

October 17, 1990

Child and Adult Care Food Program: Military Dependents in Residential Child Care with Providers

Regional Administrators
All Regions

The purpose of the Child and Adult Care Food Program, as set forth by the National School Lunch Act, is to provide meal assistance in nonresidential child care situations. The law provides for an exception to the "nonresidential" rule with regard to children of family day care home providers, who may participate in the Program if their families qualify for free or reduced price meals. In addition, by policy instruction, we have provided for children left in the residential care of providers for 3 days or less in emergency situations.

Recent events in the Middle East have required the deployment of United State military personnel overseas. There now exists a situation where children of single parents, or children with both parents in the military, have been left in residence with a child care provider when other family members or friends are not available to provide care. We understand that some branches of the military have even assisted families in this situation by sanctioning a forms contract for residential care between the parent(s) and the child care provider, which approximates custody or guardianship under emergency circumstances. Once in residence with the provider, however, these children, who may have been receiving Child and Adult Care Food Program benefits while in the care of the family day care home provider on a nonresidential basis, are no longer qualified for the Program (beyond the 3 day emergency period). Military and State agency officials have requested that we review this situation in order to provide meal assistance for children affected by the current situation in the Persian Gulf.

In response to this special situation, we believe that it would be appropriate to continue to consider these children eligible for program benefits as nonresidential participants. To receive these benefits: (1) a child must be dependent of military personnel deployed from their normal duty station as a result of the Persian Gulf situation; and (2) the child care provider must have legal power of attorney, custody or an agreement established by the military to provide residential care to the child being claimed for program benefits. The child may receive program benefits for as long as he/she is in residence with the provider. We will inform you, at the end of the deployment, when we intend to withdraw this temporary exception.

Since these children are considered under this policy to be nonresidential participants, the terms of their participation will be consistent with that of all other nonresidential children.

/ORIGINAL SIGNED/

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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.