

HOW TO ESTABLISH COLORADO DOMICILE FOR TUITION PURPOSES

UNIVERSITY OF COLORADO -- ANSCHUTZ MEDICAL CAMPUS -- OFFICE OF THE REGISTRAR

Introduction

The requirements for establishing residency for tuition purposes are defined by Colorado law. (See **Colorado Revised Statutes 23-7-101 et. seq.** View online at <http://www.michie.com/colorado/>).

The statutes require that a qualified individual must be domiciled in Colorado twelve (12) consecutive months immediately preceding the term for which resident status is claimed.

An individual is “qualified” to begin the process of establishing residency by virtue of adulthood and emancipation at age 22, marriage, or enrollment in a post-baccalaureate graduate or professional degree program. An unemancipated minor is qualified through the residency of his or her parents or legal guardians. (See below “Emancipation and Residency.”)

Attention M.D. and D.D.S. applicants: Your residency status and its effective date may affect your status as an “accountable” or “sponsored” student and the cost of your training. Please talk to your Admissions director (School of Dental Medicine or School of Medicine) for current information about “accountability” and whether it applies to you.

A person's tuition classification status initially is determined from the *Verification of Residency* form submitted during the application process for admission to a Health Sciences program. If a person is classified as a “nonresident,” he or she must wait until eligible for a change in tuition classification and then file a **petition** for the change. Petitions that are denied may be appealed. (See below: “Petitions and Appeals.”).

The information provided here summarizes the basic components of residency classification. Please read the following material carefully and thoroughly. Questions regarding specific circumstances should be addressed to the Tuition Classification Officer at 303-724-8054.

Establishing Domicile

An individual must have been domiciled in Colorado for one calendar year before he or she is entitled to in-state tuition. 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. In order to establish a domicile for tuition purposes, there must be 1) **physical presence** for at least 12 months within the state along with 2) **demonstrated intent** to make Colorado one’s permanent home. Intent is demonstrated by several kinds of connections with the state dated one year prior to the beginning of classes. There is no formula or checklist to follow in establishing domicile. Generally, physical presence (as shown by rent receipts, leases or statements from landlords, home ownership, etc.) 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 more assurance a person has of qualifying for residency. Any connections maintained with any other state during the 12-month period for establishing domicile may be viewed as negative intent to make Colorado one’s permanent home.

Objective evidence of physical connections with the state of Colorado includes

- Driver's license, as governed by the Colorado Motor Vehicle Operator's Licensing Law.
- Automobile registration and license plates, as governed by the Colorado Motor Vehicle Registration Law.
- Voter registration and voting in the most recent (Colorado) election.
- Colorado employment and payment of Colorado income tax. Permanent, full-time, off-campus employment and payment of Colorado State income taxes are considered highly persuasive evidence of intent to make Colorado one's permanent home. Student employment or temporary work is not considered as persuasive. It is the actual official acceptance of employment that forms the connection with the state. Income earned in another state by a resident of Colorado is taxable in Colorado.
- Ownership of residential real property in the state, particularly if petitioner resides in the home. Petitioners should provide documentation of the contract date, as well as of the closing date.
- Graduation from a Colorado high school and/or continued presence in Colorado during periods when not enrolled in college, or during periods between academic sessions.
- Any other factor(s) peculiar to the individual that show intent to make Colorado one's permanent home (for example, obtaining licensure or certification to practice a profession in Colorado). Bank accounts, seeking dental or medical care, marrying or divorcing in the state are matters of convenience because one happens to be present in the state and are therefore not the kinds of connections with the state that show intent to make Colorado one's permanent home. Leases and rent receipts prove physical presence but do not otherwise qualify as connections with the state.

Note: It is the student's responsibility to be fully informed of the laws of Colorado that govern any of the "connections" made in establishing domicile, including vehicle ownership and operation, voter registration, payment of income tax, property ownership, etc. Noncompliance with these laws establishes a negative presumption of intent to make Colorado one's permanent home and will be weighed against any affirmative evidence of a Colorado domicile.

Evidence indicating domicile outside Colorado includes:

- Failure to pay Colorado state income tax (if your income is sufficient to be taxed). Income earned in another state by a resident of Colorado is taxable in Colorado. Filing a nonresident Colorado tax return is persuasive evidence of domicile outside Colorado.
- Failure to comply with any law imposing a mandatory duty on a permanent resident of Colorado. Examples include failure to register a motor vehicle and failure to change your driver's license to Colorado within the statutory periods.
- Return to your former state of residence for a substantial period of time during the summer or during other periods when not enrolled as a student or between academic sessions.
- Maintenance of a home in another state.
- Prolonged absence from Colorado, except for military or civilian government service or for temporary absences required by an employer.

-- Any other factor particular to your situation that indicates non-Colorado domicile. Examples include applying for a loan or receiving college financial aid from another state where domicile in that state is a condition for receiving funds, and voting or registering to vote in another state.

Emancipation and Residency

A person must be legally emancipated before he or she is "qualified" to establish a domicile separate from the domicile of one's parents. Emancipation for tuition purposes takes place automatically when a person turns 22 years of age, or marries, or commences a post-baccalaureate degree-granting program. The clock then starts for establishing domicile (physical presence and intent) and the student must wait 12 months to become eligible for in-state tuition.

A person who is unmarried and under 22 years of age at the beginning of the one-year waiting period and who wishes to claim "emancipated minor" status must prove that he or she is completely self-supporting and financially independent of his or her parents or legal guardian(s).

The following constitutes evidence of emancipation; however, no one criterion, taken alone, can be considered conclusive evidence of emancipation.

-- Affidavit from parents or legal guardian(s) (found on the back page of the petition) stating relinquishment of any claim or right to the care, custody, and earnings of the minor, as well as of the duty to support the minor, with 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, and the parents have supported the minor from January 1 to August 1, 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, as, for instance, a court order in a divorce decree, there is no emancipation.

-- Lack of any financial support provided by the parents (including trust funds), coupled with proof that the minor can independently meet all of his or her own expenses, including the cost of education.

-- Entry into military service.

Unemancipated minors may qualify for in-state tuition only when their parent(s) or legal guardian(s) are domiciled in Colorado. An unemancipated child of divorced or separated parents can be immediately classified as in-state if either parent has been domiciled in Colorado the requisite period of time, regardless of which parent was granted custody or duty to support the minor by court decree. The parent in this instance is always the one to complete the petition for in-state classification, based on the parent's domicile and connections with the state.

Four-Year Rule

Students whose parents maintain a Colorado domicile for four years and then establish domicile elsewhere, will remain eligible for in-state tuition if:

a) The parents leave Colorado after the student completes his or her junior year of high school and if the student enrolls at a Colorado public college or university within three years and six months after the parents leave Colorado. The student need not remain in Colorado when the parents leave or be emancipated from the parents.

OR

b) The student maintains continuous Colorado domicile. The student need not be emancipated. This provision generally will be met if the student continues to reside in Colorado after the parents leave

or if the student resides outside the state only temporarily (for example, to attend college or for military service) while maintaining Colorado domiciliary connections such as voter registration and income tax filing.

Military Service and Residency

Active-duty members of the armed forces of the United States and Canada on permanent duty stationed in Colorado and their dependents (as defined by military regulations) are eligible for in-state status, regardless of domicile or length of residence in Colorado. The military member must have reported to a duty station in Colorado, as certified by their military command, by the first day of class of the applicable academic term. To obtain this in-state tuition rate, the student must submit a Certification of Military Status Form signed by their Base Education Officer verifying their active military status and permanent duty assignment in Colorado, along with a copy (both front and back sides) of the military identification card. Dependents must present verification of the active military person on permanent duty, along with a copy of the military dependent identification card. This certification must be signed and submitted to the Registrar's office no earlier than 90 days prior to the first day of classes and no later than 10 working days from the first day of the term. The certification must be completed and submitted each semester.

Unless the student meets the requirements for domicile in Colorado for one year as detailed above, this eligibility expires as of the first term that begins after retirement or discharge from the military or loss of dependent status.

If the parent was on active duty in Colorado at any time during the student's senior year of high school in Colorado, the student retains in-state status if the parent is transferred outside Colorado (but not if the parent retires). The student must enroll in a public institution of higher education in Colorado within 12 months of graduation, but cannot have attended college outside Colorado.

Military dependents continuously enrolled in a Colorado college continue to qualify for in-state tuition if the military member is transferred outside Colorado (but not if the parent retires).

Unless the student meets the requirement for domicile in Colorado for one year as detailed above, this eligibility expires as of the first term that begins after retirement or loss of dependent status.

To retain domicile during an absence from Colorado due to military orders, military personnel must maintain Colorado as their state of legal residence for tax purposes, and voters must maintain Colorado voter registration.

Military personnel may retain legal residence in their original state, or they may establish a new legal residence in a state in which they reside due to military orders. They may not establish domicile in Colorado while residing elsewhere or while being physically present in the State only on a temporary basis.

Persons domiciled in Colorado for one year who enter active duty military service, and who return permanently to Colorado within 6 months of discharge, and their dependents, qualify for in-state tuition regardless of changes of domicile while on active duty.

New Law: House Bill 09-1039 C.R.S. § 23-7-108.5 and In-State Tuition Status (effective Fall 2009 semester)

House Bill 09-1039 allows higher education institutions to grant in-state tuition status for any enrolled student who provides documentation (such as DD 214 form) that he/she has been honorably

discharged from the United States military and who meets, for any length of time, the presumptions and rules for maintaining Colorado domicile.

Civilian Absences from the State

Civilians who accept overseas employment, governmental or otherwise, or temporary employment in another state, or who are temporarily absent from Colorado for other reasons, must continue to file Colorado state income tax returns as residents for each and every year of their absence from the state. They must claim and pay taxes on all of their earnings, wherever earned, and will receive a credit for taxes withheld by or paid to another state. Civilians, like military personnel, are allowed to back file for all years of absence, and refusal to back file is sufficient evidence by itself to determine that the civilian has relinquished, renounced, and abandoned his or her Colorado domicile for tuition purposes. This is so even if the civilian has retained Colorado driver's license, license plates and voter registration.

Permanent Resident Aliens and Visa-Holders

Persons who are lawful permanent residents or who are admitted as refugees are eligible to establish domicile for tuition purposes. Nonimmigrant aliens who are residing in Colorado for purposes other than education may qualify for in-state status after one year of Colorado residence. The nonimmigrant categories subject to this provision are determined by the Colorado Commission on Higher Education. Nonimmigrants in the following categories cannot qualify for in-state tuition: F-1, F-2, H-3, H-4 (if the visa holder is the spouse or child of an H-3), J-1 and J-2 (if the J-1 visa holder is a student or trainee), M-1, and M-2.

Petitions and Appeals

Petition forms for requesting in-state residency status are available online from the Office of the Registrar Website:

<http://www.ucdenver.edu/student-services/resources/registrar/Documents/RegistrarForms/AMC/TuitionPetitionAMC.pdf> or from the Office of the Registrar, Student Services Center, Education 2 North building, third floor, on the Anschutz Medical Campus. The petition must be notarized and should be filed one or two months before the start of the term for which one wishes to qualify. The deadline for submitting petitions for a given term is the last day of late registration for the student's program of study. The date of the last day of late registration is also the date that is used to determine whether or not a person has been domiciled in Colorado for the requisite twelve months in order to qualify for residency status. At all times in the classification procedure, it is the student's responsibility to present all requested information and to meet the appropriate deadlines. Only photocopies of requested documents should be submitted with the petition because all information submitted becomes part of the student's file and cannot be returned to the student. Failure to provide all requested information and documents will invalidate a request or petition for in-state status. The student is notified of the University's decision by e-mail and regular mail.

Any student who is denied in-state tuition classification by the Tuition Classification Officer may appeal that decision to the Residency Appeals Committee. The Residency Appeals Committee is composed of a representative from each University of Colorado campus. A student wishing to appeal a decision should contact the Registrar's Office for instructions. The decision of the Residency Appeals Committee is final. Residency appeals must be submitted, in writing, to the Office of the Registrar **no later than 10 working days after the student receives the Tuition Classification Officer's decision**. There will be no retroactive changes in classification.

Frequently Addressed Points and Important Legal Notes

Because Colorado residency status is governed solely by Colorado regulations, lack of eligibility for in-state status in another state does not guarantee in-state status in Colorado. The tuition classification statute places the burden of proof on the student -- not the University -- to provide *clear and convincing evidence* of eligibility.

Information submitted to qualify for in-state classification is subject to independent verification. Individuals submitting false information or falsified supporting documents are subject to both criminal charges and university disciplinary proceedings.

Tuition classification is governed by state law and by judicial decisions that apply to all public institutions of higher education in Colorado. The University of Colorado does not have discretion to make exceptions to the rules as established by state law.

There are many different kinds of residency. A person can be a resident for voting purposes or motor vehicle law purposes and still not be a resident for tuition purposes because each kind of residency is governed by a separate state statute.

Marriage to a resident does not automatically qualify a student for in-state tuition. Colorado has passed a state Equal Rights Amendment to the Colorado Constitution -- which means that each person is treated equally. Each person, male or female, must qualify based on his or her own legal connections with the state.

New Law: Proving Eligibility for State Benefits (Effective August 2006)

In 2006 The Colorado State Legislature passed HB1023, which requires the University to gather additional information for any student who applies for and receives any form of federal, state or local public benefits, including in-state tuition and merit, need, or other institutional financial assistance through a state institution of higher education. Any student who has not applied for financial aid by filing the FAFSA, or applied for the College Opportunity Fund must also sign an affidavit stating that he/she is lawfully present in the United States and present appropriate identification to the Registrar's Office in order to receive benefits.

You can find more information at:

<http://ucdenver.edu/student-services/resources/registrar/students/policies/Pages/ProofofLawfulUSPresence.aspx>

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