OCT 23 1997

Reply to
Attn. of: CACFP-534

Subject: Child and Adult Care Food Program (CACFP) Policy Memorandum

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

Attached is a summary of questions and answers that have been raised since our last CACFP question and answer memorandum, CACFP-527, dated August 20, 1997.

We will continue to compile additional information and submit it to the State Agencies as the need arises.

Christy Kennedy

ANN C. DEGROAT
Regional Director
Child Nutrition Programs

Attachment
CHILD AND ADULT CARE FOOD PROGRAM (CACFP)  
QUESTIONS AND ANSWERS  
OCTOBER 1997

1. Q. A provider does not agree with its sponsoring organization's determination that the home is Tier II. Does the provider have appeal rights?

A. No. There are no appeal rights granted to providers under CACFP Regulations. However, States and sponsors may establish appeal processes to handle tiering and other provider situations if they wish.

2. Q. Can a provider claim a 13-year old that has been ordered by the courts to be in child care?

A. Unless also disabled, a 13-year old child's meals cannot be claimed under the CACFP.

3. Q. For a foster child living in a Tier II home, how is the child's eligibility determined?

A. The foster child is considered a family of one. The family's income would not be considered in determining the child's income eligibility.

4. Q. If the foster child was in a Tier I home, would the provider have had to include the income it receives to care for the foster child in determining the provider's eligibility?

A. No.

5. Q. An SO has a copier which was purchased with CACFP funds and it is no longer functional. How should it be disposed of?

A. 7CFR Part 3015.165(c), .165, and .168; and A-122, Attachment B, Item 36 state the disposition of such items.

6. Q. If a provider switches from one sponsor to another or drops participation completely, they are not really a "new" provider when/if they come on the Program again. But they are not renewing a current application either. Is the pre-approval visit and the 4-week visit required?

A. Yes. Section 226.16(d)(1) and (4)(ii) provides direction for how to treat applications other than renewals.
7. Q. Can a sponsor purchase thermometers for each of their FDCHs and charge the cost to Administrative costs?
   A. No. However, if there are non-FCS funds available, those funds may be used.

8. Q. Since 4th meals can no longer be claimed, can a center which chooses to provide the children in care with 4th meals claim the costs associated with those meals?
   A. Yes.

9. Q. Has there been any guidance given that specifies when supper can be served? A provider was serving supper at 2:00 p.m.
   A. The only meal we have set time limits on is breakfast (CACFP-293, #11). The dictionary describes supper as an evening meal, therefore 2:00 p.m. would not be considered customary. We have not given any specific guidance in looking at time of meal service, we indicate that it should be the customary time for that meal. The SA could develop a policy stating customary times if it chooses to. However, we would not consider 2:00 p.m. as the customary time to serve supper.