



## **FAFSA Simplification Act and Young People Impacted by the Juvenile Justice System: Implementation Bulletin**

*The FAFSA Simplification Act, effective in 2023, simplified the financial aid process for all students. This implementation bulletin spotlights some of the critical provisions of that law that improve access to federal financial aid for youth with experience in the juvenile justice system.*



**Most young people placed in the juvenile justice system in California are eligible for Pell Grants:** *Because most young people who are placed in the juvenile justice system are not considered “confined or incarcerated individuals,” they are eligible for a Pell Grant like any other student.*

- A “confined or incarcerated individual” is defined as an “individual who is serving a *criminal sentence* in a Federal, State, or local penitentiary, prison, jail, reformatory, work farm, juvenile justice facility, or other similar correctional institution.” (emphasis added). 34 CFR 600.2
- The majority of young people placed in the juvenile justice system have been adjudicated in the delinquency system. Only a very small number of youth have adult criminal convictions. For example, according to the California Department of Justice, in 2023, 48 juvenile cases were tried in adult court, with 52.1% resulting in a conviction.
- The small number of youth who are incarcerated in a juvenile facility following a criminal conviction are still eligible for a Pell grant, but they must attend a Prison Education Program (PEP). You can find a list of PEPs [here](#).



**Many young people placed in the juvenile justice system in California are considered “independent” for the purposes of the FAFSA and do not need their parent’s information to complete a financial aid application.**

- Students are deemed independent students if they meet any of the following qualifications:
  - Student is married
  - Student is a veteran or member of the armed forces
  - Student is an orphan
  - Student was a foster youth, ward of the court, or in legal guardianship after the age of 13



- Student is an emancipated minor
  - Student is an unaccompanied homeless youth OR an unaccompanied youth who is self supporting and at the risk of being homeless.
  - Student has children or others who are legally dependent on them See [here](#) for more information on the criteria to be considered an independent student. Students who do not fall under these categories must submit parental information on financial aid applications unless they are experiencing unusual circumstances.
- Some youth in the juvenile justice system may be considered independent students because they are also in foster care or have been in foster care.
  - If a youth is in the juvenile justice system and was in foster care at age 13 or older, they are considered an “independent student” for the purposes of the FAFSA.
  - If a youth is currently in the juvenile justice system and also has an order for foster care placement, they are considered an “independent student” for the purposes of the FAFSA.
- Some youth in the juvenile justice system may be independent because they have been homeless before they entered the juvenile justice system.
- Some youth who are in the juvenile justice system may be independent due to “unusual circumstances” because they are not able to contact their parents or it would pose a safety risk for them to do so. The requirements for a finding of unusual circumstances are different than for a finding that a student is independent
- Documentation of unusual circumstances can include, but is not limited to:
  - A documented interview between the student and financial aid administrator.
  - Submission of a court order or Federal or State documentation showing that the student’s parents or legal guardians are incarcerated in any Federal or State penal institution.
  - A documented phone call or written statement confirming the unusual circumstances with a child welfare agency, Tribal welfare authority or agency, an independent living case worker, or a public or private agency, facility, or program serving victims of abuse, neglect, assault, or violence.
  - A documented phone call or written statement from a supportive adult, such as an attorney, guardian ad litem, court-appointed special advocate (CASA), TRIO or Gear UP program representative, teacher, counselor, medical authority, or clergy member.



- Documents such as utility bills or health insurance documents that show a separation from parents or legal guardians.
- Other documentation that the financial aid administrator determines to be adequate.

For more information or questions, email [jpokempner@ylc.org](mailto:jpokempner@ylc.org).

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