

Division of Economic Assistance



Child Care Assistance Policy Manual

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1. General Information

1.1 Purpose of this Manual

The Child Care Assistance (CCA) Policy Manual provides internal guidance for use by Economic Assistance Benefits Specialist (EABS) in determining and reviewing CCA eligibility.

This manual is broadly written within the limits imposed by federal and state statutes and regulations; therefore, it is not exhaustive of law. This manual is not intended to, does not, and may not be relied upon to create any rights enforceable by law by any party in any civil, criminal, or administrative action.

While all information in this document is believed to be correct at the time of publishing, this document is for educational purposes only and is not intended to provide legal advice. Sections within this manual must not be read alone but must be read in conjunction with other sections as referred. Sections may not stand alone.

Every attempt has been made to accurately represent the policies. If there is a conflict between the information presented in this manual and the information contained in the State Plan, State rule or statute, or Federal laws and regulations, then the State plan, State rule and statute, and Federal laws and regulations are the controlling documents.

The date of publishing is not the effective date of the policy. If there is a discrepancy between the policy effective date and legal mandates and regulatory requirements, the requirements of law and regulation shall govern.

The policies do not constitute authorization or guarantee of eligibility.

1.2 Maintenance of This Manual

The information contained in this manual is periodically updated to comply with any changes in the law or procedure. The South Dakota Department of Social Services (DSS) is not responsible for ensuring that copies of the manual disseminated outside DSS are updated.

This manual will be revised and updated as regulations and policies change. Updates are made by the Division of Economic Assistance CCA Program Staff. When policy and procedure revisions are made to the manual, a memo will be distributed.

1.3 Nondiscrimination

It is required that applications for program benefits and services are made available to everyone and that program benefits are granted to all who meet eligibility standards. DSS staff, programs and policies must not discriminate against customers or applicants for services because of race, color, national origin, sex, age, religion, political beliefs or disability. DSS must also provide fair and equal access to all of its programs and services for people with disabilities; this includes both physical access to buildings and access to programs and services.

It is a violation of the DSS Nondiscrimination Policy when inequitable practices, based on the abovementioned factors, occur in the delivery of services. Some of these practices are:

- Denying services or benefits;
- Failing to provide appropriate interpreter services;
- Limiting access to services because of inaccessible facilities;

Failing to make reasonable accommodations to allow full participation of people with disabilities in all programs, activities, and services.

The Department of Social Services does not exclude, deny benefits to, or otherwise discriminate against any person on the ground of race, color, or national origin, or on the basis of disability or age in admission or access to, or treatment or employment in, its programs, activities, or services, whether carried out by the Department of Social Services directly or through a contractor or any other entity with which the Department of Social Services arranges to carry out its programs and activities; or on the basis of actual or perceived race, color, religion, national origin, sex, gender identity, sexual orientation or disability in admission or access to, or treatment or employment in, its programs, activities, or services when carried out by the Department of Social Services directly or when carried out by sub-recipients of grants issued by the United States Department of Justice, Office on Violence against Women.

1.4 Confidentiality & Disclosure

DSS is bound by specific laws and regulations regarding confidentiality as explained under the following South Dakota Codified Law:

SDCL 28-1-29- Public Assistance records confidential—Exceptions. All applications and records concerning any applicant for, or recipient of, public assistance provided under the laws of this state through the Department of Social Services shall be confidential except:

- For inspection by persons duly authorized by this state or the United States in connection with their official duties;
- For the purpose of fair hearings provided by law.

1.4.1 Disclosure Restriction

Attorney requests for information. If an attorney calls and requests information specific to a recipient of Child Care Assistance or a child care provider receiving reimbursement from the program, staff can respond as follows: “The information you are asking for is considered confidential under South Dakota Codified Laws (SDCL) 28-1-29 and 28-1-32. Should a court-ordered subpoena be issued in this matter, Child Care Services will then release the requested information”. If the request of information is regarding a child care provider, the caller must be referred to the Office of licensing and accreditation (OLA).

Should a recipient of Child Care Assistance request documents they have provided for his/her own case file, that information may be released upon request from the recipient.

***If someone is requesting information over the phone regarding their own case status or payment information, the caller must be able to provide some type of identifier to verify that the person is who they say they are. The information should be something that only that person would know such as; social security numbers, provider number, dates of birth, household members. If there is any doubt that the person might not be who they say they are, CCA staff shall require that the request must be submitted in writing.

Authorization to Release Information Form 211. Specific case information may be shared with child care programs provided that the Authorization to Release Information Form 211 is signed by the applicant. ***Third party DocuSign is not a valid applicant signature.** The Authorization to Release Information Form 211 allows CCA to share case eligibility information with the child care provider. This information shall be limited to case specific information regarding eligibility determination and factors on how eligibility was determined.

Tips

- If a child care provider calls requesting payment information, they must be able to provide their state-assigned provider license number prior to any information being given. If there is any question regarding the validity of the caller’s identity, the request must be submitted in writing.
- If a child care provider calls requesting the case status of an individual and is listed as the provider on the application and if the provider is able to give their state-assigned provider

license number, CCA staff may release case status information only. Do not send information to any address other than what the system currently shows for either the applicant or the child care provider.

- Do not discuss specific case information with anybody other than the applicant or primary partner unless a signed Authorization to Furnish and Release Information form is on file.
- The release of information is only good for 1 year, so EABS must check the date listed on the release before giving information.
- The release of information form does not authorize disclosure of information beyond the limits of the authorization. Information that the Department has obtained from a source other than the applicant/recipient is not subject to disclosure.

2. Definitions and Acronyms

A:

ACCESS: The mainframe eligibility system utilized by the TANF and SNAP.

Acceptable Provider: CCA Providers that are approved in SD BEES or an Informal/ In-Home provider being referred to OLA.

Active Determination: A determination which was triggered by an explicit action from a user, for example when a case is activated.

Active Entitlement: Active entitlement indicates that an individual currently meets the eligible criteria for CCA and is eligible for CCA, along with Active Child Care needs evidence and has a provider payment rate calculated for the eligible period.

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 and has permission from the child's parent or guardian to exercise parental control of the child.

Appeal: A request to review a decision that is made on a program application, product delivery case (PDC) benefit, product delivery determination, or issue case.

Application Case: The application case houses and processes an initial application for benefits. Initial actual eligibility and entitlement to benefits is also determined in the application case.

Assessment: The initial determination of eligibility and entitlement that occurs upon case activation.

Assessment Determination: A determination made when a case is initially assessed during case activation or subsequently reassessed due to a change in circumstance. The result of an assessment determination is typically used in the generation of financials on a case).

B:

Benefits Eligibility & Enrollment System (BEES): The eligibility system.

C:

Case: A case is activated so that a product can be delivered (typically so, that financials can be generated). Only approved cases can be activated.

Case Decision: A record of eligibility/entitlement for a period of time on a case.

CCA Recipient: A household member child who currently has an active CCA benefit. **Certification Period:** This is the period a recipient is enrolled before a renewal is due. Most certification periods are 13 months. However, some certification periods may be longer or shorter due to household circumstances

Change of Circumstance (COC): A change reported by the recipient or another source.

Child Care Assistance (CCA): direct provider reimbursement to child care providers on behalf of low-income families who need assistance with child care costs.

Child Care Need Hours: The child care need hours the primary requested for each child on the application.

Claimant: Also known as the Primary Applicant

Copayment: Family copayment amount per provider per child. A child is subject to copayment based on the CCA category they are eligible for. Copayment amount per provider per child. A child is subject to copayment based on the CCA category they are eligible for.

CPS: Child Protective Services

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 selfcare; or a child who is under court supervision.

Complete Application: an application that contains all necessary verifications required to determine eligibility.

D:

DCS: Division of Child Support

Decision Period: A period within a determination of constant eligibility and entitlement. Stored as a Case Decision.

Denied Application: an application that is missing required verifications to which the applicant has not responded to CCA's request for the missing verifications by the application deadline and therefore, the application has been voided or an application that has had a determination made that did not result in an eligible decision.

Department: The Department of Social Services or DSS.

Determination Result: A record of a case's eligibility, entitlement and explanation, as they vary over the lifetime of the case.

E:

Economic Assistance Benefit Specialist (EABS): The workers that perform eligibility and enrollment activities.

Elevated Worker: Child Care State office staff and others who have specific training related to CCA.

Eligibility: When a household is found eligible for Child Care Assistance.

Entitlement: The benefit DSS pays to a provider when a family is eligible for CCA and a provider is eligible to receive benefits.

Evidence: Any piece of information related to a case (e.g., earned income).

F:

Fair Hearing: an applicant requested hearing in which the applicant is contesting the decisions made by CCA as they relate to the rules the program operates under.

Financial Unit: The household unit whose income is countable for the child being evaluated for CCA. Based on the category of CCA the countable household member and therefore the countable income of those members may vary. A financial unit is defined for each child in need of CCA.

FPL: Federal Poverty Level.

G:

General Child: This person is a household member on the case who is either:

- Child of the Primary Applicant and/or Primary Partner
- Child with a valid non-relative relationship type with the Primary Applicant and/or Primary Partner AND the child's parents are both not household members on the case. This child is also NOT a Protective Custody Child.

Gross Income: The amount of income before any deductions.

H:

Household: the parent or guardian, the child for whom child care services are being requested or provided, and 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, through protective service, such as foster care, the child and the guardian(s) will be the household. , 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. 18-year-old children of the parent or guardian may be included in the household if they are currently enrolled in high school.

I:

Incomplete Application: an application missing required forms of documentation necessary for eligibility determination.

Informal Provider: an individual who is a friend of the family requesting Child Care Assistance who does not live with the recipient, is at least 18 years of age, and provides care only for that recipient's child in the provider's own home.

In-home Provider: an informal provider who provides child care services in the child's home.

Intelligent Evidence Gathering Script (IEG): This is the application form used to input an application. It asks a set of questions that are generated dynamically based on prior answers. This exists in both the caseworker and customer portals in BEES.

Intentional Program Violation (IPV): an intentional false or misleading statement, misrepresentation, concealment, or withholding of facts or setting forth a falsity for the purpose of establishing or maintaining eligibility for child care or for increasing or preventing a reduction in the amount of child care or aiding and abetting a recipient household or provider in committing one of the acts listed in this definition.

IRR: Informal, In-Home, or Relative Provider

L:

Level of Service (LOS): Category determined based on the child care need which does not exceed the maximum level of service – Limited Time, Part Time, and Full Time. LOS is determined per child and per provider.

M:

Maximum Level of Service (Max LOS): Level of service determined based on the total Work/School Supplemented Hours-Limited Time, Part Time, and Full Time. Maximum level of Service is determined at a household level.

O:

OLA: Office of Licensing and Accreditation

P:

Primary Applicant: This person's role on the Application Case and Income Support Case is Primary. This person will typically be the biological parent, stepparent, adoptive parents, or non-parent caretaker of the child(ren) on the application.

Primary Partner: this person is a household member on the case who meets one of the following:

- Primary Applicant's Spouse
- The other parent of a child of the primary applicant.

Prior Week: If a roster pertains to the week immediately preceding the current system week, it will be considered a Prior Week Roster. For example, If the current system week spans from June 9, 2024, to June 15, 2024, then the week that runs from June 2, 2024, to June 8, 2024, is considered as Prior week. The week commences on Sunday and concludes on Saturday.

Prospective Week: If a roster pertains to a week following the current system week, it will be considered a Prospective Week Roster. For example, if the Current system week spans from June 9, 2024, to June 15, 2024, then the week that runs from June 16, 2024, to June 22, 2024, is considered Prospective week. The week commences on Sunday and concludes on Saturday.

Protective Service Child: A child in the household who meets any of the following:

- In Foster Care, in State or Tribal CPS custody
- Placed through a Long-Term Safety Plan facilitated by CPS
- Living with a Harbor Family
- Placed through a Present Danger Plan facilitated by CPS

Provider: the child care provider having the highest calculated cost of child care a month for a family.

Provisional Provider Type: Written in providers where the system calculated the type of provider based on the information entered on the child care needs evidence.

Provider Overpayment: a payment received by a provider to which the provider was not entitled, or a payment received under contract provisions that were not fulfilled by the provider.

Prudent Worker Judgment: The policies and procedures used throughout this manual are designed as a guide for EABS. EABS are expected to use prudent worker judgment when making decisions necessary to administer the program fairly and consistently within the program's intent. EABS must be prudent when

the circumstances of a particular case indicate the need for further inquiry. Additional substantiation or verification must be obtained whenever the information provided by the applicant/recipient is questionable, incomplete, unclear, or contradictory.

R:

Recipient: the child's parent or guardian or the adult exercising parental control of the child.

Relative Child: This person is a household member on the case who is either:

- Child with a valid relative relationship type with the Primary Applicant and/or Primary Partner AND the child's parents are both not household members on the case
- Child with an active adoption or guardianship subsidy

Relative Provider: an individual who is at least 18 years of age; is the aunt, uncle, non-resident sibling, grandparent, or great--grandparent of the child for whom Child Care Assistance is being requested.

Renewal: an application received prior to current eligibility expiring or within 30 days of expiration.

S:

SMI: State Median Income.

T:

TANF: Temporary Assistance for Needy Families.

U:

Unsigned Application: an application that is missing the signature of the applicant.

V:

Verification: A document or other information source, such as an electronic interface, that verifies evidence. Some evidence requires verification (e.g., earned income) while others (e.g., tax filing status) do not.

W:

Work/ School Requirement Hours: The total base hours determined being spent at school, work and/ or TANF activity.

3. Things You Need to Know

3.1 Child Care Assistance

3.1.1 Child Care Assistance Program Background

The Child Care and Development Block Grant Act of 1990 (CCDBG Act, as amended) is the main federal law governing child care programs for low-income working families. The CCDBG Act authorizes discretionary appropriations to support grants to state, territorial, and tribal lead agencies. Lead agencies use these funds to subsidize the child care expenses of eligible children and to improve the overall quality and supply of child care. DSS is the Lead Agency in South Dakota.

3.1.2 Federal Poverty Level (FPL) & State Median Income (SMI)

The FPL is a measure of income issued every year by the Department of Health and Human Services (HHS). Federal poverty levels are used to determine eligibility for certain programs and benefits, including Child Care Assistance, Medicaid, and CHIP. HHS publishes its annual update of the Poverty Income Guidelines, also referred to as the FPLs, each year in mid to late January.

The new FPLs go into effect for eligibility determinations from March 1 onward each calendar year in BEES. January and February determinations will be made using the prior year's FPLs. Upon updating the FPL limits March 1 all active CCA cases are reassessed, and any resulting positive changes are applied, such as decreases in family copayments.

The SMI is an additional measure of income issued by the Department of Health and Human Services (HHS). State Median Income is used to determine eligibility for certain CCA categories including cases with Special Needs and Graduated Phase Out cases. HHS publishes its annual update to State median Income, also referred to as the SMI annually and CCA updates eligibility limits that are use SMI annually on October 1.

3.1.3 Family Copayments

Families are expected to contribute to the cost of child care based on a sliding fee scale. The sliding fee scale accounts for variations in household income and family size. Recipients of CCA are responsible for payment of any difference in child care expenses not covered by Child Care Assistance and for the assigned copayment if applicable.

Copayment amount is calculated based on Household Income and distributed amongst each child receiving CCA recipient and their provider(s) based on their household unit type.

- Applicants with incomes at or below 170% FPL do not have required copayments.
- Applicants with incomes above 170% FPL will have a copayment.
- Please Note: Some family sizes between 170% FPL and 209% FPL will exceed 85% of SMI, in these cases, the 85% SMI is the income limit.
- Copayments are determined at a family (Income Support Case IC) level, then divided out on a per child and per provider level.
- If a family is in phase out, their income will exceed 209% FPL; however, the copayment calculation will remain the same.

Copayments are waived for foster families caring for children in the custody of the State of South Dakota Child Protection Services or the custody of a Tribal Child Protection agency; children determined to be in need of protective services who may reside in a placement with a relative caretaker or in a host placement through a family service agency; and for families receiving TANF or O+TANF benefits.

3.1.4 CCA Eligible Child Care Providers

To receive reimbursement from CCA, child care providers must be licensed or registered with the DSS Office of Licensing and Accreditation, or in-process of becoming licensed or registered. Some providers may be exempt from some of the licensing requirements, such as In-Home, Informal and Relative (IIR) providers, or they may be licensed in another state.

3.1.5 Child Care Assistance Payments and Rates

To ensure that CCA payment rates reflect the price of care in local markets, federal regulations require a market rate survey be conducted no earlier than two years prior to the effective date of the currently approved state plan. Regulations require states to certify that the payment rates for the provision of child care services are sufficient to ensure families receiving Child Care Assistance have equal access to comparable care purchased by private-paying parents.

DSS conducts a child care market rate survey prior to the submission of the state plan. Data from the market rate survey is critical in determining what level of payment may provide equal access to services. Factors considered when establishing rates include type of provider, geographic location, age of children and available funding.

CCA makes payments directly to providers. Payments are enrollment based and made on a weekly basis using a weekly rate structure. The current rates in effect for CCA are published on the DSS website. Payment from Child Care Assistance (CCA) is requested by providers submitting rosters for CCA-eligible children. Providers can request payment up to once every service week. Service weeks run Sunday through Saturday. To continue to receive weekly prospective payments, rosters must be submitted timely after confirming initial enrollment has begun. Providers will report attendance for prior weeks of service to continue receiving payments for prospective weeks. CCA will pay for up to three weeks of absent time before prospective payments cease until the child returns to care.

4. Non-Financial Eligibility Requirements

4.1 Applicant and Child Identity

Applicant and child identity are self-declared at the time of initial application and verified through access to other Department of Social Services programs such as SNAP, TANF, Medicaid and the Division of Child Support. If no information is available, the applicant is required to provide additional verifications such as a birth certificate, Social Security card, driver's license or identification card. Copies of immigration documents for all resident alien children are required.

4.2 Applicant Relationship to Child

Applicant's relationship to the child is self-attested at the time of initial application and if questioned is verified through access to other Department of Social Services programs such as SNAP, TANF, Medicaid, and the Division of Child Support. If no information is available or the information is questionable, the applicant is required to provide additional verifications such as a birth certificate or court document.

For TANF recipients, relationship of the head of household to the child is verified during the TANF intake process and it is not necessary for the benefits specialist to reverify this information.

4.3 Age of Child

Applicants must have a child or children that meet the following requirements:

- The child is under age 13
 - Children who turn 13 during the eligibility period are allowed care through the end of their current eligibility period or until they turn 14, whichever occurs first.
- The child is under age 18 and physically or mentally incapable of self-care;
- This child is under age 19, if enrolled in school and expected to graduate, and is physically or mentally incapable of self-care; or
- The child is under age 18, or under age 19 if enrolled in school and expected to graduate and is under court supervision.

If the child is over age 13 and falls within the categories mentioned above, documentation must be provided by the applicant prior to granting assistance. The documentation must be from a medical professional and must specify the child's physical or mental limitations. For children under court supervision, copies of court documents will be required by the department and used as verification.

Once a child turns 13 and there is no documentation of physical or mental limitations, they will no longer be eligible for child care at their next renewal.

4.4 State Residency

Applicants and recipients must be residents of the state of South Dakota to be eligible for Child Care Assistance. Children in the custody of South Dakota Child Protective Services are automatically considered residents for CCA.

4.4.1 Residency Verification

Self-attestation is accepted for this requirement, unless records through DSS programs or electronic data sources indicate a discrepancy in information provided by or on behalf of the individual. If there is a discrepancy, always attempt to verify residency through electronic matches or documents already provided before requesting the individual provide additional documentation.

Important: When there is a discrepancy, the requirement is to verify South Dakota residency, not a person's address of record. For example, a homeless person may not have an address, but can provide proof they reside in the state, if questionable.

If there is a discrepancy during the application period, or after enrollment, the agency will follow up with the individual and ask for an explanation or paper documentation.

4.4.2 Temporarily Out of Home

Circumstances may lead to household members being temporarily absent from the household but still included in the household composition for CCA. If a household member is not in the household at time of application and the absence is expected to last less than 90 consecutive days, the individual may be counted in the household composition. Those absences expected last longer than 90 days shall be excluded from the household except in the following situations:

Court-Ordered Visitation. A child who is out of the home due to a court order specifying they are to visit a parent who resides away from the child's customary home is temporarily out of the home if:

- the parent/caretaker relative maintains a home for the child to return to; and
- the intent is for the child to return to the home at the end of the visit; and
- the child does not receive CCA while in the care of the parent they are visiting.

Child in School or Training. A child who is regularly attending school (including Job Corps, Schools for the Deaf/Blind, or boarding school) at or away from home may be included in the financial unit if they intend to return to the home.

Parent Working or Attending School Away from Home. If the applicant and the applicant's spouse or parent to the applicant's child(ren) are living separately due to work or school attendance, both must be meeting the minimum work/school requirement and the incomes of both shall be countable. These situations are most common with military families and post-secondary school situations.

Military. A spouse or parent who is out of the home solely due to active duty in the Armed forces is temporarily out of the home if they intend to return to the home despite the length they're gone.

Hospitalization. An individual being cared for in a hospital or other public or private institution is considered temporarily out of the home if the illness is such that a return to the household can be expected.

4.5 Identity, Citizenship, and Alien Status

The child for whom assistance is being requested must be a citizen of the United States or must provide proof of resident alien status.

4.5.1 Citizen Status

For eligibility determination purposes, the child for whom assistance is being requested must be a citizen of the United States or must provide proof of resident alien status. This is self-declared by the applicant and is verified through access to other Department of Social Services programs such as SNAP, TANF, Medicaid or the Division of Child Support or federal programs. If no information is available, the applicant will need to provide additional verifications for the children such as a birth certificate or a court document.

For TANF applications, citizenship is verified during the TANF intake process, and it is not necessary for the EABS to reverify this information.

For Foster Care applications, citizenship is verified during the placement process, and it is not necessary for the EABS to request additional verification of this information.

4.5.2 Caretaker Identity and Household Language

Upon initial application for CCA verification of the identity for the Primary Applicant and Primary Partner will be requested. Identity may be verified using a Photo ID, Birth Certificates, Passport, or Social Security Card.

Applicants for CCA are asked to attest to the primary language spoken in their home. This response should be recorded for federal reporting. If a CCA benefit is added to an existing Economic Assistance case the language becomes required.

4.6 Social Security Number (SSN)

A Social Security Number (SSN) is not required for household members when applying for Child Care Assistance. However, if an application is submitted for other programs that require a SSN, a SSN may be required for the other programs.

4.7 Cooperation with the Division of Child Support (DCS)

Applicants who are parents of a minor child receiving CCA whose other parent does not live in their home, are systematically referred to DCS for child support services unless good cause is otherwise established. To meet DCS cooperation, it is necessary to cooperate for all children with the same payer of support since they are all part of one DCS family set. If a parent fails to cooperate with DCS for a child, only the child in non-cooperating status may not receive CCA. CCA does not apply a parental sanction in BEES for DCS non-cooperation since parents do not receive a CCA benefit themselves. However, each child must be in a cooperation status to receive CCA.

The DSS-EA-231, Child Support Enforcement Referral, must be completed for each child with a parent not in the home who is requesting CCA benefits. The applicant must also sign a DSS-EA-232, Notice of Requirement to Cooperate with the Division of Child Support, at initial application. If the DSS-EA-231 and DSS-EA-232 are on file, the customer does not need to complete new forms at renewal. Additionally, if the customer is reapplying and an existing DSS-EA-232 is on file, the customer does not need to complete a new DSS-EA-232. If there are changes in the information for the parent not in the home the customer knows about, these can be provided on a new DSS-EA-231, verbally, or in writing to the Benefits Specialist.

If the parent not in the home is deceased, parental rights have been terminated, or there is a single parent adoption, the 231/232 forms are **not** required to be completed. However, there must be some verification that the parent not in the home is deceased, parental rights have been terminated, or the adoption was a single parent adoption. The Child Support Enforcement evidence can be added in BEES with the correct non-compliance reason and valid verification added.

4.7.1 Good Cause for Not Cooperating with DCS

A customer may establish good cause for not cooperating with DCS. The customer must complete the DSS-EA-233, Good Cause for Refusal to Cooperate with Child Support Enforcement. Evidence of the good cause reason must be submitted after the request for good cause is made to the Benefits Specialist. Good cause evidence may include:

- Birth certificates or law enforcement, child protection or medical records indicated the child was conceived as a result of incest or forcible rape.
- Court documents or other records indicating legal proceedings for adoption are pending in court.
- Records indicating emotional or physical harm may come to the child or parent with whom the child lives by the parent not in the home. These can be:
 - Police reports

- Court records/orders
- Medical records
- Statements from CPS
- A written statement from a public or private agency confirming the parent is being assisted in the decision to keep the child or give the child up for adoption.
- Written statements from individuals, other than the parent with whom the child live, who have knowledge of the household's circumstances which provide the basis for a good cause claim.
- A written statement from the parent with whom the child lives provides sufficient basis for a good cause claim.

All good cause claims must be approved by the EABS' and their Supervisor using available information and prudent worker judgment. While EABS are responsible for making good cause determinations, there may be occasions when DCS grants good cause. If this occurs, DCS will send a copy of the completed SE-422C Good Cause document to the EABS, who should scan it into File Director and BEES should be updated with appropriate coding to reflect good cause.

4.7.2 DCS Sanctions

If a recipient is required to cooperate with DCS and does not, DCS will sanction the recipient by updating the child's evidence to a non-cooperation status. The child(ren) will have eligibility closed with 10-day notice. If a household who has a DCS non-cooperation has questions regarding the DCS sanction and what action(s) they need to take to reinstate CCA, they should be referred to DCS. DCS determines when recipients are or are not cooperating.

4.7.3 Resolving DCS Non-cooperation Sanctions

If a household has a previous non-cooperation with DCS, they must clear up the sanction with DCS. If the customer states they would now like to cooperate with DCS, EA Staff will assist the customer in determining what actions he/she must take to remove the non-cooperation. EA and DCS staff should work together to help the customer cooperate and then cure the sanction. If there are situations that are proving difficult to resolve, please contact CCA state office staff for assistance.

4.7.4 Cooperation with DCS when Adding Children

When an ongoing CCA household is adding a child(ren) or when a newborn is being added, the head of household, who is the parent with whom the child is living, is required to cooperate with DCS by completing the EA-231/232 for that child.

In these situations, the head of household must be given 10 days to complete these forms, providing information about the parent who is not in the household. If the information is not received within 10 days, the new child is not eligible for CCA. If the additional child is part of a DCS family set with another child receiving CCA and the information is not received, the existing child will not be cooperating with DCS and the existing child who shares a DCS case will be closed following 10-day adverse action.

4.7.5 Ending Cooperation with DCS

The cooperation requirement with DCS ends when a child is no longer receiving CCA benefits.

4.8 Minimum Work/School Requirement

If the applicant is employed or attending school, he/she must be working and/or attending school a minimum of 80 hours per month and, if working, receive a salary equivalent to federal minimum wage.

- For two-parent households, each parent must be meeting the 80 hour per month requirement.
- Adoptive parents are required to meet work requirements
- Parents reporting school credit hours of 12 will pass the Work/School requirements.
- Parents attending High School or GED classes will pass the work/school requirements.

There are exceptions for foster parents, relative caretakers, and parents receiving TANF. Please refer to Section 6 for additional information.

4.9 Other General requirements

4.9.1 National Voter Registration Act Requirements

The National Voter Registration Act (NVRA) requires that states provide customers the opportunity to register to vote when an application for assistance, recertification form, or a change of address is submitted for a public assistance program such as SNAP, TANF, Medicaid, LIEAP, and Child Care Assistance.

The Voter Preference Question “If you are not registered to vote where you live now, would you like to apply to register to vote here today?” is included on all DSS application/recertification forms. If the customer marks “Yes” to this question or if they leave the question blank, a Voter Registration Application form is automatically sent to the customer to complete.

For all in-person transactions, DSS will provide the Voter Registration Application during the transaction itself, rather than mailing it to the client following the transaction.

When the customer reports a change of address, a Voter Registration Application is automatically sent to the customer when the address is updated on BEES. If a customer reports a change in address, it is important that the address be updated on BEES so that this form is automatically sent to the customer.

For changes of address conducted remotely:

- For address changes reported by telephone, the employee who speaks with the customer shall inform the customer that they will receive a Voter Registration Application by mail and may seek assistance in completing the Voter Registration Application at any local DSS office.
- For address changes reported by email, DSS will promptly email a confirmation notice to the customer notifying them that DSS will mail a Voter Registration Application and that they may seek assistance in completing the Voter Registration Application at any local DSS office.
- For address changes submitted online, DSS will promptly notify the customer by email, text message, or other electronic means that DSS will mail a Voter Registration Application and that they may seek assistance in completing the Voter Registration Application at any local DSS office.

To register to vote in South Dakota an individual must:

- Be a United States citizen.
- Reside in South Dakota.
- Be at least 18 years old on or before the next election.
- Not currently serving a sentence for a felony conviction which included;
 - imprisonment served or suspended, in an adult penitentiary.
- Not be judged mentally incompetent by a court of law.

EABS may assist an individual complete the voter registration application, however, DSS is prohibited from doing the following:

- seeking to influence an applicant’s political preference or party registration; or
- displaying any political preference or party allegiance; or
- taking any action or making any statement to an applicant to discourage the applicant from registering to vote; or
- taking any action or making any statement that may lead the applicant to believe

- that a decision to register or not has any bearing on the availability of services or benefits.

DSS will help an individual complete the Voter Registration Application. You must “provide to each applicant who does not decline to register to vote the same degree of assistance with regard to the completion of the registration application form as is provided by the office with regard to the completion of its own forms, unless the applicant refuses such assistance.” (52 U.S.C. § 20506(a)(6)(C))

Completed Voter Registration Applications must be stamped with the date it was received in the office.

Completed Voter Registration Applications must be mailed to the county auditor no later than one business day after the office receives it. The original application must be mailed, not emailed, faxed, or scanned; as the county auditor must have the original signature. DSS will record the date each Voter Registration Application was transmitted to the county auditor and the method of delivery (first-class mail, hand delivery, etc.).

IPV Sanctions. An applicant who is determined to have committed an Intentional Program Violation (IPV) though an administrative hearing will be required to serve a program disqualification. While serving an IPV disqualification their case will reflect an IPV sanction preventing eligibility determination during the disqualification period. Disqualifications for IPV's are as follows:

- 12-months for first offence.
- 24-months for second offence;
- Lifetime for third offence.

5. Application Process

5.1 Filing an Application

Families desiring assistance with child care costs must submit a Child Care Assistance application. An application may be submitted online, by mail, in person, or by fax.

If a customer contacts DSS by phone, but is unable/does not wish to come into the local office to file an application, then:

- Provide the online application website; or
- If the customer prefers, mail an application form the same day the call is received.

If a customer sends a written request for an application and includes a phone number, then:

- Call to see if the customer prefers to complete the application online or have the application mailed to them.
- If the customer cannot be reached by phone, then the application will be mailed to the customer the same day or next working day after the written request was received.

All sections of the application must be completed, and all required verifications must be submitted for the application to be considered complete.

Unsigned applications will be returned to the applicant for his/her signature and will not be considered complete until the application is signed. Applications may be signed by the head of household (primary applicant) or the households authorized representative, if applicable.

5.1.1 Child Care Assistance Online Application

Individuals may apply for benefits using the Customer Portal Homepage on DSS' website. Individuals will have an option to apply for CCA, medical programs, and/or SNAP. The online application is dynamic and will guide the applicant to provide information based on their responses to questions.

Applicants should be encouraged to utilize the Customer Portal to apply for CCA unless another method is preferred by them. The dynamic application process can assure customers complete only questions relevant to their situation, it is the fastest way for them to apply, and completion of the online application assists in populating information in BEES.

5.1.2 DSS-EA-301 Economic Assistance Application (Paper Application)

This application is for individuals to use to apply for CCA, Medicaid, CHIP, SNAP, and/or TANF. It asks questions relevant to all programs and allows individuals to apply for one or more of the programs at the same time.

If the application is received by mail, fax, or in a drop box, within 1 working day from the date the application form is received, the Benefits Specialist must enter it on BEES to notify the household of what action the household needs to take to complete the application process.

5.1.3 Application Date

The date of application is the date the application is received in a DSS office as outlined below:

- In-Person: The application date is the date the application is received in the DSS office.
- Online: The application date is the date the application was submitted in BEES.
- Mail: The application date is the date the application is received in the DSS office.

5.1.4 Incomplete Applications

If an application is missing the required verifications, a request for information notice will be sent to the applicant informing him/her that the verifications must be submitted within 10 working days of the date the letter is sent. The notice will clearly state what information is required to process the

application and the date it is due. The applicant will have 10 working days to provide the information, after 30 days, their application shall be considered void and will be denied.

5.2 DSS Employee Applications

To avoid conflict of interest, ensure privacy, and protect the agency from potential fraud, all applications received for DSS employees **MUST** be processed by an EA Supervisor, Regional Manager, Program Specialist, or Program Administrator. Additionally, a second supervisor must review the eligibility determination. The second supervisor could be a supervisor in another office, Regional Manager, Program Administrator, etc.

When the recipient is no longer a DSS employee, the case can return to normal processing guidelines at the next renewal.

In addition, EABS will **not** process benefits for relatives, close friends, or any person where there is a real or perceived conflict of interest. The Benefits Specialist **must** notify the EA Supervisor prior to starting the application process or accepting responsibility for an on-going record.

5.3 Authorized Representatives and Authorization to Release Information Forms

Individuals may choose to designate an individual or organization to act on their behalf or may have such a representative through operation of state law (e.g., through a legal guardianship arrangement). The state may not allow authorized representatives only for certain groups of applicants or beneficiaries.

The agency must allow individuals the choice to have an authorized representative assist in the application process or during a renewal of eligibility. Applicants or recipients can designate an authorized representative on the application or renewal form, which allows that person to:

- Discuss the application with DSS.
- See the applicant or recipient's information; and
- Act for the applicant or recipient on matters related to the application, including getting information about the application and signing the application on their behalf.

Authorized representatives are not automatically entitled to receive notices and forms for the applicant/recipient unless the applicant/recipient has requested this and:

- submitted proof that the individual is legally appointed (e.g., a POA or guardian); or
- completed an DSS-EA-211 Authorization to Release Information form and noted which items may be shared with the authorized representative.

Authorized representatives who are not legally appointed or for which there is not a DSS-EA-211 Authorization to Release Information must provide proof of identity, or they should not be listed as an authorized representative. A copy should be kept on file.

5.4 Timely Determination of CCA Eligibility

The time period in which every applicant is entitled to a determination of eligibility is 30 calendar days. Timely determination of eligibility applies to all CCA applications received through all modalities.

When there is an administrative or other emergency beyond the agency's control, the agency must document the reason for delay in the case record. The agency must not use the time standards as a waiting period before determining eligibility, or as a waiting period before determining eligibility, or as a reason for denying eligibility (because it has not determined eligibility within the time standards).

5.4.1 Failure to Supply Required Information

As a condition of eligibility, an individual applying for or receiving CCA must provide the information necessary to establish eligibility. CCA allows customers 10 days to provide required verifications. If an

individual fails or refuses to provide the information necessary to make an eligibility determination, their application must be denied, or their current benefits terminated.

5.5 Effective Eligibility Dates

Child care eligibility is issued for at least a 13-month certification period based on the child care need at the time of application.

The Certification Period for CCA is effective on the 1st of the application month. Entitlement for CCA benefits is effective when the need for care begins, the applicant meets minimum eligibility requirements, and the provider is eligible to receive payments.

5.5.1 Certification Period

The Certification Period in BEES for CCA will span at least 13 months, starting with the 1st of the month of application and ending the last day of the 13th month after eligibility begins. Eligibility throughout the entire Certification Period will be assessed at initial application and at any change reported within the period.

Certification Periods will be aligned for all children in the home who are eligible for CCA to ensure only one CCA renewal is completed per household. This means, a child who is added to a household will impact other children's Certification Period, pushing them out to match the 13-month period of the newly added child(ren).

Children in CPS custody may receive a certification period that is backdated to the 1st of the month 3 months prior to the month of application, resulting a 16-month certification period. This is to help better accommodate the placement process and support foster parents by providing additional time to apply.

5.5.2 Entitlement Period

Entitlement Periods are segments of time within the certification period that define the benefit amount being paid for that timeframe to a particular provider. Entitlement periods rely on the eligible child reporting a need for CCA benefits to be paid, the amount of assistance requested, and that the child is attending an eligible child care provider.

5.6 Duplicate Child Care Assistance

An individual may not be eligible to receive CCA benefits in more than one household in the same time period.

5.6.1 Shared Custody Agreements

If a household reports they have joint custody of their children, determine if it is truly a joint custody situation in which both households have the children for the same amount of time.

- If it is not a true joint custody situation, the household where the child spends most of his/her time is the household allowed to receive benefits for the child and is determined to be the primary household for that child.
- If true joint custody exists, parents must determine which parent will serve as the primary and apply for CCA, as a child may only receive a CCA benefit on one case. Subsequent applications from another household will be determined ineligible due to care already receiving benefits for the child(ren). If the primary applicant needs to change the initial case must be closed. This may be due to parental request or verifying that there has been a change in circumstances that requires the primary to be updated.
- If it is a true joint custody situation but only one household is applying for the children, that household is allowed benefits for the children.

5.6.2 Adding a Household Member already Eligible in Another Household

If a household reports a new member and that member is already receiving CCA benefits in another household, the following steps should be followed:

- If both households reported the change, remove the member from the current household following adequate notice requirements.
- If only the new household reports the change, remove the member from the current household if the 10-day adverse action time frame can be met. Notice is sent to both households.
- If both households claim the same member and the primary cannot be verified, remove the member from the current household following 10-day adverse action time frames.

5.7 Application Changes

Changes which cannot be reasonably anticipated regarding the date and/or amount must be handled as change of circumstances after the eligibility determination.

5.8 Application Withdrawals

The applicant may voluntarily withdraw the application at any time before the eligibility determination is made. A written or verbal request is acceptable. The reason for withdrawal (if known) shall be documented in the case file. A notice shall be sent to the individual indicating they have withdrawn their application and they have the right to reapply at any time by submitting a new application.

5.9 Renewals

The annual renewal process occurs every 13 months. Active households will receive a Renewal of Benefits notice and a Renewal Form approximately 6 weeks prior to the end of their certification period. If the Renewal Form is not returned by the 5th day of the final month of the certification period, households will receive a Renewal Reminder notice. CCA will automatically close if the Renewal Form is not returned or the applicant is found ineligible for the new certification period

6. CCA Household Composition

6.1 Household Composition

Household Composition is comprised of the following: the parent or legal guardian, the child for whom Child Care Assistance is being requested or provided, and other individuals under age 18 for whom the parent or guardian is the adult exercising parental control and who are residing in the home; as well as when a child is placed with a guardian, and 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

6.2 Countable Household Members

When applying for Child Care Assistance, the applicant should list everyone who lives in the home.

The following household members are considered countable when determining CCA eligibility:

- The Primary Applicant
- The Primary Partner who is the primary applicant's spouse or the parent to any of the applicant's children if residing in the same residence as the applicant
- The applicant's children under age 18
- The applicant's children if age 18 and still in high school
- The applicant's children if under age 19 and considered special needs and still in high school
- Children for whom the applicant is exercising parental control
- Children of the primary partner

Persons not included in the household composition:

- The Primary Applicant's parents
- The Primary Applicant's siblings
- The Primary Applicant's grandparents
- Other persons 18 years of age or older determined not to be countable in the household composition
- Foster Care Applicant's own children are not counted on the application for foster children

6.2.1 Foster Care Household Members

Foster children are counted in a household with their foster parent(s). However, foster children do not increase/ impact the household size of the foster parent(s) and their other children if applicable.

Example: An application is received listing a primary applicant, their spouse (the primary partner) and 3 children in the home. Sammy and Johnny are the natural children of the primary applicant and primary partner. Billie is a foster child in CPS custody placed in this home.

When determining eligibility, the household size determined for Sammy and Johnny, natural children, is 4 including the primary applicant, primary partner, Sammy and Johnny. When determining eligibility for Billie, the foster child, their household size is 3 including the primary applicant, primary partner and Billie.

6.3 Special Household Categories

6.3.1 TANF Participation

CCA only authorizes care based on the time the recipient is participating in an approved TANF activity. TANF recipients who are in deferral status are not eligible for TANF CCA but may be eligible under the general Child Care Assistance program.

When an individual reports a TANF Activity, the EABS must add the TANF Activity employment record on the Person page. Once added, the eligibility worker can add the TANF Activity hours on the Working Hours on the TANF Activity employment record. Corresponding unpaid employment evidence of type 'TANF Activity' for this employment a system generated record will be created.

This allows CCA rules to exempt the individual from meeting the minimum work requirement of 80 hours per month. TANF individuals will need to have some number of TANF activity hours to be exempt.

TANF CCA Applications. Applications that include TANF and CCA will have special titles and priority in the work queue for processing. Applications that report a TANF participation should be prioritized and processed ahead of general CCA applications.

Addition of unpaid employment evidence is new with the addition of CCA. TANF activities will be recorded on the unpaid employment evidence.

TANF Sanctions. When a TANF recipient is 50% sanctioned, Child Care Assistance can remain in place as the TANF recipient is still in an approved activity. When a TANF recipient is 100% sanctioned, Child Care Assistance can allow 90 days of job search. The Employment Specialist should notify CCA when the TANF recipient receives a 100% sanction. This process allows the child care EABS to update the unpaid employment evidence and send a notice to the family informing them of continued care for job search.

In the Personal Responsibility Plan developed by the Employment Specialist, TANF parents are informed of the exception to the individual penalties associated with the TANF work requirements for single parents who have demonstrated inability to obtain child care for a child younger than 6 years old. The parent must prove the unavailability of childcare because of distance, the unavailability or unsuitability of childcare by a relative, or the unavailability of appropriate and affordable care.

6.3.2 Foster Care/Protective Services

Foster care/protective services applications are families who have children placed in their care who are in the custody of the State or Tribal Child Protective Services. This case type may also include children on a long-term safety plan, present danger plan, or in the Harbor Families program.

Foster care applications for families who have children placed in their care who are in the custody of the State of South Dakota, Division of Child Protection or in the custody of a Tribal Child Protection agency are handled in much the same way as other applicants, with the following exceptions:

- Eligibility can be backdated three months prior to receipt of the application.
- Income of the foster parents is not considered, and they are not subject to the asset limit.
- There are no minimum work requirements for foster parents. However, eligibility will only be given for times when foster parents need care while they are working or going to school.

Out of State Foster Care Placement. In some situations, it is necessary to place a child who is in the custody of the State of South Dakota, Division of Child Protection Services with a family that is not residing in the State of South Dakota. Because these children are in the State of South Dakota's custody and considered residents of South Dakota, they may be eligible for Child Care Assistance.

- The foster parent(s) must apply for assistance and have a work or school activity. The child care provider must be licensed or registered in their state and provide verification.

CPS Coupons. In special short-term situations, CPS may utilize child care coupons to ensure payment to child care providers. Coupons are an abbreviated application for CCA completed with the assistance of CPS staff. Coupons should only be used in short-term child care situations for children with whom CPS is involved. This includes children in foster care, relative kinship placement, and respite care situations. The coupons can only be used with child care providers that are licensed or registered with OLA. Coupons are valid for up to 60 continuous days of child care. If the child care need is longer than 60 days, the parent or guardian should apply for CCA using a full application. Coverage can be backdated a maximum of three months prior to the receipt date of the coupon. The coupon must be signed by the CPS representative unless the completed coupon is e-mailed directly to CCA staff.

Present Danger Plans. Present Danger Plan (PDP) are agreements facilitated by the Division of Child Protection between families and a friend or relative who will care for the child temporarily while CPS completes an investigation. During a Present Danger Plan, the child(ren) are not in the custody of the State. CCA can allow a one-time, 30-day coupon to be issued for children under a Present Danger Plan if the person(s) exercising parental control are working or in school. CCA must receive a copy of the signed PDP with the completed coupon. If additional care is needed, the person(s) exercising parental control of the children listed on the PDP will need to apply for CCA using the general CCA application. In BEES, PDPs must be processed by an Elevated Worker. If an application is received and it is determined that the child is under a PDP, the case should be referred to an Elevated Worker.

Long Term Out of Home Safety Plans. Long-Term Out of Home Safety plans are an agreement facilitated by the Division of Child Protection between families and a friend or relative. A Long-Term Safety Plan allows a caregiver to continue the care for a child without the need for court involvement for up to one year. For children on a Long-Term Safety Plan, CCA will be allowed as an extension of the Foster Care policies for children on a Long-Term Out of Home Safety Plan. When a child is placed under a Long-Term Safety Plan, this living arrangement should be reported. EABS may use a copy of the Safety Plan to verify placement.

Harbor Families Program. Harbor families' services is a program designed to reduce the need for State Child Protection agencies to take custody of children while still ensuring child safety when families are experiencing crisis. The Harbor Families program temporarily places children with volunteer host families while the parents of the children cope with their crisis. CCA can be allowed for Harbor families placements. When Harbor Families host parent applies for CCA, they must indicate on the application that the living arrangement is a Harbor Families placement.

- Income of the Host parents is not considered, and they are not subject to the asset limit.
- Eligibility will only be given for times when foster parents need care while they are working or going to school.
- Host parents are required to verify their employment or school participation.

Foster Parents Who Homeschool. In other household circumstances, homeschooling is not an eligible work/school activity. Foster families who homeschool their children may receive child care for foster children in the custody of CPS or a Tribal CPS agency while they homeschool their own children.

Foster Parents who are also Child Care providers. CCA cannot pay parents to provide direct care for their own children or children under their parental control. If the foster parent is a Family Day Care provider and chooses to enroll the foster child(ren) with another child care provider, CCA can pay for the cost of care to the other provider. If the foster parent is an owner/operator of a Day Care Center, the foster children can attend the center and CCA will reimburse the cost of care for foster children to attend to the Day Care Center. The owner/operator hires staff and incurs additional expenses due to the presence of the foster children and does not directly supervise the child while at the Day Care Center.

6.3.3 Relative Caretaker/0+ TANF

When determining eligibility for a child in the care of a relative, a degree of relationship between the caretaker and child is necessary. The degree of acceptable relationship will be based on the same criteria used when determining eligibility for a 0+TANF case.

When a CCA application is received from a relative exercising parental control for a child(ren) who is in need of child care, the income and assets of the relative caretaker are not countable for the CCA eligibility determination for the relative child in need of assistance. This applies to those who are eligible for a 0+TANF benefit or those who do not have a 0+ TANF benefit but are a relative exercising parental control and meet that degree of relationship.

A specific degree of relationship must be established between the applicant and the child. Documentation supporting the relative relationship is required. The degree of acceptable relationship will be based on the same criteria used when determining eligibility for a 0+TANF case. Acceptable degrees of relationship are as follows:

- Siblings, uncle, aunt, first cousin, nephew, or niece, including those of half-blood; a relative of the preceding generation denoted by prefixes of grand, great, or great-great; first cousin once removed; and great-great-great grandparent.
- A person who achieved the degree of relationship specified in subdivision (1) by the process of legal adoption.
- Spouses of any of the relatives specified in subdivisions (1) or (2) of this section, even though the marriage is terminated by death or divorce.
- Any of the individuals listed in subdivisions (1), (2), or (3) who have a step relationship with the child, even though the marriage is terminated by death or divorce.

6.3.4 Homelessness

Children and families who experience homelessness face many challenges. CCA recognizes the McKinney-Vento Act definition of homeless. Under the McKinney-Vento Act, homeless are defined as an individual who lacks a fixed, regular, and adequate nighttime residence; and includes individuals who:

- Share the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks or camping grounds due to the lack of alternative accommodations; are living in emergency or transitional shelters; are abandoned in hospitals or awaiting foster care placement.
- Have a primary nighttime residence that is a public or private place not designed for or ordinarily used as regular sleeping accommodations for human beings
- Live in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings.
- Are migratory and live in any of the circumstances as described above.

CCA applications that include a report of homelessness have special titles and priority in the work queue for processing. These applications will be reviewed by an EABS within 5 days of receipt. The EABS will make their best effort to utilize electric verifications and to contact the appropriate entities to verify outstanding information. If all verifications cannot be obtained, ROP will be used when

outstanding verifications remain to provide a 36-day eligibility period using the applicant's self-attested information.

Homelessness Reasonable Opportunity Period (ROP). Child Care ROP evidence is applied in BEES for applicants experiencing homelessness. This evidence is designed to enable the system to provide temporary CCA benefits and additional time for applicants to provide proof to verify specific information. The ROP evidence bypasses mandatory verifications related to income and activities to allow the eligibility worker more time to obtain necessary verifications and allows for an applicant to receive eligibility using self-attested information for several verification items for a period of 36 days. The eligibility worker will utilize the ROP to provide the family additional time to provide proof for specific verification items. Families who receive Homeless ROP will be directed to available resources.

6.3.5 Subsidized Guardianship/Subsidized Adoption

A Foster Parent may adopt or receive guardianship of a child through the Division of Child Protection Services (CPS). In these situations, if CPS is subsidizing the adoption or guardianship, CCA can be continued/granted for the child/children without consideration of the adoptive/guardian parent's income when calculating eligibility.

Subsidized adoption/guardianship cases follow the traditional CCA eligibility process regarding the eligibility start date, provider requirements, and the work/school requirements. The only exception is that the subsidized guardian or adoptive parent's income shall not be counted when determining eligibility and they are not subject to the asset limit.

- Exemption of the parent's income only applies to children that have been adopted through SD DSS through a subsidized adoption.
- Parents and child(ren) must reside in South Dakota.
- The parent(s) must meet the minimum work/school requirements.
- The child care provider must meet requirements as established by CCA.
- Children in SD CPS custody are assumed residents of SD even if residing out of state. Once adopted, traditional residency rules apply

Verification of Adoption. If an application is received and indicates the child was adopted through the State of South Dakota, staff can check to see if there is FACIS external evidence on the child's person page or e-mail staff in CPS to verify the adoption and if it is subsidized before requesting verification from the applicant.

Verification of Subsidized Guardianship. If an application is received and the applicant indicates they have guardianship of the child through the State of South Dakota, CCA staff can e-mail staff in CPS to verify the subsidized guardianship. Subsidized guardianships are equal to subsidized adoption for the purposes of Child Care Assistance.

Tribes that the State of South Dakota has CPS contracts with are the Oglala Lakota Sioux Tribe, Standing Rock Sioux Tribe, the Sisseton-Wahpeton Sioux Tribe and the Flandreau Santee Sioux Tribe. If a child has been adopted through one of these Tribes, we must verify that the adoption is an IV-E or IV-B subsidized adoption through the State of South Dakota. If criteria are met, assistance can also be continued/granted for an adoptive child without considering the adoptive parent's income.

6.3.6 Children with Special Needs

The overall goal of Special Needs CCA is to assist families who may experience challenges in obtaining affordable child care for their child(ren) due to the child's need for special accommodations. There are two different categories of special needs that are used to assign the appropriate reimbursement rate: a general special needs and advanced special needs.

The special needs category will cover most of the situations in which a child care provider is making accommodations. There may be some circumstances that require significant services beyond the typical accommodations, where advanced special needs may be applied. In the event enhanced services or accommodations are necessary to meet the child's needs, a higher rate of reimbursement may be available to help off-set additional expenses the child care provider may incur while providing suitable care for the child.

Both special needs and advanced special needs categories require documentation of the child's special need that requires accommodation and a provider questionnaire. A child's limited abilities must be documented, and a provider must be making an accommodation in day-to-day care that would justify a higher CCA rate. Not all special needs cases require an enhanced CCA rate.

A child with special needs may be eligible for CCA if they meet the following age criteria:

- The child is under age 18 and physically or mentally incapable of self-care.
- The child is under age 19, is enrolled in school and expected to graduate, and is physically or mentally incapable of self-care.
- The child is under age 18, or under age 19 if enrolled in school and expected to graduate and is under court supervision.
- If the child is over the age of 13, documentation from a medical professional detailing the child's limitations must be provided with the CCA application.

All special needs cases will be handled by the CCA State office by an Elevated Worker. When reported on the application, these cases will route to the Child Care State Office. If special needs are requested on an existing CCA case after receipt of the application, these cases should be referred to Child Care State Office by the EABS. This includes cases with Medical Assistance. State office staff will work to coordinate eligibility determinations for both CCA and MA.

The Elevated Workers review the special needs verification and provider rate justification form and complete a Special Needs/Advanced Special needs Determination form prior to the rate being applied to the case. The Elevated Worker will then complete the special needs evidence and either complete the determination or notify the EABS that evidence is completed.

Not all special needs cases require a special needs rate. There may be instances where a child is allowed to receive CCA past the age of 13 due to a special need that a special rate is not required. Children who are determined eligible for CCA due to a special need may be age 18 and in high school at the time of application may remain eligible for assistance until they turn 19.

6.3.7 Military Families

There may be situations when a military family may be called to active duty and will need to leave their children with friends or relatives. CCA defines these living arrangements as living in the home due to military deployment. In these situations, CCA shall disregard the income of the family who has accepted parental control/care of the children and the deployed parent(s) when determining eligibility. However, all other program requirements regarding minimum work, school, and child care provider requirements shall be applicable.

- The situation must be one resulting from an official declaration of war made by the President of the United States.
- Documentation must be submitted to verify that the parent is being deployed to serve in a military operation resulting from a declared act of war.
- Unearned income of the child shall be countable.
- The applicant must reside in the state of South Dakota.

In Situations where only one parent in a two-parent household is currently deployed income of both parents should be reported and is countable for CCA. When a parent is reported as currently

deployed the level of service determined for the child will be based on the parent who is not currently deployed.

Military pay should be reported on the application. In most circumstances the pay stubs provided for verification of income will also support verification of the hours worked. When parents are serving in the national guard hours for national guard service while not deployed should be recorded as 16 hours per month converted to 3.7 hours per week when not reflected on paystubs.

Applicants Enrolled in New Start or Full Circle Programs. South Dakota has two pregnant women/women with dependent children's substance use disorder treatment programs. The Full Circle program is located in Rapid City and is operated under Behavior Management Systems. The New Start program is located in Sioux Falls and is operated by Volunteers of America-Dakotas.

There are two levels of care offered at each facility; intensive inpatient treatment, which is approximately 45 days and a low intensity treatment program, which is approximately 90 days.

Child Care Assistance has partnered with the Division of Behavioral Health and will help pay child care costs while an applicant is in low intensity treatment services, up to 90 days. The focus during this time is on teaching the recipient life skills, parent education, job training, GED testing, etc. to transition them back into the community. CCA can assist with child care costs during the low intensity phase by funding up to 25 hours of child care per week.

Applications for CCA from parents participating in the New Start or Full Circle programs should be routed to the Child Care State Office for processing by an Elevated Worker.

7. Work and School Requirements

7.1 Minimum Work Hours/Wage

If the applicant is employed, they must be working a minimum of 80 hours per month and receive a salary equivalent to the federal minimum wage. For two-parent households, each parent must be meeting the 80-hour work per month requirement. Time spent on volunteering services cannot be considered when determining eligibility.

Example: Chris applies for CCA for their child, Billy. Chris reports he is self-employed, works 100 hours per month, and earns \$400 per month. Federal minimum wage is \$7.25/hour. $\$400/\$7.25 = 55$. Chris' earnings divided by the federal minimum wage equals 55 hours; therefore, Chris is not meeting the minimum work requirement of 80 hours per month.

7.2 Minimum School Hours

Applicants enrolled in educational programs are required to meet participation requirements to receive Child Care Assistance.

7.2.1 High school or GED

High School or GED students are exempt from meeting a minimum work or attendance requirement. Enrollment in these programs is considered to meet minimum requirements.

7.2.2 Technical School, Associate Degree, and Bachelor's Degree Programs

If the applicant is attending a college, university, or technical college a minimum of 12 semester credit hours, the applicant is considered to have met the minimum school participation requirements.

If the applicant is not attending a minimum of 12 semester credits, the applicant must either be attending 80 hours of actual class time per month, or their combination of actual work and school hours must be a minimum of 80 hours per month.

In determining whether a student has met the 80-hour requirement, CCA shall count the hours spent in unpaid internships, practice teaching and clinical work experience when required for the completion of the educational program.

7.2.3 Master's and Doctoral Programs

Eligibility **cannot** be approved for any class time for applicants enrolled in a Masters or Doctoral program. If the applicant is enrolled in one of these programs and is meeting the 80-hour per month work requirement, only the work hours may be covered by Child Care Assistance. Internships and research that is part of a Masters or Doctoral program may be considered work as long as the applicant receives a salary that is equivalent to the hourly federal minimum wage.

7.2.4 Training Programs that Result in Certification

Training programs may be considered an educational program if they are required for employment or result in certification. Any training program will need to be verified by the training entity/facility, and the result of the training needs to move the applicant toward employment.

7.2.5 Verification of School Schedule

Applicants must provide an official copy of their school schedule to verify enrollment in their educational program. This verification should indicate start and end times of each class. Other required educational activities such as lab times, student teaching, or internship hours not reflected on

the schedule must have documentation from the instructor or academic advisor and indicate start and end times or total hours of participation required.

Between Class Time. For students receiving assistance, time in-between classes may be allowed up to a maximum of 10 hours per week. Ideally, the student will utilize these hours for study purposes.

7.3 Exceptions to Work/School Requirements

Exceptions may be made to the work and school requirements if extraordinary factors exist. These will be considered on a case-by-case basis and will require documentation as to why the program requirements cannot be met. Generally, these include physical or mental limitations, which do not allow the applicant to meet the work/school requirement. If documentation does not sufficiently support the applicant's claim of being physically or mentally incapable of meeting the requirements, eligibility will not be approved. These cases should be staffed with supervisors.

Exceptions. If a parent is not working or attending school, there may be other circumstances where Child Care Assistance could be allowed. Some examples are as follows:

- Need while incapacitated. An applicant or other household member may be exempt from meeting the work and education requirement if they are incapacitated and unable to provide care for their own child(ren). The applicant is required to submit a statement from a licensed or certified physician, physician's assistant, nurse practitioner, psychologist, or social worker describing the recipient's incapacity, specifying the length of time the incapacity is expected to last and stating whether or not the person who is incapacitated is able to care for the child for whom assistance is being requested.
- Parenting classes, therapy, counseling, etc. In some situations, child care is needed for times when an applicant is enrolled in other activities. In all related situations, thorough supporting documentation must be submitted prior to approving child care. It is important to examine all aspects of the applicant's situation prior to determining eligibility. Serious consideration should be given to those situations that can be answered with a "yes" to the following questions:
 - Is it medically necessary for the applicant so that he/she can maintain, resume, or eventually attain employment?
 - Is it court-ordered?
 - Is it recommended by Child Protection Services to allow the applicant to maintain custody of his/her child/children? Or would it positively influence the ability of the family to remain intact?
 - Is it in the best interest for the health, well-being, or safety of the child/children?
 - Is there enough supporting documentation from a medical professional that indicates exactly what the issues are, the recommended course of therapy/treatment, and the expected length of the program?

8. Household Assets & Income

8.1 Asset Limit

A family who has assets more than \$1,000,000 is not eligible for CCA. This is self-attested to by the applicant at the time of application. Countable assets include cash, retirement, investments and real property. Property with a loan is not countable toward assets in full; only the portion of the property that has been paid off is countable toward assets.

Exceptions from Asset Limit

- Families requesting care for children in protective custody or considered in need of protective custody are exempt from the asset limit.
- Relative care takers are not subject to the asset limit.
- Subsidized adoption and subsidized guardianship cases are not subject to the asset limit

8.2 Income Limits

Eligibility for CCA is based on the household's gross monthly income. Eligible households must have gross monthly income levels below the maximum for their household size.

Household gross income must fall below 209% of the Federal Poverty Level for initial eligibility. Income must fall below 85% of the State Median Income for families reapplying for CCA to be eligible for the child care graduated phase out.

Some family sizes between 170% FPL and 209% FPL will exceed 85% of SMI, which is the federal income limit for CCA. In those cases, the family is not eligible.

Families with a child who is eligible to receive Advanced Special Needs CCA must have a household gross income below 85% of the State Median Income for initial eligibility.

8.3 Income Types

8.3.1 Earned Income

Gross earned income is countable income for CCA. This includes income before deductions, earned by the Primary Applicant and Primary Partner through the receipt of wages, salary, commissions, tips, bonuses, or fees; or for a self-employed individual, that income remaining after deducting allowable business expenses. Earned income of children who are not the Primary Applicant or Primary Partner is not countable.

Self-Employment. Self-employment is a form of earned income. Self-employed persons must work at least 80 hours per month and receive weekly earnings equal to federal minimum wage for hours to be countable. CCA uses net income to determine self-employment income (gross self-employment income minus eligible self-employment expenses). Self-Employment Income May Include:

- Rental Income
- Home Produce
- Sale of Goods
- Provision of Services
- Capital Gains

8.3.2 Earned Income Deductions/Expenses

The following expenses may be deducted from earned income:

- Child support paid out by applicant or another countable household member, and

- Allowable business expenses from self-employment.

Earned income from employment of minor children who are not considered the applicant parent is not countable in the household income for child care assistance. The minor's unearned income will be counted in the household income.

8.3.3 Fluctuation in Earned Income

Fluctuating earned income is considered income which varies in amount from month to month or is received at irregular intervals. This may be due to irregular employment or considered irregular because of factors such as seasonal increases or decreases in employment or type of work (e.g., sales work on commission basis).

Irregular or fluctuating income should be averaged over a period sufficient to take the fluctuations into consideration. Individuals who receive their total annual income in a period shorter than one year due to fluctuations or irregular intervals, may have that income averaged over a 12-month period. Seasonal Income is considered earned income. If an individual reports seasonal income, the EABS is expected to enter the monthly equivalent income for the individual on their earned income evidence.

8.3.4 Acceptable Verification of Earned Income

- Copies of pay stubs. If pay stubs are available, which accurately reflect an applicant's current employment, they must be submitted with the application. If the applicant provides two pay stubs that are not consecutive and the EABS is able to determine the gross wages and hours worked for the missing pay stub by looking at the YTD totals, this would be the equivalent of the last two pay stubs.
 - Particular attention should be given to all pay stubs as the applicant may also receive tips, commissions, overtime shift differential pay, or other employment related income that is countable when calculating income.
- Copies of actual pay checks if paid directly by check and pay stubs are not available. It must reflect gross income somewhere on the check. The EABS may have to verify rate of pay and/or hours worked.
- Verification of current wages obtained by phone call. EABS should narrate the date, time and whom they spoke with to verify current wages.
- Payroll printouts.
- Verification completed through the Equifax interface in BEES.
- A wage verification form signed by the applicant's employer that indicates the number of hours worked per week, rate of pay per hour, estimated commissions and tips. Wage verification forms are acceptable if employment has just begun and pay stubs are not available. A wage verification would also be acceptable in the following situations:
 - An employee is just returning to work from a leave of absence or there is a change in hours that would not be reflected on the pay stubs. For example, an employee may have been part-time and has now accepted a full-time position with the same employer. A wage verification would be necessary to accurately prospect income.
 - There are extenuating circumstances that have resulted in reduced hours reflected on an applicant's pay stubs. For example, the applicant may have had a death in the family, a sick child, unpaid vacation or missed work due to being ill themselves. A wage verification could also be accepted in these circumstances.
- A signed statement from an employer verifying gross income and hours worked for the last two pay periods.
- Printouts of income screens from ACCESS.
- A copy of the employee's first full paystubs verified by YTD amounts and pay period dates to be the first full pay period worked.

- A copy of the applicant’s most recent Income Tax Return, only if self-employed or reporting seasonal or fluctuating income.
- Self-employment verification forms if the business is new and earnings would not be reflected on the most recent tax return.

8.3.5 Unearned Income

Unearned income or benefit income is generally received on a regular basis and can be calculated as received. However, some types of income are subject to change or become inconsistent both in the amount and the frequency in which it is received. Unearned income or benefit income includes monies received for which a person does not perform a service. Unearned income of all household members included in the financial unit is countable.

Non-Countable Income

Include but are not limited to:

- Student financial aid
- GI Bill
- Utility allowance or assistance
- Foster care payments
- Disability (SSI and VA)
- Earned Income Tax Credits
- IRS tax refunds

8.3.6 Additional Unearned Income Sources

Other additional income sources such as lump sum payments from inheritance, lottery winnings, etc. are considered unearned income sources. If the lump sum payment was received 12 months or more prior, it is not countable when determining eligibility.

8.3.7 Acceptable Verification of Unearned Income

- Copy of benefits award letter.
- Printouts of amount received.
- Copy of actual check received.
- Printouts of income screens from ACCESS.

8.3.8 Lottery Winnings

Lottery winnings are defined as “winnings from a sweepstakes, lottery, or pool including a multi-state or multi-jurisdictional lottery.” While lottery winners often have a choice between a lump sum payment or an annuity that pays out over a period, Lottery winnings as discussed in this section are those which are paid in a lump sum. Lottery winnings that are paid in installments are treated as countable income in the gross amount paid in the month received. If paid in a lump sum, lottery winnings are counted as income in the month received if less than \$80,000. Payments equal to or more than \$80,000 are to be counted over a period of up to 120 months at a rate of one (1) month per \$10,000 increment, divided into equal installments. The table below is not inclusive of the entire 120-month period but demonstrates the basic principle.

From \$	Up to \$	Months Counted for CCA
\$1	\$79,999	1
\$80,000	\$89,999	2
\$90,000	\$99,999	3
\$100,000	\$109,999	4

This would continue up to a limit of 120 months for amounts of \$1,270,000 and above.

8.4 Calculating Income

8.4.1 Income Conversion

Income is converted to a monthly amount. Income that is paid weekly will be converted by using a conversion factor of 4.3. Income received biweekly will be converted using a conversion factor of 2.15. Income received twice per month will be converted using a conversion factor of 2.

Example: An applicant works 40 hours per week, is paid on a weekly basis, and is paid \$10 per hour. The hours worked per pay period shall be multiplied by the rate of pay, then multiplied by 4.3. The calculation is as follows: $40 \times \$10 \times 4.3 = \$1,720$. The applicant's gross monthly countable earned income is \$1,720.

Example: An applicant works 25 hours per week, is paid on a bi-weekly basis, and is paid \$14 per hour. The hours worked per pay period shall be multiplied by the rate of pay, then multiplied by 2.15. The calculation is as follows: $50 \times \$14 \times 2.15 = \$1,505$. The applicant's gross monthly countable earned income is \$1,505.

8.4.2 Calculating Unearned Income

Unearned income is generally received on a regular basis and can be calculated as received. However, some types of income are subject to change or become inconsistent both in the amount and the frequency in which it is received.

Child Support. Child support income is calculated using an average of the prior three months of payments when determining eligibility. The total amount of support received in the three months prior to the month the CCA application is received shall be divided by 3 when determining how much child support is to be counted when calculating gross monthly income. The BEES DCS interface should be called to retrieve child support payment information. The three month average amount will be recorded as unearned income.

Example: An application is received on February 18th. All child support payments received for the preceding months of November, December, and January is averaged to determine the monthly child support amount.

Re-calculating Child Support. CCA prospects what the applicant may receive in the next eligibility period by looking at an average of what was received in the prior three months. However, during a certification period, an applicant may experience circumstances which would allow CCA to re-evaluate the 3-month average of child support. The BEES DCS interface may be called to determine the updated amount. Upon re-evaluation only changes that may positively impact the case are applied during the eligibility period.

- If the parent residing outside of the household to the applicant's child/children becomes incarcerated and it can be verified, the child support unearned income may be removed.
- If an applicant claims that the parent residing outside of the household is no longer working and cannot be located by the Division of Child Support and the Division of Child Support can verify this information, the child support unearned income may be removed.

8.5 Prospective Budgeting

Prospective budgeting is the method of computing the amount of the assistance for a month based on the Benefit Specialist's best estimate of income and circumstances which will exist in that month. When prospectively budgeting income (not self-employment), take into consideration the income

already received by the household and any anticipated income the household and the EABS are reasonably certain will be received during the month of eligibility determination. Use income received during the last month as an indicator of the income that is and will be available to the household in the month of eligibility determination unless that income does not accurately indicate changes in income that have occurred or are anticipated to occur.

There are several ways to project fluctuating earnings:

- Year-to-date income provided on the most recent pay stub divided by the number of months applicable.
- If applying for assistance with the same source of employment for the prior calendar year, 1099 forms or W-2's can be used to prospect income.
- Determine monthly gross income by calculating the total amount of income earned in the 12-month period preceding the date of the application and dividing the total amount by 12.

8.6 Calculating Income from Self-employment

If a household member is self-employed, eligibility will be determined based on the most current information available. If the self-employment is continued from the previous year, the applicant must submit a copy of his/her most recent income tax return. Prospective income shall be based on the annualized figures reflected on the most recent income tax return when determining eligibility.

If the self-employment is new and not reflected on the previous income tax return, the applicant shall be required to submit business ledgers from prior months showing profits and expenses. Income will be prospected from the ledgers until an income tax return reflecting the self-employment is available. At least one full month of self-employment must be reflected on the ledger to prospect income. Only those expenses related directly toward the operation of the self-employment business shall be allowed as deductions. Personal expenses cannot be allowed as deductions.

Depreciation and depletion are not allowable expenses and must be added back into the net profit or loss. **Depreciation expense reduces the taxable income of an entity but does not reduce the cash available to the business entity.**

If multiple self-employment businesses exist for the same person, each business should be entered as its own gross receipt evidence. Self-employment showing a loss shall be counted as \$0.00. A loss may not be deducted from other forms of income the household may have. Each business is considered separately and a loss from one business will not offset another.

Corporations and Partnerships. Particular attention should be paid to individual income tax returns showing income from corporations or partnerships. In order to accurately determine an individual's income, a copy of the corporation's income tax return must also be submitted. The corporation's income tax return will reflect the applicant's share of the business. The applicant's share of the corporation's net profit, loss, and depreciation shall be added into the applicant's individual tax return figures.

Wages Paid. In some self-employment situations, the business proprietor may pay himself/herself a wage from the business. If the income tax return shows that wages were paid, a copy of the business' W-2 forms should also be submitted with the application as the wages are considered countable if paid to the business proprietor or the proprietor's spouse.

Capital Gains and Interest. Capital gains and interest shall be added into the total income prior to calculating the gross monthly income.

9. Family Copayment

9.1 Copayment Overview

When determining the amount of assistance an applicant is eligible for, the amount shall be based on a sliding fee scale. Depending on where an applicant's income and household size falls on the scale, they may be required to make a co-payment directly to their child care provider.

Copayment amount is calculated based on household income and distributed amongst each CCA recipient and their provider(s) based on their household unit type. Weekly copayment amounts for each child are displayed on the Notice of Decision.

9.1.1 Additional Child Care Expenses

Expenses that are above and beyond the established Child Care Assistance benefit amount are the responsibility of the applicant. This difference may occur regardless of whether the household is determined to have a copayment. Child Care Assistance cannot cover additional costs or fees for such things as transportation, supplies, field trips, registration, meals, snacks, and late fees.

9.1.2 Households with No Copayment

Copayments are waived for households with incomes below 170% FPL, foster children, children in the custody of the SD Child Protection Services or the custody of a Tribal Child Protection agency; children determined to be in need of protective services, or who may reside in a placement with a relative caretaker or in a host placement through a family service agency; and for families receiving TANF or 0+TANF benefits.

9.2 Copayment Calculation

Copayment amount is calculated based on the household income and distributed amongst each CCA recipient and their provider(s) based on their household unit type.

Households with gross monthly countable income above 170% of the FPL will have their copayments calculated by subtracting 170% of the FPL for their household size from their gross monthly countable income. The difference between those two figures will then be multiplied by 5% for a 95% reduction. The resulting amount is the rounded down to a whole number. This is the monthly amount the family is expected to pay in copayment each month.

Family copayments are then divided out to be collected on a weekly basis from each provider. The family level monthly copayment will be converted to a weekly amount and rounded down to the nearest quarter. When applicable, the weekly amount is divided out between children receiving a CCA benefit (rounded down to each quarter) and divided by each provider that child uses (rounded down to the nearest quarter). In the event the resulting final copayment is less than \$0.25 the copayment will be set at \$0.25.

9.2.1 Copayment Pro-Rating

A copayment may be pro-rated. A pro-rated week is a week that a child is not eligible for assistance the entire week. For example, a pro-rated week may be a mid-week start at a provider, the start of an eligibility period, or end of an eligibility period. In the event of a pro-rated week copayments are also pro-rated.

9.3 Copayment Examples

Example: Household has biological child and foster care child.

Johnny, biological child, and Susie, foster child, are eligible for CCA. The household has a \$20 co-payment. The co-payment will never apply to the foster care child.

- Co-pay amount will be \$0 for the foster care child.
- Co-pay amount will be \$20 for the biological child.

Example: Household has a co-payment of \$50, two eligible children and two providers.

Timmy and Sally are both eligible for CCA. Timmy attends ABC provider, and Sally attends Little Tots provider. The total household co-payment is \$50 per month, or \$11.50 per week (rounded). Each child's weekly co-payment is \$5.75 per week ($\$11.50/2 = \5.75).

Copayment Results

- Monthly Co-pay: \$50.00
- Weekly Family Co-pay: \$11.50
- Per Child Weekly Co-pay: \$5.75
 - Timmy's Co-pay (ABC provider): \$5.75
 - Sally's Co-Pay (Little Tots provider): \$5.75

Example: Household has a co-payment of \$50, two eligible children and three providers.

Tommy and Billie are both eligible for CCA. Tommy attends ABC provider, and Billie attends Little Tots provider and Tiny Tots provider. The total household co-payment is \$50 per month, or \$11.50 per week (rounded). Each child's weekly co-payment is \$5.75 per week ($\$11.50/2 = \5.75).

Copayment Results

- Monthly Co-pay: \$50.00
- Weekly Family Co-pay: \$11.50
- Per Child Weekly Co-pay: \$5.75
 - Tommy's Co-pay (ABC provider): \$5.75
 - Billie's Co-pay at Provider #1(Little Tots provider): \$2.75
 - Billie's Co-pay at Provider #2 (Tiny Tots provider): \$2.75

10. Child Care Need and Level of Service

10.1 Child Care Need

Child care need is determined based on the parent or guardian's work or school schedule and the parent's requested child care hours on the application.

10.1.1 Work/School Hours

Base work/school hours are determined in order to ensure each parent meets minimum work/school requirements. These are determined as follows based on their participation:

- Weekly paid employment hours or TANF hours are totaled then multiplied times 4.3 rounded up
- Weekly school hours are a total of in-class hours + online credit hours + other class activity hours then multiplied by 4.3 rounded up
- Weekly self-employment hours are calculated by dividing the monthly net self-employment income by \$7.25 then multiplying that by 4.3 rounded up

If the individual parent has more than one activity, each rounded monthly total is added together for a total monthly hours that must exceed 80.

10.1.2 Supplemental Hours

Supplemental hours are calculated based on the number of hours a parent is in a work or school activity. If an applicant is working only, supplemental hours are calculated at 25 % of the total weekly hours worked. If an applicant is attending school only, supplemental hours are calculated at 25% of the hours in school. In addition to that, 10 hours are added for in-between class time. If an applicant is working and attending school, supplemental hours are calculated at 25% of the work and school hours and 10 hours are added for in-between class time.

The resulting hours then determine the Maximum Level of Service for the Household.

10.2 Level of Service (LOS)

The Level of Service is the hour range used to determine a child's payment amount.

LOS Ranges:

- Full Time: Children enrolled for 28 or more hours a week;
- Part Time: Children enrolled for between 16 to 27 hours a week; and
- Limited Time: Children enrolled for 15 or less hours per week.

10.2.1 Maximum Level of Service

Each household applying for CCA benefits will be eligible for a maximum level of service (Max LOS) determined based on the total Work/School and Supplemented Hours of the primary applicant and/or the primary partner. Max LOS is the maximum limit that the household may receive.

Example: Jill applies for CCA during the school year for her 10-year-old daughter, June. Jill works full time (40 hours per week), is in cooperation with DCS requirements and meets all other eligibility criteria. June is attending XYZ Day Care after school. The Max LOS for June is Full Time due to Jill's work hours, but her Provider LOS is only Limited Time since June is only in need of care for after school hours.

10.2.2 Provider Level of Service

Each child for whom child care is being requested will have a level of service (Provider LOS) determined based on the child care need hours requested for the child on the application. The LOS each child receives will not exceed the Max LOS but may vary due to the number of providers the

child attends (maximum of two providers per child), the amount of care requested, or being school aged during the school year.

10.2.3 Impacts to Level of Service

- Two-Parent Households: Max LOS is determined based on the parent who has the lowest activity hours. For example, if one parent works full-time and the other works part-time the Max LOS for the household would be based on the part-time parent.
- Foster Care and Protective Service cases receive a default Max LOS of Full Time. They may still receive a LOS that is Limited Time or Part Time based on the child care request.
- Parents enrolled in High School or GED courses receive a default Max LOS of Full Time. They may still receive a LOS that is Limited Time or Part Time based on the child care request.
- Parents who are determined to have an incapacity and are unable to work or attend school but demonstrate a need for CCA receive a default Max LOS of Full Time. They may still receive a LOS that is Limited Time or Part Time based on the child care request.
- 12-Credit Rule: College Students may pass work/school requirements based on the special 12-credit rule; however, their Max LOS is still calculated based on their activity resulting in Limited Time, Part Time, or Full Time.
- Families participating in TANF activities do not have a minimum to pass work/school requirements; therefore, they may be determined eligible even if they do not meet 80 hours per month. Their Max LOS is still calculated based on their activity resulting in Limited Time, Part Time, or Full Time.

10.2.4 School Aged Children

CCA is unable to pay for care during the typical school day for school aged children aged 6 or older. When children are school aged, LOS is determined by the reported need for care and the time of year whether it is during the school year or during the summer. When applying for school age children, their need for child care will be reported as one of the following during the school year instead of just weekly hours requested:

- Before School only: Limited Time.
- After School only: Limited Time
- Before and After School: Part Time

During the summer, school aged children may receive a traditional LOS that will be based on the maximum LOS determined from the parent's work/school participation and the hours of care needed like non-school age children.

There may be circumstances, such as when a parent works evenings, weekends, or overnights, resulting a child receiving a traditional LOS even during the school year since the child care need is outside of the typical school day.

Children who are homeschooled are considered to be enrolled in school; therefore, they cannot receive child care authorization during the typical (8:00am - 3:00pm) school day.

Expelled children are considered unenrolled in school and can be eligible for child care during the typical school day. The parent must provide verification of the child's enrollment status.

Children who are less than school age at the time of application and later due to continuous eligibility become school age during the certification period are allowed to continue at their current level of service. Applicants are responsible for reporting changes in the school status of the child. Annually each fall a review of children who have turned age 7 during their certification is completed to ensure application information regarding child school status is updated to ensure accurate levels of service are applied.

11. Child Care Provider Requirements

11.1 Eligible Child Care Provider

Child care providers outlined below are eligible to receive payment from the CCA program for child care costs made on behalf of a family eligible for Child Care Assistance. Not all child care providers are eligible to receive public funds such as Child Care Assistance payments. For eligible providers, payment of child care assistance benefits for eligible families are made directly to the child care providers.

11.1.1 Number of Child Care Providers Allowed per Child for CCA

Child Care Assistance will reimburse a maximum of two eligible child care providers per eligible child.

11.2 Child Care Provider Types

11.2.1 Registered Family Day Care

Family Day Care is state registered with standards as established by DSS Office of Licensing and Accreditation and provides care for up to a maximum of 12 children.

11.2.2 Licensed Child Care Center

Licensed Child Care Programs are fully licensed to serve 20 children or less or serve more than 20 children.

11.2.3 School Age Program

Licensed School Age Programs provide care for either part of the day, such as before and/or after school, or full-time during school breaks. They are required to be licensed by DSS Office of Licensing and Accreditation and meet federal and state government standards.

11.2.4 Informal Provider

An Informal Provider is a friend of the family, who is at least 18 years of age, maintains a separate residence from the applicant, and provides care only for the applicant's child(ren) in the provider's home.

11.2.5 In-Home Provider

An In-Home Provider is a friend of the family, who is at least 18 years of age, maintains a separate residence from the applicant, and provides care only for the applicant's child(ren) in the child's home.

11.2.6 Relative Provider

A Relative Provider must be an aunt/uncle, grandparent, great grandparent, or non-resident sibling to the child for whom care is being provided and be at least 18 years of age. A relative provider may only care for related children.

11.3 Requirements & Process for Relative Providers

11.3.1 Relative Provider Requirements

Relative providers must meet minimum program requirements to be eligible for reimbursement. The requirements are as follows:

- Be at least 18 years old.
- Have completed, signed, and returned the health and safety checklist provided by the Department.
 - Both the provider and the applicant will be required to sign the completed form so that both parties are aware of any unfulfilled safety standards in the place where child care is being provided. It will not be the requirement of Office of Licensing and Accreditation

to monitor nor take any responsibility for situations resulting in unfulfilled safety standards. Since both parties will have been made aware of potential problems, their signatures acknowledge that they have been made aware of the safety inadequacies and will take total responsibility for any incidents arising from unfulfilled safety standards.

- Have completed, signed, and returned the form that verifies the children in care meet the Department of Health's immunization standards.
- Have completed, signed, and returned 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.

The relative provider forms are sent to the applicant. The applicant must ensure the relative provider completes and returns the forms within 10 days.

In addition to the requirements above, the following must also be met:

- Non-resident siblings must maintain a separate residence but may provide care in their own home or the applicant's home.
- A relative providing care for other children that do not fall within the relationship requirements shall be considered an unregistered Family Day Care provider. Unregistered Family Day Care providers are not a CCA eligible provider.

11.3.2 Relative Provider Process

When a family requests to use a relative provider, the EABS must verify that the relationship between the children in need of care and the provider meets the established relationship criteria. The EABS will request verification of the provider's relationship to the child on the RFI. This can be verified through birth certificates, adoption records, marriage licenses, court documents, or other documents showing parentage. If the provider meets the relative criteria, and the requested relative provider forms are received, then the EABS will clear the verifications and notify an Elevated Worker by creating a task for the Child Care State Office Queue to add the new relative provider to BEES provider management. Once the relative provider has been added to BEES, the Elevated worker will create a task for the EABS or regional queue who owns the application.

11.4 Requirements & Process for In-Home or Informal Providers

11.4.1 In-Home or Informal Provider Requirements

In-home and Informal child care providers will be systematically referred to OLA and must cooperate with them to meet minimum program requirements in order to be eligible for reimbursement. The requirements are as follows:

- Be at least 18 years old.
- Submit to an in-state, national, and out of state background check and comply with the requirements of 67:42:17:13 for any individual who cares for or supervises a child or has unsupervised access to a child. These include:
 - Request for a central registry screening for child abuse and neglect
 - DCI Fingerprint Check
 - FBI Fingerprint Check
 - NCIC Check
 - In-state Sex offender Registry Check
- Out-of-state screening for anyone who has lived outside of South Dakota in the previous 5 years. This screening includes a state repository check, state sex offender registry check and state central registry screening.
- Have documented orientation training within 90 days after the receipt of the application in at least the following areas:

- Prevention and control of infectious diseases.
- Prevention of sudden infant death syndrome and the use of safe sleep practices, if infant care is provided.
- Administration of medication.
- Prevention of and response to an emergency due to food allergies and other allergic reactions.
- Building and physical premises safety.
- Prevention of shaken baby syndrome and abusive head trauma, if infant care is provided.
- Emergency preparedness and response planning for an emergency resulting from a natural disaster or man-caused event.
- Handling and storage of hazardous materials and the appropriate disposal of biological contaminants.
- Precautions in transporting a child, if the program provides transportation.
- Recognition and reporting of child abuse and neglect.
- Pediatric first aid.
- Pediatric cardiopulmonary resuscitation; and
- Child development.
- Before a provider may care for children without supervision, the provider must complete orientation training in each of the areas listed in this section.
- Submit to an annual inspection and meet health and safety standards included in the topics listed above.
- 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.
- Have signed and returned to the department the Intent to Provide Services Form.

11.4.2 In-Home or Informal Provider Process

The informal and in-home providers have **45 days** from the date of the letter they receive from OLA to submit the Intent to Provide Service Form, the Provider Agreement, Permission to Screen Form, DCI and FBI Fingerprint Cards, Taxpayer ID Form and provide verification of CPR certification, including hands on testing.

For child care providers doing care in the applicant's home, notification of the Fair Labor Standards Act (FLSA) shall be given in the In-Home Provider Letter that is sent with the In-Home Provider paperwork. The FLSA informs the applicant and the provider that if care is provided in the applicant's home, the applicant is legally responsible to ensure the provider is being paid minimum wage as the provider is legally considered an employee of the applicant.

Please note, DSS does not enforce the requirements of the FLSA, and staff do not become involved in any disputes between parties regarding the FLSA. Refer parties to contact the U.S. Department of Labor at 1-866-487-9243 should such a dispute arise.

11.5 Out of State Providers

In some situations, an applicant's child care provider resides in another state. This occurs most frequently when the applicant resides in a city close to the state border.

- Relative providers living outside of the state will be required to meet the same criteria as relative providers residing in South Dakota.

- Licensed/registered providers living outside of SD must be in compliance with their state's licensing requirements. The applicant will be required to submit a copy of a valid child care license/certification from the provider's state of residence.
- Informal/In-Home providers must reside in the state of South Dakota and are not eligible if they reside outside of South Dakota.

11.6 OLA Provider Requirements

11.6.1 Background Checks

Office of Licensing and Accreditation (OLA) conducts a background check on all providers receiving public funds that includes the following:

- SD Criminal fingerprint check
- FBI fingerprint check
- Central Registry Child Abuse and Neglect check
- Sex Offender Registry check
- National Crime Information Center check

Out of state background screening for each state the provider and household members have lived in the previous 5 years. This screening includes a state repository, state sex offender registry check, and state central registry screening.

An individual may not provide care, or work in a child care setting, if the individual's background check reveals:

- A crime that would indicate harmful behavior towards children;
- A crime of violence as defined by SDCL 22-1-2 or a similar statute from another state;
- A sex crime pursuant to SDCL chapters 22-22 or 22-24A or SDCL 22-22A-3 or similar statutes from another state;
- A felony conviction for domestic abuse, physical assault, battery, kidnapping, or arson;
- Within the preceding five years, a conviction for any other felony;
- A substantiated report of child abuse or neglect;
- An individual whose name appears on the central registry for child abuse and neglect;
- Knowingly making false statements in connection with this background check;
- Being registered, or required to be registered, on a Sex Offender Registry; or
- Refusing to consent to the criminal background check.

A family day care provider may not provide care in the provider's home, if any household member's background check reveals any item listed in this section. A background check is required at least once every five years.

11.6.2 OLA Closure, Revocation or Suspension of a Childcare Provider

When a childcare provider closes, is revoked or suspended, OLA will notify CCA of the change in provider status through the BEES OLA interface. The BEES OLA interface updates daily overnight.

- If the provider does have families receive CCA, those cases will be systematically updated, and a notice will be sent to those families encouraging them to select a new provider for their child(ren).
- If a childcare provider's license or registration is revoked or suspended, the provider is not eligible for payment from CCA beginning the day after the license is revoked or suspended. A notice informing the families who are currently using the provider is generated and sent out immediately informing them of this.
- A day care center or family day care provider whose license or registration is in a closed status are not eligible to receive payment from CCA.

12. Child Care Assistance Reimbursement Rates

12.1 Child Care Market Rate Survey

To ensure that CCA payment rates reflect the price of care in local markets, federal regulations require a market rate survey be conducted no earlier than two years prior to the effective date of the currently approved state plan. Regulations require states to certify that the payment rates for the provision of child care services are sufficient to ensure families receiving Child Care Assistance have equal access to comparable care purchased by private-paying parents.

DSS conducts a child care market rate survey prior to the submission of the state plan. Data from the market rate survey is critical in determining what level of payment may provide equal access to services. Factors considered when establishing rates include type of provider, geographic location, age of children and available funding.

12.2 Registered or Licensed Providers

Payment to registered or licensed providers, on behalf of the family, can begin once the child(ren) has been approved and their entitlement period begins.

12.3 In-Home, Informal and Relative Providers

Payment to informal, in-home and relative providers, on behalf of the family, can only begin after DSS has received all required provider paperwork.

12.4 Out of State Providers

Out of state providers are reimbursed at the urban center rate for licensed centers and the urban family day care rate for registered family day cares.

12.5 Special Needs Rates

Providers can be reimbursed at a higher rate to help cover additional costs for providing enhanced accommodations to care for a child with special needs. The provider must show they are using additional resources to meet the child's needs.

Providers must complete a Special Needs Rate Justification form in order to receive a special needs rate. If a child has more than one provider, each provider must complete the form.

If a family is unable to find care at a typical child care program or the needs of the child require significant services beyond typical accommodations, the advanced special needs category may be used.

If insufficient documentation is provided to justify the request for a special needs rate, the family will receive a letter notifying them of this decision and can still be eligible at the regular rate. The family can submit additional documentation to justify the special needs rate at any time. If the rate is justified after the initial approval, the rate may be increased based on the date documentation was received.

13. Change of Circumstance

13.1 Temporary Changes

A temporary change of circumstance is not required to be reported. If a customer or third party reports a temporary change, no action is required. The child care certification period remains ongoing for the duration of the eligibility period.

Examples of temporary changes include:

- Absences from employment or school due to maternity or extended medical leave.
- Time-limited absence from work for an employed parent due to reasons such as need to care for a family member or an illness.
- Interruption in work for a seasonal worker who is not working between regular industry work seasons.
- Student holiday or break for a parent participating in training or education.
- Reduction in work, training or education hours, as long as the parent is still working or attending training or education.
- Any other cessation of work or attendance at a training or education program that does not exceed three months.

13.2 Permanent Changes

A permanent change of circumstance must be reported by the recipient and action is required. The following changes must be reported within 10 days of the date of the change:

- Permanent/non-temporary change in employment or school status.
- Change in child care provider.
- Change of address; and
- Households' monthly gross income exceeds the maximum State Median Income.

13.2.1 Permanent Change in Employment or School Status

A permanent or non-temporary change in employment or school status must be reported by the recipient within 10 days of the date of the change.

Examples of permanent/non-temporary changes include:

- job quit or termination (with no other job secured).
- job ending due to the closing of a business.
- graduating from an educational or training program; and
- no longer participating in a TANF approved activity.

13.2.2 Job Search Period

When the recipient reports a permanent change in employment or school status, they will be allowed 90 days from the last date of employment or school attendance for a job search period. Within the 90-day job search period, the recipient will need to provide verification of new employment and/or school enrollment. If verification is received that the recipient is meeting program requirements, the certification period can remain ongoing until its original end date. If no verification is received or it is verified that the recipient is not meeting the program requirements, the certification period will close after the 90th day of the job search period.

A family may choose to have their case closed voluntarily and forfeit their 90-day job search period. If a family requests this, it must be documented in the case.

13.4 Continuous Eligibility

Once eligibility is established, only changes that have a positive impact on the amount of assistance an applicant receives will be made. Changes that have a negative impact shall be made

at the time of renewal. This allows the applicant to receive pay increases or increased work hours during the eligibility period without incurring a higher co-payment or losing eligibility.

Only changes that will positively impact the case are acted on during the eligibility period. Copayments are not increased from what is determined at eligibility determination, and level of care will not decrease.

13.4.1 Adding Siblings and Certification Realignment

When a new sibling is added to an existing CCA case the certificate of the existing children will be extended to align with the 13-month certification of the newly added sibling. In BEES when the new sibling is added as a member of the household and their CCA benefit is authorized all previously existing certifications will be reassessed by the certification realignment batch and systematically extended to align with the newly added sibling's certification end date. This process ensures that each child receives their minimum certification and that families maintain a uniform renewal date.

13.5 CCA Graduated Phase Out

A household that reapplies for child care assistance **within one month** immediately following the month of eligibility and whose income exceeds 209% Federal Poverty Level (FPL) but does not exceed 85% of the State Median Income (SMI) may receive up to an additional twelve months of child care assistance.

- Phase Out is determined at the start of a certification upon the completion of an application or renewal.
- An application/renewal received within 1 month of the end of a certification may result in phase out eligibility.
- Families who receive a phase out eligibility period will be notified that they have received phase out and that they may be over income at the end of the phase out certificate period.

Cases receiving Advanced Special needs CCA will not receive a phase out since the income level in these cases already aligns with 85% SMI.

13.6 CCA Loss of Eligibility

There are situations in which the recipient may lose eligibility when program requirements are no longer being met. Those reasons are:

- The household's gross monthly household income exceeds 85% of State Median Income.
- The primary applicant and/or primary partner has experienced a cessation work/school lasting longer than the 90-day job search period.
- The household has moved out of the state of South Dakota.
- Child care is no longer needed and the household requests the case be closed.
- It is discovered and substantiated that the applicant reported fraudulent information on his/her application.
- The applicant is found guilty of an Intentional Program Violation (IPV).
- The child care provider is no longer eligible to receive payment from DSS, and the applicant continues to use that provider after being notified of their ineligibility for payment.
- It is discovered that the applicant is receiving assistance for child care from another program.
- The applicant has failed to maintain an open case with the Office of Child Support Enforcement and does not have good cause.

14. Resource Information for Parents

14.1 New Parent Resources

Child Care Assistance families are directed to where they can access resource information about various programs available through South Dakota agencies. A current listing of State and Social Services' programs, including Medicaid/CHIP and Well Child Care, South Dakota's Early Periodic Screening, Diagnosis & Treatment program as well as other developmental screening programs available to families is maintained on the CCA website and available from the CCA office. Parents are encouraged to call if they have additional questions. If a parent calls with questions or does not have access to the internet, the benefits specialist will offer to make a referral to appropriate agencies or, if requested, will print the available information for the programs of interest and mail to the parent.

14.2 Consumer Statement

Child Care Assistance families are provided with consumer statement information at initial approval and with any subsequent provider change. Information is sent to the family along with their child care notice of decision listing information on how to access resources related to children's services, choosing child care, as well as information about individual child care providers. This letter includes instructions on where to find the searchable provider database and where to access information on provider licensing requirements and provider inspection results.

14.3 Early Childhood Enrichment Centers

DSS partners with five Early Childhood Enrichment (ECE) programs across the state to deliver a variety of services focused on parents, child care and afterschool providers. The ECE offices are in Aberdeen, Brookings, Pierre, Rapid City and Sioux Falls. South Dakota's ECE programs offer a systematic approach to providing early childhood and school-age education services and technical assistance. Services are available to all child care and afterschool providers, parents and others involved in the day-to-day care of children and youth.

The five Early Childhood Enrichment (ECE) program sites provide the following services:

- Classroom-style, online and on-site training including professional growth classes on issues such as child development, age-appropriate activities, effective guidance and program management.
- A quality enhancement system that includes on-site technical assistance and coaching to help providers gain knowledge and put knowledge into practice.
- Telephone consultations for early care and education professionals and parents.
- Promoting the health, safety and development of young children in early childhood and out of school time programs.
- Educating parents utilizing checklists and other resources to help families to make informed choices when selecting a child care program for their child.

15. Program Integrity

15.1 Fair Hearings

DSS will provide a fair hearing to any household disputing an action of DSS which affects the participation or benefit level for Child Care Assistance. If a family requests a fair hearing to dispute an action on their case, Child Care State office will be notified by the Office of Administrative Hearings (OAH). OAH will request the notice of decision from the case file. This will need to be provided promptly. OAH will schedule the administrative hearing.

A request for a hearing is defined as a clear expression, oral or written, by the household or its representative, that it wishes to appeal a decision or would like the opportunity to present its case to a higher authority. The freedom to make a request for a hearing will not be limited or interfered with in any way. If it is unclear from the household's request what action it wishes to appeal, DSS may request the household clarify its grievance.

Form DSS-EA-319, Oral/Written Request for Administrative Hearing, must be completed by DSS if the request for a hearing is initiated at the local office. DSS-EA-319 must be submitted to the Office of Administrative Hearings **within one working day** of receipt. If the household has submitted the request for hearing in writing, the written request must be attached to the DSS-EA-319 along with the notice of action that caused the request for hearing.

Benefits Specialists must ensure copies of all hearing exhibits are sent to all parties involved no later than five day prior to the hearing.

Within 60 days of receipt of a request for a fair hearing, the Office of Administrative Hearings (OAH) will assure that the hearing is:

- Conducted
- A decision is reached
- The household and local agency is notified of the decision.

Decisions which result in an increase in household benefits will be reflected in the benefit amount within 10 days of the receipt of the hearing decision.

If a household requests a fair hearing within 10 days after the notice of adverse action is mailed and the household's certification period has not expired, the household's participation in the program will be continued on the basis authorized immediately prior to the notice of adverse action upon request.

15.2 Intentional Program Violations

15.2.1 Identifying Potential Fraud

When processing an application, the EABS should check any information provided against information known to other DSS programs, which may include SNAP, Medicaid, TANF, and LIEAP programs. If potential applicant fraud has been identified for a CCA case, a fraud tip should be sent to the Child Care State office for review. If additional investigation is needed, a fraud tip is submitted to Office of Recoveries and Fraud Investigation (ORFI) using the ORFI 889 form. An ORFI investigator will then complete an investigation and provide a report either substantiating or un-substantiating the report. If a fraud tip is substantiated by ORFI, the IPV process will begin.

An applicant who is determined to have committed an Intentional Program Violation (IPV) though an administrative hearing will be required to serve a program disqualification. While serving an IPV disqualification their case will reflect an IPV sanction preventing eligibility determination during the disqualification period. Disqualifications for IPV are as follows:

- 12-months for first offence;
- 24-months for second offence;

- Lifetime for third offence.

15.3 Internal Control Audits

Benefits specialist daily processing is reviewed at random by the Economic Assistance Supervisor and results are recorded. Based on these reviews, a personal error rate may be determined for each EABS. Any errors are addressed immediately with the EABS and corrected. These internal control reviews also allow tracking of any trends in errors so that additional training needs can be identified for benefits specialists.