

67:47:01:01. Definitions. Terms used in this chapter mean:

(1) "Adult exercising parental control," an individual 18 years of age or older who is neither the child's parent or guardian nor residing with the child's parent or guardian, but who has a signed statement from the child's parent or guardian giving the individual authority to exercise parental control of the child;

(2) "Child care certificate," a certificate issued by the department to a recipient who uses the certificate as payment for child care services;

(3) "Child with special needs," a child who is under age 18 or under age 19 if still in school and who is physically or mentally incapable of self-care; or a child who is under court supervision;

(4) "Head Start" or "Head Start Program," a program funded under the Head Start Act, 42 U.S.C.A. § 9831, et. seq., as amended to July 1, 2010, and carried out by a Head Start agency that provides ongoing, comprehensive child development services;

(5) "Household," the parent or legal guardian, the child for whom child care services are being requested or provided, other individuals under age 18 for whom the parent or guardian is the adult exercising parental control and who are residing in the home; when a child is placed with a guardian but the state maintains custody, the child and any of the child's siblings placed with the same guardian. A household does not include a roomer, a boarder, or an individual over age 18 who is not the child's parent or legal guardian or is not the adult exercising parental control of the child;

(6) "Informal provider," an individual who is a friend of the family requesting child care assistance ~~or a sibling of the child for whom care is being requested~~, who does not

live with the recipient, is at least 18 years of age, and provides care only for that recipient's child.

(7) "In-home provider," an individual who provides child care services in the recipient's home;

(8) "In-process provider," a provider who has submitted the required application forms to the department showing that the provider's intent is to become registered or licensed within 120 days;

(9) "Primary provider," the child care provider having the highest calculated cost of child care a month for a family;

(10) "Protective services," services provided under a court order which enable an alleged or adjudicated abused or neglected child to remain in the recipient's home or in the home of another relative, a foster parent, or other suitable person under the supervision and assistance of the court, the Department of Social Services, or another agency designated by the court;

(11) "Recipient," an individual receiving child care benefits;

(12) "Relative provider," an individual who is at least 18 years of age; the aunt, uncle, grandparent, ~~or~~ great-grandparent, or sibling, if such sibling-provider lives in a separate residence, of the child for whom child care assistance is being requested; and the child care provider for that child; and

(13) "TANF," temporary assistance to needy families.

Source: 18 SDR 112, effective January 9, 1992; 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; 37 SDR 236, effective June 28, 2011.

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

Law Implemented: SDCL 28-1-60.

Cross-Reference: Definition of Head Start Program, 45 C.F.R. § 1301.2.

67:47:01:03.01. Time requirements for work and education -- Exceptions. If employed, the recipient must be employed a minimum of 80 hours a month and must receive a salary which is equivalent to the federal minimum wage per hour. If in school, the recipient must be attending 80 school hours ~~of actual class time~~ a month. If the recipient is working and attending school, the combination of actual work and school hours must 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 has met the ~~80~~ 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 semester credit hours. If the household contains both parents, each parent must meet ~~this~~ 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.

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

Law Implemented: SDCL 28-1-60.

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

Determination of incapacity, § 67:47:01:03.03.

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

67:47:01:13. Requirements for in-home, informal, or relative provider. An in-home, informal, or relative provider must meet the following requirements:

- (1) Be at least 18 years old;
- (2) Have completed, signed, and returned to the department the health and safety checklist provided by the department;
- (3) Have completed, signed, and returned to the department the form which verifies that the children in care meet the Department of Health's immunization standards;
- (4) Except for a relative provider ~~or a sibling who is an informal provider~~, have completed and returned to the department a request for a central registry screening for child abuse and neglect under the provisions of chapter 67:14:39. If the screening results in a finding of child abuse or neglect, the provider is ineligible to receive reimbursement under this article;
- (5) Except for ~~a relative provider~~ an aunt, uncle, grandparent, or great-grandparent of the child, reside separately from the family receiving child care assistance;
- (6) Have completed, signed, and returned to the department an Internal Revenue Service W-9 form; and
- (7) Have completed, signed, and returned to the department the form that certifies the provider has read the provider manual, has shared the information concerning child immunizations with the parents, is at least 18 years old, and is providing child care services only for the children from one particular family.

Source: 18 SDR 112, effective January 9, 1992; 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.

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

Law Implemented: SDCL 28-1-60.

67:47:01:17. Change in child care provider. A recipient may change child care providers at any time; however, the recipient must notify the department in writing in a notice postmarked within ~~five~~ ten working days after the recipient changes providers. If the department receives the notice within the ~~five~~ ten-working-day period and the new provider meets the eligibility criteria, the change is effective as of the date the recipient changed providers. If the recipient fails to notify the department within the ~~five~~ ten-working-day period, the change is effective the date the department receives the written notice of change.

Source: 18 SDR 112, effective January 9, 1992; 19 SDR 102, effective January 18, 1993; 21 SDR 86, effective November 6, 1994; 22 SDR 188, effective July 8, 1996; 37 SDR 236, effective June 28, 2011.

General Authority: SDCL 28-1-61.

Law Implemented: SDCL 28-1-60.

Cross-Reference: Provider eligibility -- Exemptions, § 67:47:01:11.