

2025 South Dakota Legislature

Senate Bill 126**AMENDMENT 126C
FOR THE INTRODUCED BILL**

1 **An Act to establish the manner of determining payments for the child care**
2 **assistance program.**

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 **Section 1. That § 28-1-60 be AMENDED:**

5 **28-1-60.** The Department of Social Services shall establish a child care assistance
6 ~~program of child care services~~ to assist families with child care services and to aid in the
7 improvement of quality and services for the care of children in day care. The department
8 may assist in the improvement, availability, and quality of day care for children by
9 providing training, education, and advocacy for child care.

10 **Section 2. That § 28-1-61 be AMENDED:**

11 **28-1-61.** The secretary of social services ~~may shall~~ shall ~~adopt reasonable and~~
12 ~~necessary~~ rules pursuant to chapter 1-26 for the administration of the child care ~~services~~
13 assistance program in the following areas:

- 14 (1) Eligibility determination, criteria, and application procedure;
- 15 (2) The amount, scope, and duration of child care services and payments;
- 16 (3) Fees;
- 17 (4) Licensing and registration;
- 18 (5) Methods of administration, record keeping, and audit;
- 19 (6) Compliance monitoring;
- 20 (7) Complaint investigation;
- 21 (8) Reporting requirements;
- 22 (9) Eligibility criteria and procedures for grants, contracts, and awards to providers of
23 child care services under § 28-1-60;
- 24 (10) Training, community and provider education, and child advocacy; and

- 1 (11) ~~Such~~ Any other standards and requirements ~~as may be~~ necessary to ensure the
2 efficient operation and administration of the program or as required to qualify for
3 federal funding.

4 **Section 3. That a NEW SECTION be added to chapter 28-1:**

5 In determining payments for the child care assistance program, the Department of
6 Social Services shall use at least the ~~ninetieth~~ seventy-sixth percentile amount of the
7 market rate for the applicable area, identified in the most recent market rate survey, as
8 required by 45 C.F.R. § 98.45 (January 1, 2025), for the following programs and age
9 groups:

10 (1) Before and after school care programs;

11 (2) Child care programs:

12 (a) Under age three;

13 (b) Between ages three and five; and

14 (c) Ages six and older; and

15 (3) Family day care:

16 (a) Under age three;

17 (b) Between ages three and five; and

18 (c) Ages six and older.