



3 NUTRITION SERVICES

Effective: 12/1/95

3.21 Final Eligibility, Rights and Responsibilities

Revised: 9/01/11

Changes in bold

POLICY: The WIC certification appointment includes the identification of nutrition risk factors; at least one is required for applicants to enroll in WIC. After the risk factor identification process is completed, the final eligibility determination must be made by a Competent Professional Authority (CPA) at the WIC project. When the certification is completed, the woman participant, parent, caregiver or guardian (including foster parent) must read, or have read to them, the WIC Rights and Responsibilities. The WIC Rights and Responsibilities must be read and signed for each family at every certification appointment.

WIC participants have rights and responsibilities for participating in the WIC Program and the Farmers' Market Nutrition Program (FMNP). WIC participants are also notified that they cannot participate in both the WIC and the Commodity Supplemental Food Program at the same time. It is essential that the person who signs WIC Rights and Responsibilities (DPH4161/4161S) is aware of the participant rights and is responsible for acting on the WIC responsibilities and providing accurate information. The expectation is to keep the woman participant and parents well informed and to strengthen program integrity.

If an applicant has at least one risk factor, s/he is either enrolled or placed on a waiting list (per State Office directive) based on the applicant's Priority level (see Policy 2.5). If the applicant has no risk factor, s/he is ineligible. The following policy and procedures are for when applicants are eligible and will be enrolled.

PROCEDURE:

A. NUTRITION ASSESSMENT/RISK IDENTIFICATION

- 1. See policies 3.10 through 3.12 for policies and procedures pertaining to the nutrition assessment/risk determination process.**
- 2. See policy 10.21 for qualifications for who can be a Competent Professional Authority and thus determine WIC eligibility.**
- 3. ROSIE will automatically determine the participant's Priority level based on all identified risk factors.**

B. COMPETENT PROFESSIONAL AUTHORITY (CPA)

When an applicant's nutrition risk assessment is completed, the CPA determines WIC eligibility, and signs the Rights and Responsibilities when eligibility is determined.

The CPA must also include their title and date of signature.



C. RIGHTS AND RESPONSIBILITIES

1. At every certification, after the participant is determined eligible, the woman participant, parent, caregiver or guardian (including foster parent) must read, or have read to them, the WIC Rights and Responsibilities. Proxies are not allowed to sign the WIC Rights and Responsibilities form.
2. WIC staff must ask the woman participant, parent, caregiver or guardian to read the document. Time needed for accomplishing this must be allowed. WIC staff must never discourage a woman participant, parent, caregiver or guardian from reading the WIC Rights and Responsibilities.
3. Project staff may have the WIC Rights and Responsibilities translated into other languages and create an audiotape (s). Time should be allowed for the woman participant, parent, caregiver or guardian to listen to the interpreter or to an audiotape before signing the form. Document the use of an interpreter or audio tape.
4. At each certification appointment, a new form must be signed and dated for the family. On the WIC Rights and Responsibilities form, WIC staff will write all participants' names of the family certified on that day and the family identification number. The woman participant, parent, caregiver or guardian signs and dates the form for the family, attesting to the fact that the form has been read and the information provided is correct. At least one form for the family must be signed at every certification appointment. The person determining income eligibility must sign, **include their title**, and date the form along with the CPA determining final eligibility who must also sign, include their title and date. When family members are certified on different days, additional WIC Rights and Responsibilities forms must be signed. WIC staff should tell the individual that they have a copy of this agreement with the WIC Program in the WIC Folder (F-44160L/44160LS). See below for special situations.
5. Because WIC women participants, parents, caregivers and guardians are provided their copy of the WIC Rights and Responsibilities in the WIC Folder, the WIC Rights and Responsibilities in the WIC Folder must match the WIC Rights and Responsibilities on the form (F-44161/44161S/44161H) that they signed. Replace the families' WIC Folder as needed. Insert translated WIC Rights and Responsibilities forms into the WIC Folder.
6. Place the signed WIC Rights and Responsibilities form into the family file or the youngest participant's file of the family certified at that appointment and retain after termination **for a period required in Policy 10.42 Records Retention**.



7. Only the woman participant, parent, caregiver or guardian sign the WIC Rights and Responsibilities form. Because a proxy, such as a neighbor, relative, baby sitter, or child care provider are not responsible for the information, it is essential that proxies do not sign the form(s). See Policy 4.40 Proxies for more information. If the woman participant, parent, caregiver, or guardian does not read or sign the form(s), they will not be aware of the rights and responsibilities of WIC participation, and compliance and enforcement of these responsibilities becomes difficult.
8. Proxies play an important role with the WIC Program. Parents often need the assistance of a proxy. Whenever possible, the parent should come to the WIC appointments to benefit from the screening, nutrition counseling, program information/updates, instruction about the Food Instruments (FIs) and secondary nutrition education. If the parent cannot attend WIC appointments, consider more accessible hours. There are circumstances when this is not possible and the WIC Program does not want to create undue barriers. The following is guidance to assist with obtaining the needed signature.
 - a) If it is possible that a parent will not be attending the WIC certification appointment, make arrangements in advance of the appointment. Send the form to the parent with instructions to sign and date the form and have it brought to the appointment with the current WIC Folder, proof of identity, income and residency, immunization record, etc. Include instructions that address the importance of reading the form or having it read to them, signing and dating the form and returning it to the WIC project. Include a statement that eligibility will be determined during the appointment. The parent may sign the form in advance of the appointment as long as the WIC Rights and Responsibilities form corresponds with the WIC Rights and Responsibilities in the WIC Folder. If the parent does not send the form with the proxy, follow the procedures below.
 - b) If a proxy comes to the WIC clinic or the WIC certification appointment, there are three options that staff can use. Provide one-month set of FIs **and deny benefits until** the form is **signed and** returned to the project. Failure to return the form is not considered a refusal **to sign but benefits must be denied until the form is returned**. First, send a form home with the proxy and ask that it be signed, dated and returned to the WIC office. Provide instructions for completing the form and send a stamped, addressed envelope **within one month, before the proxy returns for FIs**. A second option is to ask that the parent/caregiver return to the WIC clinic for the next month's FIs and sign the form. A third option if the parent cannot come in to WIC is to ask the parent to send in the form and WIC staff may mail the FIs. Make a note to follow up on getting this form in the WIC Folder or participant file(s) (computer or paper file).



- c) At the time proof of identity, income, residency or **pregnancy** is initially based on self-declaration and one-month set of FIs is issued, the WIC Rights and Responsibilities must be signed.
9. Special situations involving parents. At times, unique family circumstances are presented at the WIC clinic. Project staff should use their best judgement or contact a Regional Nutritionist or Central Office Staff for assistance. See policy 4.34.
 - a) Joint custody. One parent has applied for WIC benefits and is active with the program. If the “other” parent is listed on the WIC Folder as a proxy and a separation or legal divorce occurs, the parent who brought the child in for the certification appointment and who is mainly responsible for the FIs, should sign the WIC Rights and Responsibilities.
 - b) Foster parent. When a child is transferred mid-certification to either a foster parent or back to the biological parent, issue a new WIC Folder and have the parent read and sign the WIC Rights and Responsibilities.
 - c) When certifying participants with different family identification numbers, a WIC Rights and Responsibilities form must be signed for each family. Examples include if a mother brings in her own biological child and a foster child or a foster mother brings in 2 foster children.
 - d) When family members are certified on different certification days, more than one WIC Rights and Responsibilities form must be signed. For example, if a mother brings in her children on two different clinic days, two WIC Rights and Responsibilities forms must be signed. File the form in the family file or youngest family member’s file who was certified that day.
 - e) **In other instances of temporary guardianship of an emergency nature, that may not have been formalized through the legal system, have the guardian read and sign the form and educate on how to use the FIs.**
 10. WIC staff must tell the woman participant, parent, caregiver or guardian to instruct their proxies on the rights and responsibilities of using the WIC FIs. **Offer the viewing of “WIC, You and the Grocery Store, Too!”**
 11. If the woman participant, parent, caregiver or guardian refuses to read the form, document that in the file(s) **and inform them that they are responsible for following the rights and responsibilities. Inform the participant/parent who refuses to sign the form that benefits cannot be provided without their signature.**



D. OTHER REQUIREMENTS AT ELIGIBILITY DETERMINATION

1. See Policy 3.31 A. Requirements at Every Certification and B.
Recommendations at Certification Appointments for policies pertaining to nutrition education, referrals, etc.
2. See the Food Package Selection/**Food Issuance** Chapter for policies pertaining to pick-up days, late FI issuance, etc.

RESOURCES

- * WIC Rights and Responsibilities (English) F-44161
- * WIC Rights and Responsibilities (Spanish) F-44161S
- * WIC Rights and Responsibilities (Hmong) F-44161H

Print the form off WICPRO or order on-line at:

<http://www.dhs.wisconsin.gov/wic/forms.htm>