Rights and Responsibilities

Policy

USDA Federal Regulations:
Notification requirements
246.7(j) Notification of participant rights and responsibilities. In order to inform applicants and participants or their parents or caretakers of Program rights and responsibilities, the following information shall be provided. Where a significant number or proportion of the population eligible to be served needs the information in a language other than English, reasonable steps shall be taken to provide the information in appropriate languages to such persons, considering the scope of the Program and the size and concentration of such population.

(1) During the certification procedure, every Program applicant, parent or caretaker shall be informed of the illegality of dual participation.

(2) At the time of certification, each Program participant, parent or caretaker must read, or have read to him or her, the statement provided in paragraph (i)(10) of this section (or an alternate statement as approved by FNS). In addition, the following sentences (or alternate sentences as approved by FNS) must be read:

(i) "Standards for eligibility and participation in the WIC Program are the same for everyone, regardless of race, color, national origin, age, handicap, or sex."

(ii) "You may appeal any decision made by the local agency regarding your eligibility for the Program."

(iii) "The local agency will make health services, nutrition education and breastfeeding support available to you, and you are encouraged to participate in these services."

(3) If the State agency implements the policy of disqualifying a participant for not picking up supplemental foods, cash-value vouchers or food instruments in accordance with paragraph (h)(3)(i) of this section, it shall provide notice of this policy and of the importance of regularly picking up cash-value vouchers, food instruments or supplemental foods to each participant, parent or caretaker at the time of each certification.

(4) At least during the initial certification visit, each participant, parent or caretaker shall receive an explanation of how the local food delivery system operates and shall be advised of the types of health services available, where they are located, how they may be obtained and why they may be useful.

(5) Persons found ineligible for the Program during a certification visit shall be advised in writing of the ineligibility, of the reasons for the ineligibility, and of the right to a fair hearing. The reasons for ineligibility shall be properly documented and shall be retained on file at the local agency.

(6) A person who is about to be suspended or disqualified from program participation at any time during the certification period shall be advised in writing not less than 15 days before the suspension or disqualification. Such notification shall include the reasons for this action, and the participant's right to a fair hearing. Further, such notification need not be provided to persons

who will be disqualified for not picking up cash-value vouchers, supplemental foods or food instruments in accordance with paragraph (h)(3)(i) of this section.

(7) When a State or local agency pursues collection of a claim pursuant to §246.23(c) against an individual who has been improperly issued benefits, the person shall be advised in writing of the reason(s) for the claim, the value of the improperly issued benefits which must be repaid, and of the right to a fair hearing.

(8) Each participant, parent or caretaker shall be notified not less than 15 days before the expiration of each certification period that certification for the Program is about to expire.

(9) If a State agency must suspend or terminate benefits to any participant during the participant's certification period due to a shortage of funds for the Program, it shall issue a notice to such participant in advance, as stipulated in paragraph (j)(6) of this section.

(10) During the certification procedure, every Program applicant, parent or caretaker shall be informed that selling or offering to sell WIC benefits, including cash value vouchers, food instruments, EBT cards, or supplemental foods in person, in print, or on-line is a participant violation.

Non-English materials

246.8(c) Where a significant number or proportion of the population eligible to be served needs service or information in a language other than English in order effectively to be informed of or to participate in the Program, the State agency shall take reasonable steps considering the size and concentration of such population, to provide information in appropriate languages to such persons. This requirement applies with regard to required Program information except certification forms which are used only by local agency staff. The State agency shall also ensure that all rights and responsibilities listed on the certification form are read to these applicants in the appropriate language.

Authority

7 CFR Part 246.7(j)(1-10)
7 CFR Part 246.8(c)

Procedures

The Rights and Responsibilities document

A copy of the Rights and Responsibilities document can be found in the Certification, Eligibility and Coordination of Services Forms section of the WIC web portal.

At certification, each applicant or parent/guardian must read and sign the Rights and Responsibilities document that says they:

- Have been advised of, and understand the rights and responsibilities of program participation,

- Attest to the fact that they are providing accurate information regarding eligibility for the WIC Program and
- Agree to allow the WIC agency to share certain information with other specified agencies.

If a participant has difficulty reading or cannot read it themselves, staff must read it to them in its entirety.

Signature requirements

The applicant must sign and date the document after eligibility has been determined (after the CPA has pushed certify and completed a successful certification).

- Since the data system will only require one signature for families with multiple participants, it is important that the signature is not collected until after all participants that are being certified that day are successfully certified.
    - If for some reason a signature is collected prior to everyone being certified, a second signature must be manually collected.

If the participant is unable to electronically sign the document, for example due to equipment malfunction, the participant must sign a hard copy of the document, and the document must be scanned into the computer system.

- The staff person would then select the appropriate reason as to why the signature was not collected electronically in the data system.

Rights and Responsibilities when physical presence is exempt

When physical presence is exempt due to a reason allowable by federal regulations or the American Rescue Plan Act (ARPA) waiver, the Rights and Responsibilities document must be either:

- Sent electronically, the signature captured via an online electronic platform, and the signed documented scanned into the record. The staff person would then select the appropriate reason as to why the signature was not collected electronically in the data system.
- Be read to the participant word for word. If the participant agrees to what has been read, select the appropriate reason as to why a signature could not be collected electronically in the data system. A copy of the Rights and Responsibilities document must then be sent to the participant by text, email or mail according to their preference.

Best Practices

After the participant signs the rights and responsibilities document, staff should summarize its contents and ask if they have any questions about what they have read.