

Voice for Adoption

SPEAKING OUT FOR OUR NATION'S WAITING CHILDREN

EXPANDED ACCESS TO COLLEGE FINANCIAL AID FOR FORMER FOSTER YOUTH

A new federal law removes a financial disincentive to adopting teens in foster care

How Will the New Law Help Youth?

The new law will make it possible for teens in foster care to be adopted without losing access to college financial aid. Under this new law, youth who are adopted from foster care at any point after their 13th birthday will not have to include their parents' income in the calculations for determining their need for financial aid.

The Fostering Adoption to Further Student Achievement Act became law as an amendment to the College Cost Reduction and Access Act (Public Law 110-84). This law includes a revised definition of an "independent student." Currently, youth who were still in foster care as of their 18th birthday are considered to be independent students, meaning that they do not need to count parental income for determining their eligibility for college financial aid. The revised definition of "independent student" will extend to youth who were in foster care on or after their 13th birthday, even if they have subsequently been adopted.

When Will This Change Take Effect?

This expanded definition of "independent student" will go into effect in July 2009, to apply for the 2009-2010 school year. The provision will apply to youth even for adoptions that were finalized before the law was passed in 2007. Youth who meet the new definition will need to indicate their status as an independent student when they fill out the Free Application for Federal Student Aid (FAFSA) form for college financial aid.

Legal reference: Section 604(a)(2) of Public Law 110-84 amends the definition of an independent student in federal law at 20 U.S.C. 1087vv(d) to include an individual who: "is an orphan, in foster care, or a ward of the court, at any time when the individual is 13 years of age or older."