

MLAC ELIGIBILITY POLICY  
ADOPTED 22 JUNE 2000  
AS AMENDED 25 JANUARY 2001  
AS AMENDED 19 DECEMBER 2013

§1 Indigent person

When determining whether a person is eligible to receive legal assistance supported by financial assistance from MLAC pursuant to §9, ch. 221A, M. G. L, a person shall be considered to be an “indigent person” if she/he or a member of the household receives public assistance under the Massachusetts Transitional Aid to Families with Dependent Children (TAFDC), Emergency Aid to Elders, Disabled and Children (EAEDC), means tested Veterans' benefits programs, receives assistance under Title XVI of the Social Security Act, is eligible for assistance from the MassHealth program or has income after taxes which is less than 125% of the federal poverty threshold established by the U.S. Secretary of Health and Human Services.

§2 Hardship

(a) An individual shall be deemed indigent due to hardship when she/he has gross family income that does not exceed one hundred and eighty-seven and one-half per cent (187.5%) or less of the current poverty threshold annually established by the U.S. Secretary of Health and Human Services if:

(1) The person's circumstances require that eligibility should be allowed on the basis of one or more of the factors set forth in Section 3(b) of this policy; or

(2) The person is seeking legal assistance to secure benefits provided by a governmental program for the poor.

(b) An individual shall be deemed indigent due to hardship when her/his gross income is primarily committed to medical or nursing home expenses.

(c) Those persons who, taking into account the level of their assets and the amount of their medical costs, would, if denied Medicare benefits, become indigent or eligible for assistance from the MassHealth program within one year of the day they contact the Medicare Advocacy Project. Social Security Disability Insurance claimants pursuing work incentives whose net incomes do not exceed 175% of the federal poverty guidelines may be represented. Such cases shall not exceed 5% of a local program's Disability Benefit Projects caseload.

(d) To prevent disruption, denial or interruption of services to clients otherwise found indigent under LSC guidelines, MLAC grantees may use MLAC funds to provide legal representation to any person who is eligible for services under LSC's financial eligibility guidelines.

### §3 Determination of eligibility

(a) The board of directors of an MLAC grantee shall adopt guidelines, consistent with this policy, for determining that a person is eligible to receive legal assistance supported by funds from the Massachusetts Legal Assistance Corporation.

(b) In addition to gross income, an MLAC grantee may consider the other relevant factors listed in this subsection before determining whether a person is eligible to receive legal assistance according to the policy set forth in section 2:

- (1) Current income prospects, taking into account seasonal variations in income;
- (2) Medical expenses, in exceptional instances, based on written documentation received by the recipient and available for review;
- (3) Fixed debts and obligations, including unpaid Federal, state and local taxes from prior years;
- (4) Child care, transportation, and other expenses necessary for employment;
- (5) Expenses associated with age or physical infirmity of resident family members; and
- (6) Other significant factors related to financial inability to afford legal assistance.