



United States  
Department of  
Agriculture

Food and  
Nutrition  
Service

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**DATE:** April 19, 2010

**MEMO CODE:** SP 22-2010; CACFP 10-2010; SFSP 08-2010

**SUBJECT:** Categorical Eligibility—Temporary Assistance to Needy Families

**TO:** Regional Directors  
Special Nutrition Programs

State Agencies  
Child Nutrition Programs

This is a reminder of the statutory and regulatory requirements for categorical eligibility for the Child Nutrition Programs based on receipt of benefits from each state's Temporary Assistance to Needy Families (TANF) program. Section 9(b) (12) of the Richard B. Russell National School Lunch Act restricts categorical eligibility to those TANF programs with standards that are comparable to or more restrictive than those in effect on June 1, 1995. This restriction is addressed in our regulations at 7 CFR 245.2, the definition of "TANF" and in §245.11(g). Section 245.11(g) requires that State agencies notify the Food and Nutrition Service when there are changes in a state's TANF program and as a result, children are no longer categorically eligible for free meals.

While Child Nutrition State agencies determined TANF standards at the time this provision was implemented, they must also determine if any changes to their state's TANF program standards would affect categorical eligibility for free meal benefits. If any changes to TANF programs have occurred since initial implementation (January 2000) that would change categorical eligibility for free meals, State agencies need to notify their Regional office. We also suggest that State agencies periodically review the current TANF program in their state to ensure that the program continues to be comparable to or more restrictive than the 1995 standards.

If State agencies have any questions concerning this memorandum, please contact your Regional office.

**Original Signed**

Cynthia Long  
Director  
Child Nutrition Division

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The contents of this guidance document do not have the force and effect of law and are not meant to bind the public in any way. This document is intended only to provide clarity to the public regarding existing requirements under the law or agency policies.