This memo announces revisions to Texas WIC Policy CR:01.0 – Rights and Obligations of Applicants/Participants. The revised policy has been reviewed by TALWD, approved by USDA and is effective June 1, 2021. At that time, it will be posted, and you may update your Policy and Procedures Manual by accessing the WIC Website at: https://hhs.texas.gov/doing-business-hhs/provider-portals/wic-providers/wic-policy-procedures-manual.

Monitoring will begin on December 1, 2021. A Summary of Changes is below.

**Summary of Changes**

- Policy was renamed and reorganized to match the Rights and Responsibilities in the MIS.
- Clarified that the Your Guide to Texas WIC booklet need only be given at initial cert and at subsequent visits as needed. Only one booklet per family is required as long as the family is on WIC, even when there is a break in service.
- Added that the Your Rights and Responsibilities card must be provided at each certification and does not replace reading the Rights and Responsibilities section in the MIS.
- Added that the Your Guide to Texas WIC booklet and/or the Texas WIC Program: Your Rights and Responsibilities card must be provided if a change in custody has occurred during a certification period and the new guardian has never received either one.
• Removed the information about ineligibility since it’s in another policy.
• Removed the Shared WIC Participant Information on Texas Center for Birth Defects and Texas Health Steps since that went away.
• Clarified the process and requirements for an authorized adult to attend certification appt in lieu of parent/guardian.
• Clarified that the Rights and Responsibilities may be signed electronically.
• Clarified that documents may be scanned and uploaded to the MIS.
• Commodity Supplemental Food Program information was removed.

If you have any questions or require additional information regarding Texas WIC Policy CR:01.0 – Rights and Responsibilities of Applicants/Participants, please contact Tiffany Brown, Clinic Services Coordinator, Nutrition Education and Clinic Services Unit, at Tiffany.Brown@hhs.texas.gov.
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 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.
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.
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.
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.