



FLORIDA ATLANTIC UNIVERSITY

YOUR
FUTURE
AWAITS

Dependency Overrides and Unaccompanied Homeless Youth

Chrissy Gass

Director of Scholarships



What's the Difference?

Unaccompanied Homeless Youth

- To be considered an unaccompanied homeless youth on the FAFSA® form, an individual must be a youth who is (1) unaccompanied and homeless or (2) unaccompanied, self-supporting, and at risk of being homeless. This is a determination, not a Professional Judgment.

Unusual Circumstances (AKA Dependency Override)

- Refers to conditions that justify an aid administrator making an adjustment to a student's dependency status based on a unique situation (e.g., human trafficking, refugee or asylee status, parental abandonment, incarceration). This is a Professional Judgment.

If the circumstances resulted in the student not having a safe, stable place to live, they may be considered a homeless youth.



FAFSA Simplification Act Changes to Professional Judgment

The Act distinguishes between two different categories of professional judgment by amending section 479A of the HEA.

- **Unusual circumstances** refer to the conditions that justify an aid administrator making an adjustment to a student's dependency status based on a unique situation, more commonly referred to as a **dependency override**.
- Special circumstances refer to the financial situations that justify an aid administrator adjusting data elements in the COA or in the EFC calculation.



You should also be aware of the following important changes made by the Act as these affect your policies, procedures, and consumer information with respect to your authority to make professional judgments for unusual circumstances.

Schools may not maintain a policy of denying ALL requests for professional judgment, although you may use discretion to deny a particular student's request for an adjustment. A school can no longer choose to not perform professional judgments.

Schools must develop policies and processes for reviewing requests for professional judgment.

Schools must disclose publicly that students may pursue an adjustment based on special or unusual circumstances. This could include posting what may be considered a special or unusual circumstance on your website, including such information in mailings to students, or adding language on award notifications.

Schools may use a dependency override determination made by an FAA at another institution in the same or a prior award year.



Financial Aid Administrator's Role in Determining Dependency Status

The Department does not require you to verify that the student answered the dependency status questions correctly. However, you may choose to verify dependency status information if you have reason to believe it is incorrect. If you have conflicting information, you must verify the information.

You may be involved in the following ways:

Your school may require a student to verify foster care status, in which case you will need to know what the law considers to be adequate documentation.

You may need to determine if a student should be classified as an unaccompanied homeless youth, if they cannot get documentation from another authority.

You might decide that unusual circumstances warrant making an otherwise dependent student independent, commonly referred to as a dependency override.

You could have a student ineligible for a dependency override whose parents have ceased support. You can award a dependent-level Direct Unsubsidized Loan only.



Prohibited Uses for Professional Judgment

- Professional judgment does not allow you to do any of the following with respect to dependency status determinations:

make an otherwise independent student dependent (dependency overrides are a one-way option from dependent to independent)



make a dependent student independent based solely on the student not being claimed as a dependent on the parents' federal tax return



make a dependent student independent based solely on the student's demonstrated self-sufficiency

Form **1040** Department of the Treasury—Internal Revenue Service **2023** OMB No. 1545-0074 IRS Use Only—Do not write or staple in this space.

For the year Jan. 1–Dec. 31, 2023, or other tax year beginning _____, 2023, ending _____, 2023. See separate instructions.

Your first name and middle initial	Last name	Your social security number
If joint return, spouse's first name and middle initial	Last name	Spouse's social security number
Home address (number and street). If you have a P.O. box, see instructions.		Apt. no.
City, town, or post office. If you have a foreign address, also complete spaces below.		State ZIP code
Foreign country name	Foreign province/state/county	Foreign postal code

Filing Status Single Head of household (HOH)
 Married filing jointly (even if only one had income) You Spouse

Check only



Student Other Circumstances (Question 6) Unaccompanied Homeless Youth Determination

At any time on or after July 1, 2023, was the student unaccompanied and either (1) homeless or (2) self-supporting and at risk of being homeless?

If a student answers “yes” to this question, the form asks if there was a determination of this status made by one of the following:

- A high school or school district homeless liaison
- The director of an emergency shelter or transitional housing program funded by the U.S. Department of Housing and Urban Development
- The director of a runaway or homeless youth basic center or transitional living program
- If not, the Financial Aid Administrator (FAA) must determine if the student is an unaccompanied youth who is homeless or is self-supporting and at risk of being homeless.



Question 6 - Notes to the Student on FAFSA

- **“Homeless”** means lacking fixed, regular, and adequate housing. You may be homeless if you are living in shelters, parks, motels, hotels, public spaces, camping grounds, cars, abandoned buildings, or 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 otherwise provide a place to live.
- **“Unaccompanied”** means you are not living in the physical custody of your parent or guardian. If you selected “Yes” to being unaccompanied and homeless (or unaccompanied, self-supporting, and at risk of being homeless) at any time on or after July 1, 2023, select the appropriate box if you received a determination to that effect.
(The financial aid administrator at your college may ask you for a copy of the determination.) If you answered “Yes” but did not receive a determination from the persons listed, select “None of these apply” and contact the financial aid administrator at your college. This person can determine if you are “homeless” and, therefore, not required to provide parent information.



Terminology Continued

To be considered an unaccompanied homeless youth on the FAFSA[®] form, an individual must be a youth who is (1) unaccompanied **and** homeless **or** (2) unaccompanied, self-supporting, **and** at risk of being homeless.

- At risk of being homeless—when a student’s housing may cease to be fixed, regular, and adequate, for example, a student who is being evicted or has been asked to leave their current residence and has been unable to find fixed, regular, and adequate housing
- Self-supporting—when a student pays for his or her own living expenses, which includes paying for fixed, regular, and adequate housing

Housing

Fixed—stationary, permanent, and not subject to change

Regular—used on a predictable, routine, or consistent basis

Adequate—sufficient for meeting both the physical and psychological needs typically met in the home



From the FSA Handbook

A student is considered homeless if he or she lacks fixed, regular, and adequate housing. **This is broader than just living “on the street.”** It includes but is not limited to:

- Youth sharing housing with other people temporarily because they had nowhere else to go;
- Youth living in emergency or transitional shelters, for example, trailers provided by the Federal Emergency Management Agency after disasters;
- Youth living in motels, campgrounds, cars, parks, abandoned buildings, bus or train stations, substandard housing, or any public or private place not designed for humans to live in;
- Youth living in the school dormitory if they would otherwise be homeless; and
- Youth who are migrants and who qualify as experiencing homeless because they are living in circumstances described above.



Acceptable Documentation for UHY Override

In determining independence due to homelessness, FAAs must consider documentation from the following entities—provided through a documented phone call, written statement, or verifiable electronic data match—

- A local educational agency homeless liaison, as designated by the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11432(g)(1)(J)(ii)), or a designee of the liaison;
- The director of an emergency or transitional shelter, street outreach program, homeless youth drop-in center, or other program serving individuals who are experiencing homelessness, or a designee of the director;
- The director of a Federal TRIO program or a Gaining Early Awareness and Readiness for Undergraduate program (GEAR UP) grant, or a designee of the director; or
- A financial aid administrator at another institution who documented the student's circumstance in the same or a prior award year.
- In the absence of documentation from any of the individuals described above, **FAAs must make a case-by-case determination based upon a written statement from, or a documented interview with, the student** that confirms that they are an unaccompanied homeless youth, or unaccompanied, at risk of homelessness, and self-supporting.



Best Practices

Use discretion when gathering information and respect the student's privacy. Some information, such as that protected by doctor-patient privilege, is confidential. Also, documents such as police or Child Protective Services reports are not necessary.

Do not focus on why the student is homeless or unaccompanied, but on whether the evidence shows he or she is an unaccompanied homeless youth.

Unaccompanied homeless youth may use the address of your school as their own on the FAFSA form.



Student Unusual Circumstances (Question 7)

Do unusual circumstances prevent the student from contacting their parents or would contacting their parents pose a risk to the student?

A student may be experiencing unusual circumstances if they:

- Left home due to an abusive or threatening environment
- Are abandoned by or estranged from their parents
- Have refugee or asylee status and are separated from their parents, or their parents are displaced in a foreign country
- Are a victim of human trafficking
- Are incarcerated, or their parents are incarcerated, and contact with the parents would pose a risk to the student
- Are otherwise unable to contact or locate their parents.

If the student's circumstances resulted in their not having a safe, stable place to live, they may be considered a homeless youth and should review the answer to question 6 about being unaccompanied and homeless.



Unusual Circumstances Do Not Include

- Parents refuse to contribute to the student's education
- Parents will not provide information for the FAFSA form or verification
- Parents do not claim the student as a dependent for income tax purposes
- Student demonstrates total self-sufficiency



Documentation for Unusual Circumstances (DO)

- A documented interview between the student and the financial aid administrator
- Submission of a court order or official Federal or State documentation that the student or student's parents or legal guardians are incarcerated
- A documented phone call or written statement, which confirms the unusual circumstances with:
 - a state, county or Tribal welfare agency;
 - an independent living case worker who supports current and former foster youth with the transition to adulthood;
 - a public or private agency, facility, or program servicing the victims of abuse, neglect, assault, or violence
- A documented phone call or written statement from an attorney, guardian ad litem, a court-appointed special advocate (or similar), or a representative of a TRIO or GEAR UP program which confirms the circumstances and the person's relationship to the student
- A documented determination of independence made by a financial aid administrator at another institution in the same or a prior award year
- Utility bills, health insurance, or other documents that demonstrate a separation from parents or legal guardians



Notification to Students

You must notify students of your school's process, requirements, and reasonable timeline to review adjustment requests after their FAFSA form is submitted.

You must provide students with a final determination of their dependency status and financial aid award as soon as practicable after reviewing all requested documentation.

Be sure to retain all documentation, including documented interviews, related to the adjustment for at least 3 years after the student's last term of enrollment.



Processing Requirements –

You should presume that any student who has obtained an adjustment for unusual circumstances and a final determination of independence to be independent for each subsequent award year at the same institution unless the student informs the institution that their circumstances have changed or the institution has conflicting information about the student’s independent status.

Though you can ask students if their unusual circumstances have changed each year, you should not maintain a practice that delays or hinders financial aid for such a student, nor may you require the student to answer prior to packaging or disbursing aid, or require the student to submit additional documentation, **unless there is conflicting information that you need to resolve.**



Apply for a Direct Unsubsidized Loan Only (Question 8)

Are the student's parents unwilling to provide their information, but the student doesn't have an unusual circumstance, such as those listed in question 7, that prevents them from contacting the parents or obtaining their information?

If the answer is "Yes," a financial aid administrator at the student's school will determine their eligibility for a Direct Unsubsidized Loan only. If the student is approved for this option, they will not qualify to receive other types of federal student loans (including Direct Subsidized Loans), federal grants, or Federal Work-Study programs.



You may determine that a student in this situation can receive Direct Unsubsidized Loans only, up to the maximum he would normally be eligible for depending on his grade level (this does not include the additional amount a student can get when his parent is unable to get a PLUS loan).

You must still ensure that the student submits a FAFSA® form and passes all the eligibility matches. The result will be a rejected application with no EFC. You can then award the student the Direct Unsubsidized Loan.

For a student to be eligible for this provision, you must obtain documentation that **either** of the following conditions is applicable to the student:

the parents refuse to provide information on the student's FAFSA form

the parents do not and will not provide any financial support to the student

The documentation must include the date support ended. If the parents refuse to sign and date a statement to this effect, you must get documentation from a third party (the student himself is not sufficient), such as a teacher, counselor, clergy, or court representative. Financial support from the parent would include items such as car and health insurance for the student.



Scenarios

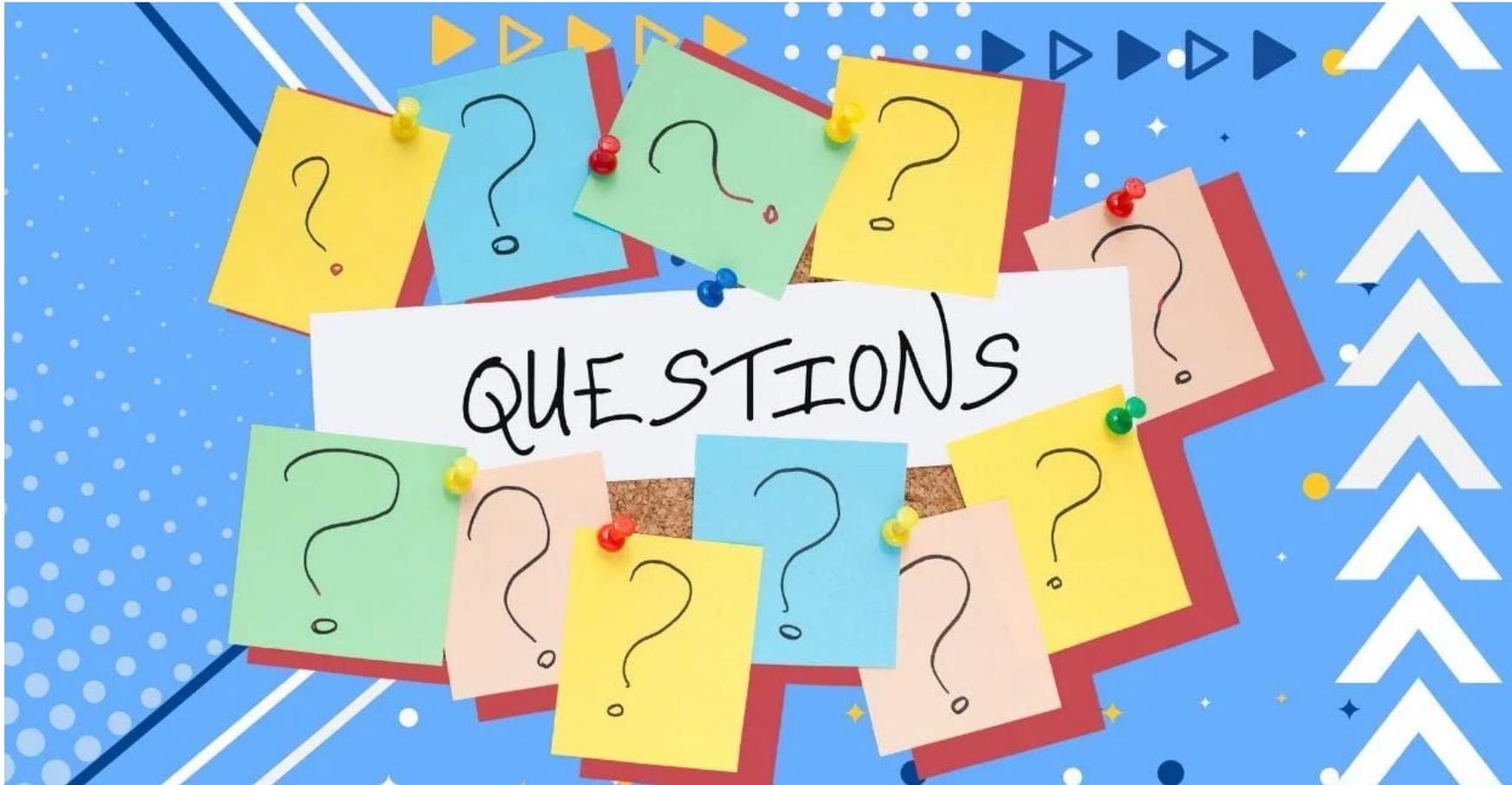
- You complete a Dependency Override for a student for the 2324 year. The DO carries over for 2425. In fall 2024, the student submits a SAP appeal. In their explanation for how they're doing better, they mention that they have reconciled their relationship with their parents, the whole family is in therapy and doing great now. What do you do?
- You have a determination of unaccompanied homeless youth status (UHY) from the director of a homeless shelter. You, however, have determined the student does not have UHY status. Is this permitted?
- 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. Would you consider a UHY determination? Why or why not? Would you perform a DO? What documentation would you request for in either circumstance?



Scenarios Part 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. They are sharing a converted garage, but that they hope 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. Would you provide a UHY determination? Why or why not? If not, would you perform a DO? What documentation would you ask for in either circumstance.
- A student moved into a homeless shelter when the dorms closed for spring break because they missed the deadline to stay on campus. They used that documentation to complete the FAFSA as an independent student even though they have a good relationship with their parents. Are they eligible for UHY determination?





Resources

(GEN-23-06) Unaccompanied Homeless Youth Determinations – Update

(GEN-22-15) FAFSA® Simplification Act Changes for Implementation in 2023-24

FSA Training – Professional Judgment and Dependency Status Determinations

HEA Amendment – Discretion of Student Financial Aid Administrators -

20 U.S.C.

United States Code, 2020 Edition

Title 20 - EDUCATION

CHAPTER 28 - HIGHER EDUCATION RESOURCES AND STUDENT ASSISTANCE

SUBCHAPTER IV - STUDENT ASSISTANCE

Part F - Need Analysis

Sec. 1087tt - Discretion of student financial aid administrators

From the U.S. Government Publishing Office, www.gpo.gov

FSA Handbook – Application and Verification Guide – Chapter 5 – Special Cases





Chrissy Gass - gassc@fau.edu

