Subject: Child and Adult Care Food Program (CACFP): Residential Foster Children

To: STATE AGENCY DIRECTORS (Special Nutrition Programs)

The subject of foster children residing in family day care homes was addressed in CACFP-217, dated October 24, 1990. The purpose of this memorandum is to further clarify that policy.

Based on the Congressional intent that CACFP should serve only nonresidential child care situations, it is our position that children in residence with their child care provider are not eligible to receive CACFP benefits, with the exceptions of foster children and "provider's own children." By law, provider's own children may receive CACFP meal benefits if the provider's household qualifies for free or reduced price meals and at least one nonresidential child, enrolled and receiving care in the provider's home, is in attendance and participating in the meal service.

A foster child is a ward of a court or welfare agency, who has been placed in residence in a private household. Since the court or welfare agency retains legal responsibility for such a child, the foster home is an extension of that agency and a foster child is considered a household of one eligible for CACFP benefits. Thus, the provider's household income is not a consideration for eligibility of the foster child. However, since a foster child living in a CACFP family day care home is residing in that home and is thus a residential child, the following conditions must be met in order for the provider to receive CACFP reimbursement for the foster child:

1. At least one nonresidential child, enrolled and receiving care in the provider's home, must be in attendance and participating in the meal service, and

2. The foster child must be officially enrolled and participating in the family day care home. The foster child's presence in the family day care home must be in compliance with state or local family day care licensing standards.
We feel this policy accommodates the needs of the foster child and foster parent without violating the nonresidential intent of the CACFP.

If you have any questions regarding this policy, please contact our office at (303) 844-0359.

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