

## Understanding Recent Federal Guidance on Dependency Overrides

Students ages 18-24 have to provide parental information on the FAFSA, unless they fall into one of the enumerated categories of "independent students." But some students who fall outside of those categories might still be unable to provide parental information, especially students who are involved in the child welfare and juvenile justice systems. **Dependency overrides allow financial aid officers to make case by case determinations based on their professional judgment about whether a student should be considered independent.** In order for a student to qualify for such an override, the officer must determine that the student is experiencing "unusual circumstances."<sup>1</sup>

As part of the implementation of the FAFSA Simplification Act, the federal government released new guidelines on how to grant dependency overrides to students. This resource covers the information in those guidelines, available [here](#), and is intended to guide supportive adults and advocates assisting young people completing their FAFSA and seeking a dependency override.

### Who is an independent student?

In general, students under age 24 must submit their parents or guardian's tax information on financial aid applications in order to be considered for financial aid, unless they are an independent student. Students are deemed independent students if they meet any of the following qualifications:

- Student is married
- Student is a veteran or member of the armed forces
- Student is an orphan
- Student was a foster youth, ward of the court, or in legal guardianship after the age of 13
- Student is an emancipated minor
- Student is an unaccompanied homeless youth OR an unaccompanied youth who is self-supporting and at the risk of being homeless.
- Student has children or others who are legally dependent on them

See [here](#) for more information on the criteria to be considered an independent student. Students who do not fall under these categories must submit parental information on financial aid applications unless they are experiencing unusual circumstances.

### What is an unusual circumstance?

An unusual circumstance is one in which a student cannot enter parental information on the FAFSA because they cannot contact a parent or it would be unsafe for them to do so. Examples

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<sup>1</sup> Dependency overrides for unusual circumstances are sometimes referred to as professional judgment determinations or as special circumstances. However, these terms are not interchangeable. Professional judgment refers to all potential situations in which a financial aid administrator might exercise their professional judgment. Special circumstances refer to situations in which updated financial information might require an aid administrator to adjust a student's cost of attendance or student aid index. This resource covers the specific rules applicable to situations in which a student, due to unusual circumstances, needs a financial aid administrator to adjust their dependency status.

of unusual circumstances can include, *but are not limited to* the following:

- A student is a refugee or asylum seeker who has been separated from their parents.
- A student or their parents has experienced human trafficking.
- A student or their parents are incarcerated.
- A student's parents have abandoned them or a student is estranged from their parents.<sup>2</sup>
- A student cannot locate their parents.
- A student's parents are physically or emotionally abusive.
- A student's parents are incapacitated and lack the physical or mental ability to support them.
- A student's parents say they would support the student, but only if the student stopped identifying as LGBTQ.

Note that a student does not have to be living independently or without any support from adults in order to qualify as having an unusual circumstance. Many students who are estranged from their parents due to parental addiction, incarceration, abuse, or abandonment may be in informal living arrangements with or receive support from a grandparent, aunt/uncle, or other family member; the fact that they have family or supportive adults who care for them does not cancel out the unusual circumstance.

Examples of circumstances that do not, on their own, qualify:

- A student's parents do not want to fill out the FAFSA.
- A student has moved out and pays their own bills.
- A student's parents do not want to pay for a student's education.
- A student's parents do not claim the student as a dependent on their taxes.

**PRACTICE TIP 1:** If a student says to you that they cannot fill out the FAFSA because they can't get their parent's information, ALWAYS ask questions.

**Screen the student for the other independent student categories first**, with special attention to the foster youth and homeless or at risk of homelessness categories. Students may not realize that they qualify as homeless, because the definition of homelessness/at risk of homelessness is very broad. Students may also not realize that they have been in foster care, particularly if they are a student who was placed in foster care through the juvenile justice system. Foster care can include family-based, kin-based, and group home settings. Note, also, that students only have to have been in foster care for one day after the age of 13 in order to qualify as a foster youth on the FAFSA.

**If a student does not qualify under any of the other independent student categories, then screen for unusual circumstances.** A student may say "my parents won't fill out the FAFSA",

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<sup>2</sup> Per federal law, circumstances in which students cannot contact their parents or it would be unsafe for them to do so that involve human trafficking, legally granted refugee or asylum status, parental abandonment or estrangement, and student or parental incarceration MUST be considered as unusual circumstances.

which on its own is not a qualifying circumstance, but the reason that the parents won't fill out the FAFSA may be that they are abusive, have abandoned the student, or another unusual circumstance.

More information on the FAFSA for youth in foster care is available through [John Burton Advocates for Youth](#).

More information on the FAFSA for youth experiencing homelessness is available through [Schoolhouse Connection](#) and the [National Association for the Education of Homeless Children and Youth](#).

### **How can students get a dependency override?**

Beginning in the 2023-2024 FAFSA season, there are [new rules in place](#) that govern how educational institutions grant dependency overrides; these rules were passed with the intention of making the process easier and more transparent for students.

*Institutions must grant students the opportunity to apply for a dependency override.*

- All higher education institutions must have policies and processes for granting dependency overrides that they can share with students. These policies should include guidelines for requesting a dependency override on the basis of parental abandonment or estrangement, human trafficking, experiences with the refugee/asylee process, and student and parental incarceration, and for considering requests based on other unusual circumstances in which a student cannot contact a parent or it would be unsafe for them to do so.
- Institutions cannot maintain a policy of denying all requests, but must consider them on a case by case basis.
- All institutions must publicize that students may request dependency overrides.

*For 2023-2024, if FAFSA applicants state that they are unable to provide parent information due to unusual circumstances, the FAFSA will prompt them to contact their institution's financial aid officer.<sup>3</sup>*

This year, applicants who cannot provide parental information on the FAFSA due to unusual circumstances must contact their institution's financial aid office in order to complete their FAFSA. They can submit their incomplete FAFSA without parental information, but it will not be fully processed until a financial aid officer reviews their request for a dependency override.

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<sup>3</sup> Applicants using a paper FAFSA will see the following text in the FAFSA notes section "Under very limited circumstances (for example, your parents are incarcerated; you have left home due to an abusive family environment; or you do not know where your parents are and are unable to contact them), you may be able to submit your FAFSA form without parental information. If you are unable to provide parental information, skip Steps Four and Five, and go to Step Six. Once you submit your FAFSA form without parental data, you must follow up with the financial aid office at the college you plan to attend, in order to complete your FAFSA form."

Students in this situation should contact the financial aid office at the schools to which they are applying immediately after submitting their FAFSA. Depending on the state in which they live and the schools to which they are applying, students may miss opportunities for state and institutional aid if their FAFSA is not deemed *completed* prior to aid deadlines.<sup>4</sup>

The institution's financial aid administrator must provide them information about the process, requirements, and timeline for granting a dependency override. The administrator must ask for documentation to support the student's request for a dependency override based on unusual circumstances.

### **What documentation can support a student's request for a dependency override?**

Documentation can include, but is not limited to:

- A documented interview between the student and financial aid administrator
- Submission of a court order or Federal or State documentation showing that the student's parents or legal guardians are incarcerated in any Federal or State penal institution
- A documented phone call or written statement confirming the unusual circumstances with a child welfare agency, Tribal welfare authority or agency, an independent living case worker, or a public or private agency, facility, or program serving victims of abuse, neglect, assault, or violence.
- A documented phone call or written statement from a supportive adult, such as an attorney, guardian ad litem, court-appointed special advocate (CASA), TRIO or Gear UP program representative, teacher, counselor, medical authority, or clergy member.
- Documents such as utility bills or health insurance documents that show a separation from parents or legal guardians.
- Other documentation that the financial aid administrator determines to be adequate.

**PRACTICE TIP 2:** The law requires that documentation be provided to support the dependency override request, but it does NOT provide a prescriptive list or require that institutions collect a certain number or types of documentation. The list above provides examples of documentation that financial aid officers CAN consider. See the scenarios at the end of this document for how this might work in practice. Advocates and supportive adults should help students identify documentation to support their dependency override request and assist students when financial aid offices are requesting excessive documentation, or deny a request without considering any additional information.

### **How long does the institution have to consider the request for a dependency override?**

After the student has provided the requested information, the financial aid administrator must make a decision about whether or not to grant the dependency override as soon as possible, but no later than 60 days after the student enrolls.

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<sup>4</sup> States may have different policies regarding whether or not FAFSAs must be *submitted* or *completed* before certain deadlines in order to qualify for state aid programs. Best practice is to ensure that the student's FAFSA is *completed* as soon as possible after submission.

**Do students have to resubmit documentation and ask for a dependency override every time they renew the FAFSA?**

*Assuming their circumstances have not changed, students who receive dependency overrides will not have to resubmit documentation every time they renew their FAFSA at the same institution.*

Under prior rules, it was unclear whether or not institutions had to require students to resubmit documentation of their unusual circumstances every year they applied for financial aid. Now, schools must presume that a student who previously received a dependency override should continue to receive dependency overrides for each subsequent award year at the same institution. Schools can ask students to confirm that their circumstances have not changed, but they cannot require students to submit additional documentation unless the student tells them that circumstances have changed, or the school has received conflicting information about the student's circumstances.

Financial aid offices have to keep the information that the student provided them to support their dependency override for at least three years after the student's last term of enrollment

**What happens if a student transfers to a new school?**

If a student transfers to a new school, the new school can grant the student a dependency override based on the prior institution's determination. The financial aid administrator can call the prior institution or collect a written statement from them in order to verify the circumstances that led to the override. Or, the financial aid office at the new school can request documentation to evaluate the request for a dependency override under their own policy.

A best practice to assist students in navigating this process is to ensure that the student has a contact name, phone number, and email address from their prior school to provide to the new financial aid office. Students should also be encouraged to follow up with both their prior and new school to ensure that the appropriate information has been passed along.

**PRACTICE TIP 3:** *Beginning in 2024-2025, students will be able to submit the FAFSA as a "provisional independent student."* This means they will be able to submit the FAFSA without parental information as a "provisional independent student." Students will not have to contact financial aid offices in order to complete their FAFSA. This change allows their FAFSA to be fully processed so that they can receive their Student Aid Index and meet the deadlines for state scholarships like Cal Grant in California, for example.

After they submit their FAFSA, the financial aid administrators at the schools they sent their FAFSA to will be required to contact students and provide them information about the process to receive a dependency override, consistent with what is written in the above. While the financial aid office will be required to reach out to all students who have applied under provisional independent status to ensure that they have information about how to complete the process, it is recommended that advocates support students to proactively contact their

school's financial aid office about completing the dependency override process to make sure that they have the information needed to successfully complete the process.

## Case Examples

*The case examples below are intended to help illustrate the concepts described in this fact sheet and to provide guidance to supportive adults and advocates assisting young people seeking a dependency override.*

### Scenario 1:

Jon's father is incarcerated, and his mother has not supported him for the past five years. Jon lives with his grandma. He says his mom signed a form that lets his aunt make school decisions for him. Jon says that every once in a while, he gets a call or text from his mom, but he doesn't know where she's living, and she doesn't have a consistent phone number. He doesn't know the details, but he overheard some people at church saying that she is struggling with addiction to drugs. Last year on his birthday she sent him a \$100 bill, but neither he, his grandma, or his aunt, have received any other money from her before or since. Jon wants to fill out the FAFSA, but he doesn't think he can get his mom or his dad's information. What should you do?

### Recommendations:

Talk with Jon's aunt or grandmother to see if they have legal guardianship of Jon or are a kinship caregiver through the foster care system. If Jon's aunt or grandmother is his court-ordered legal guardian, or if Jon is in a foster care placement, he will qualify as an independent student *without* having to go through the dependency override process. However, it's possible that the form his mom signed letting his aunt make school decisions for him was not a court-ordered legal guardianship, in which case Jon will need to get a dependency override.

Second, ask for the dependency override process at the school(s) Jon is applying to. It may take some time to compile documentation for the financial aid office, and different schools may have different policies. Jon can request the override because he is experiencing circumstances where he cannot contact his parents and it may be unsafe to do so, specifically, parental incarceration, parental abandonment, and parental incapacitation.

With regard to Jon's dad, Jon will likely need to find documentation that his dad is incarcerated. He may be able to get records through the court that sentenced his dad, or by contacting the prison where his dad is incarcerated. You may also be able to find documentation online through a state or federal inmate locator, or through online court records.

Jon's mom is a trickier question. While it is clear that Jon has grounds to argue that his mom has abandoned him, and that she is incapacitated due to addiction, financial aid offices may vary in their definition of these grounds. Your best bet is to cover your bases and make sure that Jon has ample documentation showing **both** that she has abandoned Jon by not supporting or remaining in regular contact with Jon, **and** that due to her current circumstances, she is physically/mentally



incapacitated. Documentation that might be helpful could include:

- A written statement or phone call from a third party, like a family friend, teacher, coach, counselor, Al-Anon leader, medical professional, or clergy member who can affirm that Jon's mom has not supported him for five years, and/or that Jon's mom is unable to support him due to her addiction.
- A written statement or phone call from you affirming the situation.
- A signed written statement from his aunt and grandma explaining that his mom has not supported him for five years and that she is unable to support him.
- A copy of the form Jon's mom signed allowing the aunt to make educational decisions.
- A written statement from Jon about his circumstances.
- Relevant medical or court documents, for instance, showing that Jon's mom has been arrested due to drug use or that she has been referred to rehabilitation.

If the financial aid office requires an interview, or you think an interview would help Jon's case, you should help him prepare.

**Please see Practice Tip 2 about documentation to support applications. We encourage advocates to support students in gathering documentation to support their application, but, depending on their policy, a financial aid office should be satisfied with just one or two of these documents, especially since some of this documentation can be quite invasive.**

You should be aware that in an interview, or over the course of the dependency override process, the financial aid administrator might ask questions like “when did you last hear from your mom” or “has your mom sent you money in the last year?” as a way to define whether or not Jon's mom has abandoned him.<sup>5</sup> Jon has been contacted by his mom occasionally, and she has sent him money once, but he cannot locate her, and she has not provided any *meaningful* support over the past five years. Make sure that Jon is prepared to respond to questions like these and to provide additional details and context. If the financial aid administrator says that they have to deny the dependency override because Jon's mom has contacted him just once, remind them that they should also consider whether or not Jon's mom is incapable of supporting him, ask for the opportunity to provide additional documentation, and review their policy to see if there are any other avenues to ask for the override.

This process is likely to be emotionally challenging for Jon; it is important to make sure he feels supported throughout. Unfortunately, this process sometimes makes students feel like they are being accused of lying while they are trying to explain traumatic life events, particularly if the financial aid administrator with whom they are interacting does not have experience working with students who have experienced trauma.

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<sup>5</sup> Our hope is that financial aid offices will update their policies on abandonment to be more flexible, in accordance with the intent of federal law, but during this implementation period, financial aid offices may still be adhering to strict definitions of abandonment.

**Scenario 2:**

Alicia was granted asylum a few years ago, and is now a legal permanent resident. She lives with her aunt, who is not her legal guardian, and her three cousins. You remember her saying last year that they were sharing a converted garage, but that they were hoping to move to better housing soon. Alicia's dad was a permanent resident, too, but he was convicted of a crime and then deported back to El Salvador last year; she hasn't heard from him since. Alicia's father originally came to the United States fleeing gang violence; she hopes very much that he is in hiding, but she is not sure whether or not he is even alive. Alicia's mother crossed the border into the United States recently. She is in immigration detention in another state and is seeking asylum, but there are no guarantees. Alicia wants to go to college, but she does not have her parents' information to fill out the FAFSA. What should you do?

**Recommendations:**

First, screen Alicia for eligibility as an independent student under the homeless or unaccompanied and at risk of homelessness category. If Alicia qualifies as an independent student under this ground, she won't have to go through the dependency override process.

There are several facts that indicate that Alicia may qualify as homeless/at risk of homelessness. Alicia is unaccompanied because she is not living with a parent or guardian. The information you have indicates that Alicia was living in substandard housing last year, which would have qualified her as homeless under the McKinney-Vento Act, a federal law which provides a definition for homelessness. Depending on the specifics of her living arrangement with her aunt (for instance, is Alicia paying rent?) Alicia might also be considered self-supporting and currently at risk of homelessness. Based on the limited information we have; it seems possible that Alicia could qualify as independent as an unaccompanied homeless youth/unaccompanied youth who is self-supporting and at risk of homelessness.<sup>6</sup>

If Alicia doesn't qualify as an independent student under the homelessness category, you should find out what the dependency override process is at the school(s) Alicia is considering attending so that you can start assisting with gathering documentation. Alicia can request the override because she is experiencing circumstances in which she cannot reliably locate or contact her parents. She does not know where her father is, she and her mother have been separated due to the asylum process, and her mother is detained. If the school(s) Alicia is considering has a resource center that works with immigrant students (such as the DREAM Centers at California Community Colleges), they may also be useful to contact to help guide you and Alicia through the process.

With regard to Alicia's father, Alicia will want to provide information showing that she cannot locate her father. Unfortunately, the risks to people who have been deported after claiming asylum on the basis of gang violence are well documented by media and human rights organizations. He may be in hiding, or he might be deceased. Some documentation that might be helpful to provide to a financial aid officer may include:

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<sup>6</sup> A screening tool for unaccompanied homeless youth status is available here:  
<https://schoolhouseconnection.org/fafsa-screening-tool-for-high-school-counselors/>



- A written statement or phone call from Alicia's father's attorney, either in his criminal case or his immigration case (but preferably the immigration attorney).
- A written statement or phone call from a third party familiar with the situation, preferably someone who is also familiar with the situation in El Salvador, for instance, a clergy member, non-profit worker, advocate, or counselor who often works with families in similar situations. But, a teacher, coach, neighbor, employer, or family friend could also be a good resource.
- Documentation showing that Alicia's father was deported.
- A written statement from Alicia and/or her aunt.
- An article or report giving context about the risks to people deported to El Salvador from the United States.

With regard to Alicia's mother, Alicia will want to provide information indicating that she cannot regularly contact her mother due to the circumstances of immigration detention and the asylum process. Some documentation that might be helpful to provide to the financial aid officer includes:

- Documentation showing that she is in immigration detention, either through the ICE detainee locator or through her attorney or advocate (if she has one).
- A written statement from an attorney or advocate explaining the circumstances would also be helpful. It is important to note that such a written statement should NOT include details about Alicia's mother's case, which should remain confidential. Basic information explaining that when a person is in ICE detention, they have limited ability to communicate with outside parties and may be moved between facilities with little notice, and due to court backlogs, it is unclear when her mom will be released, would be relevant.
- As above, a written statement or phone call from a third party.

If the financial aid office requires an interview, or you think an interview would help Alicia's case, you should help her prepare.

**As noted above, depending on the specific financial aid office's policy, Alicia should not be required to provide all of the above documentation - these are just examples of documentation that could be helpful. Best practice by a financial aid office would NOT be to require that Alicia submit each and every one of these documents. Alicia would benefit from the support of an advocate to make sure this is the case.**

As in the prior scenario, this may be a difficult emotional process for Alicia. Depending on how much experience the financial aid office has with immigrant students, she may even need assistance to reassure the financial aid office that she, herself, is eligible for financial aid. Enlisting the assistance of a campus representative who works with immigrant students, if available, can be especially helpful.

### Scenario 3:

Kayla recently finished her term on juvenile probation. Her father is deceased, and she is staying with her stepmother, who is not her legal guardian. Kayla has a preschool aged son who is currently living with her boyfriend and his parents. Kayla is saving money at her new job, and she and her boyfriend hope to move in together soon with her son. Kayla is estranged from her mother, who disowned her when she found out Kayla was pregnant. Kayla's mom says that she'll fill out the parental information on the FAFSA if Kayla lets her babysit her son, but Kayla isn't comfortable giving her mom access to her son due to her mother's history of abusive and erratic behavior. Kayla wants to enroll in college soon, but is worried that she won't be able to get financial aid because of her mother and because of her involvement with the juvenile justice system. How can you help her?

### Recommendation:

First, reassure Kayla that her past juvenile justice system involvement does not impact her eligibility for federal financial aid. She can still qualify for aid, just like any other student.

Second, talk to Kayla about her prior juvenile justice involvement and, with her permission, ask her caseworker, probation officer, or attorney to confirm whether or not she was in a foster care placement (for instance, a qualifying residential treatment or group home placement) through the juvenile justice system when she was age 13 or older. If so, Kayla will qualify as independent under the foster care provision.<sup>7</sup>

Third, talk to Kayla about her financial relationship with her son—if Kayla provides more than 50% of support for her son's care during the 2023-24 award year, Kayla will be considered independent on the FAFSA under the ground that she is supporting a dependent. The fact that Kayla is planning on moving in with her boyfriend and son is a good indicator that Kayla will likely be providing significant support to her son during the award year, and Kayla may be providing support now, even though she is not living with her son. The rules around dependent children can get confusing, so talking to a campus resource center for parenting students or to a financial aid officer can be helpful. More information about dependency and parenting students is available [here](#).

If Kayla is not considered an independent student through the foster youth or students with dependents provision, assist her with applying for a dependency override. Kayla can request the override on the grounds that her mother has been abusive and is not safe for her to be in contact with. Depending on the specifics of the situation, she may also be able to request an override on the grounds of abandonment (similar to Jon in Scenario 1 above).

Some documentation that might be helpful to provide would include:

- A written statement or phone call from Kayla's attorney, caseworker, counselor, or probation officer regarding her mother's abusive behavior and/or lack of support. These statements or calls should not include any information about the details of Kayla's court

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<sup>7</sup> Note that in many states young people in the juvenile justice system are in placements that are considered "foster care" and thus may be considered independent if they were in foster care at age 13 or older.

case, and should focus only on affirming that Kayla's mom has disowned her and is not a safe person for her to be in contact with.

- Any other documentation indicating that Kayla's mom is not a safe person for her to be in contact with, for instance, if Kayla has a restraining order or no contact order, or documentation of prior involvement with the child welfare system. Text messages or emails from Kayla's mother exhibiting abusive behavior may also be helpful.
- A written statement or phone call from another third party knowledgeable about the situation, such as a teacher, coach, mentor, clergy member, family friend, or employer. Kayla's boyfriend's parents could potentially be helpful.
- A written statement or phone call from Kayla's stepmother.
- A written statement from Kayla.
- Financial documents like utility bills, benefits in Kayla's name, paychecks, etc. that demonstrate Kayla's separation from her mother. While the fact that Kayla earns money to cover her expenses is not, alone, a reason for a dependency override, together with other documentation, it can help demonstrate that her mother has abandoned her.

If the financial aid office requires an interview, or you think an interview would help Kayla's case, you should help her prepare.

**As noted above, depending on the specific financial aid office's policy, Kayla should not be required to provide all of the above documentation - these are just examples of documentation that could be helpful.**

Be aware that Kayla may not wish to share information indicating that she was previously involved in the juvenile justice system with the financial aid officer, even though her prior involvement with juvenile justice does not impact her financial aid eligibility. She may prefer for someone who is not clearly affiliated with probation to provide documentation, or she could request that her attorney, case manager, or counselor provide a statement that they have worked with her without mentioning the juvenile justice involvement specifically. In addition to Kayla's preference for keeping this information private, depending on state law, these actors may also have a legal duty to keep her juvenile justice history confidential.