



Date: May 11, 2012
To: Registered Family Day Care Providers and Applicants
From: Sioux Falls Health Department
Subject: Notification of Family Day Care Home City Ordinance Changes and Frequently Asked Questions

In April 2012, the City Council approved updates to the Family Day Care Ordinance, Article VIII. These changes became effective May 3, 2012. A copy of the complete Family Day Care article is enclosed for your convenience and review. A summary is provided below:

- A tiered fee schedule that recognizes state registration. Fees are collected annually.
 - If you are State-registered: Your city registration fee annually is \$25 with proof of State registration
 - If you are not Non-state-registered: Your city registration fee annually is \$125
- Minimum liability policy required is \$300,000.
- All helpers in the day care home must be registered.
- Visitors will be under the supervision of the registered provider. A visitor does not provide direct care to children.
- Day care providers must notify parents of changes in circumstances of the day care home or any enforcement action including, but not limited to, citations, suspensions, and revocations. (Please refer to enclosed ordinance, Section 19-128.4, for further explanation.)
- The entire day care home must be open to unannounced inspections by day care parents during normal business hours.
- Revocations will be in effect for a minimum of one year. If the provider submits a reapplication after that time, a mitigation plan for the circumstance that caused the revocation must be provided.

Frequently Asked Questions

Question: Where can I go to purchase the required liability insurance?

Answer: Your regular insurance provider may be able to help you or you may need to contact a separate commercial insurance provider.

Question: What specific coverage will be required in the liability policy?

Answer: The provider shall furnish proof of liability insurance for an in-home day care provider in the minimum amount of \$300,000 for bodily injury/death growing out of any one accident or any other cause. Such liability insurance shall protect against loss from liability imposed by law for damages on account of bodily injury, including death resulting therefrom, suffered or alleged to

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have been suffered by any person resulting, directly or indirectly, from any act or activity of the provider or any person acting for the provider or under the provider's control or direction.

Question: How will the City verify that a provider has liability coverage?

Answer: The provider must instruct their insurance carrier to provide the City of Sioux Falls Health Department with a current certificate of liability insurance. The provider must also instruct their insurance carrier to notify the Sioux Falls Health Department of any changes to the liability insurance policy. The information must be sent to: Sioux Falls Health Department, Environmental Division, 521 North Main Avenue, Sioux Falls, SD 57104. You will also need to provide your insurance certification during the renewal period and during any inspection.

Question: What portion of my home will parents be able to inspect?

Answer: The entire home is considered the family day care home and is open to both announced and unannounced inspections by Health Department employees, law enforcement, code enforcement officers, and day care parents at any time during normal business hours. This includes all land, buildings, and structures located on the property where the family day care home is situated.

Question: Will the changes regarding the registered helper change the way I operate my day care?

Answer: These changes in the ordinance were meant to clarify the expectations of the City. The interpretation of the ordinance will not change. If it is determined by the provider that a helper is required or in any way employed, the helper must be registered. Parents must be notified of all helpers of a family day care home immediately and to be followed up by written communication to the Health Department and parents no later than one week after the registered helper begins assisting the provider. Anyone who holds responsibility in the care of a child other than their own in a family day care home must be registered.

Question: I am a new provider. How will it be determined if I pay the \$25 fee or the \$125 fee?

Answer: If a new provider intends to get registered with the state at the same time they are applying to the City, the state office will make a copy of the submitted application and return it to the provider applicant with an "In-Process Verification Form" attached to the application. The City will then know that the provider is also working toward state registration. If the City receives this form and a copy of the application, the applicant will be charged \$25 rather than \$125. If the provider does not complete the state process or cannot provide a copy of a current state registration at the time of renewal, they will be charged \$125 at the time of renewal.

Question: Who can I call for more information?

Answer: The Health Department number is 367-8760.

Enclosure