

California Domestic Partner Rights Act Prompts Changes for Some Students in Eligibility for State and Institutional Aid Programs

The California Domestic Partner Rights and Responsibilities Act of 2003 seeks to secure for eligible couples who register with the State of California as domestic partners the “full range of legal rights, protections and benefits, as well as all of the responsibilities, obligations, and duties to each other, to their children, to third parties and to the state, as the laws of California extend to and impose upon spouses.” Provisions that became effective January 1, 2005 will impact the determination of eligibility for California state student financial aid programs and aid programs of California public institutions.

California’s Secretary of State maintains a registry of domestic partnerships between the same-sex couples and opposite-sex couples in which at least one of the individuals is over age 62. Additional information on the registry is at <http://www.ss.ca.gov/dpregistry/>. Students who are registered as domestic partners with the California Secretary of State on and after January 1, 2005, or dependent students whose custodial parent is registered as a domestic partner with the California Secretary of State on and after January 1, 2005 must contact the financial aid office regarding additional information that is required in order to establish eligibility for state and institutional aid under the provisions of this new law.

California’s recognition of registered domestic partnerships does not apply for the purposes of federal student financial aid programs. The Free Application for Federal Student Aid (FAFSA) used in applying for state and institutional financial aid, as well as federal aid, does not provide for the collection of information related to domestic partnerships.

Students who do not currently qualify as independent students for financial aid purposes may, as a result of a registered domestic partnership, be considered independent for state and institutional aid programs but not for federal aid programs. Revisions to eligibility determination for state and institutional aid programs will require that the student be treated the same as a married student, ignoring the resources of the student’s parents, but adding the resources of the student’s domestic partner in establishing the Expected Family Contribution. This will require the collection of additional information on the combined household of the student and the domestic partner as well as the domestic partner’s financial resources. Some adjustments to the student’s Cost of Attendance might be appropriate to recognize additional expenses associated with dependent care.

Dependent students whose custodial parent is a registered domestic partner will need to supply additional information on the combined household and the financial resources of the parent’s domestic partner and those resources will be used in determining the Expected Family Contribution and the resultant eligibility for state and institutional aid programs.

Financial aid administrators at campuses of the California State University are available to advise students and parents regarding the additional information that is required to ensure that, for purposes of state and institutional financial aid programs, registered domestic partners are treated in similar fashion to married couples.