



Tuition Classification Petition Information

Please carefully read the following information before completing the Petition for In-State Tuition Classification and / or the Petition for Emancipation.

*Completed petitions need to be submitted to the Admissions and Records Office no earlier than 90 days before the next term begins. You should allow a minimum of two weeks for the petition to be processed. Any tuition classification change must be approved before registering for classes. **Tuition classification can not be changed to In-State for a term after the student has registered for that term.***

If you anticipate receiving financial aid for the term for which you are applying for in-state tuition classification, it is recommended that you submit your petition 60 days before the term begins. This will enable your financial aid to be processed correctly and credited to your account by the time classes start.

For questions on tuition classification, please contact
Admissions & Records at (970) 339-6401 or 1-800-301-5388 ext. 6401
Greeley Campus, 5401 W. 20th Street, Greeley, CO 80632

Residency Self Test

Are You a Colorado Resident?

The following “Residency Self-Test” is a tool to assist you in determining if you possibly meet the State of Colorado's requirements for in-state residency tuition classification requirements. If, after completing the self-test you feel you are a Colorado resident entitled to the benefits of resident tuition, complete and submit the Aims Community College Petition for In-State Tuition Classification before the start of the term for which you are petitioning. You should allow a minimum of two weeks for the petition to be processed.

Instructions: If you will be 23 years old or older before the first day of classes for the term for which you want to be classified as in-state for tuition purposes, fill out column A only. If you are under 23 years old but are emancipated from your parents, fill out column B only. (The Tuition Classification Officer must approve emancipation. To determine if you may be emancipated please complete the attached “Emancipation Self-Test”.) If you are under 23 years old and are not emancipated from your parents, please fill out your parents’ information in column C only

Question	A (23+years old) (Student's Information)		B (Emancipated) (Student's Information)		C (Not Emancipated – Parents Information)	
	Yes	No	Yes	No	Yes	No
<i>Have you...</i>						
1. Lived in Colorado at least 12 contiguous months before the first day of class?	_____	_____	_____	_____	_____	_____
-If you answered no, STOP You do not qualify for residency.						
-If you answered yes, go to the next questions.						
2. Obtained a Colorado driver's license or Colorado Identification Card in a timely manner before the first day of class?	_____	_____	_____	_____	_____	_____
3. Registered your vehicle (if applicable) in Colorado in a timely manner before the first day of class?	_____	_____	_____	_____	_____	_____
4. Registered to vote in Colorado in a timely manner before the first day of class?	_____	_____	_____	_____	_____	_____
5. Filed Colorado Income Tax Return for the previous year?	_____	_____	_____	_____	_____	_____
6. Paid all expenses without direct or indirect assistance from your parents during the last 12 month period (required if answering column B)?	_____	_____	_____	_____	_____	_____
7. Purchased residential real estate property in Colorado?	_____	_____	_____	_____	_____	_____
8. Obtained full time, off-campus, permanent employment in Colorado?	_____	_____	_____	_____	_____	_____

- Questions 1-4 are statutory obligations with which a petitioner should answer “yes” to qualify for a residency change.
- Question 5 is required if one has a level of income which is taxable.
- Question 6 is required of emancipated minors
- Questions 7 & 8 are other factors that may be considered.

Emancipation Self Test

Are You Emancipated?

The following “Emancipation Self-Test” is a tool to assist you in determining if you possibly meet the State of Colorado's requirements for emancipation. If, after completing the self-test you feel you are emancipated and a Colorado resident entitled to the benefits of resident tuition, complete and submit the Aims Community College Proof of Emancipation before the start of the term for which you are petitioning. You should allow a minimum of two weeks for the petition to be processed.

Emancipation is the parental surrender of claim to the right to care and custody of a minor. According to the tuition law, emancipation occurs at the age of 22 years, or upon marriage, or if:

1. The parents or legal guardians submit an affidavit surrendering any claim or right to the care, custody, and earnings of the minor, as well as the duty to support the minor, together with the student's proof that the student can independently meet all living expenses, including the cost of education; and
2. failure of parents or legal guardians to provide financial support together with the student's proof that the student can independently meet all living expenses, including the cost of education.

The 12-month waiting period for establishing domicile begins only after the date of emancipation has been established by appropriate documentation.

	<u>True</u>	<u>False</u>
1. Your parents have not claimed you as a dependent on last year's Federal Income Tax forms.	_____	_____
2. You are not currently using or in possession of any financial support in the form of gifts, insurance coverage, loans, or trusts (regardless of the date of receipt) from your parents.	_____	_____
3. You have not been maintaining residence with your parents with the exception of temporary visits.	_____	_____
4. Your parents have relinquished their legal duty to support you as well as their rights to your care, custody and earnings.	_____	_____
5. You have been legally designated as a ward of the court.	_____	_____
6. You are self-supporting and financially independent.	_____	_____
7. You are or have been legally married.	_____	_____

If you answered true to questions 1 and 2 and at least one more of these questions, then you **may** be eligible to claim emancipation. If you answered true to question 7 then you are emancipated.

Frequently Asked Questions

Q: How long must I live in Colorado before I can be considered “in-state” for tuition purposes?

A: By law, an “in-state” student, or the student’s parents, **must be domiciled** in Colorado for 12 or more contiguous months immediately preceding the first day of classes.

Q: What is domicile?

A: “Domicile” is the legal term used to describe the place where a person has chosen to make a fixed and permanent home. Domicile includes physical presence and intent, and must be established for 12 months prior to the first day of classes.

Q: How old must I be to establish my domicile in Colorado?

A: According to tuition law, there are three possible situations:

1. Individuals at least 22 years of age are eligible to establish domicile in Colorado. Physical presence and intent must be established for 12 months prior to the first day of classes. Thus, an individual will meet the requirements of the law no sooner than his/her 23rd birthday.
2. Individuals under 23 years of age whose parents or legal guardians have established domicile for 12 months prior to the first day of classes could be considered “in-state” for tuition purposes.
3. Students emancipated prior to the age of 22 are eligible to establish domicile.

Q: What is emancipation?

A: Emancipation is the parental surrender of claim to the right to care and custody of a minor. According to the tuition law, emancipation occurs at the age of 22 years, or upon marriage, or if:

1. The parents or legal guardians submit an affidavit surrendering any claim or right to the care, custody, and earnings of the minor, as well as the duty to support the minor, together with the student's proof that the student can independently meet all living expenses, including the cost of education; and
2. failure of parents or legal guardians to provide financial support together with the student's proof that the student can independently meet all living expenses, including the cost of education.

The 12-month waiting period for establishing domicile begins only after the date of emancipation has been established by appropriate documentation.

Q: Can I receive any gifts or money from my parents if I am claiming to be emancipated?

A: Gifts from parents that students depend on for financial support are considered evidence of non-emancipation according to the statute. Therefore, loans from family, use of family cars, jointly owned property and/or living with family members may prohibit the student from being considered emancipated.

Q: Who can be considered a legal guardian?

A: A legal guardian is defined as someone appointed by the court with personal and financial responsibility for a minor. The tuition law also requires the court document reflecting the guardian appointment to state that the appointment is not for tuition classification purposes and to certify that parents do not contribute to the minor’s support.

Q: If I marry a Colorado resident or live with a relative who is a Colorado resident, am I considered an “in-state” student?

A: No. Each individual must establish his/her own domicile as prescribed by the tuition law.

Q: What is physical presence?

A: Physical presence refers to the place where a person establishes domicile. A person can have only one legal domicile, which can be considered as physical presence for tuition classification purposes. An individual can establish proof of physical presence by providing rent receipts, lease agreements, home ownership papers, or statements from landlords.

Q: What is intent?

A: The tuition law lists several factors that can be used to determine that intent has been established. No one factor by itself is sufficient to measure intent. Each college must make that determination based on the information provided by the individual. It is the responsibility of the individual to provide as much information and documentation as appropriate to document intent. Several factors which will be considered are:

- Payment of Colorado state income tax as a Colorado resident
- Permanent, full-time, off-campus employment
- Withholding of Colorado state taxes from wages
- Obtaining a Colorado Motor Vehicle Operator’s License or a valid Colorado ID for identification purposes in a timely manner upon moving to Colorado or becoming eligible for one
- Obtaining Colorado license plates in a timely manner upon owning a motor vehicle
- Registering to vote in Colorado
- Ownership of residential property in Colorado
- Any factors which are peculiar to the individual which tend to establish intent to make Colorado one’s permanent home

Intent, together with physical presence, establishes domicile. Intent, however, is more difficult to establish and prove. The more forms of intent that an individual can provide, the easier it is to determine if the individual has established intent. There is no one set of criteria that is applied to an individual. It is the responsibility of the individual to document special circumstances.

Q: Are there special circumstances for military personnel?

A: Yes. Military personnel and their family members permanently stationed in Colorado, as defined by military regulations, can qualify for in-state tuition classification. These individuals should contact the Education Officer at the installation where they are assigned for further information. Military personnel who wish to become permanent Colorado residents may establish their “in-state” status by proving intent according to tuition law.

Q: What if my parents are divorced and only one lives in Colorado?

A: If one of the student’s parents has established domicile in Colorado, that unemancipated student can be considered in-state.

- Q: What if one of my parents lives in Colorado? Does that give me automatic residency or help the process?**
- A: An un-emancipated student who is not domiciled in Colorado, but who has a parent who is domiciled in Colorado, is called a **Parent qualified student** and qualifies for in-state tuition classification.
- Q: Can I establish “in-state” status while a student?**
- A: Yes, but the mere fact that you are a student, part-time or full-time, is not alone sufficient evidence to consider you an “in-state” student. You must still demonstrate your physical presence and intent before you can be considered “in-state.”
- Q: May I leave the state for vacations or summer work while establishing my “in-state” status?**
- A: Yes, but you must maintain the Colorado connections you have established, such as claiming any income as Colorado income for tax purposes. Any interruption or change in these connections could reverse the original classification and cause you to have to reestablish your domicile upon returning to Colorado. You should check with the institutional tuition classification officer before you leave the state.
- Q: Is there any consideration given for a minor whose parents have lived in Colorado for a number of years and established “in-state” status, but who moved out of state during the minor’s senior year in high school?**
- A: Yes, a minor who remains in Colorado may be considered “in-state” for tuition purposes if parents can provide evidence of Colorado domicile for the immediately preceding four years. If the parents or legal guardians leave the state after a minor’s junior year of high school, the minor may still be considered “in-state” if he or she enrolls in a Colorado postsecondary institution within 42 months of the parents’ move, or maintains a Colorado domicile and complies with the other provisions of the statute.
- Q: Are non-U.S. citizens capable of establishing “in-state” classification?**
- A: Non-U.S. citizens are legally capable of establishing domicile when the U.S. Immigration Service has granted them the status of lawful permanent resident. The date used to establish domicile is the date the application for permanent visa was accepted. This date should be documented with a photocopy of the immigrant card. In addition, a specific group of non-immigrant classifications are capable of establishing in-state status, but the group does not include student visas.

Guidelines

INTRODUCTION

The requirements for establishing residency for tuition purposes are defined by a statute of the State of Colorado Title 23, Article 7 101 to 107 C.R.S. 1973 as amended, Colorado Commission on Higher Education (CCHE) regulations, and CCHE/ State Attorney General Guidelines.

An individual has to have been domiciled in Colorado for one calendar year before he/she is entitled to in-state tuition. If one is establishing residency for tuition purposes on his/her own, he/she must be either 22 years of age for a full-year or emancipated at the beginning of the one-year waiting period. Emancipation means completely self-supporting and financially independent. Marriage is an automatic act of emancipation. The one-year rule applies to everyone without exception.

A domicile is a person's true, fixed, and permanent home. Having a domicile in Colorado involves more than mere physical presence or "residence" in the state. A person may have several places of residence but can have only one true domicile at any given time.

STUDENT RESPONSIBILITY

At all times in the classification procedure, it is the petitioner's responsibility to present all requested information and to meet the appropriate deadlines. Failure to provide all requested documents will render the petition invalid. **The petitioner's signature (at the end of the form) must be affirmed or sworn to before a notary public.**

As explained below, there are very strict guidelines and timetables for submission of petitions for changes of classification to in-state. Petitions submitted after the deadlines will be reviewed the next term.

ESTABLISHING DOMICILE

Basically, domicile for tuition purposes has two parts: 1) physical presence within the state, and 2) intent to make Colorado one's true, fixed, and permanent home and place of habitation. A person is eligible for in-state tuition classification by providing clear and convincing evidence of intent by establishing physical connections with the state of Colorado such as:

- Driver's license, as governed by the Colorado Motor Vehicle Operator's Licensing Law.
- Automobile license plates, as governed by the Colorado Motor Vehicle Registration Law.
- Voter Registration. Though voting is not required by law, it is nonetheless an indicator of one's intent to create a domicile

It is the petitioner's responsibility to be fully informed of one's duties under these laws. Non-compliance with these laws establishes a negative presumption of one's intent to make Colorado one's permanent home and may be weighed against affirmative evidence of a Colorado domicile. If one does not drive in the state, one may nevertheless want to obtain a Colorado driver's license to demonstrate one is willing to relinquish the previous domicile and establish a new one in Colorado. Also, one may obtain a Colorado ID card for identification purposes from the Motor Vehicle Division.

- Permanent, full-time, off-campus employment and payment of Colorado state income taxes through the filing of a Colorado state income tax return by persons whose income is sufficient to be taxed are considered highly persuasive evidence of intent to make Colorado one's permanent home.

The petitioner is responsible for being fully informed of the Colorado State Income Tax laws. Basically, a person is required by law to pay state income tax to the domiciliary state and to file state income tax returns at the end of each year if one's income is sufficient to be taxed. Failure to comply with income tax laws weighs heavily against a person's declared intent to make Colorado one's permanent home.

Payment of real estate taxes is not considered very persuasive evidence of Colorado domicile, since people often own real estate in many different states.

- Any other factors that are peculiar to the individual which tend to establish the necessary intent to make Colorado one's permanent home, such as a license to practice a profession in Colorado or orders from a physician to seek out a drier climate for health reasons are considered. Bank accounts, seeking dental or medical care, or marrying or divorcing in the state are usually matters of convenience because one happens to be present in the state and are not the kinds of connections with the state that show intent to make Colorado one's permanent home. Leases and rent receipts prove only physical presence and do not qualify as proof of connections with the state.

There is no formula or checklist to follow in establishing domicile. In order to establish a domicile for tuition purposes, there must be proof of physical presence within the state and several of the above mentioned connections with the state, in a timely manner prior to the first day of classes for the term for which a change is sought.

Determination of domicile is a subjective decision requiring analysis of each petitioner's individual evidence of domicile, not a checklist or formula to be blindly followed. A change in tuition classification will be made when the college official is convinced that physical presence and connection with the state have occurred at least 12 months prior to the start of the term for which the applicant is petitioning. The change in classification will take effect at the next registration period, never mid-term. Again, these connections need to have been made at least one calendar year prior to the beginning of the school term for which the individual is seeking reclassification as an in-state student for tuition purposes.

Generally, physical presence (as shown by rent receipts, leases or statements from landlords) plus one connection with the state **will not be sufficient to establish domicile.** Several connections are necessary, and the more connections that are made, the greater likelihood a person will qualify for residency. There is no specific number of connections that assures a favorable outcome. Classifications that are not challenged or appealed within the time allowed for challenges will remain final. Evidence entered after the filing deadline will not be taken into account for that academic term.

THERE IS NO PROVISION IN THE TUITION STATUTE FOR RETROACTIVE COMPLIANCE

The state statute does not allow the Tuition Classification Officer to be flexible with the established dates in determining whether or not a domicile has been established for residency status for any given term. You are cautioned that retention of out-of-state connections weakens the evidence of intent to make Colorado your permanent home. In addition, **the only authorized information regarding residency for tuition purposes comes from the Tuition Classification Officer at the College, and the Officer is not bound by any misinformation given by other persons.**

EMANCIPATED AND UNEMANCIPATED MINORS

A person must be emancipated before he/she can establish a domicile separate from the domicile of the parents.

Emancipation for tuition purposes takes place automatically when a person turns 22 years of age or gets married. Domicile must then be established for a period of 12 contiguous months before gaining in-state tuition.

The following conditions constitute evidence of emancipation, although no one criterion can be considered conclusive evidence of emancipation:

1. Affidavit from parents stating parental relinquishment of any claim or right to the care, custody, and earnings of the minor, as well as the duty to support the minor, with the documentation of the fact that the minor has not been claimed as a tax deduction on income tax returns. (If a minor claims emancipation as of August 1 of a given year, the minor may be claimed for that given year since the parents provided more than half of the support of the minor for that year.) Emancipation under these circumstances is the act of the parent and not of the child. If there is a duty to support the minor, for instance by a court order in a divorce decree, parental emancipation cannot exist.
2. Proof of the parents' failure to provide financial support coupled with proof that the minor can independently meet all of his/her own expenses including the cost of education.
3. Entry into the military service.

4. Any other factor peculiar to the individual which tends to establish that the student is independent of his/her parents and is providing his/her own support.

A person who is unmarried and under 23 years of age who wishes to claim “emancipated minor” status must prove that he/she is completely self-supporting and financially independent from his/her parents. The petition form provides space for the minor to show all of his/her expenses and how these expenses are met.

A minor cannot receive loans or trusts from parents, nor can a minor receive a gift of money one day and claim to be emancipated the next day. Gifts or loans of any amount regardless of when the gift or loan was received which one depends upon for support are not allowed. Loans co-signed by parents are considered evidence of non-emancipation.

In other words, when the parents stop providing support and the minor entirely meets all of his/her own expenses, then the minor achieves the status of “emancipated minor” and becomes legally capable of establishing a domicile in Colorado separate from the out-of-state parent domicile. The student must then establish a domicile in Colorado, as outlined earlier, and wait 12 months before qualifying for in-state tuition.

If a minor wishes to claim that he/she has a legal guardian in Colorado, such as a sister or a brother, aunt or uncle, it will be necessary to produce a court order granting the guardianship. The court will have to certify that the appointment was not made to qualify the minor for residency status and that the parents do not provide substantial support to the minor. Parentally signed Power of Attorney does not qualify as legal guardianship.

Gifts of money or other gifts upon which a minor depends for support are considered to be continued parental support regardless of the date of receipt.

The burden is placed solely upon the minor to prove emancipation to the satisfaction of the Tuition Classification Officer.

CLASSIFICATION PROCEDURES

Initial Classification

A staff member in the Admissions and Records Office makes the initial classification of any student enrolling at Aims Community College. This determination is based upon information the student supplied in the application for admission.

Changes in Tuition Classification

Individuals who feel they meet the requirements for in-state tuition should pick up a petition for in-state tuition classification at the Admissions and Records office. When the petition is returned to the Admissions and Records office, complete with all requested documentation, it will be referred to the Tuition Classification Officer for a decision.

The burden of proof rests upon the petitioner who has the responsibility to submit a petition with the required documentation in a timely manner. Only **photocopies** of requested documents should be submitted with the petition because all information submitted becomes part of the person’s permanent record and cannot be returned to the petitioner.

Students remain a non-resident until they have received notification from the Tuition Classification Officer indicating a residency change has been approved. Students who are petitioning for residency remain responsible for paying their student account based upon their current tuition classification. Students are strongly urged to petition early in order to receive a response from the Tuition Classification Officer prior to any applicable tuition and fee deadlines.

Deadlines

Completed petitions may be submitted to the Admissions and Records office as early as 90 days prior to the term for which the individual desires a change in classification BUT NO LATER THAN THE FIRST CLASS DAY OF THE TERM. The student should allow a minimum of two weeks for the petition to be processed. **Any tuition classification change must be approved before registering for classes.** If additional information is required, it must be submitted within 15 days from the original petition unless special arrangements are made with the Tuition Classification Officer.

If you anticipate receiving financial aid for the term you are applying for residency, it is recommended that you submit your petition no later than 60 days before the term begins. This will enable your financial aid to be processed correctly and credited to your account by the time classes start.

Appeals

Any student who is denied in-state tuition classification by the Tuition Classification Officer may appeal that decision to the Registrar. Appeals must be submitted **in writing** to the Registrar no later than two weeks (10 class days) after the denial decision has been sent to the student. The Registrar will provide the student with instructions regarding the appeals process. The decision of the Registrar is the final College determination. There can be no retroactive changes in classification.