

FEDERAL DEPENDENCY OVERRIDE CRITERIA FOR 2009-2010

The following guidelines summarize the criteria and documentation required for consideration of financial independence for federal aid. Any information submitted is strictly confidential and considered on a case-by-case basis. If you would like to discuss your independence claim with a financial aid advisor before submitting documentation, visit the Financial Aid Office.

FEDERAL AID

Federal Aid Programs include Work-Study, Pell Grants, Supplemental Grants, Perkins Loan, Nursing Loans, Direct Student Loans, and Direct Parent Loans. The only **automatic criteria** for being considered independent for the purposes of receiving federal financial aid are as follows:

1. Born before January 1, 1986
2. A veteran of the U.S. Armed Forces
3. Serving on active duty in the U.S. Armed Forces for purposes other than training
4. Graduate or married students
5. Having a dependent other than a spouse who lives with you and you provide more than 50% of their support
6. An orphan, ward of the court, or in foster care at any time since age 13
7. Emancipated minor as determined by a court in your state of legal residence
8. In legal guardianship as determined by a court in your state of legal residence
9. Unaccompanied homeless youth, determined by high school homeless liaison, director of an emergency shelter, or director of runaway youth basic center

If you do not meet one of the above automatic criteria but you believe you should be considered an independent student, you must submit written materials that support your claim of independence as described below. Your Financial Aid Advisor can use professional judgment to render you independent for the purposes of receiving federal forms of financial aid. However, such a decision will be made only after you have presented documents demonstrating the following:

1. Detailed letter from you explaining under what circumstances you left your parents' household and the facts supporting your claim to independence.
2. Describe your living situation and method of support since leaving your parents' home and provide appropriate documentation.
3. Submit letters from at least two reliable third parties (i.e. adult relatives beside your parents) who can support and verify your circumstances and the reason(s) leading to it. For example, this may include adults who are familiar with your situation, such as a counselor, teacher, clergy, attorney, and other adult relative besides your parents.

Note that the financial aid staff does not guarantee recognition of the independence of any student who does not meet the federal government's automatic criteria for independence. In all cases where the automatic criteria do not apply, the federal government has left the final decision on independence to financial aid personnel at each college. You have the burden to prove your independence, to our satisfaction, and that it was either beyond your control or in the best interest of your physical and/or psychological well-being.

Situations within your control or merely the decision by your parents not to financially support your cost of education are examples of circumstances which will not be considered for independence (ex. parents did not like the person you were dating so you moved out).

STATE DEPENDENCY OVERRIDE CRITERIA FOR 2009-2010

The following guidelines summarize the criteria and documentation required for consideration of financial independence for state aid. If you would like to discuss your independence claim with a financial aid advisor before submitting documentation to New York State, visit the Financial Aid Office.

STATE AID

State Aid Programs include the Tuition Assistance Program (TAP). When calculating a TAP award, TAP includes parent's income in the calculation for dependent students and excludes parent's income in the calculation for independent students. The conditions of financial independence for TAP are established in New York State Law and regulations:

1. If you are 35 years of age or older as of June 30, 2009.
2. If you have been honorably discharged from the armed forces of the United States, were not claimed as a dependent by either parent on their state or federal income tax returns for 2008 and will not be so claimed for 2009.
3. If you are under 35, and not a veteran, you must be able to answer "No" to each of the questions for each year listed in the table below to be considered independent by New York State.

Question	Year	Check One	
Did you or will you live in an apartment, house or building owned or leased by your parents for more than 6 weeks during each of the following years:	2008	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	2009	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	2010	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Were you or will you be claimed as a dependent on your parents' federal or state income tax return during each of the following years:	2009	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	2010	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Did you or will you receive gifts, loans or other financial assistance worth more than \$750 from your parents during each of the following years:	2008	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	2009	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	2010	<input type="checkbox"/> Yes	<input type="checkbox"/> No

4. If you are under 22, you must meet at least one of the following special conditions in addition to answering "No" to all the questions listed in the table above:
 - a. Your parents' inability to support you due to physical/mental capacity.
 - b. Your status (not your parents') as a recipient of Public Assistance (TANF) payments (not simply Medicaid or food stamps).
 - c. Your status as an orphan or ward of the court until age 18.
 - d. A dissolution of your relationship with your parents under circumstances initiated by your parents which can be verified by reliable third parties such as guidance counselors, clergy, court officers, medical personnel, or other legal authorities.

You will be asked by the New York State Higher Education Services Corporation (HESC) to document your **special conditions** once you have identified yourself as "independent" on the TAP application by answering no to the questions outlined in numbers 1-3 above.

These TAP guidelines were written with the philosophy that people are dependent upon their parents at least until age 22 unless death or severe family problems intervene. Your narrative and supporting documentation from others must be very detailed, citing the details of problematic family interaction. Examples of such situations include physical, emotional, psychological abuse, illegal activities of parents (sale/use of drugs, prostitution, gambling ring), abandonment by parents (actually being ordered to leave the family home). Letters of support are often written by social agency caseworkers, high school personnel, teachers, guidance counselors, social workers, psychologists, lawyers, and medical personnel. Documentation can include a restraining order, notice of court or police action, confirmation of long-term residential treatment or interaction with a mental health center.