

<p style="text-align: center;">Texas WIC Health and Human Services Commission</p>

Effective June 1, 2021

Policy No. CR:01.0

Rights and Responsibilities of Applicants/Participants

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 must 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

At each certification, LA staff must have the participant or parent/guardian/caretaker of a participant read or have read to her/him, the Rights and Responsibilities Section in the MIS. Non-English-speaking applicants/participants or parents/guardians/caretakers must be provided the statements verbally or in writing in a language that is understood. Interpreters must be made available as needed.

- A. Opportunity To Register to Vote – Refer to [GA:19.0 Compliance with the National Voter Registration Act of 1993](#).

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- B. Shared WIC Participant Information – the Health and Human Services has authorized the release of participant information to the following programs:
 - 1. Texas Center for Birth Defects Research and Prevention
 - 2. DSHS Health Service Regions
 - 3. Texas Department of Agriculture
 - C. Rights – This section includes information about nutrition education, referrals, transfers, equal opportunity, fair hearing, privacy notification and the right to be treated with courtesy.
 - D. Responsibilities – this section includes information about using WIC food benefits, keeping benefits safe, accountability, treating WIC and store staff with respect and the preferred method of contact.
 - E. Required Signature Statement – Participants or parents/guardians/caretakers must electronically sign the form certifying that all the information provided is correct and they have been advised of their Rights and Responsibilities.
 - 1. The participant or parent guardian/caretaker must sign electronically attesting that she/he has been informed and agrees to this information.
 - 2. Initials shall not be used unless initials constitute the individual’s official signature.
- II. At the applicant’s or parent/guardian/caretaker’s initial certification, the LA staff must provide the *Your Guide to Texas WIC* booklet, (stock #13-3). The booklet may also be provided at subsequent visits as needed. Only one booklet is required as long as the family is on WIC, even when there is a break in service.

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- III. At each certification, LA staff must provide the participant or parent/guardian/caretaker the *Texas WIC Program: Your Rights and Responsibilities* card (stock # 13-06-14207/13-06-14207a). This card is separate from the Rights and Responsibilities in the MIS and includes important information for former military service members.

- IV. The parent/guardian must attend the initial certification appointment and sign the Rights and Responsibilities or electronically sign during a remote certification process.
 - A. Under extreme and unusual circumstances, parent/guardian may designate an authorized adult to complete the certification (e.g., parent/guardian is in the hospital, working parent not able to attend appointment).
 - 1. The authorized adult must provide a signed note from the parent/guardian stating they are attending the WIC appointment in place of the parent/guardian. The authorized adult must provide all documents and information required for income screening and nutrition assessment.
 - 2. Staff must scan and upload the note to the Family Page in the MIS. Documents obtained via electronic transmission are automatically saved in the MIS.

 - B. For more information, refer to [FD:03.0 \(T\) - Designated Recipients of Benefits](#) and [CR:07.0 \(T\) - Provision of Services to Families with Special Health Care Needs](#).

- V. If a change in custody has occurred during a certification period, the new guardian must complete and sign a new Rights and Responsibilities in the MIS.
 - A. Income must be reassessed unless there are 90 days or less before the expiration of the certification period.

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- B. For foster children, refer to [CS:11.0 \(T\) - Certification of Foster Children](#).
- C. WIC staff must provide *Your Guide to Texas WIC* booklet and/or the *Texas WIC Program: Your Rights and Responsibilities* card if new guardian has never received either one.