month.

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

285 (6) (a) If the parent or caretaker relative applying for
286 TANF assistance is work eligible, as determined by the Department
287 of Human Services, the person shall be required to engage in an
288 allowable work activity once the department determines the parent
289 or caretaker relative is determined work eligible, or once the

290 parent or caretaker relative has received TANF assistance under
291 the program for twenty-four (24) months, whether or not
292 consecutive, whichever is earlier. No TANF benefits shall be
293 given to any person to whom this section applies who fails without
294 good cause to comply with the Employability Development Plan
295 prepared by the department for the person, or who has refused to
296 accept a referral or offer of employment, training or education in
297 which he or she is able to engage, subject to the penalties
298 prescribed in paragraph (e) of this subsection. A person shall be
299 deemed to have refused to accept a referral or offer of
300 employment, training or education if he or she:

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

304 (ii) Willfully fails to report to the department
305 the result of a referral to employment; or
306 (iii) Willfully fails to report for allowable work
307 activities as prescribed in paragraphs (c) and (d) of this
308 subsection.

309 (b) The Department of Human Services shall operate a
310 statewide work program for TANF recipients to provide work
311 activities and supportive services to enable families to become
312 self-sufficient and improve their competitive position in the
313 workforce in accordance with the requirements of the federal
314 Personal Responsibility and Work Opportunity Reconciliation Act of

315 1996 (Public Law 104-193), as amended, and the regulations
316 promulgated thereunder, and the Deficit Reduction Act of 2005
317 (Public Law 109-171), as amended. Within sixty (60) days after
318 the initial application for TANF benefits, the TANF recipient must
319 participate in a job search skills training workshop or a job
320 readiness program, which shall include resume writing, job search
321 skills, employability skills and, if available at no charge, the
322 General Aptitude Test Battery or its equivalent. All adults who
323 are not specifically exempt shall be referred by the department
324 for allowable work activities. An adult may be exempt from the
325 mandatory work activity requirement for the following reasons:

326 (i) Incapacity;

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

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

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

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



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

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

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

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



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

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

396 (d) The following are allowable work activities which
397 may be attributable to hours in excess of the minimum specified in
398 paragraph (c) of this subsection:

399 (i) Job skills training directly related to
400 employment;

401 (ii) Education directly related to employment for
402 individuals who have not completed high school or received a high
403 school equivalency certificate;

404 (iii) Satisfactory attendance at high school or in
405 a course of study leading to a high school equivalency, for
406 individuals who have not completed high school or received such
407 equivalency certificate;

408 (iv) Job search and job readiness assistance
409 consistent with federal TANF regulations.

410 (e) If any adult or caretaker relative refuses to
411 participate in allowable work activity as required under this
412 subsection (6), the following full family TANF benefit penalty



413 will apply, subject to due process to include notification,
414 conciliation and a hearing if requested by the recipient:

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

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

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

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

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



438 caretaker relative for TANF assistance under this subsection (6),
439 unless prohibited by state or federal law.

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

447 (g) No adult in a work activity required under this
448 subsection (6) shall be employed or assigned (i) when any other
449 individual is on layoff from the same or any substantially
450 equivalent job within six (6) months before the date of the TANF
451 recipient's employment or assignment; or (ii) if the employer has
452 terminated the employment of any regular employee or otherwise
453 caused an involuntary reduction of its workforce in order to fill
454 the vacancy so created with an adult receiving TANF assistance.
455 The Mississippi Department of Employment Security, established
456 under Section 71-5-101, shall appoint one or more impartial
457 hearing officers to hear and decide claims by employees of
458 violations of this paragraph (g). The hearing officer shall hear
459 all the evidence with respect to any claim made hereunder and such
460 additional evidence as he may require and shall make a
461 determination and the reason therefor. The claimant shall be
462 promptly notified of the decision of the hearing officer and the



463 reason therefor. Within ten (10) days after the decision of the
464 hearing officer has become final, any party aggrieved thereby may
465 secure judicial review thereof by commencing an action, in the
466 circuit court of the county in which the claimant resides, against
467 the department for the review of such decision, in which action
468 any other party to the proceeding before the hearing officer shall
469 be made a defendant. Any such appeal shall be on the record which
470 shall be certified to the court by the department in the manner
471 provided in Section 71-5-531, and the jurisdiction of the court
472 shall be confined to questions of law which shall render its
473 decision as provided in that section.

474 (7) The Department of Human Services may provide child care
475 for eligible participants who require such care so that they may
476 accept employment or remain employed. The department may also
477 provide child care for those participating in the TANF program
478 when it is determined that they are satisfactorily involved in
479 education, training or other allowable work activities. The
480 department may contract with Head Start agencies to provide child
481 care services to TANF recipients. The department may also arrange
482 for child care by use of contract or vouchers, provide vouchers in
483 advance to a caretaker relative, reimburse a child care provider,
484 or use any other arrangement deemed appropriate by the department,
485 and may establish different reimbursement rates for child care
486 services depending on the category of the facility or home. Any
487 center-based or group home child care facility under this



488 subsection shall be licensed by the State Department of Health
489 pursuant to law. When child care is being provided in the child's
490 own home, in the home of a relative of the child, or in any other
491 unlicensed setting, the provision of such child care may be
492 monitored on a random basis by the Department of Human Services or
493 the State Department of Health. Transitional child care
494 assistance may be continued if it is necessary for parents to
495 maintain employment once support has ended, unless prohibited
496 under state or federal law. Transitional child care assistance
497 may be provided for up to twenty-four (24) months after the last
498 month during which the family was eligible for TANF assistance, if
499 federal funds are available for such child care assistance.

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

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



513 more than twelve (12) months and federal and state funds are
514 available to provide such assistance.

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

520 (11) The department shall enter into an agreement with the
521 State Personnel Board and other state agencies that will allow
522 those TANF participants who qualify for vacant jobs within state
523 agencies to be placed in state jobs. State agencies participating
524 in the TANF work program shall receive any and all benefits
525 received by employers in the private sector for hiring TANF
526 recipients. This subsection (11) shall be effective only if the
527 state obtains any necessary federal waiver or approval and if
528 federal funds are available therefor. Not later than September 1,
529 2021, the department shall prepare a report, which shall be
530 provided to the Chairmen of the House and Senate Public Health
531 Committees and to any other member of the Legislature upon
532 request, on the history, status, outcomes and effectiveness of the
533 agreements required under this subsection.

534 (12) Any unspent TANF funds remaining from the prior fiscal
535 year may be expended for any TANF allowable activities. However,
536 no TANF funds shall be provided to any person whose income is more
537 than two hundred percent (200%) of the federal poverty level.

538 (13) The Mississippi Department of Human Services shall
539 provide TANF applicants information and referral to programs that
540 provide information about birth control, prenatal health care,
541 abstinence education, marriage education, family preservation and
542 fatherhood. Not later than September 1, 2021, the department
543 shall prepare a report, which shall be provided to the Chairmen of
544 the House and Senate Public Health Committees and to any other
545 member of the Legislature upon request, on the history, status,
546 outcomes and effectiveness of the information and referral
547 requirements under this subsection.

548 (14) No new TANF program requirement or restriction
549 affecting a person's eligibility for TANF assistance, or allowable
550 work activity, which is not mandated by federal law or regulation
551 may be implemented by the Department of Human Services after July
552 1, 2004, unless such is specifically authorized by an amendment to
553 this section by the Legislature.

554 **SECTION 2.** This act shall take effect and be in force from
555 and after July 1, 2025.

