



Georgia Department of Early Care and Learning

2 Martin Luther King Jr. Drive SE, Suite 754, East Tower, Atlanta, GA 30334

(404) 656-5957

**Nathan Deal**  
Governor

**Bobby Cagle, MSW**  
Commissioner

---

## MEMORANDUM

To: All Child and Adult Care Food Program (CACFP) Independent Centers and Center Sponsors

From: Falita S. Flowers, Nutrition Services Interim Director 

Date: October 31, 2013

Subject: Health and Safety in the Child and Adult Care Food Program

Legal Authority: 7 CFR 226.6(c)(5)(i); United States Department of Agriculture Memoranda CACFP 13-2013

Definitions: "Health and Safety," relates to the well-being of participants in care under the Child and Adult Care Food Program.

"Program Staff," means persons who work in any capacity of the Child and Adult Care Food Program.

The purpose of this memo is to provide guidance to independent centers and center sponsors participating in the Child Adult Care Food Program (CACFP) on detecting and responding to incidents which pose an imminent threat to a child or adult's health and safety while in care.

It is important to remember that the institution's main priority is to protect the health and safety of those in care. CACFP regulations require institutions to notify licensing or local health authorities of conduct or conditions that pose an imminent threat to the health or safety of participants or to the public. This memorandum provides guidance to help institutions detect and report the types of problems that rise to this higher level of concern.

*Caring for Our Children*<sup>1</sup> is a resource that provides additional guidance on managing, reporting, and documenting incidents of imminent threat. It recommends that child care facilities have written plans for

---

<sup>1</sup> American Academy of Pediatrics, American Public Health Association, National Resource Center for Health and Safety in Child Care and Early Education. 2011. *Caring for our children: National health and safety performance standards; Guidelines for early care and education programs. 3rd edition.* Elk Grove Village, IL: American Academy of Pediatrics; Washington, DC: American Public Health Association. Also available at <http://nrckids.org>.

reporting, managing, and training staff on what they determine to be incidents that threaten the health, safety, or welfare of children, staff, or volunteers.

Although members of the institution's program staff do not routinely assess health and safety issues, they must still be trained to recognize conditions that pose an imminent threat to the health or safety of the participants. Caring for Our Children identifies a number of circumstances that rise to the level of imminent threat, including:

- Lost or missing child;
- Suspected maltreatment of a child;
- Suspected sexual, physical, or emotional abuse of staff, volunteers, or family members occurring while they are on the premises of the child care facility;
- Injuries to children requiring medical or dental care;
- Illness or injuries requiring hospitalization or emergency treatment;
- Mental health emergencies;
- Health and safety emergencies involving parents or guardians and visitors to the child care facility;
- Death of a child or staff member (including a death that occurred outside of child care hours that had resulted from serious illness or injury at the child care facility); or
- The presence of a threatening individual who attempts or succeeds in gaining entrance to the facility.

In addition, Bright from the Start's Child Care Services (CCS) Division indicates any disciplinary actions used to correct a child's behavior, guidance techniques and any activities in which the children participate or observe at the center shall not be detrimental to the physical or mental health of any child. Disciplinary actions that could be detrimental to a child's physical or mental health include:

- Physically or sexually abusing a child or engaging or permitting others to engage in sexually overt conduct in the presence of any child enrolled in the center;
- Inflicting corporal/physical punishment upon a child;
- Shaking, jerking, pinching or handling a child roughly;
- Verbally abusing or humiliating a child which includes, but is not limited to, the use of threats, profanity or belittling remarks about a child or his family;
- Isolating a child in a dark room, closet or unsupervised area;
- Using mechanical or physical restraints or devices to discipline children;
- Using medication to discipline or control children's behavior without written medical authorization issued by a licensed professional and given with the parent's written consent;
- Restricting unreasonably a child from going to the bathroom;
- Punishing toileting accidents;
- Force-feeding a child or withhold feeding a child's regularly scheduled meals and/or snacks;
- Forcing or withhold naps;
- Allowing children to discipline or humiliate other children;
- Confining a child for disciplinary purposes to a swing, highchair, infant carrier, walker or jump seat;
- Committing any criminal act, as defined under Georgia law which is set forth in O.C.G.A., Sec. 16-1-1 et seq., in the presence of any child enrolled in the center; or
- Leaving a child unattended on a vehicle (per CCS's transportation guidelines).

**Monitors and/or members of program staff must exercise judgment in making a determination of an imminent threat.** If, for the reasons mentioned above or for any other reason, a monitor or program staff member determines that a child or adult participant is in imminent danger, the monitor or program staff member **must immediately contact one of the following authorities** and stay at the site until authorities have arrived:

- Georgia Department of Early Care and Learning (Bright from the Start) Child Care Services Division's Complaint Unit via email at [ccscomplaints@dec.al.ga.gov](mailto:ccscomplaints@dec.al.ga.gov) or call (404) 657-5562;
- Georgia Division of Family and Children Services (DFACS); or local health authorities or local police department.

A response to imminent threats to the health and safety of participants in the CACFP should be applied consistently and fairly. The health and safety of those in care must be the overarching goal. Wherever there is a situation in CACFP involving a health or safety threat, program staff members are expected to respond to the problem when they see it.

### **Program Suspension of Payments and Participation, Notice of Serious Deficiency and Proposed Termination and Disqualification**

In accordance with federal regulations 7 CFR 226.6(c)(5)(i), Bright from the Start shall take immediate action and follow the requirements for suspension of an institution's participation, for any of the aforementioned conditions which pose a threat to a participant's health and safety. Once an institution is suspended, participation, including all Program payments, remains suspended until the administrative review has been completed. If the suspension is overturned following the administrative review, the institution may continue participation and may claim reimbursement for eligible meals served and documented during the suspension period. If the suspension is upheld, Bright from the Start shall continue with termination and disqualification. **Bright from the Start shall take immediate action to stop payments and suspend the institution's CACFP participation and declare the institution seriously deficient, regardless of any formal procedures pending or underway by the licensing authorities to revoke the institution's license or approval.**

For questions concerning this memorandum, please contact Sonja Adams, Program Administrator at (404) 651-8193.