

List of Subjects in 45 CFR 235

Aid to Families with Dependent Children, Fraud, Grant programs—social programs, Public assistance programs.

Dated: April 6, 1989.

Catherine Bertini,
Acting Assistant Secretary for Family Support.

Approved: April 6, 1989.

Louis W. Sullivan,
Secretary of Health and Human Services.

Part 235 of Chapter II, Title 45 of the Code of Federal Regulations, is amended as set forth below:

PART 235—[AMENDED]

1. The authority citation for Part 235 is revised to read as follows:

Authority: Section 402 of the Social Security Act (42 U.S.C. 602).

2. New § 235.111 is added to read as follows:

§ 235.111 Pre-eligibility fraud detection measures.

(a) *State plan requirement.* A State plan under title IV, Part A of the Social Security Act must contain a description of the verification measures to detect fraudulent applications for AFDC prior to the establishment of eligibility for such aid.

(b) *Definition.* For purposes of this section, "verification measures" are actions taken by a State agency:

(1) To confirm information provided by an applicant to support his or her eligibility for AFDC; and

(2) To confirm information provided by an applicant that is relevant in determining the amount of the assistance payment.

Such actions involve the examination of supporting documentation in the applicant's possession and obtaining additional information, when necessary, from appropriate third party sources; also included are any periodic support activities taken by the State agency to enhance these actions. Examples of such measures include: automated data matches to establish the accuracy of statements on the application; use of error prone profiles; home visits or collateral contacts; credit bureau inquiries; and training on investigative interviewing techniques.

(c) *Annual evaluation.* A State agency shall make a written evaluation each calendar year of the effectiveness of its verification measures, submit a copy of the evaluation to the FSA Regional Office within 45 days following the end of the Federal fiscal year, and submit any appropriate amendments to its title IV-A State plan. The evaluation must include an assessment of verification measures such as home visits, credit bureau inquiries, data matches with entitlement programs in addition to those included in the State's Income and Eligibility Verification System (IEVS), or other similar measures implemented by States.

(d) *Federal financial participation.* Verification measures to detect fraudulent applications will be matched as administrative costs at a 50 percent rate.

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LEGAL SERVICES CORPORATION**45 CFR Part 1611****Eligibility; Income Level for Individuals Eligible for Assistance**

AGENCY: Legal Services Corporation.

ACTION: Final rule.

SUMMARY: The Legal Services Corporation is required by law to establish maximum income levels for individuals eligible for legal assistance. This document updates the specified income levels to reflect the annual amendments to the official Federal Poverty Income Guidelines as defined by the Department of Health and Human Services.

EFFECTIVE DATE: April 20, 1989.

FOR FURTHER INFORMATION CONTACT: Timothy B. Shea, General Counsel, Legal Services Corporation, 400 Virginia Avenue SW., Washington, DC 20025-2571; (202) 863-1823.

SUPPLEMENTARY INFORMATION: Section 1007(a)(2) of the Legal Services Corporation Act, 42 U.S.C. 2996f(a)(2), requires the Corporation to establish maximum income levels for individuals eligible for legal assistance and the Act provides that income shall be taken into account along with other specified factors.

Section 1611.3(b) of the Corporation's regulations establishes a maximum income level equivalent to one hundred and twenty-five percent (125%) of the official Federal Poverty Income Guidelines as defined by the Office of Management and Budget. Responsibility for revision of the official Federal Poverty Income Guidelines was shifted in 1982 from the Office of Management and Budget to the Department of Health and Human Services. The revised figures for 1989 equivalent to 125% of the current official Poverty Income Guidelines as set out at 54 FR 7098 (Feb. 16, 1989) are set forth below:

List of Subjects in 45 CFR Part 1611

Legal services.

PART 1611—ELIGIBILITY

1. The authority citation for Part 1611 continues to read as follows:

Authority: Secs. 1006(b)(1), 1007(a)(1), 1007(a)(2) Legal Services Corporation Act of 1974, as amended, 42 U.S.C. 2996e(b)(1), 2996f(a)(1), 2996f(a)(2).

2. Appendix A of Part 1611 is revised to read as follows:

APPENDIX A OF PART 1611—LEGAL SERVICES CORPORATION POVERTY GUIDELINES *

Size of family unit	All states but Alaska and Hawaii ¹	Alaska ²	Hawaii ³
1	\$7,475	\$9,350	\$8,587
2	10,025	12,537	11,525
3	12,575	15,725	14,462
4	15,125	18,912	17,400
5	17,675	22,100	20,337
6	20,225	25,287	23,275
7	22,775	28,475	26,212
8	25,325	31,662	29,150

* The figures in this table represent 125% of the poverty income level by family size as determined by the Department of Health and Human Services.

¹ For family units with more than eight members, add \$2,550 for each additional member in a family.

² For family units with more than eight members, add \$3,187 for each additional member in a family.

³ For family units with more than eight members, add \$2,937 for each additional member in a family.

Dated: April 17, 1989.

Timothy B. Shea,
General Counsel.

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