

Definition of Independent Student

HEA Section 480(d)

(d) INDEPENDENT STUDENT.— (1) DEFINITION.—The term “independent”, when used with respect to a student, means any individual who—

(A) is 24 years of age or older by December 31 of the award year;

(B) is an orphan, in foster care, or a ward of the court, or was an orphan, in foster care, or a ward of the court at any time when the individual was 13 years of age or older;

(C) is, or was immediately prior to attaining the age of majority, an emancipated minor or in legal guardianship as determined by a court of competent jurisdiction in the individual’s State of legal residence;

(D) is a veteran of the Armed Forces of the United States (as defined in subsection (c)(1)) or is currently serving on active duty in the Armed Forces for other than training purposes;

(E) is a graduate or professional student;

(F) is a married individual;

(G) has legal dependents other than a spouse;

(H) has been verified during the school year in which the application is submitted as either an unaccompanied youth who is a homeless child or youth (as such terms are defined in section 725 of the McKinney-Vento Homeless Assistance Act), or as unaccompanied, at risk of homelessness, and self supporting, by-

(i) a local educational agency homeless liaison, designated pursuant to section 722(g)(1)(J)(ii) of the McKinney-Vento Homeless Assistance Act;

(ii) the director of a program funded under the Runaway and Homeless Youth Act or a designee of the director;

(iii) the director of a program funded under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act (relating to emergency shelter grants) or a designee of the director; or

(iv) a financial aid administrator; or

(I) is a student for whom a financial aid administrator makes a documented determination of independence by reason of other unusual circumstances.

Relevant Definitions

- Defined in section 725 of the McKinney-Vento Homeless Assistance Act
- Parts of the definitions that apply only to elementary and secondary education have been deleted below

Homeless: Individuals who lack a fixed, regular, and adequate nighttime residence including youths who:

- Are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations;
- Are living in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement;
- Have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings; and
- Are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings

Unaccompanied: Not in the physical custody of a parent or guardian

Youth: 21 years of age or younger or still enrolled in high school



Dependency Status Questions From the 2012-13 Final FAFSA

Step Three (Student):

Answer the questions in this step to determine if you will need to provide parental information. Once you answer “Yes” to any of the questions in this step, skip Step Four and go to Step Five on page 8.

- 45. Were you born before January 1, 1989?
- 46. As of today, are you married? (Also answer “Yes” if you are separated but not divorced.)
- 47. At the beginning of the 2012-2013 school year, will you be working on a master’s or doctorate program (such as an MA, MBA, MD, JD, PhD, EdD, graduate certificate, etc.)?
- 48. Are you currently serving on active duty in the U.S. Armed Forces for purposes other than training? **See Notes page 2.** ...
- 49. Are you a veteran of the U.S. Armed Forces? **See Notes page 2.**
- 50. Do you have children who will receive more than half of their support from you between July 1, 2012 and June 30, 2013? ...
- 51. Do you have dependents (other than your children or spouse) who live with you and who receive more than half of their support from you, now and through June 30, 2013?
- 52. At any time since you turned age 13, were both your parents deceased, were you in foster care or were you a dependent or ward of the court? **See Notes page 9.**
- 53. As determined by a court in your state of legal residence, are you or were you an emancipated minor? **See Notes page 9.**
- 54. As determined by a court in your state of legal residence, are you or were you in legal guardianship? **See Notes page 9.** ...
- 55. At any time on or after July 1, 2011, did your high school or school district homeless liaison determine that you were an unaccompanied youth who was homeless? **See Notes page 9.**
- 56. At any time on or after July 1, 2011, did the director of an emergency shelter or transitional housing program funded by the U.S. Department of Housing and Urban Development determine that you were an unaccompanied youth who was homeless? **See Notes page 9.**
- 57. At any time on or after July 1, 2011, did the director of a runaway or homeless youth basic center or transitional living program determine that you were an unaccompanied youth who was homeless or were self-supporting and at risk of being homeless? **See Notes page 9.**



Notes for Questions 48 - 57

Notes for question 48 (page 5)

Answer **“Yes”** if you are currently serving in the U.S. Armed Forces or are a National Guard or Reserves enlistee who is on active duty for other than state or training purposes.

Answer **“No”** if you are a National Guard or Reserves enlistee who is on active duty for state or training purposes.

Notes for question 49 (page 5)

Answer **“Yes”** (you are a veteran) if you (1) have engaged in active duty in the U.S. Armed Forces (Army, Navy, Air Force, Marines or Coast Guard) or are a National Guard or Reserve enlistee who was called to active duty for other than state or training purposes, or were a cadet or midshipman at one of the service academies, **and** (2) were released under a condition other than dishonorable. Also answer **“Yes”** if you are not a veteran now but will be one by June 30, 2013.

Answer **“No”** (you are not a veteran) if you (1) have never engaged in active duty in the U.S. Armed Forces, (2) are currently an ROTC student or a cadet or midshipman at a service academy, (3) are a National Guard or Reserve enlistee activated only for state or training purposes, or (4) were engaged in active duty in the U.S. Armed Forces but released under dishonorable conditions.

Also answer **“No”** if you are currently serving in the U.S. Armed Forces and will continue to serve through June 30, 2013.

Notes for question 52 (page 5)

Answer **“Yes”** if at any time since you turned age 13:

- You had no living parent (biological or adoptive), even if you are now adopted; or
- You were in foster care, even if you are no longer in foster care today; or
- You were a dependent or ward of the court, even if you are no longer a dependent or ward of the court today. For federal student aid purposes, someone who is incarcerated is not considered a ward of the court.

The financial aid administrator at your school may require you to provide proof that you were in foster care or a dependent or ward of the court.

Notes for questions 53 and 54 (page 5)

The definition of legal guardianship does not include your parents, even if they were appointed by a court to be your guardians. You are also not considered a legal guardian of yourself.

Answer **“Yes”** if you can provide a copy of a court’s decision that as of today you are an emancipated minor or are in legal guardianship. Also answer **“Yes”** if you can provide a copy of a court’s decision that you were an emancipated minor or were in legal guardianship immediately before you reached the age of being an adult in your state. The court must be located in your state of legal residence at the time the court’s decision was issued.

Answer **“No”** if you are still a minor and the court decision is no longer in effect or the court decision was not in effect at the time you became an adult.

The financial aid administrator at your college may require you to provide proof that you were an emancipated minor or in legal guardianship.

Notes for questions 55–57 (page 5)

Answer **“Yes”** if you received a determination at any time on or after July 1, 2011, that you were an unaccompanied youth who was homeless or, for question 57, at risk of being homeless.

- **“Homeless”** means lacking fixed, regular and adequate housing. You may be homeless if you are living in shelters, parks, motels or cars, or are temporarily living with other people because you have nowhere else to go. Also, if you are living in any of these situations and fleeing an abusive parent you may be considered homeless even if your parent would provide support and a place to live.
- **“Unaccompanied”** means you are not living in the physical custody of your parent or guardian.



- **“Youth”** means you are 21 years of age or younger or you are still enrolled in high school as of the day you sign this application.

Answer **“No”** if you are not homeless or at risk of being homeless, or do not have a determination. You should contact your financial aid office for assistance if you do not have a determination but believe you are an unaccompanied youth who is homeless or are an unaccompanied youth providing for your own living expenses who is at risk of being homeless.

The financial aid administrator at your college may require you to provide a copy of the determination if you answered **“Yes”** to any of these questions.



Dependency Overrides

- CCRAA permits schools to accept a dependency override performed by another school within the same award year
- The school does not need to document the student's special circumstances
 - It need only document that it is accepting the dependency override already performed
 - The school that performed the dependency override is responsible for maintaining documentation
- Schools have complete discretion on which, if any, dependency overrides they will accept from another school

HEA Section 480(d)(2)

(2) SIMPLIFYING THE DEPENDENCY OVERRIDE PROCESS.—A financial aid administrator may make a determination of independence under paragraph (1)(I) based upon a documented determination of independence that was previously made by another financial aid administrator under such paragraph in the same award year.

