



United States  
Department of  
Agriculture

Food and  
Nutrition  
Service

3101 Park  
Center Drive  
Alexandria, VA  
22302-1500

DATE: April 7, 2011

MEMO CODE: CACFP 17-2011

SUBJECT: Child Nutrition Reauthorization 2010:  
Transmission of Household Income Information by Tier II Family  
Day Care Homes in the Child and Adult Care Food Program

TO: Regional Directors  
Special Nutrition Programs  
All Regions

State Directors  
Child Nutrition Programs  
All States

The Healthy, Hunger-Free Kids Act of 2010 (the Act), Public Law 111-296, modified requirements for the transmission of household income information by tier II family day care home providers in the Child and Adult Care Food Program (CACFP) to their sponsoring organization (sponsor). The purpose of this memorandum is to provide guidance on the implementation of this provision.

Section 333 of the Act amends section 17(f)(3)(A)(iii)(III) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(f)(3)(A)(iii)(III)) to allow tier II family day care home providers in the CACFP to assist in the transmission of household income information from families of enrolled children to their sponsors. Previously, if permitted by the State agency and the sponsors, tier II providers could distribute income eligibility forms to the households of enrolled children in their care, but it was the responsibility of the sponsors to collect the forms from the households (7 C.F.R. §226.18(12)).

Under the Act, tier II family day care home providers now have specific authority to collect the household income eligibility forms from households and transmit them to their sponsors. However, if tier II family day care home providers wish to collect and transmit household information, they or the sponsors must ensure that each household knows:

- The household is not required to complete the income eligibility form in order for their children to participate in CACFP; and
- Households have the option, if they choose to complete the income eligibility form, of either:
  - returning the form directly to the sponsor at the address indicated on the form; or

AN EQUAL OPPORTUNITY

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.

Regional Directors  
State Directors  
Page 2

- returning the form to the provider with written consent allowing the provider to collect the form and transmit it to the sponsor on the household's behalf.

A written consent clause will be included in the revised prototype Family Day Care Home letter and the revised Meal Benefit Income Eligibility Form, available soon at [www.fns.usda.gov/cnd/care](http://www.fns.usda.gov/cnd/care).

Please note that tier II family day care home providers may not be required by the State agency or sponsor to collect and transmit household information to sponsors, but now have this as an option.

State agencies should direct any questions concerning this guidance to the appropriate FNS Regional Office. Regional Offices with questions should contact the Child Nutrition Division.

**Original Signed**

Cynthia Long  
Director  
Child Nutrition Division