

U.S. Department of Education Independent Student Definition

Section 480(d) of the Higher Education Act of 1965, as amended (HEA), defines an independent student as someone who fits into one or more specific categories. Under the categories, a student is independent and exempt from listing parental information on their federal student aid application if the student:

- Is 24 years of age or older by December 31 of the award year in question
- Was an orphan, foster child, or ward/dependent of the court at any time since the age of 13
- Is a veteran of the U.S. Armed Forces
- Is a married individual
- Has legal dependents other than a spouse that will receive more than half their support from the individual
- Has a legal guardian that has not legally adopted the student
- Is an unaccompanied homeless youth documented as such by a high school homeless liaison, emergency shelter, homeless youth shelter, or transitional housing program

Dependency Override Definition

In addition to the preceding categories, an individual who does not qualify as an independent student under one of these categories may be considered an “independent student” under section 480(d)(7) of the HEA. Under that provision, a student is considered to be an independent student if he or she is a student for whom a financial aid administrator makes a documented determination of independence by reason of other unusual circumstances. Such a determination by a financial aid administrator is called a “dependency override.”

Definition of “Unusual Circumstances” In Accordance With Dependency Override Regulations

Section 480(d) provides the financial aid administrator with latitude in determining what constitutes unusual circumstances. These practices include, for example, making dependency overrides in the following situations:

The student (’s)

- Has been physically, sexually, emotionally, or mentally abused by an immediate member of the family and has therefore removed from the parent(s) residence
- Parent(s) are incarcerated or hospitalized for long-term care
- Parent(s) are deceased
- Has had a death of a custodial parent and the student has no contact with the non-custodial parent
- Parent(s) cannot be located
- Was married and is now divorced

Required Documentation

Third party written documentation supporting a student’s unusual circumstance is required and must be provided by one of the following:

- School official
- Counselor
- Social Worker
- Teacher
- Member of the clergy
- Lawyer
- Judge
- Physician

Dependency Override Exclusions

In recent years, the Department of Education has identified conditions that, individually or in combination with one another, do not qualify as unusual circumstances and do not merit a dependency override:

- A parents refusal to contribute to the student’s education;
- Parents unwillingness to provide information on a student’s FAFSA;
- Parents unwillingness to provide information for income verification;
- Parents not claiming the student as a dependent for income tax purposes;
- Student’s unwillingness to reside in parents household;
- Student’s demonstration of total self-sufficiency

If you are applying for a dependency override based upon one or more of these conditions, your dependency override will not be granted.

Additional Exclusions

In most cases, a dependency override cannot be granted to a student residing in a parent’s household or to a student who was claimed as a dependent on the parent’s tax form. In addition, the fact that a student’s parents live in another country does not qualify as an unusual circumstance.

Also, in some cases emancipation of a student by his/ her parent(s) may not render the student independent for federal student aid application purposes.