

ARIZONA DEPARTMENT OF ECONOMIC SECURITY

Program Name: Vocational Rehabilitation (VR)

Policy Number: VR-2.3-v5

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CHAPTER 2: Client Information and Case Requirements

Section 2.3: Applicant/Client Representative

I. Policy Statement

This policy provides guidelines for the participation of an applicant/client representative.

II. Authority

Authority for policies contained in this document includes the following:

- Workforce Innovation and Opportunity Act (WIOA), 29 U.S.C. § 3101 et seq.
- Title IV Amendments to the Rehabilitation Act of 1973, 29 U.S.C. § 701 et seq.
- State Vocational Rehabilitation Services Program, 34 C.F.R. § 361.5 (c)(31), Applicable definitions.
- Arizona Revised Statutes (A.R.S.):
 - § 14-5722, Supported decision-making agreements; scope; rights and obligations; intimidation; deception; petition; termination; form.
 - § 23-502, Rehabilitation services, and
 - § 23-503, Duties and powers.

III. Applicability

This policy applies to applicants/clients who want to have a representative of their choosing support them through their Vocational Rehabilitation (VR) process.

IV. Standards

A. General Provisions

1. An applicant/client can have a representative participate in their VR process to support and assist the applicant/client through the VR process.

2. An applicant/client representative refers to any individual chosen by the VR applicant/client. A representative can include but is not limited to, a family member, advocate, or supporter as designated by a supported decision-making agreement.
3. A legal guardian, which includes a minor's parent or a court-appointed guardian, has the legal authority to act on behalf of an applicant/client.
4. If an applicant/client chooses to authorize an individual to receive verbal communications (phone, email, text, or in-person communication) concerning their case, the applicant/client or legal guardian must complete and sign the Release of RSA Information form.
5. The Release of RSA Information form does not allow the listed individual or individuals to make any decisions about the applicant's/client's case.
6. Decisions and directions provided by the applicant's/client's legal guardian supersede directions provided by the applicant or client when the legal guardian and the applicant/client are in conflict.
7. VR must provide all written documentation to:
 - a) The applicant/client, and/or
 - b) The applicant's/client's legal guardian.

B. Applicant/Client Representative

1. An applicant/client representative can help the applicant/client make decisions about their VR case including voicing service needs, assisting in developing the Individualized Plan for Employment (IPE), and assisting with the appeals process, if applicable.
2. An applicant/client representative does not take away the responsibility of the applicant/client to be an active participant in their VR case.
3. When there is a disagreement between an applicant/client and their applicant/client representative about a decision or course of action, VR staff must follow the direction or choice of the applicant/client.

C. Legal Guardian

1. VR requires the court-ordered guardianship documentation of an applicant/client with a court-appointed legal guardian, to confirm that the legal guardian can exercise informed choice on behalf of the applicant/client.
2. Power of Attorney documents are not accepted.

3. If there is a disagreement between a minor's parents, who share joint legal custody of an applicant/client, VR will abide by the court order and will follow the direction of the parent granted primary decision-making responsibility.

D. Supported Decision-Making Agreement:

1. A supporter can assist an applicant/client in making life decisions as outlined in the supported decision-making agreement.
2. If an applicant/client wants their supporter to receive any applicant/client VR records or verbal communication about the applicant's/client's VR case, the applicant/client must complete a Release of RSA Information form.

V. Procedure

- A. Refer to Standard Work, if available.
- B. The VR Counselor must scan all documentation supporting any court-appointed legal guardianship and supported decision-making agreement, if applicable.
- C. The applicant/client must complete a Release of RSA Information form when requesting a representative obtain verbal communication about the applicant's/client's VR case or VR records.

VI. Documentation Requirements

- A. The applicant's/client's electronic case file must include the following (as applicable):
 1. Court order guardianship documentation, and
 2. Supported Decision-Making Agreement, if applicable.