

**TEXAS** | **ACCESS to JUSTICE**  
**FOUNDATION**

2011-2012 IOLTA/BCLS Financial Eligibility Guidelines  
(125 % of Poverty)

<u>Household Size</u>	<u>Annual Income</u>	<u>Monthly</u>	<u>Weekly</u>
1	\$13,613	\$1,134	\$262
2	18,388	1,532	352
3	23,163	1,930	445
4	27,938	2,328	537
5	32,713	2,726	629
6	37,488	3,124	721
7	42,263	3,522	813
8	47,038	3,920	904

For each additional person in the household, add:

\$4,775	\$398	\$92
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2011-2012 CVCLS Financial Eligibility Guidelines  
(187½ % of Poverty)

<u>Household Size</u>	<u>Annual Income</u>	<u>Monthly</u>	<u>Weekly</u>
1	\$20,419	\$1,702	\$393
2	27,582	\$2,299	\$530
3	34,744	\$2,895	\$668
4	41,906	\$3,492	\$806
5	49,069	\$4,089	\$944
6	56,231	\$4,686	\$1,081
7	63,394	\$5,283	\$1,219
8	70,556	\$5,880	\$1,357

For each additional person in the household, add:

\$7,163	\$597	\$138
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<b>2011 HHS Poverty Guidelines</b>			
<b>Persons in Family</b>	<b>48 Contiguous States and D.C.</b>	<b>Alaska</b>	<b>Hawaii</b>
1	\$10,890	\$13,600	\$12,540
2	14,710	18,380	16,930
3	18,530	23,160	21,320
4	22,350	27,940	25,710
5	26,170	32,720	30,100
6	29,990	37,500	34,490
7	33,810	42,280	38,880
8	37,630	47,060	43,270
For each additional person, add	3,820	4,780	4,390

**SOURCE:** *Federal Register*, Vol. 76, No. 13, January 20, 2011, pp. 3637-3638

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**2011-2012**

**TAJF Client Legal Services Eligibility  
Guidelines For Veterans Legal Assistance**

**A. PURPOSE**

The purpose of these income and asset guidelines are to determine whether an individual seeking assistance has insufficient income and assets to make private legal assistance actually and practically available and is eligible for services to veterans funded by the Texas Access to Justice Foundation.

A grantee may determine an applicant whose income exceeds 125% of the TAJF income guidelines but does not exceed 200% of the federal poverty guidelines below to be financially eligible if the applicant's assets do not exceed the below asset ceiling established below and:

(1) The applicant is seeking legal assistance to obtain or maintain benefits provided by a governmental program for veterans or their family members; or

(2) The applicant is a veteran seeking legal assistance in a civil legal matter regarding a problem in which a private attorney would not likely handle on a fee contingency basis and without payment of a retainer; or

(3) The Executive Director of the grantee, or his/her designee, has determined on the basis of documentation received by the grantee, that the applicant's income is primarily committed to medical or nursing home expenses and that, excluding such portion of the applicant's income which is committed to medical or nursing home expenses, the applicant would otherwise be financially eligible for service; and is a veteran seeking legal assistance to obtain or maintain benefits or to address a civil legal problem in which a private attorney would not handle on a fee contingency basis and payment of a retainer.

In the event that a grantee determines that an applicant is financially eligible pursuant to this section and is provided legal assistance, the grantee shall document the basis for the financial eligibility determination. The grantee shall keep such records as may be necessary to inform TAJF of the specific facts and factors relied on to make such determination.

## **B. DEFINITIONS**

1. Family: Includes only those persons related by blood or by law as relatives to the applicants for whom the applicant has a legal responsibility to support.
2. Income: Actual current annual total cash receipts before taxes of all persons who are resident member of, and contribute to support of, the family, to the extent that such funds are legally and actually available to the family.
3. Liquid Assets: Those assets which can readily and promptly be converted to cash by the individual seeking assistance, prior to the time that the assistance is required. Only net liquid assets, after subtracting all expenses of conversion and taxes, are considered.
4. Non-Liquid Assets: All assets other than liquid.
5. Available: Assets to which the individual seeking assistance has legal and actual access without having to obtain the consent or cooperation of another person over whom the individual does not have control and who does not, in fact, consent or cooperate.

## **C. TAJF FINANCIAL ELIGIBILITY**

The monthly gross income of a client who is a veteran receiving legal assistance funded by TAJF funds cannot be more than 200% of the annually adjusted poverty line, nor his/her assets exceed certain limits. Below are the current 200% guidelines.

<u>Household Size</u>	<u>Annual Income</u>
1	\$21,780
2	29,420
3	37,060
4	44,700
5	52,340
6	59,980
7	67,620
8	75,260

For each additional member of the household in excess of 8, add: 7,640

To determine monthly income, multiply weekly income x 4.3 and bi-weekly income by 2.23. Income received twice a month should be multiplied by 2. If the applicant is a seasonal employee, consideration can be based on previous year. If irregular, base on current income. Applicants shall be informed of their duty to report changes in their income should their case be accepted.

**D. ASSET RESTRICTIONS [Grantee may select one of the options and use consistently and not combine either provision- Grantee may also develop alternative but must have an asset guidelines for eligibility]**

**OPTION 1** In general, an individual client may have up to \$10,000 in liquid assets (plus \$5,000 for each additional family member) and \$15,000 in non-liquid assets (\$5,000 for each additional family member). Exempted from the asset limit are the client's principal residence, first car, personal and household goods, tools or equipment essential to employment, trusts restricted to educational or medical purposes, interest in IRA or Keogh plans, assets not counted by public assistance programs, and burial plots or trusts.

Where a client owns property, each assets must be identified (e.g., “savings account” or “vacation villa”) and its value entered into the client’s financial eligibility slip in the case management system. The client’s home, household goods, one car, or checking and/or savings account whose combined value is less than \$2000 need not be listed. If the client has no countable assets, the advocate or I&R specialist will type “None” in the appropriate field of the financial eligibility slip.

**OPTION 2** 1) An individual seeking assistance may not have total family assets, disregarding exclusions, if in excess of the following:

- a) Liquid assets of \$2,500; or non-liquid assets of \$20,000; or

- b) \$5,000 in liquid assets or \$40,000 in non-liquid assets if a member of the applicant's family is elderly, handicapped or institutionalized.
- 2) An individual seeking assistance may not have total family assets, disregarding exclusions, in excess of the following:
  - a) Liquid assets in excess of double, or non-liquid assets in excess of four times the estimated cost of obtaining private legal assistance for the matter on which assistance is sought; or
  - b) Liquid assets in excess of three times the estimated cost of obtaining private legal assistance for the matter on which assistance is sought, if a member of the applicant's family is elderly, handicapped or institutionalized, in which case non-liquid assets may be disregarded.
- 3) Exclusion: The following items are to be excluded from consideration in determining whether an individual seeking assistance has assets in excess of those permitted:
  - a) The principal residence of an individual seeking assistance, or of any member of the applicant's family.
  - b) The reasonable equity value in work-related equipment which is essential to the employment or self-employment of an applicant or members of an applicant's family.
  - c) Any assets which are exempted from execution by Texas or Federal Law.