

By: Senator(s) Hickman

To: Public Health and
Welfare

SENATE BILL NO. 2723

1 AN ACT TO AMEND SECTION 43-17-5, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT NO TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF)
3 FUNDS SHALL BE USED TO PAY FOR COLLEGE SCHOLARSHIPS FOR PERSONS
4 WHO ARE NOT RECIPIENTS OF TANF BENEFITS; AND FOR 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



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;

(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;



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 (l) 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);



(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.



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



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 net enrollment 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;



- 216 2. Court-required appearances or temporary
217 incarceration;
- 218 3. Medical or dental appointments for the
219 child or minor parent's child;
- 220 4. Death of a close relative;
- 221 5. Observance of a religious holiday;
- 222 6. Family emergency;
- 223 7. Breakdown in transportation;
- 224 8. Suspension; or
- 225 9. Any other circumstance beyond the control
226 of the child, as defined in regulations of the department.

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



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;



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

366 6. Mental abuse; or

367 7. Neglect or deprivation of medical care.

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

375 (i) Unsubsidized employment;

376 (ii) Subsidized private employment;

377 (iii) Subsidized public employment;

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

381 (v) On-the-job training;

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

384 (vii) Community service programs;

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

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



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



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



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



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. Not later than September 1, 2021, the department shall prepare a report, which shall be provided to the Chairmen of the House and Senate Public Health Committees and to any other member of the Legislature upon request, on the history, status, outcomes and effectiveness of the agreements required under this subsection.

(12) Any unspent TANF funds remaining from the prior fiscal year may be expended for any TANF allowable activities. However, no TANF funds shall be used to pay for college scholarships for persons who are not recipients of TANF benefits.



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.

