Rights and Responsibilities of an Applicant/Participant

Purpose
To ensure that the participant or parent/guardian/caretaker clearly understands the rights and responsibilities of a WIC participant and that an ineligible applicant or parent/guardian/caretaker of an ineligible applicant clearly understands the rights of a WIC applicant. To legally document notice of eligibility, release of client information and compliance with the National Voter Registration Act (NVA) of 1993.

Authority
7 CFR Part 246.7

Policy
At each certification the local agency (LA) staff shall have the participant or parent/guardian/caretaker read, or have read to her/him, the Rights and Responsibilities of participants in the WIC Program, provide program information and the opportunity to register to vote.

Procedures
I. Rights and Responsibilities –

A. Required Signature - at each certification, the participant or parent/guardian/caretaker of a participant shall be offered the opportunity to read, or have read to her/him, the Rights and Responsibilities Section in the MIS.

1. The parent/guardian shall attend the initial certification appointment.

a. Under extreme and unusual circumstances, a parent/guardian can provide authorization for another adult to be a food benefit recipient at an infant or child certification (e.g., parent/guardian is in the hospital, working parent not able to attend appointment).
b. The parent/guardian shall write a note providing authorization including their signature and provide all documents required for income screening. The note shall be scanned and attached to the Family Page in the MIS.

c. Refer to policy CR: 07.0 for accommodations for families with special health care needs.

2. After the applicant/parent/guardian (endorser) reads the document, she/he must sign the signature pad attesting to the fact that she/he has been informed of this information.

3. Rights and Responsibilities is a legal document. All signatures on the page shall be made by the signing party.

4. Initials shall be used unless initials constitute the individual’s official signature.

5. The system generated date will reflect notification of eligibility within the processing timeframe (refer to policy CS: 02.0).

6. If a change in custody has occurred during a certification period, the new guardian shall complete and sign a new Rights and Responsibilities page.
   a. Income must be reassessed unless there are 90 days or less before the expiration of the certification period.
   b. For foster children, refer to Policy CS: 11.0. Certification of Foster Children.

B. Required information for participants -

1. The LA staff shall provide the Your Guide to Texas WIC booklet, (stock # 13-3) which includes the following USDA required information for each participant:
   a. The purpose of the WIC Program is to provide nutritional support (i.e., education and strategies for a healthy diet, supplemental foods, referrals and breastfeeding promotion and support, during critical times of growth and development, to improve health and achieve positive health outcomes).
   b. The nutrition assessment process is necessary to identify nutritional needs (e.g., medical conditions, dietary practices)
and interests so that WIC can provide benefits that are responsive to the participant’s wants and needs.
c. The relationship between WIC staff and the participant is a partnership – with open dialogue and two-way communication – working to achieve positive health outcomes.
d. WIC food benefits are prescribed for the individual, to promote and support the nutritional well-being of the participant and to help meet the recommended intake of important nutrients or foods.
e. The food provided by the Program is supplemental, and is not intended to provide all of the participant’s daily food requirements.
f. Each participant must reapply at the end of the certification period and be reassessed for Program eligibility.

2. At each certification, LA staff shall provide the participant or parent/guardian/caretaker of a participant, the Texas WIC Program: Your Rights and Responsibilities (stock # 13-06-14207/13-06-14207a).

II. Sharing of Participant Information – the Health and Human Services has authorized the release of participant information to programs for specified reasons.
A. For programs listed as a, b and c under Rights and Responsibilities, applicants and parents/guardians/caretakers do not have the option of declining to permit information sharing if they decide to participate in the WIC Program.
B. For the Texas Health Steps (THSteps) Program, applicants and parents/guardians/caretakers have the option to disclose or decline to share information and shall indicate so in the appropriate place on the screen.

III. Opportunity to Register to Vote NVRA -
A. At each certification, LA staff shall have each applicant/parent/guardian/caretaker 17 years and 10 months and
older read and complete the section titled “Opportunity to Register to Vote.”

B. Refer to Policy GA: 19.0 for the criteria and instructions on completing the Opportunity to Register to Vote and compliance with the National Voter Registration Act of 1993.

C. These procedures apply to applicants who are determined eligible and ineligible for the WIC Program.

IV. **Applicants found ineligible** shall be advised of the ineligibility and the right to a fair hearing by reading or having read to them the WIC Notification of Ineligibility/ Termination in the MIS. Refer to Policy CR:03.0 for the fair hearing procedures. The reason for ineligibility shall be identified on the form. The applicant shall sign the notification attesting to the fact that she/he has been informed of this information.

V. **Non-English speaking** applicants or participants or parents/guardians/caretakers shall be provided the statements verbally or in writing in a language that is understood. Interpreters shall be made available as needed.

VI. In areas of the state with the **Commodity Supplemental Food Program** (CSFP), the participant or parent/guardian/caretaker of the participant shall sign the Preventing Dual Participation between the Commodity Supplemental Food Program and the WIC Program form stating she/he will not participate in the CSFP while participating in the WIC Program. This form is available through the state agency and should be scanned and attached to participant record in the MIS.