



State of New Jersey

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To: New Jersey Child and Adult Care Food Program (CACFP) Institutions
From: Stephanie Mullin, State CACFP Coordinator
Date: May 3, 2021
Subject: State Policy Guidance on Electronic Signatures for CACFP Program Records

This guidance memo is to provide an understanding of requirements for using electronic "legally binding" signatures for Institutions that participate in the Child and Adult Care Food Program. Electronic signatures may be needed for annual electronic collection and determination of the following required CACFP records: application certification electronic signatures, annually required participant eligibility applications, monitoring forms, foodservice contracts solicited from Food Service Vendors to provide services through a contractual agreement, and other related program records, as required.

Per USDA Policy Memo CACFP 07-2007 - Update on Electronic Transactions in the Child Nutrition Programs, Institution applications, facility applications, claims for reimbursements, agreements, and household applications may all be filed electronically, if the State Agency and CACFP Institutions have the capability to provide legally binding electronic signatures, as determined in conjunction with their respective State and/or local counsel.

Further, the New Jersey Uniform Electronic Transaction Act, N.J.S.A. 12A:12-1 et seq., authorizes the use of electronic signatures to sign contracts and business documents in New Jersey as long as all parties agree. An "electronic signature", which is used in place of a handwritten signature, is an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record. (https://www.njleg.state.nj.us/2000/Bills/PL01/116_.PDF).

Additional Electronic Signature Guidance for annual CACFP Eligibility Application:

In addition, in accordance with the Child Nutrition and WIC Reauthorization Act of 2004 (Pub. L. 108-265), which amended section 9(b) of the National School Lunch Act, program operators are encouraged to accept electronic household applications. Program operators must have the capability to provide legally binding electronic signatures as per State and local regulation.

When program operators do not have the capability to provide legally binding electronic signatures, program operators must collect a handwritten, hard copy signature of critical program documents, such as household applications.

As a reminder, all CACFP Participant Eligibility Applications must be signed by handwritten, hard copy signature or electronic signature, signed only by the Adult Participant, Parent or Guardian. *Eligibility Applications may not be signed by the CACFP Institution Representatives.* CACFP Institution Representative Eligibility Application "Determining Official" signatures, at the bottom of the eligibility application may be by handwritten, hard copy or by electronic signature.

NJDA does not impose requirements on CACFP Institutions regarding the type of signature used in Eligibility Application, Monitoring Forms, Food Service contracts and other program related records. Each CACFP Institution should consult with its legal counsel and determine how it will transact business and whether electronic signatures will be allowed. This decision should be included in the CACFP Institution's Procurement Plan, Policies, and Procedures and communicated to all Institution Staff, Participants or Parents\Guardians, and interested Food Service Vendors.

Questions regarding this policy may be directed to NJDACACFPCommunication@ag.nj.gov or by calling our office at 609-984-1250.