

67:47:01:03.01. Time requirements for work and education -- Exceptions. If employed, the recipient ~~must~~ shall be employed a minimum of 80 hours a month and must receive a salary which is equivalent to the hourly federal minimum wage ~~per hour~~. If in school, the recipient ~~must be attending~~ shall attend 80 school hours a month. If the recipient is working and attending school, the combination of actual work and school hours ~~must~~ shall be a minimum of 80 hours a month and the recipient must receive a salary that is equivalent to the hourly federal minimum wage. In determining whether a ~~student~~ recipient has met the school hour requirement, the department shall count the actual hours spent in class, work study, unpaid internships, practice teaching, and clinical work experience.

The recipient has met the requirements of this section if attending a college, university, or technical institute a minimum of ~~15~~ 12 semester credit hours. If the household contains both parents, each parent ~~must~~ shall meet the requirements of this section.

A recipient who is enrolled in and physically attending a program of study or training leading to a GED or a high school diploma is exempt from the requirements of this section.

Source: 18 SDR 112, effective January 9, 1992; transferred from § 67:47:01:03, 19 SDR 102, effective January 18, 1993; 21 SDR 86, effective November 6, 1994; 22 SDR 188, effective July 8, 1996; 24 SDR 30, effective September 14, 1997; 27 SDR 43, effective October 26, 2000; 33 SDR 152, effective April 4, 2007; 37 SDR 236, effective June 28, 2011; 40 SDR 229, effective June 30, 2014.

General Authority: SDCL 28-1-61(1).

Law Implemented: SDCL 28-1-60, 28-1-61(1).

Cross-References:

Child care services available for certain children, § 67:47:01:03.

Determination of incapacity and inability to provide child care, § 67:47:01:03.03.

Certain individuals ineligible to receive child care assistance, § 67:47:01:27.

67:47:01:08. Household required to participate in child care costs. A household is not required to participate in the cost of child care if the household's adjusted income is at or below the federal poverty level. All other households ~~must~~ shall contribute to child care costs as recognized by the department if the household's adjusted income is between 101 percent and 175 percent of the federal poverty level. ~~The household's contribution is the higher of \$10 or that amount remaining after subtracting from the household's adjusted monthly income the amount obtained when calculating 105 percent of the federal poverty level for the household's size~~ Household contribution rates are available on the department's website at: <http://www.dss.sd.gov/childcare/subsidyprogram/>.

~~In no case may the household's copayment exceed 15 percent of the household's adjusted income.~~

The household ~~must~~ shall pay its share of child care costs directly to its primary care provider. The amount remaining on the allowable child care costs is paid by the department directly to the provider.

Source: 18 SDR 112, effective January 9, 1992; 19 SDR 102, effective January 18, 1993; 21 SDR 86, effective November 6, 1994; 21 SDR 162, effective March 23, 1995; 22 SDR 188, effective July 8, 1996; 24 SDR 30, effective September 14, 1997; 27 SDR 43, effective October 26, 2000; 33 SDR 152, effective April 4, 2007; 37 SDR 236, effective June 28, 2011; 43 SDR 31, effective September 12, 2016.

General Authority: SDCL 28-1-61(2).

Law Implemented: SDCL 28-1-60, 28-1-61(2).

Cross-References:

Federal poverty level, § 67:11:01:03;

Adjustment to gross earned income, § 67:47:01:05.01.

67:47:01:09.01. REVERTED per SDCL 1-26-4.7(3)

67:47:01:13.01. Requirements for in-home or informal provider. An in-home or informal provider shall:

(1) Be at least 18 years old;

(2) Submit to a background check and comply with the requirements of ~~67:42:16:03~~ 67:42:16:04 for any individual who cares for or supervises a child, or has unsupervised access to a child;

(3) Have documented orientation training within 90 days after the receipt of the application in at least ~~the following areas:~~

(a) Prevention and control of infectious diseases;

(b) Prevention of sudden infant death syndrome and use of safe sleep practices;

(c) Administration of medication;

(d) Prevention of and response to an emergency due to food or allergic reaction;

(e) Building and physical premises safety;

(f) Prevention of shaken baby syndrome and abusive head trauma;

(g) Emergency preparedness and response planning for an emergency resulting from a natural disaster or man-caused event;

(h) Handling and storage of hazardous materials and the appropriate disposal of bio contaminants;

(i) Precautions in transporting a child;

(j) Recognition and reporting of child abuse and neglect;

(k) First aid; and

(1) Cardiopulmonary resuscitation (CPR). CPR training shall include hands-on skill testing as part of the training. CPR certification ~~must~~ shall remain valid at all times-;

(4) Submit to an annual inspection and meet health and safety standards included in the topics listed ~~above~~ in subdivision (3) of this section; and

(5) Complete a minimum of three hours per year of on-going training and provide verification of completion. Training may include any of the orientation training categories and may include requirements relating to: nutrition; access to physical activity; caring for a child with special needs; any other subject area determined to be necessary to promote child development or to protect a child's health and safety.

Source: 43 SDR 31, effective September 12, 2016.

General Authority: SDCL 28-1-61(1)(11).

Law Implemented: SDCL 28-1-60, 28-1-61(1)(11).

67:47:01:18. Household to report change in circumstances. A household shall report to the department when they experience any of the following changes:

- (1) A permanent change in employment or school status;
- (2) A change in child care provider;
- (3) ~~An~~ A change of address ~~change~~; or
- (4) ~~If the~~ A change in monthly household gross income ~~exceeds 175 percent of the federal poverty level or~~ that would result in the household exceeding 85 percent of the state median income.

All changes shall be reported to the department in writing. If the change positively affects the household's level of assistance, the change in circumstances is effective the date the change occurred if the notice is postmarked within ten working days after the date of the change. If the notice is postmarked more than ten working days after the change occurred, the change is effective the date the ~~change of~~ notice of change is received.

If a family has a permanent change in employment or school status, care may be extended three months from the last ~~date~~ day of employment or school attendance to allow the recipient time to meet either the minimum work ~~and/or~~ school requirements, or both.

Source: 18 SDR 112, effective January 9, 1992; 19 SDR 102, effective January 18, 1992; 21 SDR 86, effective November 6, 1994; 22 SDR 188, effective July 8, 1996; 27 SDR 43, effective October 26, 2000; 37 SDR 236, effective June 28, 2011; 43 SDR 31, effective September 12, 2016.

General Authority: SDCL 28-1-61~~(8)~~(11).

Law Implemented: SDCL 28-1-60, 28-1-61.

Cross-Reference: Department may withhold payments, § 67:47:01:24.

67:47:01:29. Department to maintain waiting list. If the department does not have sufficient funding to add an applicant eligible for child care assistance to the program, the department shall place the eligible applicant on a waiting list. An applicant must meet all eligibility requirements in order to be placed on the waiting list. If a waiting list is developed, the department shall assign a level of priority. The first level of priority status consists of:

- (1) TANF recipients ~~and those transitioning off TANF~~;
- (2) Applicants with children with special needs; ~~and~~
- (3) Applicants that meet the definition of homeless; and
- (4) Applicants with children who will be receiving or need to receive protective services.

The second level of priority status consists of applicants whose monthly gross income remains below 175% of the federal poverty level.

Within the first level of priority, eligibility is prioritized by the date the completed application is received. Within the second level of priority, eligibility is prioritized by income in ascending order lowest to highest of the federal poverty level and by date of application. A change in an applicant's circumstances may warrant a change in an applicant's level of priority on the waiting list. If at any time, an applicant on the waiting list no longer meets eligibility requirements, the applicant shall be removed from the waiting list.

Source: 37 SDR 236, effective June 28, 2011.

General Authority: SDCL 28-1-61.

Law Implemented: SDCL 28-1-60