



## **Procedure: Notification of Rights & Responsibilities**

Functional Area: VIII Certification, Eligibility & Coordination of Services

Section: G 2 b

Approval Date: 12/2019

Citation: 246.7(i)(10); 246.7(j)

Revised Date: 11/2019

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<b>Purpose</b>	Describe how each applicant and client is to be informed of his/her rights and responsibilities.
<b>Federal Requirements</b>	Federal regulations require that each applicant, parent, or other individual enrolling a minor read or be read his rights and responsibilities and sign that they have read the statement at each certification period.
<b>Providing An Overview of Rights</b>	The assigned staff member must give a brief overview of the Rights & Responsibilities to each applicant or client, or the individual enrolling a minor to help insure the person understands what they are signing. This overview should be given prior to collecting data for or determining any portion of eligibility.
<b>Where to Find Rights</b>	<p>The rights and responsibilities for the Nebraska WIC Program are available at clinics as a two sided/laminated page for use with clients.</p> <p>The current Rights &amp; Responsibilities and How to Request a Fair Hearing may be found later in this procedure.</p>
<b>Translations</b>	<p>The rights and responsibilities must be written in a language appropriate for the individual. Translation of the rights and responsibilities into languages other than English is completed by the State WIC office.</p> <p>The Spanish translation of the rights and responsibilities is available from the State WIC office.</p> <p>When the applicant, client, parent or guardian speaks and/or reads a language for which the program has no written translation, a translator must read the entire Rights &amp; Responsibilities and Requesting a Fair Hearing to them.</p>
<b>Informing Persons Who are Unable to Read</b>	<p>A staff member should read the Rights &amp; Responsibilities to any person(s) who is unable to read because of:</p> <ul style="list-style-type: none"><li>• Limited English skills</li><li>• Eyesight problems</li><li>• Limited or no reading ability</li></ul>

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**Documentation**

After reading or having been read the rights and responsibilities, the applicant or client, or the individual enrolling a minor must sign the signature pad indicating they have been advised and understand.

The wording contained on the Journey signature pad follows.

I have been advised and understand my rights and responsibilities for WIC and was offered the option to register to vote. {0}

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**Retention**

All signatures are retained in Journey.

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**Applicant's Copy**

The rights and responsibilities are a part of the WIC Shopper app and available to all WIC families.

Applicants/clients may request a copy of the directions for Requesting a Fair Hearing from their local WIC agency.

# CLIENTS RIGHTS AND RESPONSIBILITIES



## *Your Rights:*

- WIC will provide you with information about nutrition, breastfeeding, and healthy foods.
- WIC will help you in getting other services, like Immunizations, SNAP and Medicaid.
- All information you give WIC will be kept private.
- If you feel you have been discriminated against you may file a complaint.
- Standards for eligibility and participation for WIC are the same for everyone, regardless of race, color, national origin, age, disability or sex.

## *Your Responsibilities:*

- Provide the most current and truthful information (WIC staff may verify this information is correct).
- Be the legal guardian, custodial parent, stepparent married to the minor's parent, or foster parent of any minor you enroll in WIC.
- Bring all documentation requested to each appointment.
- Treat WIC and store staff with courtesy and respect.
- Buy only the foods listed/shown on your benefits list. Use the WIC foods only for the people on the program.
- Report address and/or phone changes at your next scheduled appointment.
- Keep your eWIC card safe; lost or stolen food benefits may not be replaceable.



## *I Understand:*

- The Director of Public Health has authorized WIC to share information with SNAP and SNAP Nutrition Education Programs; Medicaid; Perinatal, Child and Adolescent Health Unit; and Immunization programs for purposes of outreach, referral, eligibility, and for administrative processes. They cannot share the information with a third party.
- That receiving benefits from more than one WIC clinic at a time is prohibited (dual participation).
- That if I intentionally lie to receive WIC benefits or if I violate the program rules that 1) my family can be taken off the program for up to one year, 2) I can face legal charges, and/or 3) I will have to pay money back to the program for foods or formula I should not have received.
- I understand that:
  - selling, attempting to sell, or giving away eWIC Card, food or formula is not allowed;
  - if I sell, attempt to sell or give away eWIC Card, food or formula I can be asked to repay the value of the items and I may be subject to legal charges;
  - Posting WIC items on any media, including radio, newspaper, Facebook, Craigslist, and E – bay is considered an attempt to sell.
- WIC may ask for social security numbers as allowed by law to verify Medicaid participation when applicable and for administrative purposes. Providing your number is optional.



In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, sex, disability, age, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA.

Persons with disabilities who require alternative means of communication for program information (e.g. Braille, large print, audiotape, American Sign Language, etc.), should contact the Agency (State or local) where they applied for benefits. Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program complaint of discrimination, complete the [USDA Program Discrimination Complaint Form](#), (AD-3027) found online at: [http://www.ascr.usda.gov/complaint\\_filing\\_cust.html](http://www.ascr.usda.gov/complaint_filing_cust.html), and at any USDA office, or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by:

- (1) Mail: U.S. Department of Agriculture  
Office of the Assistant Secretary for Civil Rights  
1400 Independence Avenue, SW  
Washington, D.C. 20250-9410;
- (2) Fax: (202) 690-7442; or
- (3) Email: [program.intake@usda.gov](mailto:program.intake@usda.gov).



*This institution is an equal opportunity provider.*

### **Voter Registration**

If you are not registered to vote where you live and would like to register you may do so today at WIC.

- 1) Applying to register or declining to register to vote will not affect the amount of assistance that you will be provided by this Agency;
- 2) If you would like help in filling out the voter registration application form, we will help you. The decision to seek or accept help is yours. You may fill out the application form in private.; and
- 3) If you believe that someone has interfered with your right to register or to decline to register to vote, your right to privacy in deciding whether to register or in applying to register to vote, or your right to choose your own political party or other political preference, you may file a complaint with Nebraska Secretary of State's Office Election Division at 888-727-0007.



### **Text Messaging Opt In for WIC**

**WIC sends text messages to remind you of appointments and other information. The text messages will include the first name of the person who you need to bring to the appointment when applicable. I understand that by opting in for texting the messages you receive will refer to WIC. You may opt out of receiving text messages from WIC by letting WIC staff know at any time.**



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## REQUESTING A FAIR HEARING

If I am dissatisfied with any decisions made regarding the eligibility or receipt of benefits for my child or myself, the following procedure may be followed.

1. I may request a fair hearing by mail, verbally, or in writing to the WIC Program. My request should be made within 60 calendar days from the date of the written notice of denial or termination of benefits.
2. The Nebraska Department of Health and Human Services will notify me of the time, date and place of hearing at least 10 days before the hearing.
3. If my representative or I cannot appear at the scheduled time and place, I may request the hearing officer to change it. I will be provided one opportunity to reschedule the hearing date upon written request submitted to the Nebraska Department of Health and Human Services. If my representative or I do not appear for the hearing or if I request the hearing to be cancelled, it will be cancelled.
4. I may present my position personally or by a lawyer. A relative or a friend may assist me. I may look at my WIC records before and during the hearing and bring witnesses to the hearing.
5. I will be sent a written decision concerning the hearing within 45 calendar days after the hearing was requested.
6. If I do not agree with the decision at the hearing, I may appeal to the district court within 30 calendar days from the date on the written hearing decision.
7. The detailed Fair Hearing Procedures are on file with the Local Program Director. A copy is available on request.