



Office for Safety, Health and Nutrition
Jennifer Miller
Director

MEMORANDUM

To: Child and Adult Care Food Program Sponsors

From: Jennifer Miller, Director, Office for Safety, Health and Nutrition

Date: October 13, 2004

Re: **Agreements in the Child and Adult Care Food Program (CACFP): Reauthorization 2004**
FY 04 Child and Adult Care Food Program Policy Memorandum #04-18

The Child and Nutrition and WIC Reauthorization Act of 2004 (Public Law 108-265) provides for the use of permanent CACFP agreements between sponsoring organizations and family or group day care homes. These agreements record specific rights and responsibilities of sponsoring organizations and the family or group day care homes that participate in CACFP under their supervision.

Although this provision went into effect on June 30, 2004, sponsors do not need to revise currently valid agreements, but must make all agreements permanent as they are updated or revised. All day care homes must have a permanent agreement in place no later than July 1, 2005.

The law further stipulates that either party to the permanent agreement may still terminate the agreement. Thus, although the agreement is permanent, it does not remove the right of the sponsoring organization to terminate a family or group day care home for cause (i.e. expired license, etc) or convenience, nor does it remove the right of the day care home provider to change sponsors in accordance with current regulations. Should a family or group day care home be out of program compliance, the sponsoring organization would follow the serious deficiency process. Sponsoring organizations will continue to be permitted to amend the permanent agreement when there is a change in program policy or meal services. The permanent agreement must stipulate that Program payments are conditional contingent upon the availability of Federal funds.

If you have any questions, please contact our office at 614-466-2945.