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**To:** CSU Presidents  
**From:** David S. Spence   
**Subject:** Student Financial Aid – Registered Domestic Partners

Assembly Bill 205, Chapter 421 on September 22, 2003, enacted the California Domestic Partner Rights and Responsibilities Act of 2003 (“the Act”). The Act 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 administration of state and institutional student financial aid programs.

Existing California law provides for registration with the Secretary of State as domestic partners for same-sex couples or opposite-sex couples in which at least one of the individuals is over age 62. The provisions of the Act apply to persons registered with the Secretary of State as domestic partners on and after January 1, 2005. The provisions that took effect January 1, 2005 will mean modifications in financial aid application processes and the need analysis that is used for students in registered domestic partnerships and for students whose custodial parent is in a registered domestic partnership.

The Act incorporates the following provisions in California’s *Family Code*:

- Section 297.5(a) provides that Registered Domestic Partners, “shall have the same rights, protections, and benefits, and shall be subject to the same responsibilities, obligations, and duties under law, whether they derive from statutes, administrative regulations, court rules, government policies, common law, or any other provisions or sources of law, as are granted to and imposed upon spouses.”
- Section 297.5(d) provides that the rights and obligations towards the child of a Registered Domestic Partner shall be the same as to those of spouses and that the rights and obligations of a former or surviving registered domestic partner with

respect to a child of either of them shall be the same as those of a former or surviving spouse.

- Section 297.5(e) provides that to the extent California law adopts, refers to or relies on federal law, and registered domestic partners would be treated differently under federal law than spouses, registered domestic partners are to be treated by California law as though the federal law recognized the domestic partnerships in the same manner as California law.
- Section 297.5(f) provides that registered domestic partners shall have the same rights regarding nondiscrimination as spouses.
- Section 299.2 provides that a legal union of two persons of the same sex, other than a marriage, validly formed in another jurisdiction and substantially equivalent to a California registered domestic partnership shall be recognized as a valid domestic partnership in California.

CSU campuses are advised to incorporate appropriate references to provisions recognizing the rights and obligations of registered domestic partners in informational materials provided to prospective and enrolled students and particularly to financial aid applicants and recipients. Attachment A reflects language that campuses may use or adapt for campus publications.

The provisions of the Act apply only to state financial aid programs and to institutional aid programs administered by public institutions, not to federal student aid programs. Since all CSU campuses use the Free Application for Federal Student Aid (FAFSA) and since that form does not provide for collecting any information on registered domestic partnership status or the financial information of domestic partners, campus financial aid administrators will need to establish supplemental application and adjustment processes to accommodate application and eligibility determination for students who have registered domestic partners or whose custodial parent has a registered domestic partner.

In ensuring the provisions of the Act are implemented for purposes of state and institutional student financial aid programs, campus financial aid administrators must provide for the collection of additional information related to registered domestic partnerships that will impact the need analysis and eligibility determination processes. The overriding principle in implementing the provisions of the Act is that the registered domestic partnership be treated in the same manner as a legally married couple.

Since the Act does not apply to determination of eligibility for federal student aid programs, there will be instances where the determination of a student's cost of attendance, dependent/independent status, family size and number in college, parent and student and spouse/partner contributions, and expected family contribution differ between the federal aid program and the state/institutional aid program eligibility determinations.

The resultant financial need for students may also differ for purposes of federal and state/institutional aid programs. In determining eligibility for and awarding of State University Grants, Educational Opportunity Program (EOP) grants, and other institutional aid program funds, CSU financial aid administrators will need to consider the cost of attendance, expected family contribution, and financial need that is determined by treating registered domestic partners in the same fashion as married couples. Financial aid administrators will need to review the results for each student and are encouraged to ensure that individualized advice is provided about the student's "package" of financial aid to avoid any violation of federal regulations governing overawards and overpayments and to ensure that the students understand the award limitations that may result from their varying need for purposes of federal versus state and institutional awards.

The California Student Aid Commission (CSAC) has determined that the Act does not affect eligibility for Cal Grant awards for 2004-05 or require mid-year recalculation of those awards. (See Grant Operations Memo GOM 2004-18.) Both the University of California and the California Community Colleges have indicated plans to implement the provisions of the Act for institutional awards for 2004-05.

Questions regarding this memorandum may be directed to Ms. Mary L. Robinson, Associate Director for Student Financial Aid, Academic Affairs, Student Academic Support, at (562) 951-4737 or [mlrobinson@calstate.edu](mailto:mlrobinson@calstate.edu). A draft form designed to provide for collection of required additional information for domestic partners will be distributed under separate cover to financial aid directors. Campus financial aid administrators are encouraged to share information regarding their implementation efforts, processes, forms, and concerns with Ms. Robinson and colleagues at other campuses. As required, or advisable, additional information and guidance will be provided.

DSS/mlr

cc: CSU Provosts/Vice Presidents of Academic Affairs  
CSU Vice Presidents of Administration  
CSU Vice Presidents of Student Affairs  
CSU Directors of Admission, Records, and Enrollment Management  
CSU Directors of Financial Aid  
Chancellor Charles B. Reed

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

The California Domestic Partner Rights and Responsibilities Act of 2003 Act 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 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 establish eligibility for state and institutional aid under the provisions of this new state law.

California’s recognition of registered domestic partnerships does not apply for 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 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.