

By: Senator(s) Fillingane

To: Public Health and
Welfare; Appropriations

SENATE BILL NO. 2880

1 AN ACT ENTITLED THE "MISSISSIPPI WELFARE RESTRUCTURING
 2 PROGRAM ACT OF 2007"; TO AUTHORIZE AND DIRECT THE DEPARTMENT OF
 3 HUMAN SERVICES TO ESTABLISH THE "MISSISSIPPI WORK PAYS" PROGRAM TO
 4 PROVIDE POST-EMPLOYMENT TRANSITIONAL ASSISTANCE TO TANF RECIPIENTS
 5 WHO ARE MAKING THE TRANSITION FROM WELFARE TO EMPLOYMENT; TO
 6 SPECIFY THE AUTHORIZED ASSISTANCE TO THESE TANF RECIPIENTS TO
 7 INCLUDE CASH PAYMENTS, JOB RETENTION BONUSES, CHILD CARE,
 8 TRANSPORTATION AND CAREER COUNSELING; TO AUTHORIZE THE DEPARTMENT
 9 OF HUMAN SERVICES TO CONTRACT WITH THE GOVERNOR'S OFFICE OF
 10 EMPLOYMENT SECURITY TO ADMINISTER THE MISSISSIPPI WORK PAYS
 11 PROGRAM; TO AUTHORIZE THE DEPARTMENT OF HUMAN SERVICES TO CONTRACT
 12 WITH THE MISSISSIPPI DEPARTMENT OF EMPLOYMENT SECURITY-OFFICE OF
 13 THE GOVERNOR, THE MISSISSIPPI DEVELOPMENT AUTHORITY, THE STATE
 14 BOARD FOR COMMUNITY AND JUNIOR COLLEGES AND THE BOARD OF TRUSTEES
 15 OF STATE INSTITUTIONS OF HIGHER LEARNING TO ESTABLISH A HIGH-WAGE
 16 EDUCATION AND TRAINING INITIATIVE AND A COMMUNITY INVESTMENT
 17 INITIATIVE; TO CREATE A COMMUNITY INVESTMENT INITIATIVE FUND; TO
 18 AMEND SECTION 43-17-5, MISSISSIPPI CODE OF 1972, TO DIRECT THE
 19 DEPARTMENT OF HUMAN SERVICES TO REDETERMINE LIABILITY FOR TANF
 20 BENEFITS; TO DISQUALIFY TANF RECIPIENTS IN FAMILIES HAVING AN
 21 ADULT WHICH HAS RECEIVED TANF BENEFITS FOR FOUR YEARS; TO LIMIT
 22 THE NUMBER OF CHILDREN ELIGIBLE FOR TANK BENEFITS TO THREE IN ANY
 23 FAMILY; TO DISQUALIFY ANY CHILD WHO HAS BEEN ASSIGNED TO AN
 24 ALTERNATIVE SCHOOL PROGRAM FROM TANF BENEFITS; TO INCREASE
 25 SANCTIONS FOR FAILURE TO COMPLY WITH REQUIRED WORK ACTIVITY; TO
 26 AUTHORIZE THE MISSISSIPPI WORK PAYS PROGRAM UNDER THE TANF
 27 STATUTES AND TO SPECIFICALLY PROVIDE THAT TANF PAYMENTS AND
 28 SUPPORT BENEFITS ARE AVAILABLE TO ANY PERSON ENROLLED IN A TWO- OR
 29 FOUR-YEAR UNIVERSITY OR COLLEGE PROGRAM WHO OTHERWISE MEETS
 30 ELIGIBILITY REQUIREMENTS; TO AMEND SECTION 43-17-25, MISSISSIPPI
 31 CODE OF 1972, TO INCREASE THE CRIMINAL PENALTIES FOR FRAUDULENTLY
 32 OBTAINING TANF BENEFITS; TO AMEND SECTIONS 43-1-2, 43-19-31,
 33 43-19-34, 43-19-35, 43-19-37, 43-19-44, 43-19-46, 43-19-47,
 34 43-19-48, 43-19-49, 43-19-53, 43-19-55, 43-19-57, 43-19-58 AND
 35 43-19-59, MISSISSIPPI CODE OF 1972, TO TRANSFER THE POWERS AND
 36 RESPONSIBILITIES OF THE CHILD SUPPORT UNIT OF THE STATE DEPARTMENT
 37 OF HUMAN SERVICES TO THE CHILD SUPPORT UNIT OF THE OFFICE OF
 38 ATTORNEY GENERAL AND TO PROVIDE FOR A DIRECTOR THEREOF; TO
 39 ESTABLISH A TASK FORCE ON WELFARE RESTRUCTURING TO DEVELOP A
 40 REPORT TO THE GOVERNOR AND THE 2008 REGULAR SESSION OF THE
 41 LEGISLATURE; AND FOR RELATED PURPOSES.

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

43 **SECTION 1.** This act shall be known and may be cited as the
 44 "Mississippi Welfare Restructuring Program Act of 2007."

45 **SECTION 2.** (1) There is created the Mississippi Work Pays
 46 Program to provide additional transitional services and financial

47 assistance to TANF recipients who are leaving welfare and making
48 the transition to employment. The Mississippi Work Pays Program
49 shall be administered by the Mississippi Department of Human
50 Services which may enter into necessary contracts or memorandum
51 with the Mississippi Department of Employment Security-Office of
52 the Governor.

53 (2) Eligible applicants to the program shall receive one or
54 more of the following:

- 55 (a) Cash assistance;
- 56 (b) Support services;
- 57 (c) Medical assistance; and
- 58 (d) Employment assistance.

59 (2) Eligibility for assistance under the Mississippi Work
60 Pays Program is limited to applicants or participants who:

- 61 (a) Have care and custody of a related minor child;
- 62 (b) Reside in the State of Mississippi at the time of
63 application for assistance and during the period of assistance;
- 64 (c) Apply for program assistance within six (6) months
65 of leaving the Transitional Employment Assistance Program after at
66 least three (3) months of Transitional Employment Assistance
67 Program assistance;
- 68 (d) Have not received more than twenty-four (24) months
69 of Mississippi Work Pays Program benefits;
- 70 (e) Were engaged:
 - 71 (i) In paid work activities for a minimum of
72 twenty-four (24) hours per week and met the federal work
73 participation requirement for the past month; or
 - 74 (ii) In the case of continuing eligibility, in
75 paid work activities for a minimum of twenty-four (24) hours per
76 week and met the federal work participation requirement for one
77 (1) of the past three (3) months and for at least three (3) of the
78 past six (6) months;
- 79 (f) Are:

- 80 (i) Citizens of the United States;
- 81 (ii) Qualified aliens lawfully present in the
82 United States before August 22, 1996;
- 83 (iii) Qualified aliens who physically entered the
84 United States on or after August 22, 1996, and have been in
85 qualified immigrant status for at least five (5) years; or
- 86 (iv) Aliens to whom benefits under Temporary
87 Assistance for Needy Families must be provided under federal law;
- 88 (g) Have income below the federal poverty level; and
- 89 (h) Sign and comply with a personal responsibility
90 agreement.

91 (3) Families participating in the Mississippi Work Pays
92 Program shall receive monthly cash assistance equal to the
93 maximum, monthly transitional benefit for a family of three (3)
94 with no earned income.

95 (4) Families participating in the Mississippi Work Pays
96 Program shall be eligible for the same support services and
97 assistance as families enrolled in the Transitional Employment
98 Assistance Program.

99 (5) The Department of Human Services shall contract with the
100 Mississippi Department of Employment Security-Office of the
101 Governor, to administer a work incentive program that includes
102 cash bonuses and other financial incentives to encourage:

103 (a) Transitional Employment Assistance Program
104 recipients to leave the Transitional Employment Assistance Program
105 and move into the Mississippi Work Pays Program;

106 (b) Mississippi Work Pays Program participants to stay
107 employed for at least twenty-four (24) hours a week; and

108 (c) Mississippi Work Pays Program participants to leave
109 the Mississippi Work Pays Program and continue employment for at
110 least twenty-four (24) hours per week.

111 (6) (a) The Mississippi Department of Employment Security
112 shall work with local workforce offices to develop and administer

113 services to Mississippi Work Pays Program participants designed to
114 help them move into higher-paying jobs available in their regions.

115 (b) These services may include:

116 (i) Employment exchanges;

117 (ii) Education and training;

118 (iii) Work supports; and

119 (iv) Other services designed to help Mississippi
120 Work Pays Program participants increase their earnings and develop
121 careers.

122 (c) The Mississippi Department of Employment Security
123 may make these services available to low-income workers who are
124 not participating in the Mississippi Work Pays Program.

125 (7) The Mississippi Department of Employment Security may
126 contract with the Department of Human Services for administrative
127 services related to eligibility and payments. The Mississippi
128 Department of Employment Security shall make arrangements with the
129 Department of Human Services to facilitate participants'
130 enrollment in the Mississippi Work Pays Program after they leave
131 the Transitional Employment Assistance Program.

132 (8) The Department of Human Services and the Mississippi
133 Department of Employment Security shall jointly promulgate
134 regulations establishing the Mississippi Work Pays Program by July
135 1, 2008.

136 **SECTION 3.** (1) The Department of Human Services and the
137 Mississippi Department of Employment Security shall work jointly
138 with the Mississippi Development Authority, the State Board for
139 Community and Junior Colleges and the Board of Trustees of State
140 Institutions of Higher Learning to develop the High-Wage Education
141 and Training Initiative. Under the High-Wage Education and
142 Training Initiative, the Mississippi Department of Employment
143 Security shall contract to provide education and training
144 resulting in job training certificates or higher education degrees

145 for Transitional Employment Assistant Program participants and
146 other low-income adults with:

- 147 (a) State agencies;
- 148 (b) Two-year technical institutions;
- 149 (c) Local governments; or
- 150 (d) Private or community organizations.

151 (2) The initiative may use available Temporary Assistance
152 for Needy Families funds for participants who have custody or
153 legal responsibility for a child under twenty-one (21) years of
154 age and whose family income is less than two hundred fifty percent
155 (250%) of the federal poverty level.

156 (3) The job training certificate and degree programs shall
157 provide short-term training designed to prepare low-income parents
158 and others for jobs that:

- 159 (a) Pay significantly more than minimum wage; and
- 160 (b) Are available in the area.

161 (4) The projects shall be designed in consultation with
162 local employers and workforce investment boards to identify
163 appropriate job opportunities and needed skills and training.

164 (5) Contracts shall include performance-based payments keyed
165 to enrollments, completion, job placement and job retention.

166 (6) Temporary Assistance for Needy Families may be combined
167 with other state and federal funds in ways consistent with federal
168 laws and rules.

169 **SECTION 4.** (1) There is created the Community Investment
170 Initiative. The Mississippi Department of Human Services and the
171 Mississippi Department of Employment Security shall jointly
172 develop the Community Investment Initiative.

173 (2) The Community Investment Initiative shall contract with
174 private or community organizations, including faith-based
175 organizations, to offer services and support to parents, children
176 and youth in their communities.

177 (3) The Community Investment Initiative may fund programs
178 for the following purposes:

179 (a) Improving outcomes for youth, including, but not
180 limited to:

181 (i) Academic achievement;

182 (ii) Job skills;

183 (iii) Civic participation and community
184 involvement; and

185 (iv) Reducing risky behaviors such as sexual
186 activities, drug use and criminal behavior;

187 (b) Improving parenting and family functioning through
188 services and support to parents, children and to families;

189 (c) Improving marriage and relationship skills among
190 youth and engaged and married couples;

191 (d) Improving the financial and emotional connections
192 of noncustodial parents to their children through fatherhood
193 programs;

194 (e) Improving the employment skills and family
195 connections of parents who leave state jails and prisons; and

196 (f) Other purposes allowable under the federal
197 Temporary Assistance for Needy Families Program.

198 (4) The Mississippi Department of Employment Security-Office
199 of the Governor, shall contract with state agencies or community
200 organizations to provide training and capacity building services
201 to organizations eligible to apply for Community Investment
202 Initiative funds. Contracts may be let for the following
203 purposes:

204 (a) Assisting in the development of proposals to the
205 Community Investment Initiative Fund;

206 (b) Preparing organizations for the fiscal
207 responsibilities involved in receiving and spending state and
208 federal funds;

209 (c) Improving the provision of services by contractors
210 receiving funds from the Community Investment Initiative Fund; and

211 (d) Use of Temporary Assistance for Needy Families
212 funds for the Community Investment Initiative as appropriated by
213 the Legislature.

214 (5) Awards under the Community Investment Initiative shall
215 be made competitively.

216 (6) Contracts shall include performance-based payments keyed
217 to participation in services and specified outcomes.

218 (7) Temporary Assistance for Needy Families may be combined
219 with other state, federal and other funds in ways consistent with
220 federal laws and rules.

221 (8) There is created a special fund to be known as the
222 "Community Investment Initiative Fund." All monies collected
223 under the Community Investment Initiative Fund shall be deposited
224 into the State Treasury to the credit of the fund as special
225 revenues. The fund shall be used by the Community Investment
226 Initiative for the purposes set out in this section.

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

229 43-17-5. (1) Beginning July 1, 2007, the Department of
230 Human Services shall redetermine eligibility for all categories of
231 TANF recipients described under this chapter, and shall again
232 redetermine eligibility not less frequently than required by
233 federal law. The amount of Temporary Assistance for Needy
234 Families (TANF) benefits which may be granted for any dependent
235 child and a needy caretaker relative shall be determined by the
236 county department with due regard to the resources and necessary
237 expenditures of the family and the conditions existing in each
238 case, and in accordance with the rules and regulations made by the
239 Department of Human Services which shall not be less than the
240 Standard of Need in effect for 1988, and shall be sufficient when
241 added to all other income (except that any income specified in the

242 federal Social Security Act, as amended, may be disregarded) and
243 support available to the child to provide such child with a
244 reasonable subsistence compatible with decency and health. The
245 first family member in the dependent child's budget may receive an
246 amount not to exceed One Hundred Ten Dollars (\$110.00) per month;
247 the second family member in the dependent child's budget may
248 receive an amount not to exceed Thirty-six Dollars (\$36.00) per
249 month; and the third family member in the dependent child's budget
250 an amount not to exceed Twenty-four Dollars (\$24.00) per month.
251 The maximum for any individual family member in the dependent
252 child's budget may be exceeded for foster or medical care or in
253 cases of mentally retarded or physically handicapped children.
254 TANF benefits granted shall be specifically limited only (a) to
255 children existing or conceived at the time the caretaker relative
256 initially applies and qualifies for such assistance, unless this
257 limitation is specifically waived by the department, or (b) to a
258 child born following a twelve (12) consecutive month period of
259 discontinued benefits by the caretaker relative.

260 (2) TANF cash benefits in Mississippi shall be provided by
261 monthly checks mailed to the recipient family until such time as
262 an on-line electronic benefits transfer system for TANF benefit
263 payments is implemented pursuant to Section 43-1-28.

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

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

270 (b) Families which include an adult who has received
271 TANF assistance for forty-eight (48) months after the commencement
272 of the Mississippi TANF program, whether or not such period of
273 time is consecutive;

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

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

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

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

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

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

304 (i) Any individual who fails to comply with the
305 provisions of the Employability Development Plan signed by the
306 individual which prescribe those activities designed to help the

307 individual become and remain employed, or to participate
308 satisfactorily in the assigned work activity, as authorized under
309 subsection (6)(c) and (d), or who does not engage in an applicant
310 job search within the thirty-day period for TANF application
311 approval after receiving the advice and consultation of
312 eligibility workers and/or caseworkers of the department providing
313 a detailed description of available job search venues in the
314 individual's county of residence or the surrounding counties;

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

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

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

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

336 (n) Individuals who are recipients of federal
337 Supplemental Security Income (SSI) assistance.

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

340 required to attend school and meet the monthly attendance
341 requirement as provided in this subsection if all of the following
342 apply:

- 343 (i) The person is under age twenty (20);
- 344 (ii) The person has not graduated from a public or
345 private high school or obtained a GED equivalent;
- 346 (iii) The person is physically able to attend
347 school and is not excused from attending school; and
- 348 (iv) If the person is a parent or caretaker
349 relative with whom a dependent child is living, child care is
350 available for the child.

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

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

- 361 (i) A school as defined in Section 37-13-91(2);
- 362 (ii) A vocational, technical and adult education
363 program; or
- 364 (iii) A course of study meeting the standards
365 established by the State Department of Education for the granting
366 of a declaration of equivalency of high school graduation.

367 "School" does not include attendance in an alternative school
368 program under Section 37-13-92, and such attendance in an
369 alternative school program shall disqualify the child for TANF
370 benefits.

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

373 is not in compliance with the compulsory school attendance
374 requirements of Section 37-13-91(6), or if the child has been
375 assigned to an alternative school program, the superintendent of
376 schools of the school district in which the child is enrolled or
377 eligible to attend shall notify the county department of human
378 services of the child's noncompliance. The Department of Human
379 Services shall review school attendance information as provided
380 under this paragraph at all initial eligibility determinations and
381 upon subsequent report of unsatisfactory attendance.

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

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

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

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

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

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

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

422 1. Illness, injury or incapacity of the child
423 or the minor parent's child;

424 2. Court-required appearances or temporary
425 incarceration;

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

428 4. Death of a close relative;

429 5. Observance of a religious holiday;

430 6. Family emergency;

431 7. Breakdown in transportation;

432 8. Suspension; or

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

435 (f) Upon determination that a child has failed without
436 good cause to attend school as required, the department shall
437 provide written notice to the parent or caretaker relative

438 (whoever is the primary recipient of the TANF benefits) that
439 specifies:

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

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

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

449 The child's parent or caretaker relative (whoever is the
450 primary recipient of the TANF benefits) may request a fair hearing
451 on the department's determination that the child has not been
452 attending school. If the child's parents or caretaker relative
453 does not request a fair hearing under this subsection, or if,
454 after a fair hearing has been held, the hearing officer finds that
455 the child without good cause has failed to meet the monthly
456 attendance requirement, the department shall discontinue or deny
457 TANF benefits to the child thirteen (13) years old, or older, in
458 the next possible payment month. The department shall discontinue
459 or deny twenty-five percent (25%) of the family grant when a child
460 six (6) through twelve (12) years of age without good cause has
461 failed to meet the monthly attendance requirement. Both the child
462 and family sanction may apply when children in both age groups
463 fail to meet the attendance requirement without good cause. A
464 sanction applied under this subsection shall be effective for one
465 (1) month for each month that the child failed to meet the monthly
466 attendance requirement. In the case of a dropout, the sanction
467 shall remain in force until the parent or caretaker relative
468 provides written proof from the school district that the child has
469 reenrolled and met the monthly attendance requirement for one (1)
470 calendar month. Any month in which school is in session for at

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

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

493 (6) (a) If the parent or caretaker relative applying for
494 TANF assistance is an employable person, as determined by the
495 Department of Human Services, the person shall be required to
496 engage in an allowable work activity once the department
497 determines the parent or caretaker relative is ready to engage in
498 work, or once the parent or caretaker relative has received TANF
499 assistance under the program for twenty-four (24) months, whether
500 or not consecutive, whichever is earlier. No TANF benefits shall
501 be given to any person to whom this section applies who fails
502 without good cause to comply with the Employability Development
503 Plan prepared by the department for the person, or who has refused

504 to accept a referral or offer of employment, training or education
505 in which he or she is able to engage, subject to the penalties
506 prescribed in subsection (6)(e). A person shall be deemed to have
507 refused to accept a referral or offer of employment, training or
508 education if he or she:

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

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

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

516 (b) The Department of Human Services shall operate a
517 statewide work program for TANF recipients to provide work
518 activities and supportive services to enable families to become
519 self-sufficient and improve their competitive position in the
520 workforce in accordance with the requirements of the federal
521 Personal Responsibility and Work Opportunity Reconciliation Act of
522 1996 (Public Law 104-193), as amended, and the regulations
523 promulgated thereunder. Within sixty (60) days after the initial
524 application for TANF benefits, the TANF recipient must participate
525 in a job search skills training workshop or a job readiness
526 program, which shall include résumé writing, job search skills,
527 employability skills and, if available at no charge, the General
528 Aptitude Test Battery or its equivalent. All adults who are not
529 specifically exempt shall be referred by the department for
530 allowable work activities. An adult may be exempt from the
531 mandatory work activity requirement for the following reasons:

532 (i) Incapacity;

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

535 (iii) Is in the third trimester of pregnancy,
536 verified by physician's certificate;

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

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

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

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

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

549 or

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

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

561 2. Sexual abuse;

562 3. Sexual activity involving a dependent
563 child;

564 4. Being forced as the caretaker relative of
565 a dependent child to engage in nonconsensual sexual acts or
566 activities;

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

569 6. Mental abuse; or

570 7. Neglect or deprivation of medical care.

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

578 (i) Unsubsidized employment;

579 (ii) Subsidized private employment;

580 (iii) Subsidized public employment;

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

584 (v) On-the-job training;

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

587 (vii) Community service programs;

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

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

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

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

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

602 (i) Job skills training directly related to
603 employment;

604 (ii) Education directly related to employment for
605 individuals who have not completed high school or received a high
606 school equivalency certificate;

607 (iii) Satisfactory attendance at high school or in
608 a course of study leading to a high school equivalency, for
609 individuals who have not completed high school or received such
610 equivalency certificate;

611 (iv) Job search and job readiness assistance
612 consistent with federal TANF regulations.

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

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

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

626 * * *

627 (iii) For the third violation, the person shall be
628 permanently disqualified.

629 For a two-parent family, unless prohibited by state or
630 federal law, Medicaid assistance shall be terminated only for the
631 person whose failure to participate in allowable work activity
632 caused the family's TANF assistance to be sanctioned under this
633 subsection (6)(e), unless an individual is pregnant, but shall not
634 be terminated for any other person in the family who is meeting

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

640 (f) Any person enrolled in a two-year or four-year
641 university or college program who meets the eligibility
642 requirements to receive TANF benefits, and who is meeting the
643 applicable work requirements and all other applicable requirements
644 of the TANF program, shall continue to be eligible for TANF
645 benefits while enrolled in the college program for as long as the
646 person meets the requirements of the TANF program, unless
647 prohibited by federal law. From and after July 1, 2007, TANF
648 assistance benefits, which shall include child care and
649 transportation subsidies, shall be available to any eligible
650 person enrolled in a two-year or four-year university or college
651 program, and who is meeting the applicable minimum work
652 requirements of twenty (20) hours per week in an allowable work
653 activity.

654 (g) No adult in a work activity required under this
655 subsection (6) shall be employed or assigned (i) when any other
656 individual is on layoff from the same or any substantially
657 equivalent job within six (6) months before the date of the TANF
658 recipient's employment or assignment; or (ii) if the employer has
659 terminated the employment of any regular employee or otherwise
660 caused an involuntary reduction of its workforce in order to fill
661 the vacancy so created with an adult receiving TANF assistance.
662 The Mississippi Department of Employment Security, established
663 under Section 71-5-101, shall appoint one or more impartial
664 hearing officers to hear and decide claims by employees of
665 violations of this paragraph (g). The hearing officer shall hear
666 all the evidence with respect to any claim made hereunder and such
667 additional evidence as he may require and shall make a

668 determination and the reason therefor. The claimant shall be
669 promptly notified of the decision of the hearing officer and the
670 reason therefor. Within ten (10) days after the decision of the
671 hearing officer has become final, any party aggrieved thereby may
672 secure judicial review thereof by commencing an action, in the
673 circuit court of the county in which the claimant resides, against
674 the department for the review of such decision, in which action
675 any other party to the proceeding before the hearing officer shall
676 be made a defendant. Any such appeal shall be on the record which
677 shall be certified to the court by the department in the manner
678 provided in Section 71-5-531, and the jurisdiction of the court
679 shall be confined to questions of law which shall render its
680 decision as provided in that section.

681 (7) The Department of Human Services may provide child care
682 for eligible participants who require such care so that they may
683 accept employment or remain employed. The department may also
684 provide child care for those participating in the TANF program
685 when it is determined that they are satisfactorily involved in
686 education, training or other allowable work activities. The
687 department may contract with Head Start agencies to provide child
688 care services to TANF recipients. The department may also arrange
689 for child care by use of contract or vouchers, provide vouchers in
690 advance to a caretaker relative, reimburse a child care provider,
691 or use any other arrangement deemed appropriate by the department,
692 and may establish different reimbursement rates for child care
693 services depending on the category of the facility or home. Any
694 center-based or group home child care facility under this
695 subsection shall be licensed by the State Department of Health
696 pursuant to law. When child care is being provided in the child's
697 own home, in the home of a relative of the child, or in any other
698 unlicensed setting, the provision of such child care may be
699 monitored on a random basis by the Department of Human Services or
700 the State Department of Health. Transitional child care

701 assistance may be continued if it is necessary for parents to
702 maintain employment once support has ended, unless prohibited
703 under state or federal law. Transitional child care assistance
704 may be provided for up to twenty-four (24) months after the last
705 month during which the family was eligible for TANF assistance, if
706 federal funds are available for such child care assistance.

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

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

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

727 (11) The department shall enter into an agreement with the
728 State Personnel Board and other state agencies that will allow
729 those TANF participants who qualify for vacant jobs within state
730 agencies to be placed in state jobs. State agencies participating
731 in the TANF work program shall receive any and all benefits
732 received by employers in the private sector for hiring TANF
733 recipients. This subsection (11) shall be effective only if the

734 state obtains any necessary federal waiver or approval and if
735 federal funds are available therefor.

736 (12) The department shall enter into agreements as necessary
737 with the Mississippi Department of Employment Security-Office of
738 the Governor, the Mississippi Development Authority, the State
739 Board for Community and Junior Colleges and the Board of Trustees
740 of State Institutions of Higher Learning to establish and
741 implement the Mississippi Work Pays Program, the High-Wage
742 Education and Training Initiative and the Community Investment
743 Initiative, to provide additional transitional services and
744 financial assistance for TANF recipients who have gained
745 employment.

746 (13) No new TANF program requirement or restriction
747 affecting a person's eligibility for TANF assistance, or allowable
748 work activity, which is not mandated by federal law or regulation
749 may be implemented by the Department of Human Services after July
750 1, 2004, unless such is specifically authorized by an amendment to
751 this section by the Legislature.

752 **SECTION 6.** Section 43-17-25, Mississippi Code of 1972, is
753 amended as follows:

754 43-17-25. Whoever obtains, or attempts to obtain, or aids or
755 abets any child to obtain by means of a willfully false statement
756 or representation, or by impersonation or other fraudulent device:

757 (1) TANF assistance to which the child is not entitled; or
758 (2) TANF assistance greater than that to which he is justly
759 entitled, shall be subject to the criminal penalties prescribed in
760 Section 97-19-71; or shall be guilty of a misdemeanor and, upon
761 conviction thereof, shall be fined not more than Ten Thousand
762 Dollars (\$10,000.00) or be imprisoned for not more than twelve
763 (12) months, or both, in the discretion of the court.

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

766 43-1-2. (1) There is created the Mississippi Department of
767 Human Services, whose offices shall be located in Jackson,
768 Mississippi, and which shall be under the policy direction of the
769 Governor.

770 (2) The chief administrative officer of the department shall
771 be the Executive Director of Human Services. The Governor shall
772 appoint the Executive Director of Human Services with the advice
773 and consent of the Senate, and he shall serve at the will and
774 pleasure of the Governor, and until his successor is appointed and
775 qualified. The Executive Director of Human Services shall possess
776 the following qualifications:

777 (a) A bachelor's degree from an accredited institution
778 of higher learning and ten (10) years' experience in management,
779 public administration, finance or accounting; or

780 (b) A master's or doctoral degree from an accredited
781 institution of higher learning and five (5) years' experience in
782 management, public administration, finance or accounting.

783 Those qualifications shall be certified by the State
784 Personnel Board.

785 (3) There shall be a Joint Oversight Committee of the
786 Department of Human Services composed of the respective chairmen
787 of the Senate Public Health and Welfare Committee, the Senate
788 Appropriations Committee, the House Public Health and Human
789 Services Committee and the House Appropriations Committee, three
790 (3) members of the Senate appointed by the Lieutenant Governor to
791 serve at the will and pleasure of the Lieutenant Governor, and
792 three (3) members of the House of Representatives appointed by the
793 Speaker of the House to serve at the will and pleasure of the
794 Speaker. The chairmanship of the committee shall alternate for
795 twelve-month periods between the Senate members and the House
796 members, on May 1 of each year, with the Chairman of the Senate
797 Public Health and Welfare Committee serving as chairman beginning
798 in even-numbered years, and the Chairman of the House Public

799 Health and Human Services Committee serving as chairman beginning
800 in odd-numbered years. The committee shall meet once each
801 quarter, or upon the call of the chairman at such times as he
802 deems necessary or advisable, and may make recommendations to the
803 Legislature pertaining to any matter within the jurisdiction of
804 the Mississippi Department of Human Services. The appointing
805 authorities may designate an alternate member from their
806 respective houses to serve when the regular designee is unable to
807 attend such meetings of the oversight committee. For attending
808 meetings of the oversight committee, such legislators shall
809 receive per diem and expenses which shall be paid from the
810 contingent expense funds of their respective houses in the same
811 amounts as provided for committee meetings when the Legislature is
812 not in session; however, no per diem and expenses for attending
813 meetings of the committee will be paid while the Legislature is in
814 session. No per diem and expenses will be paid except for
815 attending meetings of the oversight committee without prior
816 approval of the proper committee in their respective houses.

817 (4) The Department of Human Services shall provide the
818 services authorized by law to every individual determined to be
819 eligible therefor, and in carrying out the purposes of the
820 department, the executive director is authorized:

821 (a) To formulate the policy of the department regarding
822 human services within the jurisdiction of the department;

823 (b) To adopt, modify, repeal and promulgate, after due
824 notice and hearing, and where not otherwise prohibited by federal
825 or state law, to make exceptions to and grant exemptions and
826 variances from, and to enforce rules and regulations implementing
827 or effectuating the powers and duties of the department under any
828 and all statutes within the department's jurisdiction, all of
829 which shall be binding upon the county departments of human
830 services;

831 (c) To apply for, receive and expend any federal or
832 state funds or contributions, gifts, devises, bequests or funds
833 from any other source;

834 (d) Except as limited by Section 43-1-3, to enter into
835 and execute contracts, grants and cooperative agreements with any
836 federal or state agency or subdivision thereof, or any public or
837 private institution located inside or outside the State of
838 Mississippi, or any person, corporation or association in
839 connection with carrying out the programs of the department; and

840 (e) To discharge such other duties, responsibilities
841 and powers as are necessary to implement the programs of the
842 department.

843 (5) The executive director shall establish the
844 organizational structure of the Mississippi Department of Human
845 Services which shall include the creation of any units necessary
846 to implement the duties assigned to the department and consistent
847 with specific requirements of law, including, but not limited to:

848 (a) Office of Family and Children's Services;

849 (b) Office of Youth Services;

850 (c) Office of Economic Assistance.

851 * * *

852 (6) The Executive Director of Human Services shall appoint
853 heads of offices, bureaus and divisions, as defined in Section
854 7-17-11, who shall serve at the pleasure of the executive
855 director. The salary and compensation of such office, bureau and
856 division heads shall be subject to the rules and regulations
857 adopted and promulgated by the State Personnel Board as created
858 under Section 25-9-101 et seq. The executive director shall have
859 the authority to organize offices as deemed appropriate to carry
860 out the responsibilities of the department. The organization
861 charts of the department shall be presented annually with the
862 budget request of the Governor for review by the Legislature.

863 (7) This section shall stand repealed on July 1, 2009.

864 **SECTION 8.** Section 43-19-31, Mississippi Code of 1972, is
865 amended as follows:

866 43-19-31. (1) The Office of the Attorney General is
867 designated as the state's Title IV-D agency. On July 1, 2007, the
868 Child Support Unit of the Department of Human Services shall be
869 transferred to the Office of the Attorney General. Wherever the
870 term "Child Support Unit" appears in any law, the same shall mean
871 the Child Support Unit of the Office of Attorney General. The
872 Attorney General may assign to the appropriate offices such powers
873 and duties deemed appropriate to carry out the lawful functions of
874 the Child Support Unit. The person appointed by the Attorney
875 General as the person responsible for managing the Title IV-D
876 agency's child support enforcement duties shall report directly to
877 the Attorney General. Appropriations made to the Title IV-D
878 agency for child support enforcement may be expended only for the
879 purposes for which the money was appropriated.

880 (2) An attorney employed to provide Title IV-D services
881 represents the interest of the state and not the interest of any
882 other party. The provision of services by an attorney under this
883 chapter does not create an attorney-client relationship between
884 the attorney and any other party. The agency shall, at the time
885 an application for child support services is made, inform the
886 applicant that neither the Title IV-D agency nor any attorney who
887 provides services under this chapter is the applicant's attorney
888 and that the attorney providing services under this chapter does
889 not provide legal representation to the applicant. An attorney
890 employed by the Title IV-D agency or as otherwise provided by this
891 chapter may not be appointed or act as a guardian ad litem or
892 attorney ad litem for a child or another party. A court shall not
893 disqualify the Title IV-D agency in a legal action filed under
894 this chapter or Part D of Title IV of the federal Social Security
895 Act on the basis that the agency has previously provided services

896 to a party whose interests may now be adverse to the relief
897 requested.

898 (3) The Office of Attorney General is hereby authorized and
899 empowered to establish a single and separate Child Support Unit
900 for the following purposes:

901 (a) To develop and implement a nonsupport and paternity
902 program and institute proceedings in the name of the Child Support
903 Unit of the Office of Attorney General or in the name of the
904 recipient in any court of competent jurisdiction in any county
905 where the mother of the child resides or is found, in the county
906 where the father resides or is found, or in the county where the
907 child resides or is found;

908 (b) To secure and collect support by any method
909 authorized under state law and establish paternity for any child
910 or children receiving aid from the Department of Human Services
911 any form of public assistance, including, but not limited to,
912 medical assistance, foster care, food stamps, TANF, or any other
913 program under the federal Social Security Act, from a parent or
914 any other person legally liable for such support who has either
915 failed or refused to provide support, deserted, neglected or
916 abandoned the child or children, including cooperating with other
917 states in establishing paternity, locating absent parents and
918 securing compliance with court orders for support of Temporary
919 Assistance for Needy Families (TANF) children; the Child Support
920 Unit may petition the court for the inclusion of health insurance
921 as part of any child support order on behalf of any child
922 receiving aid from the Department of Human Services unless good
923 cause for noncooperation, as defined by the Social Security Act or
924 the Child Support Unit, is established. Unless notified to the
925 contrary, whenever a child or children for whom child support
926 services have been provided ceases to receive public assistance,
927 the Child Support Unit will continue to provide services and
928 establish paternity, secure and collect such support payments from

929 a parent or any other person legally liable for such support in
930 accordance with the standards prescribed pursuant to the federal
931 Social Security Act;

932 (c) To accept applications for child support
933 enforcement services to establish paternity, secure and collect
934 support from any proper party or person as defined by Title IV-D
935 of the federal Social Security Act notwithstanding the fact that
936 the child or children do not currently receive or have never
937 received public assistance. The Child Support Unit shall have the
938 authority to secure and collect support by any method authorized
939 under state law and establish paternity for any child or children
940 on behalf of a recipient of child support services, including
941 individuals who do not currently receive or have never received
942 public assistance from a parent or any other person legally liable
943 for such support who has either failed or refused to provide
944 support, deserted, neglected or abandoned the child or children,
945 including cooperating with other states in establishing paternity,
946 locating absent parents and securing compliance with court orders
947 for support; the Child Support Unit may petition the court for the
948 inclusion of health insurance as part of any child support order
949 on behalf of such recipients of child support services. The
950 proceeds of any collections resulting from such application shall
951 be distributed in accordance with the standards prescribed in the
952 federal Social Security Act;

953 (d) The Child Support Unit shall seek to recover from
954 the individual who owes a support obligation to any individual who
955 is a recipient of Title IV-D services as set forth in paragraph
956 (b) or (c) on whose behalf the Child Support Unit is providing
957 services, upon judicial proceedings conducted thereon after
958 advance notice to such obligor, reasonable attorney's fees and
959 court costs, in excess of any administrative fees collected and in
960 excess of amounts of current support owed by the obligor, which
961 the Child Support Unit incurs in recovering and collecting the

962 support obligation, such costs and fees as the Child Support Unit
963 recovers to be deposited in the Special Fund of the Child Support
964 Unit of the Office of Attorney General which is hereby established
965 for the pursuit and collection of child support;

966 (e) To initiate contempt of court proceedings or any
967 other remedial proceedings necessary to enforce (i) any order or
968 decree of court relating to child support, and (ii) any order or
969 decree of court relating to the maintenance and/or alimony of a
970 parent where support collection services on his or her child's
971 behalf are being provided by the Child Support Unit;

972 (f) To secure and collect by any method authorized
973 under state law any maintenance and/or alimony on behalf of a
974 parent whose child or children's support is being collected by the
975 Child Support Unit. The Child Support Unit shall collect only
976 such maintenance and/or alimony as is ordered or decreed by the
977 court, and only in the event that the minor child and parent to
978 whom such maintenance and/or alimony has been ordered are living
979 in the same household;

980 (g) To obtain restitution of monies expended for public
981 assistance from a parent or any other person legally liable for
982 the support of any child or children receiving aid from the Child
983 Support Unit; said action for restitution shall arise from the
984 payment of public assistance for the dependent child or children
985 and shall be for the amount of the public assistance paid. Said
986 action for restitution shall not arise against the parent or other
987 person legally responsible who receives public assistance for the
988 benefit of any dependent child or children. When a court order of
989 support has been issued, the amount recoverable shall be limited
990 to the amount of the court order;

991 (h) Setting off against a debtor's income tax refund or
992 rebate any debt which is in the form of a liquidated sum due and
993 owing for the care, support or maintenance of a child;

994 (i) To have full responsibility in the aforementioned
995 cases for initiating actions under the Uniform Interstate Family
996 Support Act and for responding to the actions of other
997 jurisdictions under said law when Mississippi is the responding
998 state; however, this shall not impair private litigants' rights to
999 proceed under any applicable interstate enforcement mechanisms;

1000 (j) To enter into contracts for the purpose of
1001 performing any test which the Child Support Unit may, from time to
1002 time, require;

1003 (k) To maintain a Central Receipting and Disbursement
1004 Unit to which all payments required by withholding orders and
1005 orders for support in all actions to which the Child Support Unit
1006 is a party shall be forwarded, and from which child support
1007 payments ordered by the court in actions to which the Child
1008 Support Unit is a party shall be disbursed to the custodial parent
1009 or other such party as may be designated by the court order. The
1010 Central Receipting and Disbursement Unit shall be operated by the
1011 Child Support Unit or any financial institution having operations
1012 and qualified to do business in Mississippi, whose deposits are
1013 insured by the Federal Deposit Insurance Corporation. The Child
1014 Support Unit shall conduct cost-benefit analyses to determine and
1015 utilize the more cost efficient manner of operating the unit;

1016 (l) To maintain a Child Support Unit of the Office of
1017 Attorney General Case Registry containing records with respect to:

1018 (i) Each case in which services are being provided
1019 by the Child Support Unit under this section; and

1020 (ii) Each support order established or modified in
1021 Mississippi on or after October 1, 1998; and

1022 (iii) The Administrative Office of Courts, as
1023 established by Section 9-21-1, Mississippi Code of 1972, in
1024 consultation with the Child Support Unit, shall devise, promulgate
1025 and require the use of a Uniform Child Support Order Tracking
1026 System.

1027 1. Information collected from case filing
1028 forms shall be furnished to the Child Support Unit of the Office
1029 of Attorney General, in order that compliance with court-ordered
1030 obligations of support may be tracked with specificity throughout
1031 the duration of said obligations and any subsequent proceedings.

1032 2. Such tracking system shall include: a.
1033 the names, residential and mailing addresses, telephone numbers,
1034 social security numbers, driver's license numbers and dates of
1035 birth of each child and parent named in or subject to the court
1036 order; b. the court cause number of the action; c. name, address
1037 and telephone number of employer; d. any restraining or protective
1038 order indicating domestic violence; and e. any other information
1039 which may be used for the purpose of identifying any person named
1040 in or subject to the order or for the purposes of establishing,
1041 enforcing or modifying a child support order; and

1042 (m) To take administrative actions relating to genetic
1043 testing, determine paternity, establish child support orders,
1044 modification of child support orders, income withholding, liens
1045 and subpoenas without the necessity of obtaining an order from any
1046 judicial or other administrative tribunal with respect to cases
1047 initiated or enforced by the Child Support Unit pursuant to Title
1048 IV-D of the Social Security Act;

1049 (n) To have the authority to use high-volume automated
1050 administrative enforcement in interstate cases to the same extent
1051 as used for intrastate cases, in response to a request made by
1052 another state to enforce support orders;

1053 (o) To provide any child support enforcement or other
1054 service as may be required by the United States of America,
1055 Department of Health and Human Services, Family Support
1056 Administration, Office of Child Support Enforcement or their
1057 successor pursuant to federal law or regulation.

1058 **SECTION 9.** Section 43-19-34, Mississippi Code of 1972, is
1059 amended as follows:

1060 43-19-34. (1) In lieu of legal proceedings instituted to
1061 obtain a modification for an order for support, a written
1062 stipulated agreement for modification executed by the responsible
1063 parent when acknowledged before a clerk of the court having
1064 jurisdiction over such matters or a notary public and filed with
1065 and approved by the judge of said court shall have the same force
1066 and effect, retroactively and prospectively, in accordance with
1067 the terms of said agreement as an order for modification of
1068 support entered by the court, and shall be enforceable and subject
1069 to subsequent modification in the same manner as is provided by
1070 law for orders of the court in such cases.

1071 (2) With respect to a child support order in cases initiated
1072 or enforced by the Child Support Unit pursuant to Title IV-D of
1073 the Social Security Act, wherein the Child Support Unit has
1074 determined that a modification is appropriate, the Child Support
1075 Unit shall send a motion and notice of intent to modify the order,
1076 together with the proposed modification of the order under this
1077 section to the last-known mailing address of the defendant. Such
1078 notice shall specify the date and time certain of the hearing and
1079 shall be sent by certified mail, restricted delivery, return
1080 receipt requested; notice shall be deemed complete as of the date
1081 of delivery as evidenced by the return receipt. The required
1082 notice may also be delivered by personal service in accordance
1083 with Rule 4 of the Mississippi Rules of Civil Procedure insofar as
1084 it may be applied to service of an administrative order or notice.
1085 The defendant may accept the proposed modification by signing and
1086 returning it to the Child Support Unit prior to the date of
1087 hearing for presentation to the court for approval. In the event
1088 that the defendant does not sign and return the proposed
1089 modification, the court shall on the date and time previously set
1090 for hearing review the proposal and make a determination as to
1091 whether it should be approved in whole or in part.

1092 (3) Every three (3) years, upon the request of either
1093 parent, or if there is an assignment under Section 43-19-35, upon
1094 the request of the Child Support Unit or of either parent, the
1095 Child Support Unit shall review and, if appropriate, seek to
1096 adjust a support order being enforced under Section 43-19-31 in
1097 accordance with the guidelines established pursuant to Section
1098 43-19-101, if the amount of the child support award under the
1099 order differs from the amount that would be awarded in accordance
1100 with the guidelines, taking into account the best interests of the
1101 child involved. No proof of a material change in circumstances is
1102 necessary in the three-year review for adjustment pursuant to this
1103 subsection (3). Proof of a material change in circumstances is
1104 necessary for modification outside the three-year cycle.

1105 (4) Any order for the support of minor children, whether
1106 entered through the judicial system or through an expedited
1107 process, shall not be subject to a downward retroactive
1108 modification. An upward retroactive modification may be ordered
1109 back to the date of the event justifying the upward modification.

1110 **SECTION 10.** Section 43-19-35, Mississippi Code of 1972, is
1111 amended as follows:

1112 43-19-35. (1) By currently or previously accepting public
1113 assistance or making application for child support services for
1114 and on behalf of a child or children, the recipient shall be
1115 deemed to have made an assignment to the Child Support Unit of the
1116 Office of Attorney General of any and all rights and interests in
1117 any cause of action, past, present or future, that said recipient
1118 or the children may have against any parent failing to provide for
1119 the support and maintenance of said minor child or children; said
1120 Child Support Unit shall be subrogated to any and all rights,
1121 title and interest the recipient or the children may have against
1122 any and all property belonging to the absent or nonsupporting
1123 parent in the enforcement of any claim for child or spousal
1124 support, whether liquidated through court order or not. The

1125 recipient of Title IV-D services shall also be deemed, without the
1126 necessity of signing any document, to have appointed the Child
1127 Support Unit of the Office of Attorney General to act in his or
1128 her, as well as the children's, name, place, and stead to perform
1129 the specific act of instituting suit to establish paternity or
1130 secure support, collecting any and all amounts due and owing for
1131 child or spousal support or any other service as required or
1132 permitted under Title IV-D of the federal Social Security Act, and
1133 endorsing any and all drafts, checks, money orders or other
1134 negotiable instruments representing child or spousal support
1135 payments which are received on behalf of the recipient or the
1136 children, and retaining any portion thereof permitted under
1137 federal and state statutes as reimbursement for public assistance
1138 monies previously paid to the recipient or children.

1139 (2) Court orders of support for any child or children
1140 receiving services through Title IV-D of the federal Social
1141 Security Act shall be amended, by operation of law, and without
1142 the necessity of a motion by the Child Support Unit and a hearing
1143 thereon to provide that the payment of support shall be directed
1144 by the absent parent to the Child Support Unit of the Office of
1145 Attorney General Central Receipting and Disbursement Unit as
1146 provided in Section 43-19-37 and not to the recipient. The absent
1147 parent shall be notified of such amendment prior to it taking
1148 effect.

1149 (3) Any attorney authorized by the state to initiate any
1150 action pursuant to Title IV-D of the federal Social Security Act,
1151 including, but not limited to, any action initiated pursuant to
1152 Sections 43-19-31 et seq. and 93-25-1 et seq. shall be deemed to
1153 represent the interest of the Child Support Unit exclusively; no
1154 attorney-client relationship shall exist between said attorney and
1155 any recipient of services pursuant to Title IV-D of the federal
1156 Social Security Act for and on behalf of a child or children,
1157 regardless of the name in which the legal proceedings are

1158 initiated. Said attorney representing the state in a Title IV-D
1159 case is only authorized to appear and prosecute and/or defend
1160 issues of support and cannot in a Title IV-D case address or
1161 provide representation to the Title IV-D recipient on any other
1162 ancillary issues raised or presented in that action.

1163 (4) Said assignment to the Child Support Unit shall be free
1164 of any legal or equitable defense to the payment of child support
1165 that may accrue to any person legally liable for the support of
1166 any child or children receiving aid from the State Department of
1167 Human Services, as a result of the conduct of the person who is
1168 accepting public assistance for and on behalf of said child or
1169 children.

1170 **SECTION 11.** Section 43-19-37, Mississippi Code of 1972, is
1171 amended as follows:

1172 43-19-37. (1) Court orders of support in all cases brought
1173 under the provisions of Sections 43-19-31 through 43-19-53 shall
1174 specify that the payment of court costs shall be directed by the
1175 absent parent to the Child Support Unit Central Receiving and
1176 Disbursement Unit for further disbursement in the manner as
1177 prescribed by Title IV-D of the federal Social Security Act. The
1178 court shall assess attorney's fees to recover the costs associated
1179 with preparing and prosecuting the case, which shall be paid
1180 directly to the Child Support Unit of the Office of Attorney
1181 General solely for the support of the legal division of the Child
1182 Support Unit, in a manner separate and distinct from the payment
1183 of child support. The court may allow the defendant to pay the
1184 attorney's fee over a period not to exceed four (4) months. The
1185 state portion of attorney's fees paid into the Child Support Unit
1186 shall be used to match federal funds for the support of the legal
1187 division of the Child Support Unit, in conjunction with the Office
1188 of Attorney General. Any payments made by the absent parent
1189 directly to the recipient or applicant in violation of the court
1190 order shall not be deemed to be a support payment or an attorney's

1191 fee and shall not be credited to the court-ordered obligation of
1192 said absent parent or to the court-ordered obligation for the
1193 payment of the attorney's fee. Failure of the absent parent to
1194 comply with an order of support or for payment of an attorney's
1195 fee for a period of thirty (30) days shall be directed to the
1196 court having jurisdiction of the matter for contempt proceedings
1197 or execution issued in the manner and form prescribed by statute.
1198 Should civil proceedings become ineffective in producing support
1199 or attorney's fees in any case involving a legitimate child or a
1200 child wherein paternity has been established by law or
1201 acknowledged in writing, the case shall promptly be referred to
1202 the district attorney for prosecution as a violation of Section
1203 97-5-3.

1204 (2) Each application, petition, order or filing made under
1205 this section shall include the social security number(s) of the
1206 applicant or father, mother and child(ren), as applicable, in
1207 accordance with Section 93-11-64, Mississippi Code of 1972.

1208 **SECTION 12.** Section 43-19-44, Mississippi Code of 1972, is
1209 amended as follows:

1210 43-19-44. For purposes of this section, an "authorized
1211 person" shall mean:

1212 (a) Any agent or attorney of any state having in effect
1213 a plan approved under federal law, who has the duty or authority
1214 under such plan to seek to recover any amounts owed as child and
1215 spousal support (including, when authorized under the state plan,
1216 any official of a political subdivision);

1217 (b) The court which has authority to issue an order or
1218 to serve as the initiating court in an action to seek an order
1219 against a noncustodial parent of the support and maintenance of a
1220 child, or any agent of such court;

1221 (c) The resident parent, legal guardian, attorney or
1222 agent of a child (other than a child receiving federal assistance
1223 as determined by federal regulation) without regard to the

1224 existence of a court order against a noncustodial parent who has a
1225 duty to support and maintain any such child;

1226 (d) A state agency that is administering a program
1227 operated under a state plan approved under federal law;

1228 (e) Any agent or attorney of any state having an
1229 agreement under this section, who has the duty or authority under
1230 the law of such state to enforce a child custody or visitation
1231 determination;

1232 (f) Any court having jurisdiction to make or enforce
1233 such a child custody or visitation determination, or any agent of
1234 such court; and

1235 (g) Any agent or attorney of the United States, or of a
1236 state having an agreement under this section, who has the duty or
1237 authority to investigate, enforce or bring a prosecution with
1238 respect to the unlawful taking or restraint of a child.

1239 The Child Support Unit shall safeguard personal data if the
1240 Child Support Unit is provided with reasonable evidence of a risk
1241 of harm. A state agency, court, department of another state,
1242 obligor, obligee and such other persons or entities as the Child
1243 Support Unit may specify may provide the Child Support Unit with
1244 reasonable evidence of a risk of harm in such manner as the Child
1245 Support Unit may require. The Child Support Unit shall not be
1246 required to safeguard personal data in intrastate cases for longer
1247 than one (1) year unless the Child Support Unit is provided with
1248 reasonable evidence of a continued risk of harm in such manner as
1249 the Child Support Unit may require. The Child Support Unit shall
1250 notify individuals whose personal data is safeguarded under this
1251 section that in order for the safeguards to remain in effect, such
1252 individuals must provide the Child Support Unit annually with
1253 reasonable evidence of a continued risk of harm. For the purposes
1254 of this section, "reasonable evidence of a risk of harm" shall
1255 mean reasonable evidence that the release of information may
1256 result in physical harm to the parent or child, that the release

1257 of information may result in emotional harm to the parent or child
1258 which would significantly reduce the parent's capacity to care for
1259 the child, or would significantly reduce the parent or child's
1260 ability to function adequately, or that a protective order or
1261 restraining order has been issued on behalf of the parent or
1262 child.

1263 If the Child Support Unit is provided with reasonable
1264 evidence of a risk of harm, the Child Support Unit, its employees
1265 and its contractors shall not disclose any personal data that
1266 could otherwise be disclosed about the location of a parent or
1267 child, including residential address, telephone number and name,
1268 address and telephone number of employer, and shall not disclose
1269 the social security number of a parent or child; provided,
1270 however, that such personal data may be shared by and between
1271 employees of the Child Support Unit and its contractors; provided
1272 further, that the Child Support Unit may disclose such personal
1273 data to the Federal Parent Locator Service, to the court, or agent
1274 of a court that is authorized to receive information from the
1275 Federal Parent Locator Service established pursuant to Title IV-D
1276 of the Social Security Act.

1277 Provided further, that the Child Support Unit may disclose
1278 the social security number of a child receiving IV-D services for
1279 the purposes directly connected to obtaining health care coverage
1280 for such child to an employer or provider of health care coverage.

1281 If the Child Support Unit is provided with reasonable
1282 evidence of a risk of harm pursuant to this section, the Child
1283 Support Unit shall notify the Federal Parent Locator Service
1284 established pursuant to Title IV-D of the Social Security Act that
1285 a risk of harm exists. Upon order of the court in an intrastate
1286 matter the Child Support Unit shall release personal data, which
1287 may include location information and social security numbers, to
1288 such court or agent, as required by said Title IV-D of the Social
1289 Security Act; provided, however, that if the Child Support Unit

1290 has been provided with reasonable evidence of a risk of harm, the
1291 Child Support Unit shall notify the court or agent that the Child
1292 Support Unit has received such information; before making any
1293 disclosure of such personal data, the court is required to
1294 determine whether such disclosure to any other person could be
1295 harmful to the parent or child. A person or agency seeking
1296 disclosure of personal data which the Child Support Unit is
1297 prohibited from disclosing because of a risk of harm, but which
1298 could otherwise be disclosed, may file a petition with the
1299 chancery court to request disclosure of such personal data.

1300 Upon an order by the court in interstate cases to override
1301 nondisclosure procedures in cases dealing with domestic violence,
1302 the court shall order the Child Support Unit to release this
1303 information within thirty (30) days of the order. Whereupon, the
1304 Child Support Unit shall transmit said court order to the Federal
1305 Office of Child Support Enforcement (OCSE), Federal Parent Locator
1306 Service (FPLS), whereby OCSE will notify the Child Support Unit of
1307 its decision to remove the nondisclosure code. Upon notification
1308 from OCSE, the Child Support Unit shall release said information
1309 unto the court.

1310 Any unauthorized disclosure or unauthorized willful
1311 inspection made in a good-faith effort to comply with this section
1312 shall not be considered a violation of this section.

1313 A person or agency, including the Child Support Unit, seeking
1314 personal data which the Child Support Unit is prohibited from
1315 disclosing because of a risk of harm, but which could otherwise be
1316 disclosed or which the Federal Parent Locator Service established
1317 pursuant to Title IV-D of the Social Security Act is prohibited
1318 from disclosing because the Secretary of the Federal Department of
1319 Health and Human Services has been notified that there is a
1320 reasonable evidence of domestic violence or child abuse, may file
1321 a petition with the court where the person resides to request
1322 disclosure of such personal data. The petition shall specify the

1323 purpose for which such personal data is required. When a petition
1324 is filed, or when the court receives notice from the Child Support
1325 Unit that the Child Support Unit has been notified of a risk of
1326 harm, the court shall determine whether disclosure of personal
1327 data could be harmful to the parent or child before releasing such
1328 data to any other person or agency. In making such determination,
1329 the court shall notify the parent that the court has received a
1330 request to release personal data and shall provide a specific date
1331 by which the parent must object to release of the information and
1332 provide the basis for objection. The parent may provide such
1333 information in writing and shall not be required to appear in
1334 person to contest the release of information. The court shall
1335 also notify the Child Support Unit of any petition filed pursuant
1336 to this section and the Child Support Unit shall release to the
1337 court any information which it has been provided regarding the
1338 risk of harm; however, the Child Support Unit shall not be made a
1339 party to the action. Further, the attorney for the Child Support
1340 Unit, in any proceeding herein, shall not be deemed to be
1341 appearing in a representative capacity for any party. The court
1342 may also request information directly from the Federal Parent
1343 Locator Service from the Child Support Unit of another state, and
1344 from any other source.

1345 In determining whether disclosure of personal data could be
1346 harmful to the parent or child, the court shall consider any
1347 relevant information provided by the parent or child, any
1348 information provided by the Child Support Unit or by the Child
1349 Support Unit of another state, and any evidence provided by the
1350 person seeking the personal data. Documentary evidence
1351 transmitted to the court by facsimile, telecopier or other means
1352 that do not provide an original writing may not be excluded from
1353 evidence on an objection based on the means of transmission. The
1354 court may permit a party or witness to be deposed or to testify by
1355 telephone, audiovisual means, or other electronic means.

1356 The court may enter an order (1) impounding the personal data
1357 and prohibiting any disclosure by the court or its agents, (2)
1358 permitting disclosure by the court or its agents to a specific
1359 person or persons, or (3) removing any restrictions on disclosure
1360 by the court and its agents. An order permitting disclosure of
1361 personal data may specify the purposes for which the data may be
1362 used and may prohibit a person to whom the data is disclosed from
1363 making further disclosures to any other person. The court shall
1364 notify the Child Support Unit of any order entered pursuant to
1365 this section. Any person or agency who violates an order issued
1366 pursuant to this section may be held in contempt of court and
1367 subject to the penalties provided herein.

1368 The court may disclose location information about a parent
1369 for the limited purpose of notifying the parent of a proceeding
1370 under this section or of any other proceeding in court, provided
1371 that such information shall not be disclosed to another party
1372 unless the court issues an order pursuant to this section
1373 permitting such disclosure.

1374 **SECTION 13.** Section 43-19-46, Mississippi Code of 1972, is
1375 amended as follows:

1376 43-19-46. (1) Each employer, as defined in Section
1377 93-11-101, doing business in Mississippi shall report to the
1378 Directory of New Hires within the Child Support Unit of the Office
1379 of Attorney General:

1380 (a) The hiring of any person who resides or works in
1381 this state to whom the employer anticipates paying wages; and

1382 (b) The hiring or return to work of any employee who
1383 was laid off, furloughed, separated, granted leave without pay or
1384 was terminated from employment.

1385 (2) Employers shall report, by mailing or by other means
1386 authorized by the Child Support Unit, a copy of the employee's W-4
1387 form or its equivalent which will result in timely reporting.

1388 Each employer shall submit reports within fifteen (15) days of the

1389 hiring, rehiring or return to work of the employee. The report
1390 shall contain:

1391 (a) The employee's name, address, social security
1392 number and the date of birth;

1393 (b) The employer's name, address, and federal and state
1394 withholding tax identification numbers; and

1395 (c) The date upon which the employee began or resumed
1396 employment, or is scheduled to begin or otherwise resume
1397 employment.

1398 (3) The Child Support Unit shall retain the information,
1399 which shall be forwarded to the federal registry of new hires.

1400 (4) The Child Support Unit may operate the program, may
1401 enter into a mutual agreement with the Mississippi Department of
1402 Employment Security or the State Tax Commission, or both, for the
1403 operation of the Directory of New Hires Program, or the Child
1404 Support Unit may contract for such service, in which case the
1405 Child Support Unit shall maintain administrative control of the
1406 program.

1407 (5) In cases in which an employer fails to report
1408 information, as required by this section, an administratively
1409 levied civil penalty in an amount not to exceed Five Hundred
1410 Dollars (\$500.00) shall apply if the failure is the result of a
1411 conspiracy between the employer and employee to not supply the
1412 required report or to supply a false or incomplete report. The
1413 penalty shall otherwise not exceed Twenty-five Dollars (\$25.00).
1414 Appeal shall be as provided in Section 43-19-58.

1415 **SECTION 14.** Section 43-19-47, Mississippi Code of 1972, is
1416 amended as follows:

1417 43-19-47. (1) The Child Support Unit of the Office of
1418 Attorney General * * * may appoint at least one (1) full-time
1419 staff attorney in or for each chancery court district for the
1420 purpose of initiating proceedings under the provisions of Sections
1421 43-19-31 through 43-19-53 in securing child support and

1422 establishing paternity. The qualifications and annual salary of
1423 each of the attorneys appointed by the Child Support Unit, * * *
1424 under the provisions of Sections 43-19-31 through 43-19-53 shall
1425 be fixed at such sums as may be deemed proper in accordance with
1426 the salaries of other full-time employed state attorneys with the
1427 Attorney General's Office. Such salaries, inclusive of all
1428 reimbursable travel and other expenses, inclusive of financial
1429 arrangements perfected with the appropriate courts, the law
1430 enforcement officials and the district attorneys, shall be paid
1431 monthly from the funds appropriated to the Child Support Unit of
1432 the Office of Attorney General and from the special fund for the
1433 Division of Child Support in which the interest from its accounts
1434 and all attorney's fees and other fees is placed. The Mississippi
1435 Personnel Board shall survey the salaries of other Mississippi
1436 attorneys with the Attorney General's Office each year and shall
1437 raise the start step of the staff and senior attorneys accordingly
1438 and the minimum shall never go below Forty Thousand Dollars
1439 (\$40,000.00) for staff attorneys or Fifty Thousand Dollars
1440 (\$50,000.00) for senior attorneys.

1441 (2) To assist in the implementation of the provisions of
1442 Sections 43-19-31 through 43-19-53, the Attorney General is
1443 empowered to enter into cooperative agreements with district
1444 attorneys, county attorneys and attorneys employed by the county
1445 boards of supervisors * * *. Said cooperative agreements shall be
1446 made in compliance with the regulations established by the
1447 Secretary of the Department of Health and Human Services, and may
1448 be funded either by funds appropriated to the Child Support Unit
1449 of the Office of Attorney General or funds appropriated by any
1450 county board of supervisors in this state for their respective
1451 county. Attorneys may be hired contractually to be paid in
1452 amounts commensurate with the Child Support Unit's staff
1453 attorneys.

1454 **SECTION 15.** Section 43-19-48, Mississippi Code of 1972, is
1455 amended as follows:

1456 43-19-48. (1) The Child Support Unit and financial
1457 institutions doing business in the state are required to enter
1458 into agreements:

1459 (a) To develop and operate a data match system, using
1460 automated data exchanges, in which each such financial institution
1461 is required to provide for each calendar quarter the name, record
1462 address, social security number or other taxpayer identification
1463 number, and other identifying information for each noncustodial
1464 parent who maintains an account at such institution and who owes
1465 past-due support, as identified by the Child Support Unit by name
1466 and social security number or other taxpayer identification
1467 number;

1468 (b) To encumber or surrender, as the case may be,
1469 assets held by such institution on behalf of any noncustodial
1470 parent who is subject to a child support lien; and

1471 (c) To provide for payment of reasonable fees to
1472 financial institutions for conducting data matches, and for
1473 responding to other requests made pursuant to this section, with
1474 such fees not to exceed the actual costs incurred by such
1475 financial institutions.

1476 (2) When the operation of such data match system results in
1477 the location of an account of a noncustodial parent who owes
1478 past-due support, or when such account is located through any
1479 means, the Child Support Unit may request and shall receive
1480 additional financial or other information including account
1481 numbers, names and social security numbers on record for accounts,
1482 and account balances, from any financial institution needed to
1483 establish, modify or enforce a support order.

1484 (3) The Child Support Unit shall have the authority to
1485 encumber and seize assets held by an obligor in a financial

1486 institution doing business in Mississippi. Such assets shall be
1487 encumbered for either:

1488 (a) A forty-five-day period; or

1489 (b) Until such time as the issue of overdue support is
1490 resolved, provided the obligor has filed a petition for hearing
1491 with a court of appropriate jurisdiction and the financial
1492 institution receives written notice thereof from the Child Support
1493 Unit before the end of the said forty-five-day period.

1494 (4) Notice of such encumbrance initiated by the Child
1495 Support Unit shall be provided to the financial institution and to
1496 the obligor:

1497 (a) The Child Support Unit shall send, by certified
1498 mail, notice to the financial institution with which the account
1499 is placed, directing that the financial institution shall:

1500 (i) Immediately encumber funds in any account(s)
1501 in which the obligor has an interest, and to the extent of the
1502 debt indicated in the notice from the Child Support Unit;

1503 (ii) Forward the encumbered funds to the Child
1504 Support Unit after either the forty-five-day period stated in
1505 subsection 3(a) of this section, or a determination favorable to
1506 the Child Support Unit by a court of appropriate jurisdiction; or

1507 (iii) In the event the obligor prevails before the
1508 court, immediately release said funds to the obligor.

1509 (b) Notice shall be delivered to the obligor at the
1510 current mailing address as recorded by the Child Support Unit.

1511 Such notice shall be sent by regular mail at the commencement of
1512 the action described herein.

1513 (c) The financial institution shall not disclose to an
1514 account holder or the depositor that the name of such person has
1515 been received from or furnished to the Child Support Unit. The
1516 financial institution shall disclose to its account holders or its
1517 depositors that under the data match system the Child Support Unit

1518 has the authority to request certain identifying information on
1519 the account holders' or the depositor's accounts.

1520 (5) Challenges to encumbrance of an account:

1521 (a) Challenges to such levy for child support arrearage
1522 may be initiated only by the obligor or by an account holder of
1523 interest.

1524 (b) Challenges shall be made by the filing of a
1525 petition for hearing by the obligor in a court of appropriate
1526 jurisdiction under Rule 81(d)(2) of the Mississippi Rules of Civil
1527 Procedure. Service upon the Child Support Unit shall be as
1528 prescribed by Rule 4(d)(5) of the Mississippi Rules of Civil
1529 Procedure.

1530 (c) Grounds for the petition challenging the
1531 encumbrance shall be limited to:

1532 (i) Mistakes of identity; or

1533 (ii) Mistakes in amount of overdue support.

1534 (6) Liability of the financial institution and the Child
1535 Support Unit:

1536 (a) Neither the Child Support Unit nor the financial
1537 institution shall be liable for any applicable early withdrawal
1538 penalties on the obligor's account(s).

1539 (b) A financial institution shall be absolutely immune
1540 from any civil liability under any law or regulation to any person
1541 for the disclosure of or failure to disclose any information
1542 pursuant to this chapter or for the escrow, encumbrance, seizure
1543 or surrender of any assets held by the financial institution in
1544 response to any notice issued by * * * the Child Support Unit or
1545 any contractors or agents thereof unless the disclosure or failure
1546 to disclose was willful or intentional, or for any other action
1547 taken in good faith to comply with the requirements of this
1548 chapter.

1549 (7) Any amount encumbered and forwarded by the financial
1550 institution under this section shall not exceed the arrearage owed
1551 by the obligor.

1552 (8) The provisions herein and any other relevant sections
1553 shall be employed equally by authorized contractors of the Child
1554 Support Unit to collect delinquent support payments.

1555 (9) A financial institution shall not be liable under
1556 federal or state law to any person:

1557 (a) For any disclosure of information to the Child
1558 Support Unit;

1559 (b) For encumbering or forwarding any assets held by
1560 such financial institution in response to a notice of lien or
1561 levy;

1562 (c) For any other action taken in good faith to comply
1563 with the requirements of subsection (1)(a) or (b) above.

1564 (10) **Definitions.** For purposes of this section:

1565 (a) The term "financial institution" has the meaning
1566 given to such by Section 81-12-3, Mississippi Code of 1972, and
1567 shall include, but not be limited to, credit unions, stock
1568 brokerages, public or private entities administering retirement,
1569 savings, annuities, life insurance and/or pension funds;

1570 (b) The term "account" means a demand deposit account,
1571 checking or negotiable withdrawal order account, savings account,
1572 time deposit account or money-market mutual fund account.

1573 (11) Failure to comply with the provisions of this section
1574 or the willful rendering of false information shall subject the
1575 financial institution to a fine of not less than One Thousand
1576 Dollars (\$1,000.00).

1577 **SECTION 16.** Section 43-19-49, Mississippi Code of 1972, is
1578 amended as follows:

1579 43-19-49. There is hereby authorized to be employed by the
1580 Child Support Unit of the Office of Attorney General such other,
1581 investigative, technical, secretarial and supportive staff as may

1582 be necessary for the proper and necessary implementation of the
1583 requirements of Public Law 93-647, 93rd Congress, and any
1584 amendments adopted thereto applicable to said program as provided
1585 under Sections 43-19-31 through 43-19-53; said positions shall be
1586 subject to the merit system's rules and regulations and their
1587 salaries shall be fixed in such amounts as the Attorney General
1588 may deem proper.

1589 **SECTION 17.** Section 43-19-53, Mississippi Code of 1972, is
1590 amended as follows:

1591 43-19-53. Not later than sixty (60) days after the first day
1592 of January of each year, the Child Support Unit shall cause to be
1593 published for the preceding calendar year a detailed report
1594 showing the total number of cases in the aid to dependent children
1595 program reported on the basis of fraud or suspected fraud, the
1596 total number investigated, prosecuted and disposed of civilly
1597 and/or criminally in each county of the state and the total number
1598 of support and paternity cases reported, investigated, continued,
1599 prosecuted civilly, and the total amount of support collected.

1600 **SECTION 18.** Section 43-19-55, Mississippi Code of 1972, is
1601 amended as follows:

1602 43-19-55. The Child Support Unit of the Office of Attorney
1603 General shall be authorized in maintaining separate accounts with
1604 Mississippi banks to handle funds received as incentives from the
1605 federal government earned as a result of collecting support and
1606 also any funds maintained on deposit as a result of federal and
1607 state income tax offsets and any other relevant account, and to
1608 aggressively manage the float in these accounts so as to accrue
1609 maximum interest advantage of the funds in the account, and to
1610 retain all earned interest on these funds to be applied to defray
1611 the expenses of the Child Support Unit.

1612 **SECTION 19.** Section 43-19-57, Mississippi Code of 1972, is
1613 amended as follows:

1614 43-19-57. (1) Any administrative subpoena issued by the
1615 Child Support Unit of the Office of Attorney General pursuant to
1616 the provisions of Laws, 1997, Chapter 588, shall be directed to
1617 the appropriate party or entity and signed by the Attorney
1618 General, or his designee.

1619 (2) A person wishing to appeal the issuance of an
1620 administrative subpoena shall have recourse to the chancery courts
1621 as for any subpoena.

1622 **SECTION 20.** Section 43-19-58, Mississippi Code of 1972, is
1623 amended as follows:

1624 43-19-58. (1) Persons wishing to contest the imposition of
1625 an administrative civil penalty under the provisions of Laws,
1626 1997, Chapter 588, shall be entitled to a hearing before the Child
1627 Support Unit by so requesting within twenty (20) days after
1628 receiving notice of the imposition of the administratively imposed
1629 civil penalty. The request shall identify the civil penalty
1630 contested and legibly state the contestant's name, mailing address
1631 and home and daytime phone numbers. The date, time and place for
1632 the hearing shall be made as convenient as possible for the
1633 contestant, who shall receive notice thereof not less than seven
1634 (7) days before the hearing. A hearing on whether to impose a
1635 civil penalty and to consider circumstances in mitigation shall be
1636 held on the time and the place specified in the notice. The
1637 contestant may appear in person, through his attorney or, prior to
1638 the date set for the hearing, submit written testimony and other
1639 evidence, subject to the penalty for false swearing, for entry in
1640 the hearing record.

1641 (2) After the hearing, the Child Support Unit shall issue
1642 its order, which may be appealed to the chancery court of the
1643 county in which the contestant resides in the same manner as is
1644 provided by law for appeals originating from county courts.

1645 (3) The Child Support Unit may file the order assessing the
1646 penalty, or a certified copy of the order, with the clerk of any

1647 chancery court in the state after expiration of the time in which
1648 an appeal may be taken, or final determination of the matter on
1649 appeal, whereupon the order assessing the penalty shall be
1650 enrolled on the judgment roll and may be enforced in the same
1651 manner as a judgment.

1652 **SECTION 21.** Section 43-19-59, Mississippi Code of 1972, is
1653 amended as follows:

1654 43-19-59. (1) The Child Support Unit of the Office of
1655 Attorney General, as the Title IV-D child support enforcement
1656 agency of this state, shall use high-volume automated
1657 administrative enforcement, to the same extent as used for
1658 intrastate cases, in response to a request made by another state
1659 to enforce support orders, and shall promptly report the results
1660 of such enforcement procedure to the requesting state.

1661 (2) In this section, "high-volume, automated administrative
1662 enforcement" means the use of automatic data processing to search
1663 various available state databases, including, but not limited to,
1664 license records, employment service data, and state new hire
1665 registries, to determine whether information is available
1666 regarding a parent who owes a child support obligation.

1667 (3) The Child Support Unit may, by electronic or other
1668 means, transmit to another state or receive from another state a
1669 request for assistance in enforcing support orders through
1670 high-volume, automated administrative enforcement, which request:

1671 (a) Shall include such information as will enable the
1672 state to which the request is transmitted to compare the
1673 information about the cases to the information in the data bases
1674 of the state receiving the request; and

1675 (b) Shall constitute a certification by the requesting
1676 state:

1677 (i) Of the amount of support under an order the
1678 payment of which is in arrears; and

1679 (ii) That the requesting state has complied with
1680 all procedural due process requirements applicable to each case.

1681 (c) If the Child Support Unit provides assistance to
1682 another state with respect to a case, or if another state seeks
1683 assistance from the Child Support Unit pursuant to this section,
1684 neither state shall consider the case to be transferred to the
1685 caseload of such other state.

1686 **SECTION 22.** The Department of Human Services shall establish
1687 a Task Force on Welfare Restructuring consisting of public and
1688 private representatives to review the incidence and circumstances
1689 of individuals who apply for TANF assistance and the cost
1690 effective of the TANF assistance program, with special emphasis on
1691 work requirements. The task force shall make findings and
1692 establish goals for the TANF program and shall publish its
1693 recommendations with any proposed legislation in a report to the
1694 Governor and the Legislature to be made on or before January 1,
1695 2008. Upon making its report, the task force shall be dissolved.
1696 The Executive Director of the Department of Human Services shall
1697 make appointments to the task force from appropriate public and
1698 private agencies and associations with the approval of the
1699 Governor, and the task force shall include the Chairman of the
1700 Senate Public Health and Welfare Committee, the Chairman of the
1701 House Public Health and Welfare Committee, the Chairman of the
1702 Senate Appropriations Committee and the Chairman of the House
1703 Appropriations Committee, two (2) members of the Senate appointed
1704 by the Lieutenant Governor and two (2) members of the House of
1705 Representatives appointed by the Speaker of the House. The task
1706 force shall meet upon the call of the Governor not later than
1707 August 1, 2007, and shall organize by selecting a chairman who
1708 shall be responsible for calling subsequent meetings of the task
1709 force and establishing an agenda. The Department of Human
1710 Services shall provide clerical and administrative support for the
1711 task force.

1712 **SECTION 23.** This act shall take effect and be in force from
1713 and after July 1, 2007.