

Termination and Appeal Procedures for Family Day Care Homes

**PURPOSE:** To revise the procedure used by sponsoring organizations when terminating a family day care home from participation in the Child and Adult Care Food Program (CACFP).

**SCOPE:** Sponsoring Organizations and Providers participating in the family day care component of the Child and Adult Care Food Program.

**DESCRIPTION:** Public Law 106-224 added statutory language that gives day care homes the right to request an appeal of a termination of their Program participation. The home must be given the right to appeal and Program payments will continue for claims supported by appropriate records pending the outcome of the administrative appeal.

Each sponsoring organization will be required to establish an administrative review (appeal) process for day care homes. The process must:

- Give notice to the home that the sponsor intends to terminate the home's participation, as well as the reasons for the intended action;
- Give the home and the sponsor adequate time to submit documentation of their case to a review official; and
- Ensure that the administrative review official is an impartial and independent person not involved in the decision to terminate the home's participation.

The exception will be when the sponsoring organization determines that participants at the day care home face an imminent threat to their health or safety, or when the day care home's activities pose an threat to public health or safety. In these cases, the sponsoring organization may immediately suspend Program operation without providing the day care home the opportunity to take corrective action. The sponsoring organization must still offer the day care home its appeal rights, but shall not make Program payments pending the outcome of the appeal.

**SOURCE:** FY 2001 Child and Adult Care Food Program Policy Memorandum #1.