Reply to
Attn. of: CACFP-494

Subject: Obligation of a Child Care Facility to Offer Infant Formula in the Child and Adult Care Food Program (CACFP)

To: STATE AGENCY DIRECTORS - Colorado DPHE. Iowa, Kansas, Missouri DH, (Child Nutrition Programs) Montana DPHHS, Nebraska ED, North Dakota, South Dakota, Utah and Wyoming

This memorandum revises our memorandum CACFP-225, dated February 14, 1991, which addressed the provision of infant formula in the (CACFP). That memorandum stated that "It is unreasonable to expect a day care provider to be able to satisfy the unique formula needs of every infant, especially if a day care provider's clientele includes a significant number of infants with medical conditions requiring specialized formulas... The decision of whether or not to provide infant formula shall be at the discretion of the child care center or family day care home provider." This policy has been revisited, and it was determined that a literal application of this policy could result in unintended consequences.

Section 226.20 specifies that "When infants from birth through 11 months participate in the Program, an infant meal shall be offered." Under the infant meal pattern, infant formula is a required component and, as such, must always be offered in order for a facility to obtain reimbursement under the CACFP unless breast milk provided by the infant's mother is served in its place.

This does not mean that a facility is required to satisfy the unique formula needs of every infant. While we continue to urge facilities to make every effort to satisfy the unique formula needs of each infant with a "formula which meets Program requirements," we recognize that this may not always be practicable due to operational and fiscal constraints.

Please note that a "formula which meets Program requirements" is either: 1) a formula which meets the regulatory definition of infant formula in Section 226.2; or (2) a formula which does not meet the regulatory definition of infant formula but for which a medical statement has been provided. For more information regarding a "formula which meets Program requirements," please refer to the December 3, 1996 memorandum sent out by our Regional Nutrition and Technical Services (NTS) Director regarding infant formulas which do and do not require a medical statement.
State Agency Directors

We are revising our policy to ensure that: (1) child care facilities offer infants a meal which meets the infant meal pattern specified under Section 226.20; and (2) the decision to decline the infant formula offered by the facility rests with the parent or guardian. Effective February 3, 1997, participating facilities must offer at least one infant formula which meets the definition of infant formula specified in Section 226.2. Facilities are strongly encouraged to select an infant formula(s) which satisfies the needs of one or more of the infants under the facility's care at any given time.

The decision regarding which infant formula to feed a baby is one for the baby's doctor and parents/guardian to make together. A parent or guardian may elect to decline the offered infant formula and supply another formula. However, the facility may not claim reimbursement for meals containing parent-provided formula as the only component.

Meals containing breast milk or infant formula served to infants 4 months of age or older may be claimed for reimbursement when the other meal component or components are supplied by the child care facility, as described below, provided that the facility offered a "formula which meets Program requirements" and the decision to decline the offered infant formula was made by the parents/guardian. Each State should define how sponsors and facilities are to document a parent's decision to decline an offered formula.

- **Meal components for infants birth through 3 months** - A facility may not claim for meals containing only parent-provided "formula which meets Program requirements" as there are no additional components that are required for reimbursement for this age group.

- **Meal components for infants 4 through 7 months** - A facility may claim for meals containing parent-provided "formula which meets Program requirements" when at least one other meal component listed under Section 226.20 for this age group is supplied by the facility and served to infants 4 through 7 months of age. The decision to offer an infant one other meal component should be made by the infant's doctor and parents/guardian. The infant's doctor and parents/guardian are the most knowledgeable about an infant's developmental readiness for solid foods.

- **Meal components for infants 8 through 11 months** - A facility may claim for meals containing parent-provided "formula which meets Program requirements" when the other meal components listed under Section 226.20 for this age group are supplied by the facility and served to infants 8 through 11 months of age.
The current policy concerning the number of meal components required for reimbursement when parent-provided components are served to infants in order to accommodate medical needs; i.e., at least one required meal component must be supplied by the child care facility, is still valid and is the same as policy on this subject as found in the December 3, 1996 NTS memorandum and in FCS Instruction 784-3. Please refer to these guidance materials when feeding children with medical needs.

If you have any questions regarding the above policy, contact my staff at (303) 844-0359.

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