

# State of South Dakota

SEVENTY-SEVENTH SESSION  
LEGISLATIVE ASSEMBLY, 2002

499H0400

## HOUSE BILL NO. 1243

Introduced by: Representatives Broderick, Abdallah, Brown (Richard), Garnos, Hennies (Thomas), Jaspers, Murschel, and Smidt and Senators Brown (Arnold), de Hueck, Everist, McCracken, McIntyre, Sutton (Dan), and Volesky

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding family day care homes  
2 and unregistered family day care homes.

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

4 Section 1. That § 26-6-14.1 be amended to read as follows:

5 26-6-14.1. For the purposes of this chapter, family day care means providing care and  
6 supervision ~~of~~ for not more than twelve children from more than one unrelated family, in a family  
7 home, on a regular basis for part of a day as a supplement to regular parental care, without  
8 transfer of legal custody or placement for adoption, ~~paid for directly or indirectly out of public~~  
9 ~~funds. A family day care home may not be registered for care and supervision of more than~~  
10 ~~twelve children at any one time including children.~~ Unless otherwise licensed under § 26-6-14,  
11 any person who provides family day care for more than six children or who receives direct or  
12 indirect public funds for the provision of family day care shall be registered with the Department  
13 of Social Services as a family day care provider by July 1, 2004. Any children under the age of  
14 six living in the home shall be included when calculating the number of children in care.



1 Section 2. That § 26-6-14.2 be amended to read as follows:

2 26-6-14.2. Application for registration for operation of a family day care home shall be made  
3 on forms provided by the Department of Social Services and in the manner prescribed by the  
4 department. The secretary of social services shall promulgate rules regulating family day care  
5 homes ~~providing services paid for directly or indirectly out of public funds. The rules shall be~~  
6 ~~promulgated pursuant to chapter 1-26. However, the rules and the registration required by~~  
7 ~~§ 26-6-14.1 do not apply to family day care homes providing services not paid for directly or~~  
8 ~~indirectly out of public funds.~~ The department may investigate any family day care home  
9 providing services ~~paid for directly or indirectly out of public funds~~ to verify compliance with this  
10 chapter and the rules promulgated pursuant to this chapter. All registration certificates shall be  
11 in force for two years from the date of issuance unless suspended or revoked as authorized by  
12 ~~§ 26-6-23~~ this chapter. The certificate issued under this chapter may not be assigned or  
13 transferred and applies only to the certificate and the location stated in the application and  
14 remains the property of the Department of Social Services.

15 Section 3. That § 26-6-14.8 be amended to read as follows:

16 26-6-14.8. For the purposes of §§ ~~26-6-14.8 to 26-6-14.11~~, inclusive this chapter,  
17 unregistered family day care means ~~the providing care and supervision of~~ for not more than six  
18 children from more than one unrelated family, in a family home, on a regular basis for part of a  
19 day as a supplement to regular parental care, without transfer of legal custody or placement for  
20 adoption, without payment directly or indirectly of any public funds. ~~An unregistered family day~~  
21 ~~care home may not provide care for more than twelve children at any one time including children~~  
22 Any children under the age of six living in the home shall be included when calculating the  
23 number of children in care.