

University of California
Domestic Partnerships – Financial Aid Eligibility
“AB 205”
Q & A

THE LAW

What is the California Domestic Partnership Rights and Responsibilities Act of 2003?

It is an Act passed by the California legislature and signed by Governor Davis in September of 2003 that is designed to give persons living in registered domestic partnerships rights and responsibilities more similar to those of marriage. The Act is sometimes referred to by its bill designation of “AB205.” It is in California’s Family Code beginning at section 297.

When does the Act go into effect?

Even though the Act was passed in 2003, its provisions did not go into effect until January 1, 2005. It affects UC institutional aid that will be disbursed after January 1, 2005. This will be discussed in more detail below.

Who is affected by the Act?

The Act affects persons in registered Domestic Partnerships on or before January 1, 2005 and those entering into Domestic Partnerships after January 1, 2005 with many of the rights and responsibilities of married couples. The law also applies to persons who entered into the equivalent of a California Domestic Partnership in another state or country.

THE PROCESS: CREATING OR ENDING A DOMESTIC PARTNERSHIP

How is a Domestic Partnership created?

For the Domestic Partnership Rights and Responsibilities Act to apply, the parties must register the partnership with the California Secretary of State. Persons are eligible to enter into registered Domestic Partnerships if:

They share a common residence;

They agree to be jointly responsible for each other’s basic living expenses;

They are not related by blood in such a way that would make them ineligible to be married;

They are both over the age of 18;

Either they are both members of the same sex, or they are of different sexes and one is either over 62 years old or eligible for Social Security old age benefits

For more details, consult the Secretary of State's Domestic Partnership website at <https://www.sos.ca.gov/registries/domestic-partners-registry/> .

THE EFFECT ON STUDENT FINANCIAL AID

Regarding student financial aid, who will be affected by the Act?

Just as with marriage, the existence of a Domestic Partnership may affect financial aid in two possible circumstances—either when a student (dependent or independent as defined by federal financial aid rules) is in a Domestic Partnership, or when a dependent or independent professional student's custodial parent (again, as defined by federal financial aid rules) is in a Domestic Partnership.

Does the Domestic Partnership Act affect a student's federal award?

No. The Domestic Partnership Act is a state law and does not affect Federal financial aid awards. However, if a student's Domestic Partnership results in a change in state or UC grant or loan assistance, the student's eligibility for need-based federal aid other than a Pell grant may be affected.

How will a student's state and UC institutional financial aid award be affected?

As with a married student, if a student who would otherwise be considered a dependent is in a Domestic Partnership, their financial aid package will be calculated as if they were an independent student. The income and assets of the student's parents would not be considered, but the income and assets of the partner would be considered in the same manner as a spouse. Similarly, an independent student would be treated as if the Domestic Partner were his or her spouse, and the partner's income and assets would be considered in determining the student's financial aid package.

If a dependent student's custodial parent is in a Domestic Partnership, then the parent's partner would be treated as a spouse and their combined income and assets would be considered, as in the case of married couples. Whether or not the non-custodial parent of the student is in a Domestic Partnership is not relevant.

UCSD Medical & Pharmacy Students

Since the parents' information is taken into consideration when awarding school-based grants and loans to a UCSD medical or pharmacy student, it would be necessary to consider the financial information of the *parent's* domestic partner when awarding UC grant and loan money to a student whose custodial parent is in a Domestic Partnership. However, the information of the parent's domestic partner would not be taken into account when determining eligibility for federal funds such as Federal Stafford Loan, Loans for Disadvantaged Students, Health Professions Loans or Primary Care Loans.

Will the Act increase or decrease a student's eligibility for financial aid?

It depends. It is possible that if a student's partner (or the custodial parent's partner) has significant income or assets, the student's eligibility for state and institutional aid will decline. Conversely, if the partner has few financial resources, or if the partner is also enrolled full time in college, the student's eligibility may increase, decrease or not change.

If a student (or a student's custodial parent) is in a Domestic Partnership, must the student disclose that fact and disclose information about the income, assets, or student status of the Domestic Partner?

All UC students in a Domestic Partnership (or with a custodial parent in a Domestic Partnership) must report this fact in the course of the application process involving the FAFSA, and the UC Domestic Partnership declaration

How does a student report a Domestic Partnership?

A student in a Domestic Partnership, or whose custodial parent is in a Domestic Partnership, must notify the campus Financial Aid office. (For UCSD medical and pharmacy students, this is the Health Sciences Financial Aid Office, MTF Rm 162 B.)

In order to process a student's financial aid application, the campus Financial Aid office needs information regarding a student's (or his or her parent's) Domestic Partnership. However, the FAFSA does not have any provision for reporting the existence of a Domestic Partnership or the income/asset information on the school attendance status of a Domestic Partner. Financial aid applicants who are in a Partnership, or whose custodial parent is in a Partnership, must report the Domestic Partnership to the campus Financial Aid Office by means of forms developed by the campus.

Is there a deadline for reporting a Domestic Partnership?

UC Financial Aid offices will not observe any deadline for reporting Domestic Partnerships for 2004-05 or 2005-06. In future years campuses may institute a deadline.

Does documentation on the status of a Domestic Partnership need to be provided?

Campus Financial Aid Offices will require documentation on Domestic Partnerships in the same manner and to the same extent that they currently require documentation on marriage. Most campuses require documentation of marital status only in limited situations. Those same campus standards will be used for requiring documentation of Domestic Partnerships.

If required, what documentation will serve to verify that a Domestic Partnership has been entered into/dissolved?

To establish that a Domestic partnership exists, a student must produce either the Declaration of Domestic Partnership that was filed with the California Secretary of State's office or a copy of the Certification of Domestic Partnership issued by the California Secretary of State's office. UC General Counsel will determine the validity of partnerships entered into outside of California on a case-by-case basis.

When a domestic partnership is terminated by the parties notifying the California Secretary of State of their wish to end the partnership (see above), a copy of the form is the only documentation that will exist. A copy of the form is available from the Secretary of State for a nominal fee. Where the partnership is dissolved by judicial action, the student must produce a copy of the dissolution decree from the court.

If a student loses eligibility for state or institutional aid because of a Domestic Partnership, can the campus Financial Aid Office ignore the Partnership and process the student's application as if they were single?

No, the Financial Aid Office has no discretion to disregard the existence of a Domestic Partnership after they learn of its existence, just as the Financial Aid office has no discretion to disregard knowledge of the existence of a marriage.