

DECEMBER 16, 1996

SUBJECT: Policy Regarding the Obligation of a Child Care Facility to Offer Infant Formula in the Child and Adult Care Food Program

TO: Regional Directors  
Child Nutrition Programs  
All Regions

On February 1, 1991, Child Nutrition Division issued a policy memorandum which addressed the provision of infant formula in the Child and Adult Care Food Program (CACFP). The memorandum stated that "It is unreasonable to expect a child care provider [or center] to be able to satisfy the unique formula needs of every infant, especially if a child care provider's [or center's] clientele includes a significant number of infants with medical conditions requiring specialized formulas. The decision of whether or not to provide infant formula shall be at the discretion of the child care center or family day care home provider." We have revisited this policy and determined that a literal application of this policy could result in unintended consequences.

Section 226.20 specifies that when infants from birth through 11 months participate in the program an "infant meal shall be offered." Under the infant meal pattern, infant formula is a required component and, as such, must always be offered in order for a child care facility to obtain reimbursement under the CACFP unless breast milk provided by the infant's mother is served in its place.

This does not mean that a child care facility is required to satisfy the unique formula needs of every infant. While we continue to urge child care facilities to make every effort to satisfy the unique formula needs of each infant with a "formula which meets program requirements," we recognize that this may not always be practicable due to operational and fiscal constraints.

Please note that a "formula which meets program requirements" is either: (1) a formula which meets the regulatory definition of infant formula in §226.2; or (2) a formula which does not meet the regulatory definition of infant formula but for which a medical statement has been provided. For more information regarding a "formula which meets program requirements," please refer to the November 14, 1996, policy memorandum issued by the Nutrition and Technical Services Division regarding infant formulas which do and do not require a medical statement.

We are revising our policy to ensure that: (1) child care facilities offer infants a meal which meets the infant meal pattern specified under §226.20; and (2) the decision to decline the infant formula offered by the child care facility rests with the parent or guardian. Effective

February 3, 1997, participating facilities must offer at least one infant formula which meets the definition of infant formula specified in §226.2. Facilities are strongly encouraged to select an infant formula(s) which satisfies the needs of one or more of the infants under the facility's care at any given time.

The decision regarding which infant formula to feed a baby is one for the baby's doctor and parents/guardian to make together. A parent or guardian may elect to decline the offered infant formula and supply another formula. However, a child care facility may not claim reimbursement for meals containing parent-provided formula as the only component.

As stated in 226.20(b) "meals containing breast milk [or infant formula] served to infants 4 months of age or older may be claimed for reimbursement when the other meal component or components are supplied by the child care facility," as described below, provided that the facility offered a "formula which meets program requirements" and the decision to decline the offered infant formula was made by the parents/guardian. Each State should define how sponsors and child care facilities are to document a parent's decision to decline an offered formula.

- Meal components for infants birth through 3 months .A child care facility may not claim for meals containing only parent-provided "formula which meets program requirements" as there are no additional components that are required for reimbursement for this age group.
- Meal components for infants 4 through 7 months .A child care facility may claim for meals containing parent-provided "formula which meets program requirements" when at least one other meal component listed under §226.20 for this age group is supplied by the child care facility and served to infants 4 through 7 months of age. The decision to offer an infant one other meal component should be made by the infant's doctor and parents/guardian. The infant's doctor and parents/guardian are the most knowledgeable about an infant's developmental readiness for solid foods.
- Meal components for infants 8 through 11 months .A child care facility may claim for meals containing parent-provided "formula which meets program requirements" when the other meal components listed under §226.20 for this age group are supplied by the facility and served to infants 8 through 11 months of age.

*Note: The current policy concerning the number of meal components required for reimbursement when parent-provided components are served to infants in order to accommodate medical needs (i.e., at least one required meal component must be supplied by the child care facility) is still valid and is the same as policy on this subject found in the November 14, 1996, memorandum (i.e., answer to question #2) referenced above and in FNS instruction 784-3. Please refer to these guidance materials when feeding children with medical needs.*

If you have any questions regarding this policy, please contact Lorie Conneen at (703) 305-2620.

/ORIGINAL SIGNED/

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