



Georgia Department of Early Care and Learning

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**Nathan Deal**  
*Governor*

**Amy M. Jacobs**  
*Commissioner*

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## MEMORANDUM

To: All Institutions Participating in the Child and Adult Care Food Program (CACFP) and the Summer Food Service Program (SFSP)

From: Falita S. Flowers, Nutrition Services Director (*Original Signed*)

Date: August 3, 2017

Subject: Child Nutrition Reauthorization 2010: Categorical Eligibility of Children in Foster Care

Legal Authority SP 17-2011, CACFP 08-2011, SFSP 05-2011 - Revised

This memorandum provides additional questions and answers and clarification to update SP 17-2011, CACFP 08-2011, SFSP 05-2011, Categorical Eligibility of Foster Children, dated March 16, 2011. The Healthy, Hunger-Free Kids Act of 2010 (HHFKA) authorized categorical eligibility for foster children in Section 9(b)(12)(A) of the Richard B. Russell National School Lunch Act (NSLA) and defined a foster child as “a foster child whose care and placement is the responsibility of an agency that administers a State plan under part B or E of title IV of the Social Security Act (42 U.S.C. 621 et seq.); or a foster child who a court has placed with a caretaker household.”

In addition, the HHFKA amended Section 9(b)(5) of the NSLA to allow certification of children in foster care for free meals, without application, if the local educational agency (LEA) or other institution administering a Child Nutrition Program obtains documentation from an appropriate State or local agency indicating the status of the child as a child in foster care. These provisions were effective October 1, 2010.

It is important to note that these provisions only apply to children formally placed in foster care by a State child welfare agency or a court. They do not apply to informal arrangements such as caretaker arrangements or permanent guardianship placements that may exist outside of or as a result of State or court based systems. Whether placed by the State child welfare agency or a court, in order for a child to be considered categorically eligible for free meals, the State must retain legal custody of the child. If the State relinquishes custody of a child, the child is no longer considered to be in foster care and categorical eligibility no longer applies.

In implementing this provision of the HHFKA, FNS recognizes there are different types of placements made by child welfare agencies and courts. It is possible that States may use different terms and may have different definitions for children in foster care. Therefore, it is imperative that the State child nutrition agency work with the State child welfare agency to understand the placement arrangements and terminology used in that State so that they can provide appropriate guidance regarding eligibility determinations.

We strongly encourage school food authorities and other institutions administering Child Nutrition Programs to establish formal mechanisms with State and local child welfare agencies to receive information directly from these agencies to facilitate certification for free meals for children in foster care.

### **The Application Process**

Previously, a separate application for free and reduced price meals was submitted for a foster child who was considered a household of one. Now, the foster child is categorically eligible and may be certified without an application. Households with foster and non-foster children may choose to include the foster child as a household member, as well as any personal income earned by the foster child, on the same household application that includes their non-foster children. This will streamline the application process and may help the foster family's non-foster children qualify for free or reduced price meals based on household size and income.

In processing the application, the LEA or other institution administering a Child Nutrition Program would certify the foster child for free meals, and then make an eligibility determination for the remainder of the household based on the household's income (including personal income earned by the foster child) or other categorical eligibility information reported on the application. As before, foster care payments received by the family from the placing agency are not considered income and do not need to be reported. Please note that the presence of a foster child in the household does not convey eligibility for free meals to all children in the household in the same manner as Supplemental Nutrition Assistance Program (SNAP), Temporary Assistance for Needy Families (TANF), and Food Distribution Program on Indian Reservation (FDPIR) participation does.

FNS encourages State Child Nutrition Directors to reach out to their State Health and Human Services colleagues to develop or strengthen communication that will ease the implementation of this provision locally. States can request contact information for State child welfare officials by contacting the appropriate Health and Human Services regional staff through [www.acf.hhs.gov/programs/oro/regions/regional\\_contacts.html](http://www.acf.hhs.gov/programs/oro/regions/regional_contacts.html).

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