



The University of Mississippi

Office of Financial Aid

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Policy Name: 3.6B Expected Family Contribution and Dependency Override Professional Judgments and Reviews

Purpose: This document contains the Office of Financial Aid's current policies and procedures for Expected Family Contribution (EFC) and Dependency Override Professional Judgments and Reviews.

Disclaimer: This policy is subject to change, without notice, in order to comply with administrative and regulatory requirements.

Policy Contents:

- 3.6.B Expected Family Contribution and Dependency Override Professional Judgments Overview
- 3.6.B.1 Professional Judgment Review Process
- 3.6.B.2 Dependency Override
- 3.6.B.3 Emancipated Minor
- 3.6.B.4 Homeless / Risk of Being Homeless
- 3.6.B.5 Legal Guardianship
- 3.6.B.6 Orphan / Ward of the Court / Foster Care
- 3.6.B.7 Proof of Dependents
- 3.6.B.8 Adjustment to Expected Family Contribution
- 3.6.B.9 Parent Attending College
- 3.6.B.10 Unsubsidized Direct Loan Request
- 3.6.B.11 Direct PLUS Loan Exceptional Circumstances

Definitions and Terms:

DOE – Department of Education
EFC – Expected Family Contribution
FAFSA – Free Application for Federal Student Aid
FSA – Federal Student Aid
OFA – Office of Financial Aid
PJ – Professional Judgment

Dependency status, as well as the EFC, are determining factors for a student's federal financial aid eligibility. In some cases the OFA may administer professional judgment on a case-by-case basis when there are unusual or special circumstances that would change a student's dependency status or allow for adjustments to the FAFSA data used to calculate the EFC.

The OFA requires certain documentation to support a student's request for a dependency status override, or for a request to make adjustments to the FAFSA that would affect the EFC. The OFA also reserves the right to request reasonable documentation to verify *any* FAFSA information related to student eligibility.

Concerning dependency status changes: The law governing the FSA programs is based on the premise that the family is the first source of the student's support, and the law provides several criteria that decide if the student is considered independent of his/her parents for aid eligibility. A student reaching the age of 18 or 21, living apart from his/her parent(s), or demonstrating self-sufficiency, does not affect the student's dependency status.

A student may be considered independent automatically if the student meets the following criteria:

- is or will turn age 24 before or by January 1 of the academic year in question,
- is married as of the date the student submits the FAFSA,
- is considered a graduate or professional student when the academic year starts,
- is currently serving on active duty for purposes other than training,
- is a veteran of the U.S. Armed Forces,
- has dependents other than a spouse,
- was an orphan, ward/dependent of the court, or in foster care at any time since the age of 13,
- is an emancipated minor or in legal guardianship or was when he reached the age of majority in his state, or
- was determined at any time since July 1 one year prior to the academic year to be an unaccompanied youth who was homeless or self-supporting and at risk of being homeless.

Concerning EFC changes: The EFC is a measure of how much the student/family might be expected to contribute to college expenses. It is calculated according to a formula specified in federal law, using the information reported on the FAFSA (including income, assets, the number of persons in the household, and the number of household members who are attending college for the award year). However if special circumstances exist, the EFC may not be the most accurate representation of the student/family finances. An individual re-evaluation of the student's or family financial circumstances may allow the OFA to reduce the EFC, which could qualify the student for more need-based aid.

Part 3.6.B.1

Professional Judgment Review Process & Correspondence

The OFA reviews PJs by a committee of financial aid professionals. The following PJs and reviews are handled by this committee:

- Dependency Override
- Emancipated Minor
- Homeless /Risk of Being Homeless
- Legal Guardianship
- Orphan / Ward of the Court / Foster Care
- Proof of Legal Dependents
- Adjustment to Expected Family Contribution
- Parent Attending College
- Unsubsidized Direct Loan Request
- Direct PLUS Exceptional Circumstances*

**The Direct PLUS Exceptional Circumstances PJ can only be initiated by the OFA.*

All correspondence from the OFA regarding professional judgment reviews will be carried out through email. Therefore, the student is responsible for checking his or her Ole Miss email account regularly. If the student does not use their Ole Miss account, it is recommended that he or she forward it to an active email account.

Part 3.6.B.2

Dependency Override Professional Judgment

Eligibility for federal student aid is based on the assumption that the student and parent(s) are primarily responsible for the student's educational costs. If the directions on the student's FAFSA instruct the student to provide parent information, then by law the student is considered to be a dependent for federal aid purposes. However, the OFA does have the authority to review individual cases and may be able to assist students with unusual circumstances who are technically dependent but who do not or cannot have contact with either parent.

Please note that the conditions below, singly or in combination, **DO NOT QUALIFY** as unusual circumstances meriting a dependency override:

- Parents refuse to contribute to the student's education.
- Parents are unwilling to provide information on the student's FAFSA (or for verification).
- Parents do not claim student as a dependent for tax-filing purposes.
- Student demonstrates total self-sufficiency.

Some unusual circumstances which qualify as considerations for a dependency override may include but are not limited to:

- Parental abandonment of the student.
- Abusive family environment which threatens the student's health or safety.
- Student's inability to locate parents for a long-term and on-going basis.

Dependency Override Documentation Submission Requirements

In order to initiate the review process, the student must complete the Dependency Override PJ form and attach supporting documentation from two responsible adults who know and can document the reason(s) for the unusual circumstances that cause estrangement or inability of contact between the student and his or her parent(s). At least one statement should be from a professional individual (e.g., teacher, counselor, medical professional or authority, member of the clergy, prison administrator, government agency, or court).

This form is available at: https://finaid.olemiss.edu/pj_dependencyoverride/

Requests for a Dependency Override are considered on a case-by-case basis each academic year and will require, if deemed necessary, the submission of new or updated documentation each year a petition is submitted.

Part 3.6.B.3

Emancipated Minor Professional Judgment

“Emancipation of a minor” is a legal procedure that frees children from the custody and control of their parents or guardians before they reach the age of majority. The age of majority for each state is determined by that individual state.

Documentation of a student's claim that he/she is emancipated must be provided before the OFA can award or disburse federal or other need-based aid.

The United States Department of Education does not recognize emancipation of a Mississippi resident* as being valid to establish independent student status for Title IV federal financial aid.

Emancipated Minor Documentation Submission Requirements

The student can document his or her emancipated minor status by:

- Providing a copy of a court's decision that as of today the student is an emancipated minor.

OR

- Providing a copy of a court's decision that the student was an emancipated minor before he or she reached the age of being an adult (majority) in his/her state.

The student must complete the Emancipated Minor PJ form and provide it in addition to the required documentation as listed.

This form is available at: https://finaid.olemiss.edu/pj_emancipatedminor/

*NOTE: The U.S. Department of Education does not recognize emancipation of Mississippi residents as valid consideration for independent student status because Mississippi's code § 93-19-1, sometimes referred to as the "Removal of Disability of Minority" may be granted to Mississippi residents under the age of majority (21) for purposes concerning real estate only (i.e., selling, leasing, entering into contractual agreements, etc.). The terms of Mississippi's code do not indicate the revocation of parental rights, or other circumstances for which the U.S. Department of Education would consider a student "independent" from their parents (i.e., a severed or broken relationship between minors and parents). Mississippi students under the age of 21, granted emancipation in Mississippi, are still required to include parent information on the FAFSA unless they would meet any of the other independent status criteria as indicated on the FAFSA.

Part 3.6.B.4

Homeless / Risk of Being Homeless Professional Judgment

Under the Stewart B. McKinney-Vento Homeless Assistance Act of 1987, "homeless children and youth" are defined as individuals who lack fixed, regular, and adequate housing. The act further defines the term of "unaccompanied youth" as individuals who are not in the physical custody of a parent or guardian. To be considered an unaccompanied homeless youth, an individual must meet both of these definitions.

Documentation of a student's claim that he/she is homeless or at risk of being homeless must be provided before the OFA can award or disburse federal or other need-based aid.

Homeless / Risk of being Homeless Documentation Submission Requirements

The student can provide proof of their status by verifying that:

- Any time on or after July 1 (of the calendar year that precedes the award year in question), the student's high school or school district homeless liaison determined that the student was an unaccompanied youth who was homeless,

OR

- Any time on or after July 1 (of the calendar year that precedes the award year in question), the director of an emergency shelter or transitional housing program funded by the U.S. Department of Housing and Urban Development determined that the student was an unaccompanied youth who was homeless,

OR

- Any time on or after July 1 (of the calendar year that precedes the award year in question), the director of a runaway or homeless youth basic center or transitional living program determined that the student was an unaccompanied youth who was homeless or was self-supporting and at risk of being homeless.

The student must complete the Homeless/Risk of Being Homeless PJ form and provide it in addition to the required documentation as listed.

This form is available at: https://finaid.olemiss.edu/pj_homeless/

Part 3.6.B.5

Legal Guardianship Professional Judgment

“Legal guardianship” is a formal decision by a judge that suspends parents’ custody of their child and gives custody to a non-parent. The kinds of people the courts appoint as guardians vary by state.

Documentation of a student’s claim that he/she is in legal guardianship must be provided before the OFA can award or disburse federal or other need-based aid.

Legal Guardianship Documentation Submission Requirements

The student must document their legal guardianship status by:

- Providing a copy of a court’s decision that as of today the student is in legal guardianship,
OR
- Providing a copy of a court’s decision that the student was in legal guardianship before he or she reached the age of being an adult (majority) in their state.

Please note: the court must be located in the student’s state of legal residence at the time the court’s decision was issued.

The student must complete the Legal Guardianship PJ form and provide it in addition to the required documentation as listed.

The Legal Guardianship form is available at: https://finaid.olemiss.edu/pj_legalguardianship/

Part 3.6.B.6

Orphan / Ward of the Court / Foster Care Professional Judgment

The following circumstances permit a student to be considered independent:

- **Orphan:** A student is considered an orphan if both of his or her biological or adoptive parents are deceased. The student is eligible for a PJ if he/she meets this definition and has no living parent (biological or adoptive) since turning age 13.
- **Ward of the Court:** A student to whom a guardian has been appointed by the court or who has become directly subject to the authority of the court. The student is eligible for this PJ if he/she has been a Ward of the Court any time since turning age 13.
- **Foster Care:** A 24-hour substitute care for children placed away from their parents or guardians and for whom the State agency has placement and care responsibility. The student is eligible for this professional judgment if he/she has been in foster care at any time since turning age 13.

Documentation of a student's claim of orphan, ward of the court, or foster care status must be provided before the OFA can award or disburse federal or other need-based aid.

Orphan / Ward of the Court / Foster Care Documentation Submission Requirements

The student must complete the Orphan / Ward of the Court / Foster Care PJ form and provide it and the appropriate documentation as follows:

- For Orphan status: a copy of the death certificate for both parents and a copy of the student's birth certificate
- For Ward of the Court status: a copy of the relevant court decree
- For Foster Care status: a copy of the relevant court decree

This form is available at: https://finaid.olemiss.edu/pj_fostercareorphan/

The OFA defines “legal dependents” for purposes of Title IV federal aid as individuals that the student will support between July 1 and June 30 of the school year in question.

Support is defined as monetary sources of funds used to provide the following:

- Money
- Housing
- Food
- Clothes
- Childcare
- Medical/dental care
- College costs
- Transportation

Documentation of a student’s claim of having legal dependents must be provided before the OFA can award or disburse federal or other need-based aid.

Proof of Dependents Documentation Submission Requirements

The student should provide the following documents to substantiate the claim:

1. The student’s most recent Federal Income Tax Returns, W-2 forms and applicable tax schedules C or F (if the student did not file a tax return, but received wages during the prior year, the student must still submit W-2 forms, or submit his or her most recent pay stub that reflects their year-to-date income).
2. Legal documentation (birth certificates, custody paperwork, etc.) for each legal dependent.
3. Rent or lease agreement or copy or proof of mortgage.

The student can include his or her children only if they receive more than half of their support directly from the student and will continue to receive more than half of their support from the student through the end of the school year. The student may include other legal dependents only if they meet ALL of the following criteria:

- They currently live with the student, AND
- They currently receive more than half their support from the student, AND
- They will continue to receive more than half their support from the student the entire school year.

The student must complete the Proof of Legal Dependents PJ form and provide it in addition to the required documentation as listed.

This form is available at: https://finaid.olemiss.edu/pj_dependentsproof/

A student may complete an Adjustment to EFC PJ request if they, their spouse's, or their parents' (for dependent students) financial, marital, or family situation has changed or differs significantly from the information he or she originally provided on the FAFSA for the current academic year (which is based on two preceding years' income and assets).

Adjustment to EFC Documentation Submission Requirements

Appropriate reasons for an adjustment to a student's EFC include:

- A change in the family situation has occurred due to the death of a spouse or a parent
- There are losses of income or benefits
- A change in marital status has occurred since initial application for financial aid was processed (involving the student himself/herself, OR a dependent students' parents)
- Extraordinary medical/dental expenses have been paid
- A significant amount of one-time income was reported on the previous year's Federal Income Tax that will not be received for the current year
- There are other unusual or special circumstances that must be considered

The student must complete the Adjustment to Expected Family Contribution PJ form and provide it in addition to the required documentation as listed in the form.

This form is available at: https://finaid.olemiss.edu/pj_efc/

A student may complete a "Request to Include Parent in College" PJ if they wish to include their parent(s) on the current FAFSA in the number in college (if the student's parent is attending college less than half-time, the student may not include his or her parent in the number in college on the FAFSA, and in this case there is no need to complete this PJ request).

Parent Attending College Documentation Submission Requirements

The student should provide:

- Proof of at least half-time enrollment in degree/certificate program from their parent's school Registrar for the applicable academic year, AND
- An official statement from the parent's employer indicating the employer is not paying or subsidizing the parent's classes.

The student must complete the Request to Include Parent in College PJ form and provide it in addition to the required documentation as listed.

This form is available at: https://finaid.olemiss.edu/pj_parentattendcollege/

Part 3.6.B.10

Unsubsidized Direct Loan Request Professional Judgment

Dependent students must typically provide parental data on the FAFSA in order to determine financial aid eligibility. If the student failed to provide this information initially on his or her current FAFSA, corrections can be made at <https://fafsa.gov>. The only exception is for students whose parents do not support them and refuse to complete a FAFSA. If this circumstance applies to the student, the student may submit the Unsubsidized Direct Loan Request PJ form.

Federal regulations do allow a dependent student to be awarded a Federal Unsubsidized Direct Loan if the OFA can verify that the parent(s) ceased financial support to the student and the parent(s) refuses to provide parental information on the student's FAFSA. However, student information must be submitted on the FAFSA.

If the request is approved by the OFA, the student will be eligible to receive ONLY an Unsubsidized Federal Direct Loan subject to the annual borrowing limits based upon the student's grade level. No other federal, state, or university need-based aid will be available, and the student's parent(s) will not be eligible to apply for a Direct PLUS Loan for the student. An approved student will remain in a dependent status, and will only be eligible to apply for Credit-Based Private Student Loans if additional aid is needed during the academic year.

Unsubsidized Direct Loan Request Documentation Submission Requirements

The student must complete the Unsubsidized Federal Direct Loan Request PJ form signed by the student. A signed and dated statement from one parent must be attached which specifically states that the parent(s):

- Stopped providing financial support to the student, including the date when financial support ceased.
- Will not provide financial support in the future (including cash and non-cash support, such as room and board).
- Refuse to complete the parental section of the student's FAFSA.

This form is available at: https://finaid.olemiss.edu/pj_umsubloanrequest/

The OFA reserves the authority to award additional Direct Unsubsidized Loan funds to a dependent undergraduate student based on a determination that the student's parent is unable to borrow a Direct PLUS Loan due to having an adverse credit history or other exceptional circumstances (see DCL GEN-11-07 (<https://ifap.ed.gov/dpcletters/GEN1107.html>)).

The OFA makes this determination on a case-by-case basis, and maintains proper documentation. In addition to circumstances in which a credit check shows that a parent has an adverse credit history, exceptional circumstances include, but are not limited to, the following:

- The parent is incarcerated;
- The parent's whereabouts are unknown;
- The parent is not a U.S. citizen or is unable to provide evidence that he or she is in the United States for other than a temporary purpose with the intention of becoming a citizen or permanent resident;
- The student's parent receives only public assistance or disability benefits, and the school has documented that the parent would not be able to repay the PLUS Loan;
- The parent has filed for bankruptcy and has provided documentation from the bankruptcy court stating that as a condition of the bankruptcy filing, the parent may not incur any additional debt; or
- The school has examined the family financial information and documented the parent's likely inability to repay the PLUS Loan due to an existing debt burden or the parent's expected income-to-debt ratio.

The following conditions **do not** constitute exceptional circumstances:

- Parent(s) refusal to borrow a Direct PLUS loan;
- OFA administrator's belief that a parent should not borrow a Direct PLUS loan (without documentation of exceptional circumstances).