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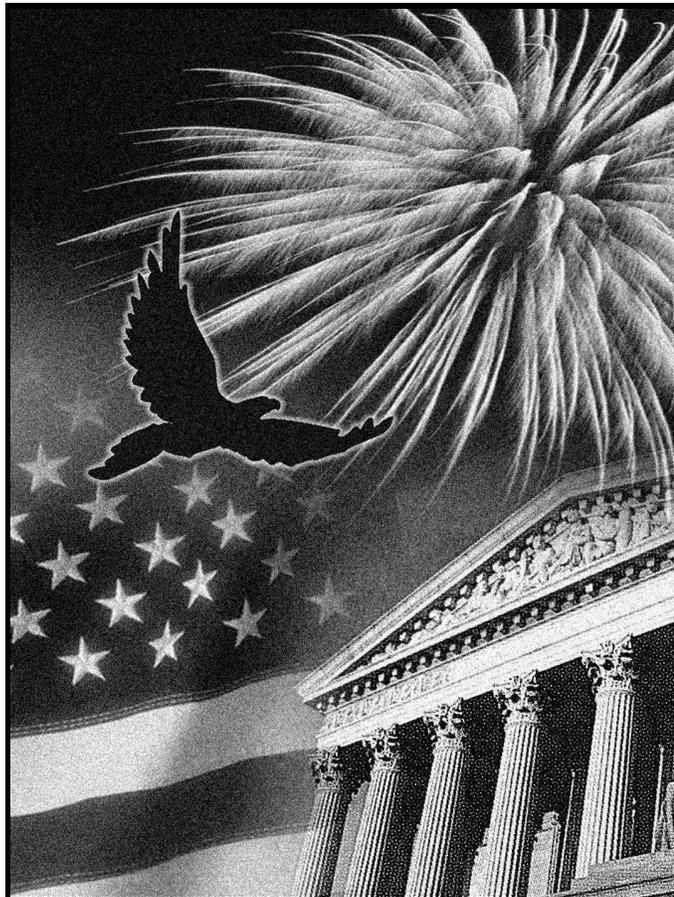
Internal  
Revenue  
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# Exemptions, Standard Deduction, and Filing Information

For use in preparing  
**2010** Returns



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## What's New

**Who must file.** In some cases, the amount of income you can receive before you must file a tax return has increased. [Table 1](#) shows the filing requirements for most taxpayers.

**Limits on personal exemptions and overall itemized deductions ended.** For 2010, you will no longer lose part of your deduction for personal exemptions and itemized deductions, regardless of the amount of your adjusted gross income.

**Standard deduction increased.** The standard deduction for some taxpayers who do not itemize their deductions on Schedule A of Form 1040 is higher in 2010 than it was in 2009. The amount depends on your filing status. In addition to the annual increase for some taxpayers due to inflation adjustments, your 2010 standard deduction is increased by:

- Any state or local sales or excise taxes you paid in 2010 on the purchase of a new motor vehicle after February 16, 2009, and
- Any net disaster loss you had in 2010 because of a disaster that occurred before 2010 and was declared a federal disaster after 2007.

You can use the [2010 Standard Deduction Worksheet](#) near the end of this publication to figure your standard deduction. But to increase your standard deduction by taxes paid on the purchase of a new motor vehicle or a net disaster loss, you must use Schedule L (Form 1040A or 1040) and attach it to your return.

## Reminders

**Taxpayer identification number for aliens.** If you are a nonresident or resident alien and you do not have and are not eligible to get a

social security number (SSN), you must apply for an individual taxpayer identification number (ITIN). Your spouse also may need an ITIN if he or she does not have and is not eligible to get an SSN. See Form W-7, Application for IRS Individual Taxpayer Identification Number. Also, see [Social Security Numbers for Dependents](#), later.

**Photographs of missing children.** The Internal Revenue Service is a proud partner with the National Center for Missing and Exploited Children. Photographs of missing children selected by the Center may appear in this publication on pages that would otherwise be blank. You can help bring these children home by looking at the photographs and calling 1-800-THE-LOST (1-800-843-5678) if you recognize a child.

## Introduction

This publication discusses some tax rules that affect every person who may have to file a federal income tax return. It answers some basic questions: who must file; who should file; what filing status to use; how many exemptions to claim; and the amount of the standard deduction.

[Who Must File](#) explains who must file an income tax return. If you have little or no gross income, reading this section will help you decide if you have to file a return.

[Who Should File](#) will help you decide if you should file a return, even if you are not required to do so.

[Filing Status](#) helps you determine which filing status to use. Filing status is important in determining whether you must file a return, your standard deduction, and your tax rate. It also helps determine what credits you may be entitled to.

Exemptions, which reduce your taxable income, are discussed in [Exemptions](#).

[Exemptions for Dependents](#) explains the difference between a qualifying child and a qualifying relative. Other topics include the social security number requirement for dependents, the rules for multiple support agreements, and the rules for divorced or separated parents.

[Standard Deduction](#) gives the rules and dollar amounts for the standard deduction — a benefit for taxpayers who do not itemize their deductions. This section also discusses the standard deduction for taxpayers who are blind or age 65 or older, and special rules for dependents. In addition, this section should help you decide whether you would be better off taking the standard deduction or itemizing your deductions.

[How To Get Tax Help](#) explains how to get tax help from the IRS.

This publication is for U.S. citizens and resident aliens only. If you are a resident alien for the entire year, you must follow the same tax rules that apply to U.S. citizens. The rules to determine if you are a resident or nonresident alien are discussed in chapter 1 of Publication 519, U.S. Tax Guide for Aliens.

**Nonresident aliens.** If you were a nonresident alien at any time during the year, the rules and tax forms that apply to you may be different from those that apply to U.S. citizens. See Publication 519.

**Comments and suggestions.** We welcome your comments about this publication and your suggestions for future editions.

You can write to us at the following address:

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**Tax questions.** If you have a tax question, check the information available on IRS.gov or call 1-800-829-1040. We cannot answer tax questions sent to either of the above addresses.

## Useful Items

You may want to see:

### Publication

- 559** Survivors, Executors, and Administrators
- 929** Tax Rules for Children and Dependents

### Form (and Instructions)

- Schedule L (Form 1040A or 1040)**  
Standard Deduction for Certain Filers
- 1040X** Amended U.S. Individual Income Tax Return
- 2848** Power of Attorney and Declaration of Representative
- 8332** Release/Revocation of Release of Claim to Exemption for Child by Custodial Parent
- 8814** Parents' Election To Report Child's Interest and Dividends

## Who Must File

If you are a U.S. citizen or resident alien, whether you must file a federal income tax return

depends on your gross income, your filing status, your age, and whether you are a dependent. For details, see [Table 1](#) and [Table 2](#). You also must file if one of the situations described in [Table 3](#) applies. The filing requirements apply even if you owe no tax.

You may have to pay a penalty if you are required to file a return but fail to do so. If you willfully fail to file a return, you may be subject to criminal prosecution.

For information on what form to use — Form 1040EZ, Form 1040A, or Form 1040 — see the instructions in your tax package.

**Gross income.** Gross income is all income you receive in the form of money, goods, property, and services that is not exempt from tax. If you are married and live with your spouse in a community property state, half of any income defined by state law as community income may be considered yours. For a list of community property states, see [Community property states](#) under *Married Filing Separately*, later.

**Self-employed persons.** If you are self-employed in a business that provides services (where products are not a factor), your gross income from that business is the gross receipts. If you are self-employed in a business involving manufacturing, merchandising, or mining, your gross income from that business is the total sales minus the cost of goods sold. To this figure, you add any income from investments and from incidental or outside operations or sources.



*You must file Form 1040 if you owe any self-employment tax.*

**Filing status.** Your filing status generally depends on whether you are single or married. In some cases, it depends on other factors as well. Whether you are single or married is determined as of the last day of your tax year, which is December 31 for most taxpayers. Filing status is discussed in detail later in this publication.

**Age.** Age is a factor in determining if you must file a return only if you are 65 or older at the end of your tax year. For 2010, you are 65 or older if you were born before January 2, 1946.

## Filing Requirements for Most Taxpayers

You must file a return if your gross income for the year was at least the amount shown on the appropriate line in [Table 1](#). Dependents should see [Table 2](#) instead.

## Deceased Persons

You must file an income tax return for a decedent (a person who died) if both of the following are true.

1. You are the surviving spouse, executor, administrator, or legal representative.
2. The decedent met the filing requirements described in this publication at the time of his or her death.

For more information, see *Final Return for Decedent* in Publication 559.

## U.S. Citizens or Resident Aliens Living Abroad

For purposes of determining whether you must file a return, you must include in your gross income all of the income you earned or received abroad, including any income you can exclude under the foreign earned income exclusion. For more information on special tax rules that may apply to you, see Publication 54, Tax Guide for U.S. Citizens and Resident Aliens Abroad.

## Residents of Puerto Rico

Generally, if you are a U.S. citizen and a bona fide resident of Puerto Rico, you must file a U.S. income tax return if you meet the income requirements. This is in addition to any legal requirement you may have to file an income tax return with Puerto Rico.

If you are a bona fide resident of Puerto Rico for the whole year, your U.S. gross income does not include income from sources within Puerto Rico. However, include in your U.S. gross income any income you received for your services as an employee of the United States or any U.S. agency. If you receive income from Puerto Rican sources that is not subject to U.S. tax, you must reduce your standard deduction, which reduces the amount of income you can have before you must file a U.S. income tax return.

For more information, see Publication 570, Tax Guide for Individuals With Income From U.S. Possessions.

## Individuals With Income From U.S. Possessions

If you had income from Guam, the Commonwealth of Northern Mariana Islands, American Samoa, or the U.S. Virgin Islands, special rules may apply when determining whether you must file a U.S. federal income tax return. In addition, you may have to file a return with the individual possession government. See Publication 570 for more information.

## Dependents

A person who is a dependent may still have to file a return. This depends on the amount of the dependent's earned income, unearned income, and gross income. For details, see [Table 2](#). A dependent may also have to file if one of the situations described in [Table 3](#) applies.

**Responsibility of parent.** If a dependent child who must file an income tax return cannot file it for any reason, such as age, a parent, guardian, or other legally responsible person must file it for the child. If the child cannot sign the return, the parent or guardian must sign the child's name followed by the words "By (your signature), parent for minor child."

**Earned income.** This is salaries, wages, professional fees, and other amounts received as pay for work you actually perform. Earned income (only for purposes of filing requirements and the standard deduction) also includes any part of a scholarship that you must include in your gross income. See chapter 1 of Publication 970, Tax Benefits for Education, for more information on taxable and nontaxable scholarships.

**Child's earnings.** Amounts a child earns by performing services are his or her gross income.

This is true even if under local law the child's parents have the right to the earnings and may actually have received them. If the child does not pay the tax due on this income, the parent is liable for the tax.

**Unearned income.** This is income such as interest, dividends, and capital gains. Trust distributions of interest, dividends, capital gains, and survivor annuities are considered unearned income also.

## Election to report child's unearned income on parent's return.

You may be able to include your child's interest and dividend income on your tax return. If you choose to do this, your child will not have to file a return. However, all of the following conditions must be met.

- Your child was under age 19 (or under age 24 if a full-time student). (A child born on January 1, 1992, is considered to be age 19 at the end of 2010; you cannot make the election for this child unless the child was a full-time student. Similarly, a child born on January 1, 1987, is considered to be age 24 at the end of 2010; you cannot make the election for this child.)
- Your child had gross income only from interest and dividends (including capital gain distributions and Alaska Permanent Fund dividends).
- The interest and dividend income was less than \$9,500.
- Your child is required to file a return for 2010 unless you make this election.
- Your child does not file a joint return for 2010.
- No estimated tax payment was made for 2010 and no 2009 overpayment was applied to 2010 under your child's name and social security number.
- No federal income tax was withheld from your child's income under the backup withholding rules.
- You are the parent whose return must be used when making the election to report your child's unearned income.

For more information, see Form 8814 and *Parent's Election To Report Child's Interest and Dividends* in Publication 929.

## Other Situations

You may have to file a tax return even if your gross income is less than the amount shown in [Table 1](#) or [Table 2](#) for your filing status. See [Table 3](#) for those other situations when you must file.

Table 1. 2010 Filing Requirements Chart for Most Taxpayers

IF your filing status is...	AND at the end of 2010 you were...*	THEN file a return if your gross income was at least...**
single	under 65	\$ 9,350
	65 or older	\$10,750
head of household	under 65	\$12,050
	65 or older	\$13,450
married, filing jointly***	under 65 (both spouses)	\$18,700
	65 or older (one spouse)	\$19,800
	65 or older (both spouses)	\$20,900
married, filing separately	any age	\$ 3,650
qualifying widow(er) with dependent child	under 65	\$15,050
	65 or older	\$16,150

\* If you were born before January 2, 1946, you are considered to be 65 or older at the end of 2010.

\*\* Gross income means all income you received in the form of money, goods, property, and services that is not exempt from tax, including any income from sources outside the United States or from the sale of your main home (even if you can exclude part or all of it). Do not include any social security benefits unless (a) you are married filing a separate return and you lived with your spouse at any time during 2010, or (b) one-half of your social security benefits plus your other gross income and any tax-exempt interest is more than \$25,000 (\$32,000 if married filing jointly). If (a) or (b) applies, see the Form 1040 instructions to figure the taxable part of social security benefits you must include in gross income.

\*\*\* If you did not live with your spouse at the end of 2010 (or on the date your spouse died) and your gross income was at least \$3,650, you must file a return regardless of your age.

## Who Should File

Even if you do not have to file, you should file a tax return if you can get money back. For example, you should file if one of the following applies.

1. You had income tax withheld from your pay.

2. You made estimated tax payments for the year or had any of your overpayment for last year applied to this year's estimated tax.
3. You qualify for the making work pay credit. See Schedule M (Form 1040A or 1040).
4. You qualify for the earned income credit. See Publication 596, Earned Income Credit (EIC), for more information.
5. You qualify for the additional child tax credit. See the instructions for the tax form you file (Form 1040, 1040A, or 1040EZ) for more information on this credit.
6. You qualify for the refundable American opportunity education credit. See Form 8863, Education Credits.
7. You qualify for the health coverage tax credit. For information about this credit, see Form 8885, Health Coverage Tax Credit.
8. You qualify for the refundable credit for prior year minimum tax. See Form 8801, Credit for Prior Year Minimum Tax — Individuals, Estates, and Trusts.
9. You qualify for the first-time homebuyer credit. See Form 5405, First-Time Homebuyer Credit.
10. You qualify for the credit for federal tax on fuels. See Form 4136, Credit for Federal Tax Paid on Fuels.
11. You qualify for the adoption credit. See Form 8839, Qualified Adoption Expenses.

## Filing Status

You must determine your filing status before you can determine your filing requirements, standard deduction (discussed later), and correct tax. You figure your correct tax by using the section of the Tax Computation Worksheet or the column in the Tax Table that applies to your filing status.

You also use your filing status in determining whether you are eligible to claim certain other deductions and credits.

There are five filing statuses:

- Single,
- Married Filing Jointly,
- Married Filing Separately,
- Head of Household, and
- Qualifying Widow(er) With Dependent Child.

If more than one filing status applies to you, choose the one that will give you the lowest tax.

## Marital Status

In general, your filing status depends on whether you are considered unmarried or married. For federal tax purposes, a marriage means only a legal union between a man and a woman as husband and wife.

**Unmarried persons.** You are considered unmarried for the whole year if, on the last day of

## Table 2. 2010 Filing Requirements for Dependents

See [Exemptions for Dependents](#) to find out if you are a dependent.

If your parent (or someone else) can claim you as a dependent, use this table to see if you must file a return.

In this table, unearned income includes taxable interest, ordinary dividends, and capital gain distributions. It also includes unemployment compensation, taxable social security benefits, pensions, annuities, and distributions of unearned income from a trust. Earned income includes salaries, wages, tips, professional fees, and taxable scholarship and fellowship grants. Gross income is the total of your unearned and earned income.

**Caution.** If your gross income was \$3,650 or more, you usually cannot be claimed as a dependent unless you are a qualifying child. For details, see [Exemptions for Dependents](#).

### Single dependents— Were you **either** age 65 or older **or** blind?

- No.** You must file a return if **any** of the following apply.
1. Your unearned income was more than \$950.
  2. Your earned income was more than \$5,700.
  3. Your gross income was more than the larger of —
    - a. \$950, or
    - b. Your earned income (up to \$5,400) plus \$300.
- Yes.** You must file a return if **any** of the following apply.
1. Your unearned income was more than \$2,350 (\$3,750 if 65 or older **and** blind).
  2. Your earned income was more than \$7,100 (\$8,500 if 65 or older **and** blind).
  3. Your gross income was more than the larger of—
    - a. \$2,350 (\$3,750 if 65 or older **and** blind), or
    - b. Your earned income (up to \$5,400) plus \$1,700 (\$3,100 if 65 or older **and** blind).

### Married dependents— Were you **either** age 65 or older **or** blind?

- No.** You must file a return if **any** of the following apply.
1. Your gross income was at least \$5 and your spouse files a separate return and itemizes deductions.
  2. Your unearned income was more than \$950.
  3. Your earned income was more than \$5,700.
  4. Your gross income was more than the larger of —
    - a. \$950, or
    - b. Your earned income (up to \$5,400) plus \$300.
- Yes.** You must file a return if **any** of the following apply.
1. Your gross income was at least \$5 and your spouse files a separate return and itemizes deductions.
  2. Your unearned income was more than \$2,050 (\$3,150 if 65 or older **and** blind).
  3. Your earned income was more than \$6,800 (\$7,900 if 65 or older **and** blind).
  4. Your gross income was more than the larger of—
    - a. \$2,050 (\$3,150 if 65 or older **and** blind), or
    - b. Your earned income (up to \$5,400) plus \$1,400 (\$2,500 if 65 or older **and** blind).

your tax year, you are unmarried or legally separated from your spouse under a divorce or separate maintenance decree.

State law governs whether you are married or legally separated under a divorce or separate maintenance decree.

**Divorced persons.** If you are divorced under a final decree by the last day of the year, you are considered unmarried for the whole year.

**Divorce and remarriage.** If you obtain a divorce in one year for the sole purpose of filing

**Table 3. Other Situations When You Must File a 2010 Return**

If any of the four conditions listed below applied to you for 2010, you must file a return.

1. You owe any special taxes, including any of the following.
  - a. Alternative minimum tax. (See the Form 1040 instructions for line 45.)
  - b. Additional tax on a qualified plan, including an individual retirement arrangement (IRA), or other tax-favored account. (See Publication 590, Individual Retirement Arrangements (IRAs), and Publication 969, Health Savings Accounts and Other Tax-Favored Health Plans.) But if you are filing a return only because you owe this tax, you can file Form 5329 by itself.
  - c. Social security or Medicare tax on tips you did not report to your employer (see Publication 531, Reporting Tip Income) or on wages you received from an employer who did not withhold these taxes (see Form 8919).
  - d. Write-in taxes, including uncollected social security, Medicare, or railroad retirement tax on tips you reported to your employer or on group-term life insurance and additional tax on health savings accounts. (See Publication 531, Publication 969, and the Form 1040 instructions for line 60.)
  - e. Household employment taxes. But if you are filing a return only because you owe these taxes, you can file Schedule H by itself.
  - f. Recapture taxes. (See the Form 1040 instructions for lines 44 and 60.)
2. You received any advance earned income credit (EIC) payments from your employer. These payments should be shown in box 9 of your Form W-2. (See Publication 596, Earned Income Credit (EIC).)
3. You had net earnings from self-employment of at least \$400. (See Schedule SE (Form 1040) and its instructions.)
4. You had wages of \$108.28 or more from a church or qualified church-controlled organization that is exempt from employer social security and Medicare taxes. (See Schedule SE (Form 1040) and its instructions.)

tax returns as unmarried individuals, and at the time of divorce you intended to and did remarry each other in the next tax year, you and your spouse must file as married individuals.

**Annulled marriages.** If you obtain a court decree of annulment, which holds that no valid marriage ever existed, you are considered unmarried even if you filed joint returns for earlier years. You must file amended returns (Form 1040X) claiming single or head of household status for all tax years affected by the annulment that are not closed by the statute of limitations for filing a tax return. The statute of limitations generally does not end until 3 years after your original return was filed.

**Head of household or qualifying widow(er) with dependent child.** If you are considered unmarried, you may be able to file as a head of household or as a qualifying widow(er) with a dependent child. See [Head of Household](#) and [Qualifying Widow\(er\) With Dependent Child](#) to see if you qualify.

**Married persons.** If you are considered married for the whole year, you and your spouse can file a joint return, or you can file separate returns.

**Considered married.** You are considered married for the whole year if on the last day of

your tax year you and your spouse meet any one of the following tests.

1. You are married and living together as husband and wife.
2. You are living together in a common law marriage that is recognized in the state where you now live or in the state where the common law marriage began.
3. You are married and living apart, but not legally separated under a decree of divorce or separate maintenance.
4. You are separated under an interlocutory (not final) decree of divorce. For purposes of filing a joint return, you are not considered divorced.

**Spouse died during the year.** If your spouse died during the year, you are considered married for the whole year for filing status purposes.

If you did not remarry before the end of the tax year, you can file a joint return for yourself and your deceased spouse. For the next 2 years, you may be entitled to the special benefits described later under [Qualifying Widow\(er\) With Dependent Child](#).

If you remarried before the end of the tax year, you can file a joint return with your new

spouse. Your deceased spouse's filing status is married filing separately for that year.

**Married persons living apart.** If you live apart from your spouse and meet certain tests, you may be considered unmarried. If this applies to you, you can file as head of household even though you are not divorced or legally separated. If you qualify to file as head of household instead of as married filing separately, your standard deduction will be higher. Also, your tax may be lower, and you may be able to claim the earned income credit. See [Head of Household](#), later.

## Single

Your filing status is single if, on the last day of the year, you are unmarried or legally separated from your spouse under a divorce or separate maintenance decree, and you do not qualify for another filing status. To determine your marital status on the last day of the year, see [Marital Status](#), earlier.

**Widow(er).** Your filing status may be single if you were widowed before January 1, 2010, and did not remarry before the end of 2010. However, you might be able to use another filing status that will give you a lower tax. See [Head of Household](#) and [Qualifying Widow\(er\) With Dependent Child](#), later, to see if you qualify.

**How to file.** You can file Form 1040EZ (if you have no dependents, are under 65 and not blind, and meet other requirements), Form 1040A, or Form 1040. If you file Form 1040A or Form 1040, show your filing status as single by checking the box on line 1. Use the *Single* column of the Tax Table, or Section A of the Tax Computation Worksheet, to figure your tax.

## Married Filing Jointly

You can choose married filing jointly as your filing status if you are married and both you and your spouse agree to file a joint return. On a joint return, you report your combined income and deduct your combined allowable expenses. You can file a joint return even if one of you had no income or deductions.

If you and your spouse decide to file a joint return, your tax may be lower than your combined tax for the other filing statuses. Also, your standard deduction (if you do not itemize deductions) may be higher, and you may qualify for tax benefits that do not apply to other filing statuses.

**TIP** *If you and your spouse each have income, you may want to figure your tax both on a joint return and on separate returns (using the filing status of married filing separately). You can choose the method that gives the two of you the lower combined tax.*

**How to file.** If you file as married filing jointly, you can use Form 1040 or Form 1040A. If you have no dependents, are under 65 and not blind, and meet other requirements, you can file Form 1040EZ. If you file Form 1040 or Form 1040A, show this filing status by checking the box on line 2. Use the *Married filing jointly* column of the Tax Table, or Section B of the Tax Computation Worksheet, to figure your tax.

**Spouse died during the year.** If your spouse died during the year, you are considered married for the whole year and can choose married filing jointly as your filing status. See [Spouse died during the year](#), under *Married persons*, earlier.

**Divorced persons.** If you are divorced under a final decree by the last day of the year, you are considered unmarried for the whole year and you cannot choose married filing jointly as your filing status.

## Filing a Joint Return

Both you and your spouse must include all of your income, exemptions, and deductions on your joint return.

**Accounting period.** Both of you must use the same accounting period, but you can use different accounting methods.

**Joint responsibility.** Both of you may be held responsible, jointly and individually, for the tax and any interest or penalty due on your joint return. One spouse may be held responsible for all the tax due even if all the income was earned by the other spouse.

**Divorced taxpayer.** You may be held jointly and individually responsible for any tax, interest, and penalties due on a joint return filed before your divorce. This responsibility may apply even if your divorce decree states that your former spouse will be responsible for any amounts due on previously filed joint returns.

**Relief from joint responsibility.** In some cases, one spouse may be relieved of joint liability for tax, interest, and penalties on a joint return for items of the other spouse which were incorrectly reported on the joint return. You can ask for relief no matter how small the liability.

There are three types of relief available.

1. Innocent spouse relief.
2. Separation of liability, which applies to joint filers who are divorced, widowed, legally separated, or who have not lived together for the 12 months ending on the date election of this relief is filed.
3. Equitable relief.

You must file Form 8857, Request for Innocent Spouse Relief, to request any of these kinds of relief. Publication 971, Innocent Spouse Relief, explains these kinds of relief and who may qualify for them.

**Signing a joint return.** For a return to be considered a joint return, both husband and wife generally must sign the return.

**Spouse died before signing.** If your spouse died before signing the return, the executor or administrator must sign the return for your spouse. If neither you nor anyone else has yet been appointed as executor or administrator, you can sign the return for your spouse and enter "Filing as surviving spouse" in the area where you sign the return.

**Spouse away from home.** If your spouse is away from home, you should prepare the return, sign it, and send it to your spouse to sign so that it can be filed on time.

**Injury or disease prevents signing.** If your spouse cannot sign because of injury or disease and tells you to sign, you can sign your spouse's name in the proper space on the return followed by the words "By (your name), Husband (or Wife)." Be sure to also sign in the space provided for your signature. Attach a dated statement, signed by you, to the return. The statement should include the form number of the return you are filing, the tax year, the reason your spouse cannot sign, and that your spouse has agreed to your signing for him or her.

**Signing as guardian of spouse.** If you are the guardian of your spouse who is mentally incompetent, you can sign the return for your spouse as guardian.

**Spouse in combat zone.** If your spouse is unable to sign the return because he or she is serving in a combat zone (such as the Persian Gulf area, Yugoslavia, or Afghanistan), and you do not have a power of attorney or other statement, you can sign for your spouse. Attach a signed statement to your return that explains that your spouse is serving in a combat zone. For more information on special tax rules for persons who are serving in a combat zone, or who are in missing status as a result of serving in a combat zone, see Publication 3, Armed Forces' Tax Guide.

**Other reasons spouse cannot sign.** If your spouse cannot sign the joint return for any other reason, you can sign for your spouse only if you are given a valid power of attorney (a legal document giving you permission to act for your spouse). Attach the power of attorney (or a copy of it) to your tax return. You can use Form 2848.

**Nonresident alien or dual-status alien.** A joint return generally cannot be filed if either spouse is a nonresident alien at any time during the tax year. However, if one spouse was a nonresident alien or dual-status alien who was married to a U.S. citizen or resident alien at the end of the year, the spouses can choose to file a joint return. If you do file a joint return, you and your spouse are both treated as U.S. residents for the entire tax year. See chapter 1 of Publication 519.

## Married Filing Separately

You can choose married filing separately as your filing status if you are married. This filing status may benefit you if you want to be responsible only for your own tax or if it results in less tax than filing a joint return.

If you and your spouse do not agree to file a joint return, you have to use this filing status unless you qualify for head of household status, discussed next.

You may be able to choose head of household filing status if you live apart from your spouse, meet certain tests, and are considered unmarried (explained later, under [Head of Household](#)). This can apply to you even if you are not divorced or legally separated. If you qualify to file as head of household, instead of as married filing separately, your tax may be lower, you may be able to claim the earned income credit and certain other credits, and your standard deduction will be higher. The head of household filing status allows you to choose the standard deduction even if your spouse chooses

to itemize deductions. See [Head of Household](#), later, for more information.



*You will generally pay more combined tax on separate returns than you would on a joint return for the reasons listed under [Special Rules](#), later. However, unless you are required to file separately, you should figure your tax both ways (on a joint return and on separate returns). This way you can make sure you are using the filing status that results in the lowest combined tax. When figuring the combined tax of husband and wife, you may want to consider state taxes as well as federal taxes.*

**How to file.** If you file a separate return, you generally report only your own income, exemptions, credits, and deductions on your individual return. You can claim an exemption for your spouse if your spouse had no gross income and was not the dependent of another person. However, if your spouse had any gross income or was the dependent of someone else, you cannot claim an exemption for him or her on your separate return.

If you file as married filing separately, you can use Form 1040A or Form 1040. Select this filing status by checking the box on line 3 of either form. You also must enter your spouse's full name in the space provided and must enter your spouse's SSN or ITIN in the space provided unless your spouse does not have and is not required to have an SSN or ITIN. Use the *Married filing separately* column of the Tax Table or Section C of the Tax Computation Worksheet to figure your tax.

## Special Rules

If you choose married filing separately as your filing status, the following special rules apply. Because of these special rules, you will usually pay more tax on a separate return than if you used another filing status that you qualify for.

1. Your tax rate generally will be higher than it would be on a joint return.
2. Your exemption amount for figuring the alternative minimum tax will be half that allowed to a joint return filer.
3. You cannot take the credit for child and dependent care expenses in most cases, and the amount that you can exclude from income under an employer's dependent care assistance program is limited to \$2,500 (instead of \$5,000 if you filed a joint return).
4. You cannot take the earned income credit.
5. You cannot take the exclusion or credit for adoption expenses in most cases.
6. You cannot take the education credits (the American opportunity credit and lifetime learning credit), the deduction for student loan interest, or the tuition and fees deduction.
7. You cannot exclude any interest income from qualified U.S. savings bonds that you used for higher education expenses.
8. If you lived with your spouse at any time during the tax year:

- a. You cannot claim the credit for the elderly or the disabled, and
  - b. You will have to include in income more (up to 85%) of any social security or equivalent railroad retirement benefits you received.
9. The following credits are reduced at income levels that are half of those for a joint return:
- a. The child tax credit, and
  - b. The retirement savings contributions credit.
10. Your capital loss deduction limit is \$1,500 (instead of \$3,000 if you filed a joint return).
11. If your spouse itemizes deductions, you cannot claim the standard deduction. If you can claim the standard deduction, your basic standard deduction is half the amount allowed on a joint return.
12. Your first-time homebuyer credit is limited to \$4,000 (instead of \$8,000 if you filed a joint return). If the special rule for long-time residents of the same main home applies, the credit is limited to \$3,250 (instead of \$6,500 if you filed a joint return).

**Adjusted gross income (AGI) limits.** If your AGI on a separate return is lower than it would have been on a joint return, you may be able to deduct a larger amount for certain deductions that are limited by AGI, such as medical expenses.

**Individual retirement arrangements (IRAs).** You may not be able to deduct all or part of your contributions to a traditional IRA if you or your spouse was covered by an employee retirement plan at work during the year. Your deduction is reduced or eliminated if your income is more than a certain amount. This amount is much lower for married individuals who file separately and lived together at any time during the year. For more information, see *How Much Can You Deduct?* in chapter 1 of Publication 590, Individual Retirement Arrangements (IRAs).

**Rental activity losses.** If you actively participated in a passive rental real estate activity that produced a loss, you generally can deduct the loss from your nonpassive income up to \$25,000. This is called a special allowance. However, married persons filing separate returns who lived together at any time during the year cannot claim this special allowance. Married persons filing separate returns who lived apart at all times during the year are each allowed a \$12,500 maximum special allowance for losses from passive real estate activities. See *Rental Activities* in Publication 925, Passive Activity and At-Risk Rules.

**Community property states.** If you live in Arizona, California, Idaho, Louisiana, Nevada, New Mexico, Texas, Washington, or Wisconsin and file separately, your income may be considered separate income or community income for income tax purposes. See Publication 555, Community Property.

## Joint Return After Separate Returns

You can change your filing status by filing an amended return using Form 1040X.

If you or your spouse (or both of you) file a separate return, you generally can change to a joint return any time within 3 years from the due date of the separate return or returns. This does not include any extensions. A separate return includes a return filed by you or your spouse claiming married filing separately, single, or head of household filing status.

## Separate Returns After Joint Return

Once you file a joint return, you cannot choose to file separate returns for that year after the due date of the return.

**Exception.** A personal representative for a decedent can change from a joint return elected by the surviving spouse to a separate return for the decedent. The personal representative has 1 year from the due date (including extensions) of the return to make the change. See Publication 559 for more information on filing income tax returns for a decedent.

## Head of Household

You may be able to file as head of household if you meet all the following requirements.

1. You are unmarried or “considered unmarried” on the last day of the year.
2. You paid more than half the cost of keeping up a home for the year.
3. A “qualifying person” lived with you in the home for more than half the year (except for temporary absences, such as school). However, if the “qualifying person” is your dependent parent, he or she does not have to live with you. See [Special rule for parent](#), later, under *Qualifying Person*.



*If you qualify to file as head of household, your tax rate usually will be lower than the rates for single or married filing separately. You will also receive a higher standard deduction than if you file as single or married filing separately.*

**How to file.** If you file as head of household, you can use either Form 1040A or Form 1040. Indicate your choice of this filing status by checking the box on line 4 of either form. Use the *Head of a household* column of the Tax Table or Section D of the Tax Computation Worksheet to figure your tax.

## Considered Unmarried

To qualify for head of household status, you must be either unmarried or considered unmarried on the last day of the year. You are considered unmarried on the last day of the tax year if you meet all the following tests.

1. You file a separate return (defined earlier under [Joint Return After Separate Returns](#)).

2. You paid more than half the cost of keeping up your home for the tax year.
3. Your spouse did not live in your home during the last 6 months of the tax year. Your spouse is considered to live in your home even if he or she is temporarily absent due to special circumstances. See [Temporary absences](#), later.
4. Your home was the main home of your child, stepchild, or foster child for more than half the year. (See [Home of qualifying person](#), later, for rules applying to a child's birth, death, or temporary absence during the year.)
5. You must be able to claim an exemption for the child. However, you meet this test if you cannot claim the exemption only because the noncustodial parent can claim the child using the rules described later in [Children of divorced or separated parents or parents who live apart](#) under *Qualifying Child* or in [Support Test for Children of Divorced or Separated Parents or Parents Who Live Apart](#) under *Qualifying Relative*. The general rules for claiming an exemption for a dependent are explained later under [Exemptions for Dependents](#).



*If you were considered married for part of the year and lived in a [community property state](#) (listed earlier under *Married Filing Separately*), special rules may apply in determining your income and expenses. See Publication 555 for more information.*

**Nonresident alien spouse.** You are considered unmarried for head of household purposes if your spouse was a nonresident alien at any time during the year and you do not choose to treat your nonresident spouse as a resident alien. However, your spouse is not a qualifying person for head of household purposes. You must have another qualifying person and meet the other tests to be eligible to file as a head of household.

**Earned income credit.** Even if you are considered unmarried for head of household purposes because you are married to a nonresident alien, you are still considered married for purposes of the earned income credit (unless you meet the five tests listed earlier under [Considered Unmarried](#)). You are not entitled to the credit unless you file a joint return with your spouse and meet other qualifications.

See Publication 596 for more information.

**Choice to treat spouse as resident.** You are considered married if you choose to treat your spouse as a resident alien. See chapter 1 of Publication 519.

## Keeping Up a Home

To qualify for head of household status, you must pay more than half of the cost of keeping up a home for the year. You can determine whether you paid more than half of the cost of keeping up a home by using the following worksheet.



	Amount You Paid	Total Cost
Property taxes	\$ _____	\$ _____
Mortgage interest expense	_____	_____
Rent	_____	_____
Utility charges	_____	_____
Repairs/maintenance	_____	_____
Property insurance	_____	_____
Food consumed on the premises	_____	_____
Other household expenses	_____	_____
<b>Totals</b>	<b>\$ _____</b>	<b>\$ _____</b>
 Minus total amount you paid	 (_____)	
 <b>Amount others paid</b>	 \$ _____	

If the total amount you paid is more than the amount others paid, you meet the requirement of paying more than half the cost of keeping up the home.

**Costs you include.** Include in the cost of upkeep expenses such as rent, mortgage interest, real estate taxes, insurance on the home, repairs, utilities, and food eaten in the home.

If you used payments you received under Temporary Assistance for Needy Families (TANF) or other public assistance programs to pay part of the cost of keeping up your home, you cannot count them as money you paid. However, you must include them in the total cost of keeping up your home to figure if you paid over half the cost.

**Costs you do not include.** Do not include in the cost of upkeep expenses such as clothing, education, medical treatment, vacations, life insurance, or transportation. Also, do not include the rental value of a home you own or the value of your services or those of a member of your household.

## Qualifying Person

See [Table 4](#), later, to see who is a qualifying person.

Any person not described in [Table 4](#) is not a qualifying person.

**Example 1—child.** Your unmarried son lived with you all year and was 18 years old at the end of the year. He did not provide more than half of his own support and does not meet the tests to be a qualifying child of anyone else. As a result, he is your qualifying child (see [Qualifying Child](#), later) and, because he is single, is a qualifying person for you to claim head of household filing status.

**Example 2—child who is not qualifying person.** The facts are the same as in [Example 1](#) except your son was 25 years old at the end of the year and his gross income was \$5,000. Because he does not meet the age test (explained later under [Qualifying Child](#)), your son is not your qualifying child. Because he does not meet

the gross income test (explained later under [Qualifying Relative](#)), he is not your qualifying relative. As a result, he is not your qualifying person for head of household purposes.

**Example 3—girlfriend.** Your girlfriend lived with you all year. Even though she may be your qualifying relative if the gross income and support tests (explained later) are met, she is not your qualifying person for head of household purposes because she is not related to you in one of the ways listed under [Relatives who do not have to live with you](#). See [Table 4](#).

**Example 4—girlfriend's child.** The facts are the same as in [Example 3](#) except your girlfriend's 10-year-old son also lived with you all year. He is not your qualifying child and, because he is your girlfriend's qualifying child, he is not your qualifying relative (see [Not a Qualifying Child Test](#), later). As a result, he is not your qualifying person for head of household purposes.

**Home of qualifying person.** Generally, the qualifying person must live with you for more than half of the year.

**Special rule for parent.** If your qualifying person is your father or mother, you may be eligible to file as head of household even if your father or mother does not live with you. However, you must be able to claim an exemption for your father or mother. Also, you must pay more than half the cost of keeping up a home that was the main home for the entire year for your father or mother. You are keeping up a main home for your father or mother if you pay more than half the cost of keeping your parent in a rest home or home for the elderly.

**Death or birth.** You may be eligible to file as head of household if the individual who qualifies you for this filing status is born or dies during the year. You must have provided more than half of the cost of keeping up a home that was the individual's main home for more than half of the year, or, if less, the period during which the individual lived.

**Example.** You are unmarried. Your mother, for whom you can claim an exemption, lived in an apartment by herself. She died on September 2. The cost of the upkeep of her apartment for the year until her death was \$6,000. You paid \$4,000 and your brother paid \$2,000. Your brother made no other payments towards your mother's support. Your mother had no income. Because you paid more than half of the cost of keeping up your mother's apartment from January 1 until her death, and you can claim an exemption for her, you can file as a head of household.

**Temporary absences.** You and your qualifying person are considered to live together even if one or both of you are temporarily absent from your home due to special circumstances such as illness, education, business, vacation, or military service. It must be reasonable to assume that the absent person will return to the home after the temporary absence. You must continue to keep up the home during the absence.

**Kidnapped child.** You may be eligible to file as head of household even if the child who is

your qualifying person has been kidnapped. You can claim head of household filing status if all the following statements are true.

1. The child must be presumed by law enforcement authorities to have been kidnapped by someone who is not a member of your family or the child's family.
2. In the year of the kidnapping, the child lived with you for more than half the part of the year before the kidnapping.
3. You would have qualified for head of household filing status if the child had not been kidnapped.

This treatment applies for all years until the child is returned. However, the last year this treatment can apply is the earlier of:

1. The year there is a determination that the child is dead, or
2. The year the child would have reached age 18.

## Qualifying Widow(er) With Dependent Child

If your spouse died in 2010, you can use married filing jointly as your filing status for 2010 if you otherwise qualify to use that status. The year of death is the last year for which you can file jointly with your deceased spouse. See [Married Filing Jointly](#), earlier.

You may be eligible to use qualifying widow(er) with dependent child as your filing status for 2 years following the year your spouse died. For example, if your spouse died in 2009 and you have not remarried, you may be able to use this filing status for 2010 and 2011. The rules for using this filing status are explained in detail here.

This filing status entitles you to use joint return tax rates and the highest standard deduction amount (if you do not itemize deductions). This status does not entitle you to file a joint return.

**How to file.** If you file as a qualifying widow(er) with dependent child, you can use either Form 1040A or Form 1040. Indicate your filing status by checking the box on line 5 of either form. Use the *Married filing jointly* column of the Tax Table or Section B of the Tax Computation Worksheet to figure your tax.

**Eligibility rules.** You are eligible to file your 2010 return as a qualifying widow(er) with dependent child if you meet all the following tests.

- You were entitled to file a joint return with your spouse for the year your spouse died. It does not matter whether you actually filed a joint return.
- Your spouse died in 2008 or 2009 and you did not remarry before the end of 2010.
- You have a child or stepchild for whom you can claim an exemption. This does not include a foster child.
- This child lived in your home all year, except for temporary absences. See [Temporary absences](#), earlier, under *Head of Household*. There are also exceptions, described later, for a child who was born or

died during the year and for a kidnapped child.

- You paid more than half the cost of keeping up a home for the year. See [Keeping Up a Home](#), earlier, under *Head of Household*.

**Example.** John Reed's wife died in 2008. John has not remarried. He has continued during 2009 and 2010 to keep up a home for himself and his child, who lives with him and for whom he can claim an exemption. For 2008 he was entitled to file a joint return for himself and his deceased wife. For 2009 and 2010, he can file as a qualifying widower with a dependent child. After 2010, he can file as head of household if he qualifies.

**Death or birth.** You may be eligible to file as a qualifying widow(er) with dependent child if the child who qualifies you for this filing status is born or dies during the year. You must have provided more than half of the cost of keeping up

a home that was the child's main home during the entire part of the year he or she was alive.

**Kidnapped child.** You may be eligible to file as a qualifying widow(er) with dependent child, even if the child who qualifies you for this filing status has been kidnapped. You can claim qualifying widow(er) with dependent child filing status if all the following statements are true.

- The child must be presumed by law enforcement authorities to have been kidnapped by someone who is not a member of your family or the child's family.
- In the year of the kidnapping, the child lived with you for more than half the part of the year before the kidnapping.
- You would have qualified for qualifying widow(er) with dependent child filing status if the child had not been kidnapped.



*As mentioned earlier, this filing status is available for only 2 years following the year your spouse died.*

## Exemptions

Exemptions reduce your taxable income. You can deduct \$3,650 for each exemption you claim in 2010. If you are entitled to two exemptions for 2010, you would deduct \$7,300 (\$3,650 × 2).

**Types of exemptions.** There are two types of exemptions you may be able to take:

- Personal exemptions for yourself and your spouse, and
- Exemptions for dependents (dependency exemptions).

While each is worth the same amount (\$3,650 for 2010), different rules, discussed later, apply to each type.

**Dependent cannot claim a personal exemption.** If you are entitled to claim an exemption for a dependent (such as your child), that dependent cannot claim a personal exemption on his or her own tax return.

**Table 4. Who Is a Qualifying Person Qualifying You To File as Head of Household?¹**

**Caution.** See the text of this publication for the other requirements you must meet to claim head of household filing status.

IF the person is your . . .	AND . . .	THEN that person is . . .
qualifying child (such as a son, daughter, or grandchild who lived with you more than half the year and meets certain other tests)²	he or she is single	a qualifying person, whether or not you can claim an exemption for the person.
	he or she is married <u>and</u> you can claim an exemption for him or her	a qualifying person.
	he or she is married <u>and</u> you cannot claim an exemption for him or her	not a qualifying person.³
qualifying relative⁴ who is your father or mother	you can claim an exemption for him or her⁵	a qualifying person.⁶
	you cannot claim an exemption for him or her	not a qualifying person.
qualifying relative⁴ other than your father or mother (such as a grandparent, brother, or sister who meets certain tests).	he or she lived with you more than half the year, <u>and</u> he or she is related to you in one of the ways listed under <a href="#">Relatives who do not have to live with you</a> on page 16, <u>and</u> you can claim an exemption for him or her⁵	a qualifying person.
	he or she did not live with you more than half the year	not a qualifying person.
	he or she is not related to you in one of the ways listed under <a href="#">Relatives who do not have to live with you</a> on page 16 and is your qualifying relative only because he or she lived with you all year as a member of your household	not a qualifying person
	you cannot claim an exemption for him or her	not a qualifying person.

¹A person cannot qualify more than one taxpayer to use the head of household filing status for the year.

²The term "qualifying child" is defined under [Exemptions for Dependents](#), later. **Note:** If you are a noncustodial parent, the term "qualifying child" for head of household filing status does not include a child who is your qualifying child for exemption purposes only because of the rules described under [Children of divorced or separated parents or parents who live apart](#) under *Qualifying Child*, later. If you are the custodial parent and those rules apply, the child generally is your qualifying child for head of household filing status even though the child is not a qualifying child for whom you can claim an exemption.

³ This person is a qualifying person if the only reason you cannot claim the exemption is that you can be claimed as a dependent on someone else's return.

⁴The term "qualifying relative" is defined under [Exemptions for Dependents](#), later.

⁵If you can claim an exemption for a person only because of a multiple support agreement, that person is not a qualifying person. See [Multiple Support Agreement](#).

⁶See [Special rule for parent](#) for an additional requirement.

**How to claim exemptions.** How you claim an exemption on your tax return depends on which form you file.

**Form 1040EZ filers.** If you file Form 1040EZ, the exemption amount is combined with the standard deduction and entered on line 5.

**Form 1040A filers.** If you file Form 1040A, complete lines 6a through 6d. The total number of exemptions you can claim is the total in the box on line 6d. Also complete line 26.

**Form 1040 filers.** If you file Form 1040, complete lines 6a through 6d. The total number of exemptions you can claim is the total in the box on line 6d. Also complete line 42.

**U.S. citizen or resident alien.** If you are a U.S. citizen, U.S. resident alien, U.S. national ([defined later](#)) or a resident of Canada or Mexico, you may qualify for any of the exemptions discussed here.

**Nonresident aliens.** Generally, if you are a nonresident alien (other than a resident of Canada or Mexico, or certain residents of India or Korea), you can qualify for only one personal exemption for yourself. You cannot claim exemptions for a spouse or dependents.

These restrictions do not apply if you are a nonresident alien married to a U. S. citizen or resident alien and have chosen to be treated as a resident of the United States.

**More information.** For more information on exemptions if you are a nonresident alien, see chapter 5 in Publication 519.

**Dual-status taxpayers.** If you have been both a nonresident alien and a resident alien in the same tax year, you should see Publication 519 for information on determining your exemptions.

## Personal Exemptions

You are generally allowed one exemption for yourself. If you are married, you may be allowed one exemption for your spouse. These are called personal exemptions.

### Your Own Exemption

You can take one exemption for yourself unless you can be claimed as a dependent by another taxpayer. If another taxpayer is entitled to claim you as a dependent, you cannot take an exemption for yourself even if the other taxpayer does not actually claim you as a dependent.

### Your Spouse's Exemption

Your spouse is never considered your dependent.

**Joint return.** On a joint return, you can claim one exemption for yourself and one for your spouse.

**Separate return.** If you file a separate return, you can claim an exemption for your spouse only if your spouse had no gross income, is not filing a return, and was not the dependent of another taxpayer. This is true even if the other taxpayer does not actually claim your spouse as a dependent. This is also true if your spouse is a

nonresident alien; in that case, your spouse must have no gross income for U.S. tax purposes.

**Head of household.** If you qualify for head of household filing status because you are considered unmarried, you can claim an exemption for your spouse if the conditions described in the preceding paragraph are satisfied.

To claim the exemption for your spouse, check the box on line 6b of Form 1040 or Form 1040A and enter the name of your spouse in the space to the right of the box. Enter the SSN or ITIN of your spouse in the space provided at the top of Form 1040 or Form 1040A.

**Death of spouse.** If your spouse died during the year and you file a joint return for yourself and your deceased spouse, you generally can claim your spouse's exemption under the rules just explained in [Joint return](#). If you file a separate return for the year, you may be able to claim your spouse's exemption under the rules just described in [Separate return](#).

If you remarried during the year, you cannot take an exemption for your deceased spouse.

If you are a surviving spouse without gross income and you remarry in the year your spouse died, you can be claimed as an exemption on both the final separate return of your deceased spouse and the separate return of your new spouse for that year. If you file a joint return with your new spouse, you can be claimed as an exemption only on that return.

**Divorced or separated spouse.** If you obtained a final decree of divorce or separate maintenance during the year, you cannot take your former spouse's exemption. This rule applies even if you provided all of your former spouse's support.

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## Exemptions for Dependents

You are allowed one exemption for each person you can claim as a dependent. You can claim an exemption for a dependent even if your dependent files a return.

The term "dependent" means:

- A qualifying child, or
- A qualifying relative.

The terms "[qualifying child](#)" and "[qualifying relative](#)" are defined later.

You can claim an exemption for a qualifying child or qualifying relative only if these three tests are met.

1. Dependent taxpayer test.
2. Joint return test.
3. Citizen or resident test.

These three tests are explained in detail later.

All the requirements for claiming an exemption for a dependent are summarized in [Table 5](#).



**Dependent not allowed a personal exemption.** If you can claim an exemption for your dependent, the dependent cannot claim his or her own personal

exemption on his or her own tax return. This is true even if you do not claim the dependent's exemption on your return.

**Housekeepers, maids, or servants.** If these people work for you, you cannot claim exemptions for them.

**Child tax credit.** You may be entitled to a child tax credit for each qualifying child who was under age 17 at the end of the year if you claimed an exemption for that child. For more information, see the instructions for the tax form you file (Form 1040, 1040A, or 1040EZ).

## Dependent Taxpayer Test

If you could be claimed as a dependent by another person, you cannot claim anyone else as a dependent. Even if you have a qualifying child or qualifying relative, you cannot claim that person as a dependent.

If you are filing a joint return and your spouse could be claimed as a dependent by someone else, you and your spouse cannot claim any dependents on your joint return.

## Joint Return Test

You generally cannot claim a married person as a dependent if he or she files a joint return.

**Exception.** An exception to the joint return test applies if your child and his or her spouse file a joint return merely as a claim for refund and no tax liability would exist for either spouse on separate returns.

**Example 1.** You supported your 18-year-old daughter, and she lived with you all year while her husband was in the Armed Forces. The couple files a joint return. You cannot take an exemption for your daughter.

**Example 2.** Your 18-year-old son and his 17-year-old wife had \$800 of interest income and no other income. Neither is required to file a tax return. Taxes were taken out of their interest income due to backup withholding so they file a joint return only to get a refund of the withheld taxes. The exception to the joint return test applies, so you are not disqualified from claiming an exemption for each of them just because they file a joint return. You can claim exemptions for each of them if all the other tests to do so are met.

**Example 3.** The facts are the same as in [Example 2](#) except your son had \$2,000 of wages and no interest income or backup withholding. No taxes were taken out of his pay and he and his wife are not required to file a tax return, but they file a joint return to claim a making work pay credit of \$124 and get a refund of that amount. They file the return to get the making work pay credit, so they are not filing it only as a claim for refund. The exception to the joint return test does not apply, so you cannot claim an exemption for either of them.

## Citizen or Resident Test

You cannot claim a person as a dependent unless that person is a U.S. citizen, U.S. resident alien, U.S. national, or a resident of Canada or Mexico. However, there is an exception for certain adopted children, as explained next.

**Exception for adopted child.** If you are a U.S. citizen or U.S. national who has legally adopted a child who is not a U.S. citizen, U.S. resident alien, or U.S. national, this test is met if the child lived with you as a member of your household all year. This exception also applies if the child was lawfully placed with you for legal adoption.

**Child's place of residence.** Children usually are citizens or residents of the country of their parents.

If you were a U.S. citizen when your child was born, the child may be a U.S. citizen even if the other parent was a nonresident alien and the child was born in a foreign country. If so, this test is met.

**Foreign students' place of residence.** Foreign students brought to this country under a qualified international education exchange program and placed in American homes for a temporary period generally are not U.S. residents and do not meet this test. You cannot claim an exemption for them. However, if you provided a home for a foreign student, you may be able to take a charitable contribution deduction. See *Expenses Paid for Student Living With You* in Publication 526, Charitable Contributions.

**U.S. national.** A U.S. national is an individual who, although not a U.S. citizen, owes his or her allegiance to the United States. U.S. nationals include American Samoans and Northern Mariana Islanders who chose to become U.S. nationals instead of U.S. citizens.

## Qualifying Child

There are five tests that must be met for a child to be your qualifying child. The five tests are:

1. Relationship,
2. Age,
3. Residency,
4. Support, and
5. Joint return.

These tests are explained next.



*If a child meets the five tests to be the qualifying child of more than one person, a special rule applies to determine which person can actually treat the child as a qualifying child. See [Special Rule for Qualifying Child of More Than One Person](#), later.*

## Relationship Test

To meet this test, a child must be:

- Your son, daughter, stepchild, foster child, or a descendant (for example, your grandchild) of any of them, or

- Your brother, sister, half brother, half sister, stepbrother, stepsister, or a descendant (for example, your niece or nephew) of any of them.

**Adopted child.** An adopted child is always treated as your own child. The term "adopted child" includes a child who was lawfully placed with you for legal adoption.

**Foster child.** A foster child is an individual who is placed with you by an authorized placement agency or by judgment, decree, or other order of any court of competent jurisdiction.

## Age Test

To meet this test, a child must be:

- Under age 19 at the end of the year and younger than you (or your spouse if filing jointly),
- A full-time student under age 24 at the end of the year and younger than you (or your spouse if filing jointly), or
- Permanently and totally disabled at any time during the year, regardless of age.

**Example.** Your son turned 19 on December 10. Unless he was permanently and totally disabled or a full-time student, he does not meet the age test because, at the end of the year, he was not **under** age 19.

**Child must be younger than you or spouse.** To be your qualifying child, a child who is not permanently and totally disabled must be younger than you. However, if you are married filing jointly, the child must be younger than you or your spouse but does not have to be younger than both of you.

**Example 1 – child not younger than you or spouse.** Your 23-year-old brother, who is a full-time student and unmarried, lives with you and your spouse. He is not disabled. Both you and your spouse are 21 years old, and you file a joint return. Your brother is not your qualifying child because he is not younger than you or your spouse.

**Example 2 – child younger than your spouse but not younger than you.** The facts are the same as in [Example 1](#) except that your spouse is 25 years old. Because your brother is younger than your spouse and you and your spouse are filing a joint return, your brother is your qualifying child, even though he is not younger than you.

**Full-time student.** A full-time student is a student who is enrolled for the number of hours or courses the school considers to be full-time attendance.

**Student defined.** To qualify as a student, your child must be, during some part of each of any 5 calendar months of the year:

1. A full-time student at a school that has a regular teaching staff, course of study, and a regularly enrolled student body at the school, or
2. A student taking a full-time, on-farm training course given by a school described in

(1), or by a state, county, or local government agency.

The 5 calendar months do not have to be consecutive.

**School defined.** A school can be an elementary school, junior or senior high school, college, university, or technical, trade, or mechanical school. However, an on-the-job training course, correspondence school, or school offering courses only through the Internet does not count as a school.

**Vocational high school students.** Students who work on "co-op" jobs in private industry as a part of a school's regular course of classroom and practical training are considered full-time students.

**Permanently and totally disabled.** Your child is permanently and totally disabled if both of the following apply.

- He or she cannot engage in any substantial gainful activity because of a physical or mental condition.
- A doctor determines the condition has lasted or can be expected to last continuously for at least a year or can lead to death.

## Residency Test

To meet this test, your child must have lived with you for more than half of the year. There are exceptions for temporary absences, children who were born or died during the year, kidnapped children, and children of divorced or separated parents.

**Temporary absences.** Your child is considered to have lived with you during periods of time when one of you, or both, are temporarily absent due to special circumstances such as:

- Illness,
- Education,
- Business,
- Vacation, or
- Military service.

**Death or birth of child.** A child who was born or died during the year is treated as having lived with you all year if your home was the child's home the entire time he or she was alive during the year. The same is true if the child lived with you all year except for any required hospital stay following birth.

**Child born alive.** You may be able to claim an exemption for a child who was born alive during the year, even if the child lived only for a moment. State or local law must treat the child as having been born alive. There must be proof of a live birth shown by an official document, such as a birth certificate. The child must be your qualifying child or qualifying relative, and all the other tests to claim an exemption for a dependent must be met.

**Stillborn child.** You cannot claim an exemption for a stillborn child.

**Kidnapped child.** You can treat your child as meeting the residency test even if the child has

**Table 5. Overview of the Rules for Claiming an Exemption for a Dependent**

**Caution.** This table is only an overview of the rules. For details, see the rest of this publication.

<ul style="list-style-type: none"> <li>You cannot claim any dependents if you, or your spouse if filing jointly, could be claimed as a dependent by another taxpayer.</li> <li>You cannot claim a married person who files a joint return as a dependent unless that joint return is only a claim for refund and there would be no tax liability for either spouse on separate returns.</li> <li>You cannot claim a person as a dependent unless that person is a U.S. citizen, U.S. resident alien, U.S. national, or a resident of Canada or Mexico.<sup>1</sup></li> <li>You cannot claim a person as a dependent unless that person is your <b>qualifying child</b> or <b>qualifying relative</b>.</li> </ul>	
Tests To Be a Qualifying Child	Tests To Be a Qualifying Relative
<ol style="list-style-type: none"> <li>The child must be your son, daughter, stepchild, foster child, brother, sister, half brother, half sister, stepbrother, stepsister, or a descendant of any of them.</li> <li>The child must be (a) under age 19 at the end of the year and younger than you (or your spouse, if filing jointly), (b) under age 24 at the end of the year, a full-time student, and younger than you (or your spouse, if filing jointly), or (c) any age if permanently and totally disabled.</li> <li>The child must have lived with you for more than half of the year.<sup>2</sup></li> <li>The child must not have provided more than half of his or her own support for the year.</li> <li>The child is not filing a joint return for the year (unless that joint return is filed only as a claim for refund).</li> </ol> <p>If the child meets the rules to be a qualifying child of more than one person, only one person can actually treat the child as a qualifying child. See the <a href="#">Special Rule for Qualifying Child of More Than One Person</a> described later to find out which person is the person entitled to claim the child as a qualifying child.</p>	<ol style="list-style-type: none"> <li>The person cannot be your qualifying child or the qualifying child of any other taxpayer.</li> <li>The person either (a) must be related to you in one of the ways listed under <a href="#">Relatives who do not have to live with you</a>, or (b) must live with you all year as a member of your household<sup>2</sup> (and your relationship must not violate local law).</li> <li>The person's gross income for the year must be less than \$3,650.<sup>3</sup></li> <li>You must provide more than half of the person's total support for the year.<sup>4</sup></li> </ol>
<p><sup>1</sup>There is an exception for certain adopted children.</p> <p><sup>2</sup>There are exceptions for temporary absences, children who were born or died during the year, children of divorced or separated parents or parents who live apart, and kidnapped children.</p> <p><sup>3</sup>There is an exception if the person is disabled and has income from a sheltered workshop.</p> <p><sup>4</sup>There are exceptions for multiple support agreements, children of divorced or separated parents or parents who live apart, and kidnapped children.</p>	

been kidnapped, but both of the following statements must be true.

- The child is presumed by law enforcement authorities to have been kidnapped by someone who is not a member of your family or the child's family.
- In the year the kidnapping occurred, the child lived with you for more than half of the part of the year before the date of the kidnapping.

This treatment applies for all years until the child is returned. However, the last year this treatment can apply is the earlier of:

- The year there is a determination that the child is dead, or
- The year the child would have reached age 18.

**Children of divorced or separated parents or parents who live apart.** In most cases, because of the residency test, a child of divorced or separated parents is the qualifying child of the custodial parent. However, the child will be treated as the qualifying child of the noncustodial parent if all four of the following statements are true.

- The parents:
  - Are divorced or legally separated under a decree of divorce or separate maintenance,
  - Are separated under a written separation agreement, or
  - Lived apart at all times during the last 6 months of the year, whether or not they are or were married.

- The child received over half of his or her support for the year from the parents.
- The child is in the custody of one or both parents for more than half of the year.
- Either of the following statements is true.
  - The custodial parent signs a written declaration, discussed later, that he or she will not claim the child as a dependent for the year, and the noncustodial parent attaches this written declaration to his or her return. (If the decree or agreement went into effect after 1984 and before 2009, see [Post-1984 and pre-2009 divorce decree or separation agreement](#), later. If the decree or agreement went into effect after 2008, see [Post-2008 divorce decree or separation agreement](#), later.)

- b. A pre-1985 decree of divorce or separate maintenance or written separation agreement that applies to 2010 states that the noncustodial parent can claim the child as a dependent, the decree or agreement was not changed after 1984 to say the noncustodial parent cannot claim the child as a dependent, and the noncustodial parent provides at least \$600 for the child's support during the year.

**Custodial parent and noncustodial parent.**

The custodial parent is the parent with whom the child lived for the greater number of nights during the year. The other parent is the noncustodial parent.

If the parents divorced or separated during the year and the child lived with both parents before the separation, the custodial parent is the one with whom the child lived for the greater number of nights during the rest of the year.

A child is treated as living with a parent for a night if the child sleeps:

- At that parent's home, whether or not the parent is present, or
- In the company of the parent, when the child does not sleep at a parent's home (for example, the parent and child are on vacation together).

**Equal number of nights.** If the child lived with each parent for an equal number of nights during the year, the custodial parent is the parent with the higher adjusted gross income.

**December 31.** The night of December 31 is treated as part of the year in which it begins. For example, December 31, 2010, is treated as part of 2010.

**Emancipated child.** If a child is emancipated under state law, the child is treated as not living with either parent. See Examples 5 and 6.

**Absences.** If a child was not with either parent on a particular night (because, for example, the child was staying at a friend's house), the child is treated as living with the parent with whom the child normally would have lived for that night, except for the absence. But if it cannot be determined with which parent the child normally would have lived or if the child would not have lived with either parent that night, the child is treated as not living with either parent that night.

**Parent works at night.** If, due to a parent's nighttime work schedule, a child lives for a greater number of days but not nights with the parent who works at night, that parent is treated as the custodial parent. On a school day, the child is treated as living at the primary residence registered with the school.

**Example 1 – child lived with one parent greater number of nights.** You and your child's other parent are divorced. In 2010, your child lived with you 210 nights and with the other parent 155 nights. You are the custodial parent.

**Example 2 – child is away at camp.** In 2010, your daughter lives with each parent for alternate weeks. In the summer, she spends 6 weeks at summer camp. During the time she is

at camp, she is treated as living with you for 3 weeks and with her other parent, your ex-spouse, for 3 weeks because this is how long she would have lived with each parent if she had not attended summer camp.

**Example 3 – child lived same number of days with each parent.** Your son lived with you 180 nights during the year and lived the same number of nights with his other parent, your ex-spouse. Your adjusted gross income is \$40,000. Your ex-spouse's adjusted gross income is \$25,000. You are treated as your son's custodial parent because you have the higher adjusted gross income.

**Example 4 – child is at parent's home but with other parent.** Your son normally lives with you during the week and with his other parent, your ex-spouse, every other weekend. You become ill and are hospitalized. The other parent lives in your home with your son for 10 consecutive days while you are in the hospital. Your son is treated as living with you during this 10-day period because he was living in your home.

**Example 5 – child emancipated in May.** When your son turned age 18 in May 2010, he became emancipated under the law of the state where he lives. As a result, he is not considered in the custody of his parents for more than half of the year. The special rule for children of divorced or separated parents does not apply.

**Example 6 – child emancipated in August.** Your daughter lives with you from January 1, 2010, until May 31, 2010, and lives with her other parent, your ex-spouse, from June 1, 2010, through the end of the year. She turns 18 and is emancipated under state law on August 1, 2010. Because she is treated as not living with either parent beginning on August 1, she is treated as living with you the greater number of nights in 2010. You are the custodial parent.

**Written declaration.** The custodial parent may use either Form 8332 or a similar statement (containing the same information required by the form) to make the written declaration to release the exemption to the noncustodial parent. The noncustodial parent must attach a copy of the form or statement to his or her tax return.

The exemption can be released for 1 year, for a number of specified years (for example, alternate years), or for all future years, as specified in the declaration.

**Post-1984 and pre-2009 divorce decree or separation agreement.** If the divorce decree or separation agreement went into effect after 1984 and before 2009, the noncustodial parent may be able to attach certain pages from the decree or agreement instead of Form 8332. The decree or agreement must state all three of the following.

1. The noncustodial parent can claim the child as a dependent without regard to any condition, such as payment of support.
2. The custodial parent will not claim the child as a dependent for the year.
3. The years for which the noncustodial parent, rather than the custodial parent, can claim the child as a dependent.

The noncustodial parent must attach all of the following pages of the decree or agreement to his or her tax return.

- The cover page (write the other parent's social security number on this page).
- The pages that include all of the information identified in items (1) through (3) above.
- The signature page with the other parent's signature and the date of the agreement.

**Post-2008 divorce decree or separation agreement.** The noncustodial parent can no longer attach pages from the decree or agreement instead of Form 8332 if the decree or agreement went into effect after 2008. The custodial parent must sign either Form 8332 or a similar statement whose only purpose is to release the custodial parent's claim to an exemption for a child, and the noncustodial parent must attach a copy to his or her return. The form or statement must release the custodial parent's claim to the child without any conditions. For example, the release must not depend on the noncustodial parent paying support.



The noncustodial parent must attach the required information even if it was filed with a return in an earlier year.

**Revocation of release of claim to an exemption.** The custodial parent can revoke a release of claim to an exemption that he or she previously released to the noncustodial parent on Form 8332 or a similar statement. If the custodial parent provided, or made reasonable efforts to provide, the noncustodial parent with written notice of the revocation in 2009, the revocation can be effective no earlier than 2010. The custodial parent can use Part III of Form 8332 for this purpose and must attach a copy of the revocation to his or her return for each tax year he or she claims the child as a dependent as a result of the revocation.

**Remarried parent.** If you remarry, the support provided by your new spouse is treated as provided by you.

**Parents who never married.** This special rule for divorced or separated parents also applies to parents who never married and lived apart at all times during the last 6 months of the year.

**Support Test (To Be a Qualifying Child)**

To meet this test, the child cannot have provided more than half of his or her own support for the year.

This test is different from the support test to be a qualifying relative, which is described later. However, to see what is or is not support, see [Support Test \(To Be a Qualifying Relative\)](#), later. If you are not sure whether a child provided more than half of his or her own support, you may find [Worksheet 1](#) helpful.

**Example.** You provided \$4,000 toward your 16-year-old son's support for the year. He has a part-time job and provided \$6,000 to his own support. He provided more than half of his own

support for the year. He is not your qualifying child.

**Foster care payments and expenses.** Payments you receive for the support of a foster child from a child placement agency are considered support provided by the agency. Similarly, payments you receive for the support of a foster child from a state or county are considered support provided by the state or county.

If you are not in the trade or business of providing foster care and your unreimbursed out-of-pocket expenses in caring for a foster child were mainly to benefit an organization qualified to receive deductible charitable contributions, the expenses are deductible as charitable contributions but are not considered support you provided. For more information about the deduction for charitable contributions, see Publication 526. If your unreimbursed expenses are not deductible as charitable contributions, they are considered support you provided.

If you are in the trade or business of providing foster care, your unreimbursed expenses are not considered support provided by you.

**Example 1.** Lauren, a foster child, lived with Mr. and Mrs. Smith for the last 3 months of the year. The Smiths cared for Lauren because they wanted to adopt her (although she had not been placed with them for adoption). They did not care for her as a trade or business or to benefit the agency that placed her in their home. The Smiths' unreimbursed expenses are not deductible as charitable contributions but are considered support they provided for Lauren.

**Example 2.** You provided \$3,000 toward your 10-year-old foster child's support for the year. The state government provided \$4,000, which is considered support provided by the state, not by the child. See [Support provided by the state \(welfare, food stamps, housing, etc.\)](#), later. Your foster child did not provide more than half of her own support for the year.

**Scholarships.** A scholarship received by a child who is a full-time student is not taken into account in determining whether the child provided more than half of his or her own support.

## Joint Return Test (To Be a Qualifying Child)

To meet this test, the child cannot file a joint return for the year.

**Exception.** An exception to the joint return test applies if your child and his or her spouse file a joint return merely as a claim for refund.

**Example 1.** You supported your 18-year-old daughter, and she lived with you all year while her husband was in the Armed Forces. The couple files a joint return. Because your daughter and her husband file a joint return, she is not your qualifying child.

**Example 2.** Your 18-year-old son and his 17-year-old wife had \$800 of interest income and no other income. Neither is required to file a tax return. Taxes were taken out of their interest income due to backup withholding so they file a joint return only to get a refund of the withheld

taxes. The exception to the joint return test applies, so your son may be your qualifying child if all the other tests are met.

**Example 3.** The facts are the same as in [Example 2](#) except your son had \$2,000 of wages and no interest income or backup withholding. No taxes were taken out of his pay and he and his wife are not required to file a tax return, but they file a joint return to claim a making work pay credit of \$124 and get a refund of that amount. They file the return to get the making work pay credit, so they are not filing it only as a claim for refund. The exception to the joint return test does not apply, so your son is not your qualifying child.

## Special Rule for Qualifying Child of More Than One Person



*If your qualifying child is not a qualifying child of anyone else, this special rule does not apply to you and you do not need to read about it. This is also true if your qualifying child is not a qualifying child of anyone else except your spouse with whom you file a joint return.*



*If a child is treated as the qualifying child of the noncustodial parent under the rules for children of divorced or separated parents or parents who live apart, described earlier, see [Applying this special rule to divorced or separated parents or parents who live apart](#), later.*

Sometimes, a child meets the relationship, age, residency, support, and joint return tests to be a qualifying child of more than one person. Although the child is a qualifying child of each of these persons, only one person can actually treat the child as a qualifying child to take all of the following tax benefits (provided the person is eligible for each benefit).

- The exemption for the child.
- The child tax credit.
- Head of household filing status.
- The credit for child and dependent care expenses.
- The exclusion from income for dependent care benefits.
- The earned income credit.

The other person cannot take any of these benefits based on this qualifying child. In other words, you and the other person cannot agree to divide these tax benefits between you. The other person cannot take any of these benefits unless he or she has a different qualifying child.

**Tiebreaker rules.** To determine which person can treat the child as a qualifying child to claim these six tax benefits, the following tiebreaker rules apply.

- If only one of the persons is the child's parent, the child is treated as the qualifying child of the parent.
- If the parents do not file a joint return together but both parents claim the child as a qualifying child, the IRS will treat the child as the qualifying child of the parent

with whom the child lived for the longer period of time during the year. If the child lived with each parent for the same amount of time, the IRS will treat the child as the qualifying child of the parent who had the higher adjusted gross income (AGI) for the year.

- If no parent can claim the child as a qualifying child, the child is treated as the qualifying child of the person who had the highest AGI for the year.
- If a parent can claim the child as a qualifying child but no parent does so claim the child, the child is treated as the qualifying child of the person who had the highest AGI for the year, but only if that person's AGI is higher than the highest AGI of any of the child's parents who can claim the child. If the child's parents file a joint return with each other, this rule can be applied by dividing the parents' combined AGI equally between the parents. See [Example 6](#).

Subject to these tiebreaker rules, you and the other person may be able to choose which of you claims the child as a qualifying child.

**Example 1—child lived with parent and grandparent.** You and your 3-year-old daughter Jane lived with your mother all year. You are 25 years old, unmarried, and your AGI is \$9,000. Your mother's AGI is \$15,000. Jane's father did not live with you or your daughter. The rule explained [earlier](#) for children of divorced or separated parents or parents who live apart does not apply. Jane is a qualifying child of both you and your mother because she meets the relationship, age, residency, support, and joint return tests for both you and your mother. However, only one of you can claim her. Jane is not a qualifying child of anyone else, including her father. You agree to let your mother claim Jane. This means your mother can claim Jane as a qualifying child for the dependency exemption, child tax credit, head of household filing status, credit for child and dependent care expenses, exclusion for dependent care benefits, and the earned income credit, if she qualifies for each of those tax benefits (and if you do not claim Jane as a qualifying child for any of those tax benefits).

**Example 2—parent has higher AGI than grandparent.** The facts are the same as in [Example 1](#) except your AGI is \$18,000. Because your mother's AGI is not higher than yours, she cannot claim Jane. Only you can claim Jane.

**Example 3—two persons claim same child.** The facts are the same as in [Example 1](#) except that you and your mother both claim Jane as a qualifying child. In this case, you as the child's parent will be the only one allowed to claim Jane as a qualifying child. The IRS will disallow your mother's claim to the six tax benefits listed earlier unless she has another qualifying child.

**Example 4—qualifying children split between two persons.** The facts are the same as in [Example 1](#) except you also have two other young children who are qualifying children of both you and your mother. Only one of you can

claim each child. However, if your mother's AGI is higher than yours, you can allow your mother to claim one or more of the children. For example, if you claim one child, your mother can claim the other two.

**Example 5—taxpayer who is a qualifying child.** The facts are the same as in [Example 1](#) except you are only 18 years old and did not provide more than half of your own support for the year. This means you are your mother's qualifying child. If she can claim you as a dependent, then you cannot claim your daughter as a dependent because of the [Dependent Taxpayer Test](#) explained earlier.

**Example 6—child lived with both parents and grandparent.** The facts are the same as in [Example 1](#) except that you and your daughter's father are married to each other, live with your daughter and your mother, and have AGI of \$20,000 on a joint return. If you and your husband do not claim your daughter as a qualifying child, your mother can claim her instead. Even though the AGI on your joint return, \$20,000, is more than your mother's AGI of \$15,000, for this purpose each parent's AGI can be treated as \$10,000, so your mother's \$15,000 AGI is treated as higher than the highest AGI of any of the child's parents who can claim the child.

**Example 7—separated parents.** You, your husband, and your 10-year-old son lived together until August 1, 2010, when your husband moved out of the household. In August and September, your son lived with you. For the rest of the year, your son lived with your husband, the boy's father. Your son is a qualifying child of both you and your husband because your son lived with each of you for more than half the year and because he met the relationship, age, support, and joint return tests for both of you. At the end of the year, you and your husband still were not divorced, legally separated, or separated under a written separation agreement, so the rule for children of divorced or separated parents or parents who live apart does not apply.

You and your husband will file separate returns. Your husband agrees to let you treat your son as a qualifying child. This means, if your husband does not claim your son as a qualifying child, you can claim your son as a qualifying child for the dependency exemption, child tax credit, and exclusion for dependent care benefits, if you qualify for each of those tax benefits. However, you cannot claim head of household filing status because you and your husband did not live apart for the last 6 months of the year. As a result, your filing status is married filing separately, so you cannot claim the earned income credit or the credit for child and dependent care expenses.

**Example 8—separated parents claim same child.** The facts are the same as in [Example 7](#) except that you and your husband both claim your son as a qualifying child. In this case, only your husband will be allowed to treat your son as a qualifying child. This is because, during 2010, the boy lived with him longer than with you. If you claimed an exemption, the child tax credit, or the exclusion for dependent care benefits for your son, the IRS will disallow your claim to all these tax benefits, unless you have another qualifying child. In addition, because

you and your husband did not live apart for the last 6 months of the year, your husband cannot claim head of household filing status. As a result, his filing status is married filing separately, so he cannot claim the earned income credit or the credit for child and dependent care expenses.

**Example 9—unmarried parents.** You, your 5-year-old son, and your son's father lived together all year. You and your son's father are not married. Your son is a qualifying child of both you and his father because he meets the relationship, age, residency, support, and joint return tests for both you and his father. Your AGI is \$12,000 and your son's father's AGI is \$14,000. Your son's father agrees to let you claim the child as a qualifying child. This means you can claim him as a qualifying child for the dependency exemption, child tax credit, head of household filing status, credit for child and dependent care expenses, exclusion for dependent care benefits, and the earned income credit, if you qualify for each of those tax benefits (and if your son's father does not, in fact, claim your son as a qualifying child for any of those tax benefits).

**Example 10—unmarried parents claim same child.** The facts are the same as in [Example 9](#) except that you and your son's father both claim your son as a qualifying child. In this case, only your son's father will be allowed to treat your son as a qualifying child. This is because his AGI, \$14,000, is more than your AGI, \$12,000. If you claimed an exemption, the child tax credit, head of household filing status, credit for child and dependent care expenses, exclusion for dependent care benefits, or the earned income credit for your son, the IRS will disallow your claim to all these tax benefits, unless you have another qualifying child.

**Example 11—child did not live with a parent.** You and your 7-year-old niece, your sister's child, lived with your mother all year. You are 25 years old, and your AGI is \$9,300. Your mother's AGI is \$15,000. Your niece's parents file jointly, have an AGI of less than \$9,000, and do not live with you or their child. Your niece is a qualifying child of both you and your mother because she meets the relationship, age, residency, support, and joint return tests for both you and your mother. However, only your mother can treat her as a qualifying child. This is because your mother's AGI, \$15,000, is more than your AGI, \$9,300.

**Applying this special rule to divorced or separated parents or parents who live apart.** If a child is treated as the qualifying child of the noncustodial parent under the rules described [earlier](#) for children of divorced or separated parents or parents who live apart, only the noncustodial parent can claim an exemption and the child tax credit for the child. However, the custodial parent, if eligible, or other eligible person can claim the child as a qualifying child for head of household filing status, the credit for child and dependent care expenses, the exclusion for dependent care benefits, and the earned income credit. If the child is the qualifying child of more than one person for these benefits, then the tiebreaker rules determine which person can treat the child as a qualifying child.

**Example 1.** You and your 5-year-old son lived all year with your mother, who paid the entire cost of keeping up the home. Your AGI is \$10,000. Your mother's AGI is \$25,000. Your son's father did not live with you or your son. Under the rules explained earlier for children of divorced or separated parents or parents who live apart, your son is treated as the qualifying child of his father, who can claim an exemption and the child tax credit for him. Because of this, you cannot claim an exemption or the child tax credit for your son. However, your son's father cannot claim your son as a qualifying child for head of household filing status, the credit for child and dependent care expenses, the exclusion for dependent care benefits, or the earned income credit. You and your mother did not have any child care expenses or dependent care benefits, but the boy is a qualifying child of both you and your mother for head of household filing status and the earned income credit because he meets the relationship, age, residency, support, and joint return tests for both you and your mother. (Note: The support test does not apply for the earned income credit.) However, you agree to let your mother claim your son. This means she can claim him for head of household filing status and the earned income credit if she qualifies for each and if you do not claim him as a qualifying child for the earned income credit. (You cannot claim head of household filing status because your mother paid the entire cost of keeping up the home.)

**Example 2.** The facts are the same as in [Example 1](#) except that your AGI is \$25,000 and your mother's AGI is \$21,000. Your mother cannot claim your son as a qualifying child for any purpose because her AGI is not higher than yours.

**Example 3.** The facts are the same as in [Example 1](#) except that you and your mother both claim your son as a qualifying child for the earned income credit. Your mother also claims him as a qualifying child for head of household filing status. You as the child's parent will be the only one allowed to claim your son as a qualifying child for the earned income credit. The IRS will disallow your mother's claim to the earned income credit and head of household filing status unless she has another qualifying child.

## Qualifying Relative

There are four tests that must be met for a person to be your qualifying relative. The four tests are:

1. Not a qualifying child test,
2. Member of household or relationship test,
3. Gross income test, and
4. Support test.

**Age.** Unlike a qualifying child, a qualifying relative can be any age. There is no age test for a qualifying relative.

**Kidnapped child.** You can treat a child as your qualifying relative even if the child has been kidnapped, but both of the following statements must be true.

1. The child is presumed by law enforcement authorities to have been kidnapped by someone who is not a member of your family or the child's family.
2. In the year the kidnapping occurred, the child met the tests to be your qualifying relative for the part of the year before the date of the kidnapping.

This treatment applies for all years until the child is returned. However, the last year this treatment can apply is the earlier of:

1. The year there is a determination that the child is dead, or
2. The year the child would have reached age 18.

## Not a Qualifying Child Test

A child is not your qualifying relative if the child is your qualifying child or the qualifying child of any other taxpayer.

**Example 1.** Your 22-year-old daughter, who is a full-time student, lives with you and meets all the tests to be your qualifying child. She is not your qualifying relative.

**Example 2.** Your 2-year-old son lives with your parents and meets all the tests to be their qualifying child. He is not your qualifying relative.

**Example 3.** Your son lives with you but is not your qualifying child because he is 30 years old and does not meet the age test. He may be your qualifying relative if the gross income test and the support test are met.

**Example 4.** Your 13-year-old grandson lived with his mother for 3 months, with his uncle for 4 months, and with you for 5 months during the year. He is not your qualifying child because he does not meet the residency test. He may be your qualifying relative if the gross income test and the support test are met.

**Child of person not required to file a return.** A child is not the qualifying child of any other taxpayer and so may qualify as your qualifying relative if the child's parent (or other person for whom the child is defined as a qualifying child) is not required to file an income tax return and either:

- Does not file an income tax return, or
- Files a return only to get a refund of income tax withheld or estimated tax paid.

**Example 1—return not required.** You support an unrelated friend and her 3-year-old child, who lived with you all year in your home. Your friend has no gross income, is not required to file a 2010 tax return, and does not file a 2010 tax return. Both your friend and her child are your qualifying relatives if the member of household or relationship test, gross income test, and support test are met.

**Example 2—return filed to claim refund.** The facts are the same as in [Example 1](#) except your friend had wages of \$1,500 during the year and had income tax withheld from her wages.

She files a return only to get a refund of the income tax withheld and does not claim the earned income credit or any other tax credits or deductions. Both your friend and her child are your qualifying relatives if the member of household or relationship test, gross income test, and support test are met.

**Example 3—earned income credit claimed.** The facts are the same as in [Example 2](#) except your friend had wages of \$8,000 during the year and claimed the earned income credit on her return. Your friend's child is the qualifying child of another taxpayer (your friend), so you cannot claim your friend's child as your qualifying relative.

**Child in Canada or Mexico.** A child who lives in Canada or Mexico may be your qualifying relative, and you may be able to claim the child as a dependent. If the child does not live with you, the child does not meet the residency test to be your qualifying child. If the persons the child does live with are not U.S. citizens and have no U.S. gross income, those persons are not "taxpayers," so the child is not the qualifying child of any other taxpayer. If the child is not your qualifying child or the qualifying child of any other taxpayer, the child is your qualifying relative if the gross income test and the support test are met.

You cannot claim as a dependent a child who lives in a foreign country other than Canada or Mexico, unless the child is a U.S. citizen, U.S. resident alien, or U.S. national. There is an exception for certain adopted children who lived with you all year. See [Citizen or Resident Test](#), earlier.

**Example.** You provide all the support of your children, ages 6, 8, and 12, who live in Mexico with your mother and have no income. You are single and live in the United States. Your mother is not a U.S. citizen and has no U.S. income, so she is not a "taxpayer." Your children are not your qualifying children because they do not meet the residency test. Also, they are not the qualifying children of any other taxpayer, so they are your qualifying relatives and you can claim them as dependents if all the tests are met. You may also be able to claim your mother as a dependent if all the tests are met, including the gross income test and the support test.

## Member of Household or Relationship Test

To meet this test, a person must either:

1. Live with you all year as a member of your household, or
2. Be related to you in one of the ways listed under [Relatives who do not have to live with you](#).

If at any time during the year the person was your spouse, that person cannot be your qualifying relative. However, see [Personal Exemptions](#), earlier.

**Relatives who do not have to live with you.** A person related to you in any of the following ways does not have to live with you all year as a member of your household to meet this test.

- Your child, stepchild, foster child, or a descendant of any of them (for example, your grandchild). (A legally adopted child is considered your child.)
- Your brother, sister, half brother, half sister, stepbrother, or stepsister.
- Your father, mother, grandparent, or other direct ancestor, but not foster parent.
- Your stepfather or stepmother.
- A son or daughter of your brother or sister.
- A brother or sister of your father or mother.
- Your son-in-law, daughter-in-law, father-in-law, mother-in-law, brother-in-law, or sister-in-law.

Any of these relationships that were established by marriage are not ended by death or divorce.

**Example.** You and your wife began supporting your wife's father, a widower, in 2004. Your wife died in 2009. In spite of your wife's death, your father-in-law continues to meet this test, even if he does not live with you. You can claim him as a dependent if all other tests are met, including the gross income test and support test.

**Foster child.** A foster child is an individual who is placed with you by an authorized placement agency or by judgment, decree, or other order of any court of competent jurisdiction.

**Joint return.** If you file a joint return, the person can be related to either you or your spouse. Also, the person does not need to be related to the spouse who provides support.

For example, your spouse's uncle who receives more than half of his support from you may be your qualifying relative, even though he does not live with you. However, if you and your spouse file separate returns, your spouse's uncle can be your qualifying relative only if he lives with you all year as a member of your household.

**Temporary absences.** A person is considered to live with you as a member of your household during periods of time when one of you, or both, are temporarily absent due to special circumstances such as:

- Illness,
- Education,
- Business,
- Vacation, or
- Military service.

If the person is placed in a nursing home for an indefinite period of time to receive constant medical care, the absence may be considered temporary.

**Death or birth.** A person who died during the year, but lived with you as a member of your household until death, will meet this test. The same is true for a child who was born during the year and lived with you as a member of your household for the rest of the year. The test is also met if a child lived with you as a member of your household except for any required hospital stay following birth.

If your dependent died during the year and you otherwise qualified to claim an exemption for the dependent, you can still claim the exemption.

**Example.** Your dependent mother died on January 15. She met the tests to be your qualifying relative. The other tests to claim an exemption for a dependent were also met. You can claim an exemption for her on your return.

**Local law violated.** A person does not meet this test if at any time during the year the relationship between you and that person violates local law.

**Example.** Your girlfriend lived with you as a member of your household all year. However, your relationship with her violated the laws of the state where you live, because she was married to someone else. Therefore, she does not meet this test and you cannot claim her as a dependent.

**Adopted child.** An adopted child is always treated as your own child. The term “adopted child” includes a child who was lawfully placed with you for legal adoption.

**Cousin.** Your cousin meets this test only if he or she lives with you all year as a member of your household. A cousin is a descendant of a brother or sister of your father or mother.

## Gross Income Test

To meet this test, a person’s gross income for the year must be less than \$3,650.

**Gross income defined.** Gross income is all income in the form of money, property, and services that is not exempt from tax.

In a manufacturing, merchandising, or mining business, gross income is the total net sales minus the cost of goods sold, plus any miscellaneous income from the business.

Gross receipts from rental property are gross income. Do not deduct taxes, repairs, etc., to determine the gross income from rental property.

Gross income includes a partner’s share of the gross (not a share of the net) partnership income.

Gross income also includes all taxable unemployment compensation and certain scholarship and fellowship grants. Scholarships received by degree candidates that are used for tuition, fees, supplies, books, and equipment required for particular courses may not be included in gross income. For more information about scholarships, see chapter 1 of Publication 970, Tax Benefits for Education.

Tax-exempt income, such as certain social security benefits, is not included in gross income.

**Disabled dependent working at sheltered workshop.** For purposes of this test (the gross income test), the gross income of an individual who is permanently and totally disabled at any time during the year does not include income for services the individual performs at a sheltered workshop. The availability of medical care at the workshop must be the main reason for the individual’s presence there. Also, the income must come solely from activities at the workshop that are incident to this medical care.

A “sheltered workshop” is a school that:

- Provides special instruction or training designed to alleviate the disability of the individual, and
- Is operated by certain tax-exempt organizations or by a state, a U.S. possession, a political subdivision of a state or possession, the United States, or the District of Columbia.

“Permanently and totally disabled” has the same meaning here as under [Qualifying Child](#), earlier.

## Support Test (To Be a Qualifying Relative)

To meet this test, you generally must provide more than half of a person’s total support during the calendar year.

However, if two or more persons provide support, but no one person provides more than half of a person’s total support, see [Multiple Support Agreement](#), later.

**How to determine if support test is met.** You figure whether you have provided more than half of a person’s total support by comparing the amount you contributed to that person’s support with the entire amount of support that person received from all sources. This includes support the person provided from his or her own funds.

You may find [Worksheet 1](#) helpful in figuring whether you provided more than half of a person’s support.

**Person’s own funds not used for support.** A person’s own funds are not support unless they are actually spent for support.

**Example.** Your mother received \$2,400 in social security benefits and \$300 in interest. She paid \$2,000 for lodging and \$400 for recreation. She put \$300 in a savings account.

Even though your mother received a total of \$2,700 (\$2,400 + \$300), she spent only \$2,400 (\$2,000 + \$400) for her own support. If you spent more than \$2,400 for her support and no other support was received, you have provided more than half of her support.

**Child’s wages used for own support.** You cannot include in your contribution to your child’s support any support that is paid for by the child with the child’s own wages, even if you paid the wages.

**Year support is provided.** The year you provide the support is the year you pay for it, even if you do so with borrowed money that you repay in a later year.

If you use a fiscal year to report your income, you must provide more than half of the dependent’s support for the calendar year in which your fiscal year begins.

**Armed Forces dependency allotments.** The part of the allotment contributed by the government and the part taken out of your military pay are both considered provided by you in figuring whether you provide more than half of the support. If your allotment is used to support persons other than those you name, you can take the exemptions for them if they otherwise qualify.

**Example.** You are in the Armed Forces. You authorize an allotment for your widowed mother that she uses to support herself and her sister. If the allotment provides more than half of each person’s support, you can take an exemption for each of them, if they otherwise qualify, even though you authorize the allotment only for your mother.

**Tax-exempt military quarters allowances.** These allowances are treated the same way as dependency allotments in figuring support. The allotment of pay and the tax-exempt basic allowance for quarters are both considered as provided by you for support.

**Tax-exempt income.** In figuring a person’s total support, include tax-exempt income, savings, and borrowed amounts used to support that person. Tax-exempt income includes certain social security benefits, welfare benefits, nontaxable life insurance proceeds, Armed Forces family allotments, nontaxable pensions, and tax-exempt interest.

**Example 1.** You provide \$4,000 toward your mother’s support during the year. She has earned income of \$600, nontaxable social security benefits of \$4,800, and tax-exempt interest of \$200. She uses all these for her support. You cannot claim an exemption for your mother because the \$4,000 you provide is not more than half of her total support of \$9,600.

**Example 2.** Your brother’s daughter takes out a student loan of \$2,500 and uses it to pay her college tuition. She is personally responsible for the loan. You provide \$2,000 toward her total support. You cannot claim an exemption for her because you provide less than half of her support.

**Social security benefits.** If a husband and wife each receive benefits that are paid by one check made out to both of them, half of the total paid is considered to be for the support of each spouse, unless they can show otherwise.

If a child receives social security benefits and uses them toward his or her own support, the benefits are considered as provided by the child.

**Support provided by the state (welfare, food stamps, housing, etc.).** Benefits provided by the state to a needy person generally are considered support provided by the state. However, payments based on the needs of the recipient will not be considered as used entirely for that person’s support if it is shown that part of the payments were not used for that purpose.

**Foster care.** Payments you receive for the support of a foster child from a child placement agency are considered support provided by the agency. See [Foster care payments and expenses](#), earlier.

**Home for the aged.** If you make a lump-sum advance payment to a home for the aged to take care of your relative for life and the payment is based on that person’s life expectancy, the amount of support you provide each year is the lump-sum payment divided by the relative’s life expectancy. The amount of support you provide also includes any other amounts you provided during the year.

## Total Support

To figure if you provided more than half of a person's support, you must first determine the total support provided for that person. Total support includes amounts spent to provide food, lodging, clothing, education, medical and dental care, recreation, transportation, and similar necessities.

Generally, the amount of an item of support is the amount of the expense incurred in providing that item. For lodging, the amount of support is the fair rental value of the lodging.

Expenses that are not directly related to any one member of a household, such as the cost of food for the household, must be divided among the members of the household.

**Example 1.** Grace Brown, mother of Mary Miller, lives with Frank and Mary Miller and their two children. Grace gets social security benefits of \$2,400, which she spends for clothing, transportation, and recreation. Grace has no other income. Frank and Mary's total food expense for the household is \$5,200. They pay Grace's medical and drug expenses of \$1,200. The fair rental value of the lodging provided for Grace is \$1,800 a year, based on the cost of similar rooming facilities. Figure Grace's total support as follows:

Fair rental value of lodging . . . . .	\$ 1,800
Clothing, transportation, and recreation . . . . .	2,400
Medical expenses . . . . .	1,200
Share of food (1/5 of \$5,200) . . . . .	<u>1,040</u>
<b>Total support</b> . . . . .	<u><b>\$6,440</b></u>

The support Frank and Mary provide (\$1,800 lodging + \$1,200 medical expenses + \$1,040 food = \$4,040) is more than half of Grace's \$6,440 total support.

**Example 2.** Your parents live with you, your spouse, and your two children in a house you own. The fair rental value of your parents' share of the lodging is \$2,000 a year (\$1,000 each), which includes furnishings and utilities. Your father receives a nontaxable pension of \$4,200, which he spends equally between your mother and himself for items of support such as clothing, transportation, and recreation. Your total food expense for the household is \$6,000. Your heat and utility bills amount to \$1,200. Your mother has hospital and medical expenses of \$600, which you pay during the year. Figure your parents' total support as follows:

<b>Support provided</b>	<b>Father</b>	<b>Mother</b>
Fair rental value of lodging	\$1,000	\$1,000
Pension spent for their support . . . . .	2,100	2,100
Share of food (1/6 of \$6,000) . . . . .	1,000	1,000
Medical expenses for mother . . . . .		<u>600</u>
<b>Parents' total support</b> . . . . .	<u><b>\$4,100</b></u>	<u><b>\$4,700</b></u>

You must apply the support test separately to each parent. You provide \$2,000 (\$1,000

lodging, \$1,000 food) of your father's total support of \$4,100 — less than half. You provide \$2,600 to your mother (\$1,000 lodging, \$1,000 food, \$600 medical) — more than half of her total support of \$4,700. You meet the support test for your mother, but not your father. Heat and utility costs are included in the fair rental value of the lodging, so these are not considered separately.

**Lodging.** If you provide a person with lodging, you are considered to provide support equal to the fair rental value of the room, apartment, house, or other shelter in which the person lives. Fair rental value includes a reasonable allowance for the use of furniture and appliances, and for heat and other utilities that are provided.

**Fair rental value defined.** This is the amount you could reasonably expect to receive from a stranger for the same kind of lodging. It is used instead of actual expenses such as taxes, interest, depreciation, paint, insurance, utilities, cost of furniture and appliances, etc. In some cases, fair rental value may be equal to the rent paid.

If you provide the total lodging, the amount of support you provide is the fair rental value of the room the person uses, or a share of the fair rental value of the entire dwelling if the person has use of your entire home. If you do not provide the total lodging, the total fair rental value must be divided depending on how much of the total lodging you provide. If you provide only a part and the person supplies the rest, the fair rental value must be divided between both of you according to the amount each provides.

**Example.** Your parents live rent free in a house you own. It has a fair rental value of \$5,400 a year furnished, which includes a fair rental value of \$3,600 for the house and \$1,800 for the furniture. This does not include heat and utilities. The house is completely furnished with furniture belonging to your parents. You pay \$600 for their utility bills. Utilities are not usually included in rent for houses in the area where your parents live. Therefore, you consider the total fair rental value of the lodging to be \$6,000 (\$3,600 fair rental value of the unfurnished house, \$1,800 allowance for the furnishings provided by your parents, and \$600 cost of utilities) of which you are considered to provide \$4,200 (\$3,600 + \$600).

**Person living in his or her own home.** The total fair rental value of a person's home that he or she owns is considered support contributed by that person.

**Living with someone rent free.** If you live with a person rent free in his or her home, you must reduce the amount you provide for support of that person by the fair rental value of lodging he or she provides you.

**Property.** Property provided as support is measured by its fair market value. Fair market value is the price that property would sell for on the open market. It is the price that would be agreed upon between a willing buyer and a willing seller, with neither being required to act, and both having reasonable knowledge of the relevant facts.

**Capital expenses.** Capital items, such as furniture, appliances, and cars, that are bought

for a person during the year can be included in total support under certain circumstances.

The following examples show when a capital item is or is not support.

**Example 1.** You buy a \$200 power lawn mower for your 13-year-old child. The child is given the duty of keeping the lawn trimmed. Because the lawn mower benefits all members of the household, you cannot include the cost of the lawn mower in the support of your child.

**Example 2.** You buy a \$150 television set as a birthday present for your 12-year-old child. The television set is placed in your child's bedroom. You can include the cost of the television set in the support of your child.

**Example 3.** You pay \$5,000 for a car and register it in your name. You and your 17-year-old daughter use the car equally. Because you own the car and do not give it to your daughter but merely let her use it, you cannot include the cost of the car in your daughter's total support. However, you can include in your daughter's support your out-of-pocket expenses of operating the car for her benefit.

**Example 4.** Your 17-year-old son, using personal funds, buys a car for \$4,500. You provide all the rest of your son's support — \$4,000. Since the car is bought and owned by your son, the car's fair market value (\$4,500) must be included in his support. Your son has provided more than half of his own total support of \$8,500 (\$4,500 + \$4,000), so he is not your qualifying child. You did not provide more than half of his total support, so he is not your qualifying relative. You cannot claim an exemption for your son.

**Medical insurance premiums.** Medical insurance premiums you pay, including premiums for supplementary Medicare coverage, are included in the support you provide.

**Medical insurance benefits.** Medical insurance benefits, including basic and supplementary Medicare benefits, are not part of support.

**Tuition payments and allowances under the GI Bill.** Amounts veterans receive under the GI Bill for tuition payments and allowances while they attend school are included in total support.

**Example.** During the year, your son receives \$2,200 from the government under the GI Bill. He uses this amount for his education. You provide the rest of his support — \$2,000. Because GI benefits are included in total support, your son's total support is \$4,200 (\$2,200 + \$2,000). You have not provided more than half of his support.

**Child care expenses.** If you pay someone to provide child or dependent care, you can include these payments in the amount you provided for the support of your child or disabled dependent, even if you claim a credit for the payments. For information on the credit, see Publication 503, Child and Dependent Care Expenses.

**Other support items.** Other items may be considered as support depending on the facts in each case.

## Do Not Include in Total Support

The following items are not included in total support.

1. Federal, state, and local income taxes paid by persons from their own income.
2. Social security and Medicare taxes paid by persons from their own income.
3. Life insurance premiums.
4. Funeral expenses.
5. Scholarships received by your child if your child is a full-time student.
6. Survivors' and Dependents' Educational Assistance payments used for the support of the child who receives them.

## Multiple Support Agreement

Sometimes no one provides more than half of the support of a person. Instead, two or more persons, each of whom would be able to take the exemption but for the support test, together provide more than half of the person's support.

When this happens, you can agree that any one of you who individually provides more than 10% of the person's support, but only one, can claim an exemption for that person as a qualifying relative. Each of the others must sign a statement agreeing not to claim the exemption for that year. The person who claims the exemption must keep these signed statements for his or her records. A multiple support declaration identifying each of the others who agreed not to claim the exemption must be attached to the return of the person claiming the exemption. Form 2120, Multiple Support Declaration, can be used for this purpose.

You can claim an exemption under a multiple support agreement for someone related to you or for someone who lived with you all year as a member of your household.

**Example 1.** You, your sister, and your two brothers provide the entire support of your mother for the year. You provide 45%, your sister 35%, and your two brothers each provide 10%. Either you or your sister can claim an exemption for your mother. The other must sign a statement agreeing not to take an exemption for your mother. The one who claims the exemption must attach Form 2120, or a similar declaration, to his or her return and must keep the statement signed by the other for his or her records. Because neither brother provides more than 10% of the support, neither can take the exemption and neither has to sign a statement.

**Example 2.** You and your brother each provide 20% of your mother's support for the year. The remaining 60% of her support is provided equally by two persons who are not related to her. She does not live with them. Because more than half of her support is provided by persons who cannot claim an exemption for her, no one can take the exemption.

**Example 3.** Your father lives with you and receives 25% of his support from social security, 40% from you, 24% from his brother (your uncle), and 11% from a friend. Either you or your

uncle can take the exemption for your father if the other signs a statement agreeing not to. The one who takes the exemption must attach Form 2120, or a similar declaration, to his return and must keep for his records the signed statement from the one agreeing not to take the exemption.

## Support Test for Children of Divorced or Separated Parents or Parents Who Live Apart

In most cases, a child of divorced or separated parents or parents who live apart will be a qualifying child of one of the parents. See [Children of divorced or separated parents or parents who live apart](#) under *Qualifying Child*, earlier. However, if the child does not meet the requirements to be a qualifying child of either parent, the child may be a qualifying relative of one of the parents. In that case, the following rules must be used in applying the support test.

A child will be treated as being the qualifying relative of his or her noncustodial parent if all four of the following statements are true.

1. The parents:
  - a. Are divorced or legally separated under a decree of divorce or separate maintenance,
  - b. Are separated under a written separation agreement, or
  - c. Lived apart at all times during the last 6 months of the year, whether or not they are or were married.
2. The child received over half of his or her support for the year from the parents (and the rules on multiple support agreements, explained earlier, do not apply).
3. The child is in the custody of one or both parents for more than half of the year.
4. Either of the following statements is true.
  - a. The custodial parent signs a written declaration, discussed later, that he or she will not claim the child as a dependent for the year, and the noncustodial parent attaches this written declaration to his or her return. (If the decree or agreement went into effect after 1984 and before 2009, see [Post-1984 and pre-2009 divorce decree or separation agreement](#), later. If the decree or agreement went into effect after 2008, see [Post-2008 divorce decree or separation agreement](#), later.)
  - b. A pre-1985 decree of divorce or separate maintenance or written separation agreement that applies to 2010 states that the noncustodial parent can claim the child as a dependent, the decree or agreement was not changed after 1984 to say the noncustodial parent cannot claim the child as a dependent, and the noncustodial parent provides at least \$600 for the child's support during the year.

**Custodial parent and noncustodial parent.** The custodial parent is the parent with whom the

child lived for the greater number of nights during the year. The other parent is the noncustodial parent.

If the parents divorced or separated during the year and the child lived with both parents before the separation, the custodial parent is the one with whom the child lived for the greater number of nights during the rest of the year.

A child is treated as living with a parent for a night if the child sleeps:

- At that parent's home, whether or not the parent is present, or
- In the company of the parent, when the child does not sleep at a parent's home (for example, the parent and child are on vacation together).

**Equal number of nights.** If the child lived with each parent for an equal number of nights during the year, the custodial parent is the parent with the higher adjusted gross income.

**December 31.** The night of December 31 is treated as part of the year in which it begins. For example, December 31, 2010, is treated as part of 2010.

**Emancipated child.** If a child is emancipated under state law, the child is treated as not living with either parent.

**Absences.** If a child was not with either parent on a particular night (because, for example, the child was staying at a friend's house), the child is treated as living with the parent with whom the child normally would have lived for that night, except for the absence. But if it cannot be determined with which parent the child normally would have lived or if the child would not have lived with either parent that night, the child is treated as not living with either parent that night.

**Parent works at night.** If, due to a parent's nighttime work schedule, a child lives for a greater number of days but not nights with the parent who works at night, that parent is treated as the custodial parent. On a school day, the child is treated as living at the primary residence registered with the school.

**Written declaration.** The custodial parent may use either Form 8332 or a similar statement (containing the same information required by the form) to make the written declaration to release the exemption to the noncustodial parent. The noncustodial parent must attach a copy of the form or statement to his or her tax return.

The exemption can be released for 1 year, for a number of specified years (for example, alternate years), or for all future years, as specified in the declaration.

**Post-1984 and pre-2009 divorce decree or separation agreement.** If the divorce decree or separation agreement went into effect after 1984 and before 2009, the noncustodial parent may be able to attach certain pages from the decree or agreement instead of Form 8332. The decree or agreement must state all three of the following.

1. The noncustodial parent can claim the child as a dependent without regard to any condition, such as payment of support.



**Funds Belonging to the Person You Supported**

- 1. Enter the total funds belonging to the person you supported, including income received (taxable and nontaxable) and amounts borrowed during the year, plus the amount in savings and other accounts at the beginning of the year. Do not include funds provided by the state; include those amounts on line 23 instead . . . . . **1.**
- 2. Enter the amount on line 1 that was used for the person's support . . . . . **2.**
- 3. Enter the amount on line 1 that was used for other purposes . . . . . **3.**
- 4. Enter the total amount in the person's savings and other accounts at the end of the year . . . . . **4.**
- 5. Add lines 2 through 4. (This amount should equal line 1.) . . . . . **5.**

**Expenses for Entire Household** (where the person you supported lived)

- 6. Lodging (complete line 6a or 6b):
  - 6a. Enter the total rent paid . . . . . **6a.**
  - 6b. Enter the fair rental value of the home. If the person you supported owned the home, also include this amount in line 21. . . . . **6b.**
- 7. Enter the total food expenses . . . . . **7.**
- 8. Enter the total amount of utilities (heat, light, water, etc. not included in line 6a or 6b) . . . . . **8.**
- 9. Enter the total amount of repairs (not included in line 6a or 6b) . . . . . **9.**
- 10. Enter the total of other expenses. Do not include expenses of maintaining the home, such as mortgage interest, real estate taxes, and insurance. . . . . **10.**
- 11. Add lines 6a through 10. These are the total household expenses . . . . . **11.**
- 12. Enter total number of persons who lived in the household . . . . . **12.**

**Expenses for the Person You Supported**

- 13. Divide line 11 by line 12. This is the person's share of the household expenses . . . . . **13.**
- 14. Enter the person's total clothing expenses . . . . . **14.**
- 15. Enter the person's total education expenses . . . . . **15.**
- 16. Enter the person's total medical and dental expenses not paid for or reimbursed by insurance . . . **16.**
- 17. Enter the person's total travel and recreation expenses . . . . . **17.**
- 18. Enter the total of the person's other expenses . . . . . **18.**
- 19. Add lines 13 through 18. This is the total cost of the person's support for the year . . . . . **19.**

**Did the Person Provide More Than Half of His or Her Own Support?**

- 20. Multiply line 19 by 50% (.50) . . . . . **20.**
- 21. Enter the amount from line 2, plus the amount from line 6b if the person you supported owned the home. This is the amount the person provided for his or her own support . . . . . **21.**
- 22. Is line 21 more than line 20?

**No.** You meet the support test for this person to be your qualifying child. If this person also meets the other tests to be a qualifying child, stop here; do not complete lines 23–26. Otherwise, go to line 23 and fill out the rest of the worksheet to determine if this person is your qualifying relative.

**Yes.** You do not meet the support test for this person to be either your qualifying child or your qualifying relative. **Stop here.**

**Did You Provide More Than Half?**

- 23. Enter the amount others provided for the person's support. Include amounts provided by state, local, and other welfare societies or agencies. Do not include any amounts included on line 1. . . . **23.**
- 24. Add lines 21 and 23 . . . . . **24.**
- 25. Subtract line 24 from line 19. This is the amount you provided for the person's support . . . . . **25.**
- 26. Is line 25 more than line 20?

**Yes.** You meet the support test for this person to be your qualifying relative.

**No.** You do not meet the support test for this person to be your qualifying relative. You cannot claim an exemption for this person unless you can do so under a multiple support agreement, the support test for children of divorced or separated parents, or the special rule for kidnapped children. See [Multiple Support Agreement](#), [Support Test for Children of Divorced or Separated Parents or Parents Who Live Apart](#), or [Kidnapped child](#) under *Qualifying Relative*.

2. The custodial parent will not claim the child as a dependent for the year.
3. The years for which the noncustodial parent, rather than the custodial parent, can claim the child as a dependent.

The noncustodial parent must attach all of the following pages of the decree or agreement to his or her tax return.

- The cover page (write the other parent's social security number on this page).
- The pages that include all of the information identified in items (1) through (3) above.
- The signature page with the other parent's signature and the date of the agreement.

**Post-2008 divorce decree or separation agreement.** The noncustodial parent can no longer attach pages from the decree or agreement to the tax return instead of Form 8332 if the decree or agreement went into effect after 2008. The custodial parent must sign either Form 8332 or a similar statement whose only purpose is to release the custodial parent's claim to an exemption for a child, and the noncustodial parent must attach a copy to his or her return. The form or statement must release the custodial parent's claim to the child without any conditions. For example, the release must not depend on the noncustodial parent paying support.



*The noncustodial parent must attach the required information even if it was filed with a return in an earlier year.*

**Revocation of release of claim to an exemption.** The custodial parent can revoke a release of claim to an exemption that he or she previously released to the noncustodial parent on Form 8332 or a similar statement. If the custodial parent provided, or made reasonable efforts to provide, the noncustodial parent with written notice of the revocation in 2009, the revocation can be effective no earlier than 2010. The custodial parent can use Part III of Form 8332 for this purpose and must attach a copy of the revocation to his or her return for each tax year he or she claims the child as a dependent as a result of the revocation.

**Remarried parent.** If you remarry, the support provided by your new spouse is treated as provided by you.

**Child support under pre-1985 agreement.** All child support payments actually received from the noncustodial parent under a pre-1985 agreement are considered used for the support of the child.

**Example.** Under a pre-1985 agreement, the noncustodial parent provides \$1,200 for the child's support. This amount is considered support provided by the noncustodial parent even if the \$1,200 was actually spent on things other than support.

**Alimony.** Payments to a spouse that are includible in the spouse's gross income as either alimony, separate maintenance payments, or similar payments from an estate or trust, are not treated as a payment for the support of a dependent.

**Parents who never married.** This special rule for divorced or separated parents also applies to parents who never married and lived apart at all times during the last 6 months of the year.

**Multiple support agreement.** If the support of the child is determined under a multiple support agreement, this special support test for divorced or separated parents or parents who live apart does not apply.

## Social Security Numbers for Dependents

You must show the social security number (SSN) of any dependent for whom you claim an exemption in column (2) of line 6c of your Form 1040 or Form 1040A.



*If you do not show the dependent's SSN when required or if you show an incorrect SSN, the exemption may be disallowed.*

**No SSN.** If a person for whom you expect to claim an exemption on your return does not have an SSN, either you or that person should apply for an SSN as soon as possible by filing Form SS-5, Application for a Social Security Card, with the Social Security Administration (SSA). You can get Form SS-5 online at [www.socialsecurity.gov](http://www.socialsecurity.gov) or at your local SSA office.

It usually takes about 2 weeks to get an SSN. If you do not have a required SSN by the filing due date, you can file Form 4868, Application for Automatic Extension of Time To File U.S. Individual Income Tax Return, for an extension of time to file.

**Born and died in 2010.** If your child was born and died in 2010, and you do not have an SSN for the child, you may attach a copy of the child's birth certificate, death certificate, or hospital records instead. The document must show the child was born alive. If you do this, enter "DIED" in column (2) of line 6c of your Form 1040 or Form 1040A.

**Alien or adoptee with no SSN.** If your dependent does not have and cannot get an SSN, you must list the individual taxpayer identification number (ITIN) or adoption taxpayer identification number (ATIN) instead of an SSN.

**Taxpayer identification numbers for aliens.** If your dependent is a resident or nonresident alien who does not have and is not eligible to get an SSN, your dependent must apply for an individual taxpayer identification number (ITIN). For details on how to apply, see Form W-7, Application for IRS Individual Taxpayer Identification Number.

**Taxpayer identification numbers for adoptees.** If you have a child who was placed with you by an authorized placement agency, you may be able to claim an exemption for the child. However, if you cannot get an SSN or an ITIN for the child, you must get an adoption taxpayer identification number (ATIN) for the child from the IRS. See Form W-7A, Application for Taxpayer Identification Number for Pending U.S. Adoptions, for details.

## Standard Deduction

Most taxpayers have a choice of either taking a standard deduction or itemizing their deductions. If you have a choice, you can use the method that gives you the lower tax.

The standard deduction is a dollar amount that reduces the amount of income on which you are taxed. It is a benefit that eliminates the need for many taxpayers to itemize actual deductions, such as medical expenses, charitable contributions, and taxes, on Schedule A of Form 1040. The standard deduction is higher for taxpayers who:

- Are 65 or older,
- Are blind,
- Have a net disaster loss in 2010 because of a disaster that occurred before 2010 and was declared a federal disaster after 2007, or
- Paid state or local sales or excise taxes (or certain other taxes or fees in a state without a sales tax) in 2010 on the purchase of a new motor vehicle after February 16, 2009, and before 2010.



*You benefit from the standard deduction if your standard deduction is more than the total of your allowable itemized deductions.*

**Persons not eligible for the standard deduction.** Your standard deduction is zero and you should itemize any deductions you have if:

1. Your filing status is married filing separately, and your spouse itemizes deductions on his or her return,
2. You are filing a tax return for a short tax year because of a change in your annual accounting period, or
3. You are a nonresident or dual-status alien during the year. You are considered a dual-status alien if you were both a nonresident and resident alien during the year.

If you are a nonresident alien who is married to a U.S. citizen or resident alien at the end of the year, you can choose to be treated as a U.S. resident. (See Publication 519.) If you make this choice, you can take the standard deduction.



*If an exemption for you can be claimed on another person's return (such as your parents' return), your standard deduction may be limited. See [Standard Deduction for Dependents](#), later.*

## Standard Deduction Amount

The standard deduction amount depends on your filing status, whether you are 65 or older or blind, whether an exemption can be claimed for you by another taxpayer, whether you have a net disaster loss from a federally declared disaster, and whether you paid state or local sales or excise tax (or certain other taxes or fees in a state without a sales tax) in 2010 on the purchase of a new motor vehicle after February

16, 2009, and before 2010. Generally, the standard deduction amounts are adjusted each year for inflation. Use [Worksheet 3](#) to figure your standard deduction amount.

**Decedent's final return.** The amount of the standard deduction for a decedent's final tax return is the same as it would have been had the decedent continued to live. However, if the decedent was not 65 or older at the time of death, the higher standard deduction for age cannot be claimed.

### Higher Standard Deduction for Age (65 or Older)

If you do not itemize deductions, you are entitled to a higher standard deduction if you are age 65 or older at the end of the year. You are considered 65 on the day before your 65th birthday.

Therefore, you can take a higher standard deduction for 2010 if you were born before January 2, 1946.

### Higher Standard Deduction for Blindness

If you are blind on the last day of the year and you do not itemize deductions, you are entitled to a higher standard deduction. You qualify for this benefit if you are totally or partly blind.

**Partly blind.** If you are partly blind, you must get a certified statement from an eye doctor or registered optometrist that:

1. You cannot see better than 20/200 in the better eye with glasses or contact lenses, or
2. Your field of vision is not more than 20 degrees.

If your eye condition will never improve beyond these limits, the statement should include this fact. You must keep the statement in your records.

If your vision can be corrected beyond these limits only by contact lenses that you can wear only briefly because of pain, infection, or ulcers, you can take the higher standard deduction for blindness if you otherwise qualify.

### Spouse 65 or Older or Blind

You can take the higher standard deduction if your spouse is age 65 or older or blind and:

1. You file a joint return, or
2. You file a separate return and can claim an exemption for your spouse because your spouse had no gross income and an exemption for your spouse could not be claimed by another taxpayer.



*You cannot claim the higher standard deduction for an individual other than yourself and your spouse.*

### Higher Standard Deduction for Sales Taxes on New Motor Vehicles

Your standard deduction is increased by any state or local sales or excise taxes you paid in 2010 on the purchase of a new vehicle after February 16, 2009, and before 2010.

If you bought the vehicle in 2010, you cannot increase your standard deduction by any taxes you paid on the purchase.

The amount is limited to tax on the first \$49,500 of the purchase price. The taxes must be state or local sales or excise taxes that would be deductible on Form 1040 (Schedule A) if you were itemizing your deductions. In states without a sales tax, certain other taxes or fees qualify if they are assessed on the purchase of the vehicle and are based on the vehicle's sales price or as a per unit fee. Taxes deductible in arriving at adjusted gross income, such as taxes on a vehicle used in your business, cannot be used to increase your standard deduction.

If you are increasing your standard deduction by the amount of these state or local sales or excise taxes, complete Schedule L (Form 1040A or 1040) and attach it to your return.

### Higher Standard Deduction for Net Disaster Loss

Your standard deduction is increased by any net disaster loss you had in 2010 because of a disaster that occurred before 2010 and was declared a federal disaster after 2007. This amount is on Form 4684, line 17.

If you are increasing your standard deduction by the amount of your net disaster loss, complete Schedule L (Form 1040A or 1040) and attach it your return.

### Examples

The following examples illustrate how to determine your standard deduction using [Worksheet 3](#).

**Example 1.** Larry, 46, and Donna, 33, are filing a joint return for 2010. Neither is blind, and neither can be claimed as a dependent. They did not pay sales or excise taxes on the purchase of a new motor vehicle or have a net disaster loss. They decide not to itemize their deductions. Because they are married filing jointly, they enter \$11,400 on line 1 of [Worksheet 3](#). They check the "No" box on line 2, so they also enter \$11,400 on lines 4 and 7. Their standard deduction is \$11,400.

**Example 2.** The facts are the same as in [Example 1](#), except that Larry is blind at the end of 2010, so he and Donna enter \$1,100 on line 5 of [Worksheet 3](#). They then enter \$12,500 (\$11,400 + \$1,100) on line 7, so their standard deduction is \$12,500.

**Example 3.** Bill and Lisa are filing a joint return for 2010. Both are over age 65. Neither is blind, and neither can be claimed as a dependent. They did not pay sales or excise taxes on the purchase of a new motor vehicle or have a net disaster loss. They do not itemize deductions, so they use [Worksheet 3](#). Because they

are married filing jointly, they enter \$11,400 on line 1. They check the "No" box on line 2, so they also enter \$11,400 on line 4. Because they are both over age 65, they enter \$2,200 (\$1,100 × 2) on line 5. They enter \$13,600 (\$11,400 + \$2,200) on line 7, so their standard deduction is \$13,600.

**Example 4.** The facts are the same as in [Example 3](#) except that Bill and Lisa had an \$8,000 net disaster loss from a federally declared disaster that occurred in 2009. That is the amount on line 17 of their Form 4684. They enter \$8,000 on line 6 of [Worksheet 3](#). On line 7 of the worksheet, they enter \$21,600 (\$11,400 + \$2,200 + \$8,000), which is their standard deduction. Because line 6 is greater than zero, they must complete Schedule L (Form 1040A or 1040) and attach it to their return.

### Standard Deduction for Dependents

The standard deduction for an individual for whom an exemption can be claimed on another person's tax return is generally limited to the greater of:

1. \$950, or
2. The individual's earned income for the year plus \$300 (but not more than the regular standard deduction amount, generally \$5,700).

However, if the individual is 65 or older or blind, paid state or local sales or excise taxes on the purchase of a new motor vehicle, or had a net disaster loss from a federally declared disaster, the standard deduction may be higher.

If an exemption for you (or your spouse if you are married filing jointly) can be claimed on someone else's return, use [Worksheet 3](#) to determine your standard deduction.

**Earned income defined.** Earned income is salaries, wages, tips, professional fees, and other amounts received as pay for work you actually perform.

For purposes of the standard deduction, earned income also includes any part of a scholarship or fellowship grant that you must include in your gross income. See chapter 1 of Publication 970 for more information on what qualifies as a scholarship or fellowship grant.

**Example 1.** Michael is single. His parents claim an exemption for him on their 2010 tax return. He has interest income of \$780 and wages of \$150. He did not pay sales or excise taxes on the purchase of a new motor vehicle or have a net disaster loss. He has no itemized deductions. Michael uses [Worksheet 3](#) to find his standard deduction. Because he is single, he enters \$5,700 on line 1. He checks the "Yes" box on line 2, enters \$950 on line 3, and also enters \$950 (the smaller of line 1 and line 3) on line 4. He leaves lines 5 and 6 blank and enters \$950 on line 7. His standard deduction is \$950.

**Example 2.** Joe, a 22-year-old full-time college student, is claimed on his parents' 2010 tax return. Joe is married and files a separate return. His wife does not itemize deductions on her separate return. Joe has \$1,500 in interest income and wages of \$3,800. He did not pay sales

or excise taxes on the purchase of a new motor vehicle or have a net disaster loss. He has no itemized deductions. Joe finds his standard deduction by using [Worksheet 3](#). Because he is married filing a separate return, he enters \$5,700 on line 1. He checks the "Yes" box on line 2, enters \$4,100 (\$3,800 + \$300) on line 3, and also enters \$4,100 (the smaller of line 1 and line 3) on line 4. He leaves lines 5 and 6 blank and enters \$4,100 on line 7. His standard deduction is \$4,100.

**Example 3.** Amy, who is single, is claimed on her parents' 2010 return. She is 18 years old and blind. She has interest income of \$1,300 and wages of \$2,900. She did not pay sales or excise taxes on the purchase of a new motor vehicle or have a net disaster loss. She has no itemized deductions. Amy finds her standard deduction by using [Worksheet 3](#). Because she is single, she enters \$5,700 on line 1. She checks the "Yes" box on line 2, enters \$3,200 (\$2,900 + \$300) on line 3, and also enters \$3,200 (the smaller of line 1 and line 3) on line 4. Because she is blind, she enters \$1,400 on line 5. She enters \$4,600 (\$3,200 + \$1,400) on line 7. Her standard deduction is \$4,600.

**Example 4.** Ed is single. His parents claim an exemption for him on their 2010 tax return. He has wages of \$6,841, interest income of \$504, and a business loss of \$3,115. He has no itemized deductions. Ed uses [Worksheet 3](#) to figure his standard deduction. Because he is single, he enters \$5,700 on line 1. He checks the

"Yes" box on line 2, and enters \$4,026 (\$6,841 + \$300 - \$3,115) on line 3, and also enters \$4,026 (the smaller of line 1 and line 3) on line 4. He leaves lines 5 and 6 blank and enters \$4,026 on line 7. His standard deduction is \$4,026.

## Who Should Itemize

You should itemize deductions if your total deductions are more than the standard deduction amount. Also, you should itemize if you do not qualify for the standard deduction, as discussed earlier under [Persons not eligible for the standard deduction](#).

You should first figure your itemized deductions and compare that amount to your standard deduction to make sure you are using the method that gives you the greater benefit.

**When to itemize.** You may benefit from itemizing your deductions on Schedule A (Form 1040) if you:

1. Do not qualify for the standard deduction, or the amount you can claim is limited,
2. Had large uninsured medical and dental expenses during the year,
3. Paid interest and taxes on your home,
4. Had large unreimbursed employee business expenses or other miscellaneous deductions,
5. Had large uninsured casualty or theft losses,

6. Made large contributions to qualified charities, or
7. Have total itemized deductions that are more than the standard deduction to which you otherwise are entitled.

If you decide to itemize your deductions, complete Schedule A and attach it to your Form 1040. Enter the amount from Schedule A, line 29, on Form 1040, line 40.

**Electing to itemize for state tax or other purposes.** Even if your itemized deductions are less than the amount of your standard deduction, you can elect to itemize deductions on your federal return rather than take the standard deduction. You may want to do this, for example, if the tax benefit of being able to itemize your deductions on your state tax return is greater than the tax benefit you lose on your federal return by not taking the standard deduction. To make this election, you must check the box on line 30 of Schedule A.

**Changing your mind.** If you do not itemize your deductions and later find that you should have itemized — or if you itemize your deductions and later find you should not have — you can change your return by filing Form 1040X.

**Married persons who filed separate returns.** You can change methods of taking deductions only if you and your spouse both make the same changes. Both of you must file a consent to assessment for any additional tax either one may owe as a result of the change.

## Worksheet 3. 2010 Standard Deduction Worksheet

Keep for Your Records



**Caution.** If your filing status is married filing separately and your spouse itemizes deductions on his or her return, or if you are a dual-status alien, do not complete this worksheet. You cannot take the standard deduction even if you were born before January 2, 1946, are blind, had a net disaster loss, or paid state or local sales or excise tax on the purchase of a new motor vehicle.

If you paid state or local sales or excise tax in 2010 on the purchase of a new motor vehicle after February 16, 2009, and before 2010, you cannot use this worksheet to figure your standard deduction. You must use Schedule L (Form 1040A or 1040) and attach it to your return.

If you are filing Form 1040EZ, do not use this worksheet. Instead, see line 5 of Form 1040EZ.

<p>1. Enter the amount shown below for your filing status.</p> <ul style="list-style-type: none"> <li>• Single or married filing separately — \$5,700</li> <li>• Married filing jointly or Qualifying widow(er) — \$11,400</li> <li>• Head of household — \$8,400</li> </ul>	}	..... 1. _____
<p>2. Can you (or your spouse if filing jointly) be claimed as a dependent on someone else's return?</p> <p><input type="checkbox"/> <b>No.</b> Skip line 3; enter the amount from line 1 on line 4, and go to line 5.</p> <p><input type="checkbox"/> <b>Yes.</b> Go to line 3.</p>		
<p>3. Is your <b>earned income*</b> more than \$650?</p> <p><input type="checkbox"/> <b>Yes.</b> Add \$300 to your earned income. Enter the total } .....</p> <p><input type="checkbox"/> <b>No.</b> Enter \$950 } .....</p>		
<p>4. Enter the <b>smaller</b> of line 1 or line 3 .....</p>		4. _____
<p>5. If born before January 2, 1946, or blind, multiply the number on Form 1040, line 39a (or Form 1040A, line 23a**) by \$1,100 (\$1,400 if single or head of household). Otherwise, enter -0- .....</p>		5. _____
<p>6. Enter any net disaster loss from Form 4684, line 17** .....</p>		6. _____
<p>7. Add lines 4, 5, and 6. <b>This is your standard deduction for 2010.</b> .....</p>		7. _____

\***Earned income** includes wages, salaries, tips, professional fees, and other compensation received for personal services you performed. It also includes any amount received as a scholarship that you must include in your income. Generally, your earned income is the total of the amount(s) you reported on Form 1040, lines 7, 12, and 18, minus the amount, if any, on line 27 (or the amount you reported on Form 1040A, line 7).

\*\*If the amount on line 6 of this worksheet is more than zero, you must complete Schedule L (Form 1040A or 1040) and attach it to your return. Also, if the amount on line 6 of this worksheet is more than zero, you cannot file Form 1040A; you must file Form 1040.

You and your spouse can use the method that gives you the lower total tax, even though one of you may pay more tax than you would have paid by using the other method. You both must use the same method of claiming deductions. If one itemizes deductions, the other should itemize because he or she will not qualify for the standard deduction. See [Persons not eligible for the standard deduction](#), earlier.

## How To Get Tax Help

You can get help with unresolved tax issues, order free publications and forms, ask tax questions, and get information from the IRS in several ways. By selecting the method that is best for you, you will have quick and easy access to tax help.

**Contacting your Taxpayer Advocate.** The Taxpayer Advocate Service (TAS) is an independent organization within the IRS. We help taxpayers who are experiencing economic harm, such as not being able to provide necessities like housing, transportation, or food; taxpayers who are seeking help in resolving tax problems with the IRS; and those who believe that an IRS system or procedure is not working as it should. Here are seven things every taxpayer should know about TAS:

- The Taxpayer Advocate Service is your voice at the IRS.
- Our service is free, confidential, and tailored to meet your needs.
- You may be eligible for our help if you have tried to resolve your tax problem through normal IRS channels and have gotten nowhere, or you believe an IRS procedure just isn't working as it should.
- We help taxpayers whose problems are causing financial difficulty or significant cost, including the cost of professional representation. This includes businesses as well as individuals.
- Our employees know the IRS and how to navigate it. If you qualify for our help, we'll assign your case to an advocate who will listen to your problem, help you understand what needs to be done to resolve it, and stay with you every step of the way until your problem is resolved.
- We have at least one local taxpayer advocate in every state, the District of Columbia, and Puerto Rico. You can call your local advocate, whose number is in your phone book, in Pub. 1546, Taxpayer Advocate Service—Your Voice at the IRS, and on our website at [www.irs.gov/advocate](http://www.irs.gov/advocate). You can also call our toll-free line at 1-877-777-4778 or TTY/TDD 1-800-829-4059.
- You can learn about your rights and responsibilities as a taxpayer by visiting our online tax toolkit at [www.taxtoolkit.irs.gov](http://www.taxtoolkit.irs.gov). You can get updates on hot tax topics by visiting our YouTube channel at [www.youtube.com/tasnta](http://www.youtube.com/tasnta) and our Facebook page at [www.facebook.com/YourVoiceAtIRS](http://www.facebook.com/YourVoiceAtIRS), or

by following our tweets at [www.twitter.com/YourVoiceAtIRS](http://www.twitter.com/YourVoiceAtIRS).

**Low Income Taxpayer Clinics (LITCs).** The Low Income Taxpayer Clinic program serves individuals who have a problem with the IRS and whose income is below a certain level. LITCs are independent from the IRS. Most LITCs can provide representation before the IRS or in court on audits, tax collection disputes, and other issues for free or a small fee. If an individual's native language is not English, some clinics can provide multilingual information about taxpayer rights and responsibilities. For more information, see Publication 4134, Low Income Taxpayer Clinic List. This publication is available at [IRS.gov](http://IRS.gov), by calling 1-800-TAX-FORM (1-800-829-3676), or at your local IRS office.

**Free tax services.** Publication 910, IRS Guide to Free Tax Services, is your guide to IRS services and resources. Learn about free tax information from the IRS, including publications, services, and education and assistance programs. The publication also has an index of over 100 TeleTax topics (recorded tax information) you can listen to on the telephone. The majority of the information and services listed in this publication are available to you free of charge. If there is a fee associated with a resource or service, it is listed in the publication.

Accessible versions of IRS published products are available on request in a variety of alternative formats for people with disabilities.

**Free help with your return.** Free help in preparing your return is available nationwide from IRS-trained volunteers. The Volunteer Income Tax Assistance (VITA) program is designed to help low-income taxpayers and the Tax Counseling for the Elderly (TCE) program is designed to assist taxpayers age 60 and older with their tax returns. Many VITA sites offer free electronic filing and all volunteers will let you know about credits and deductions you may be entitled to claim. To find the nearest VITA or TCE site, call 1-800-829-1040.

As part of the TCE program, AARP offers the Tax-Aide counseling program. To find the nearest AARP Tax-Aide site, call 1-888-227-7669 or visit AARP's website at [www.aarp.org/money/taxaide](http://www.aarp.org/money/taxaide).

For more information on these programs, go to [IRS.gov](http://IRS.gov) and enter keyword "VITA" in the upper right-hand corner.



**Internet.** You can access the IRS website at [IRS.gov](http://IRS.gov) 24 hours a day, 7 days a week to:

- *E-file* your return. Find out about commercial tax preparation and *e-file* services available free to eligible taxpayers.
- Check the status of your 2010 refund. Go to [IRS.gov](http://IRS.gov) and click on *Where's My Refund*. Wait at least 72 hours after the IRS acknowledges receipt of your e-filed return, or 3 to 4 weeks after mailing a paper return. If you filed Form 8379 with your return, wait 14 weeks (11 weeks if you filed electronically). Have your 2010 tax return available so you can provide your social security number, your filing status, and the exact whole dollar amount of your refund.

- Download forms, including talking tax forms, instructions, and publications.
- Order IRS products online.
- Research your tax questions online.
- Search publications online by topic or keyword.
- Use the online Internal Revenue Code, regulations, or other official guidance.
- View Internal Revenue Bulletins (IRBs) published in the last few years.
- Figure your withholding allowances using the withholding calculator online at [www.irs.gov/individuals](http://www.irs.gov/individuals).
- Determine if Form 6251 must be filed by using our Alternative Minimum Tax (AMT) Assistant.
- Sign up to receive local and national tax news by email.
- Get information on starting and operating a small business.



**Phone.** Many services are available by phone.

- *Ordering forms, instructions, and publications.* Call 1-800-TAX-FORM (1-800-829-3676) to order current-year forms, instructions, and publications, and prior-year forms and instructions. You should receive your order within 10 days.
- *Asking tax questions.* Call the IRS with your tax questions at 1-800-829-1040.
- *Solving problems.* You can get face-to-face help solving tax problems every business day in IRS Taxpayer Assistance Centers. An employee can explain IRS letters, request adjustments to your account, or help you set up a payment plan. Call your local Taxpayer Assistance Center for an appointment. To find the number, go to [www.irs.gov/localcontacts](http://www.irs.gov/localcontacts) or look in the phone book under *United States Government, Internal Revenue Service*.
- *TTY/TDD equipment.* If you have access to TTY/TDD equipment, call 1-800-829-4059 to ask tax questions or to order forms and publications.
- *TeleTax topics.* Call 1-800-829-4477 to listen to pre-recorded messages covering various tax topics.
- *Refund information.* To check the status of your 2010 refund, call 1-800-829-1954 or 1-800-829-4477 (automated refund information 24 hours a day, 7 days a week). Wait at least 72 hours after the IRS acknowledges receipt of your e-filed return, or 3 to 4 weeks after mailing a paper return. If you filed Form 8379 with your return, wait 14 weeks (11 weeks if you filed electronically). Have your 2010 tax return available so you can provide your social security number, your filing status, and the exact whole dollar amount of your refund. If you check the status of your refund and are not given the date it will be issued,

please wait until the next week before checking back.

- **Other refund information.** To check the status of a prior-year refund or amended return refund, call 1-800-829-1040.

**Evaluating the quality of our telephone services.** To ensure IRS representatives give accurate, courteous, and professional answers, we use several methods to evaluate the quality of our telephone services. One method is for a second IRS representative to listen in on or record random telephone calls. Another is to ask some callers to complete a short survey at the end of the call.



**Walk-in.** Many products and services are available on a walk-in basis.

- **Products.** You can walk in to many post offices, libraries, and IRS offices to pick up certain forms, instructions, and publications. Some IRS offices, libraries, grocery stores, copy centers, city and county government offices, credit unions, and office supply stores have a collection of products available to print from a CD or photocopy from reproducible proofs. Also, some IRS offices and libraries have the Internal Revenue Code, regulations, Internal Revenue Bulletins, and Cumulative Bulletins available for research purposes.
- **Services.** You can walk in to your local Taxpayer Assistance Center every business day for personal, face-to-face tax help. An employee can explain IRS letters,

request adjustments to your tax account, or help you set up a payment plan. If you need to resolve a tax problem, have questions about how the tax law applies to your individual tax return, or you are more comfortable talking with someone in person, visit your local Taxpayer Assistance Center where you can spread out your records and talk with an IRS representative face-to-face. No appointment is necessary—just walk in. If you prefer, you can call your local Center and leave a message requesting an appointment to resolve a tax account issue. A representative will call you back within 2 business days to schedule an in-person appointment at your convenience. If you have an ongoing, complex tax account problem or a special need, such as a disability, an appointment can be requested. All other issues will be handled without an appointment. To find the number of your local office, go to [www.irs.gov/localcontacts](http://www.irs.gov/localcontacts) or look in the phone book under *United States Government, Internal Revenue Service*.



**Mail.** You can send your order for forms, instructions, and publications to the address below. You should receive a response within 10 days after your request is received.

Internal Revenue Service  
1201 N. Mitsubishi Motorway  
Bloomington, IL 61705-6613



**DVD for tax products.** You can order Publication 1796, IRS Tax Products DVD, and obtain:

- Current-year forms, instructions, and publications.
- Prior-year forms, instructions, and publications.
- Tax Map: an electronic research tool and finding aid.
- Tax law frequently asked questions.
- Tax Topics from the IRS telephone response system.
- Internal Revenue Code—Title 26 of the U.S. Code.
- Fill-in, print, and save features for most tax forms.
- Internal Revenue Bulletins.
- Toll-free and email technical support.
- Two releases during the year.
  - The first release will ship the beginning of January 2011.
  - The final release will ship the beginning of March 2011.

Purchase the DVD from National Technical Information Service (NTIS) at [www.irs.gov/cdorders](http://www.irs.gov/cdorders) for \$30 (no handling fee) or call 1-877-233-6767 toll free to buy the DVD for \$30 (plus a \$6 handling fee).



<b>A</b>	<b>Child tax credit</b> . . . . .	<b>10</b>	<b>Divorced taxpayers:</b>	Social security numbers . . . . .	<b>21</b>
<b>Abroad, citizens living, filing requirements</b> . . . . .	<b>Child, qualifying</b> . . . . .	<b>11</b>	Child custody . . . . .	Use of . . . . .	<b>5, 6</b>
<b>Absence, temporary</b> . . . . .	<b>Children:</b>		Filing status . . . . .	<b>Form 1040EZ:</b>	
	Adopted child (See Adoption)		Joint returns, responsibility for . . . . .	Personal exemption . . . . .	<b>10</b>
<b>Accounting periods, joint returns</b> . . . . .	Adoption (See Adopted child)		Personal exemption . . . . .	Use of . . . . .	<b>5</b>
	Birth of child . . . . .	<b>8, 9</b>	<b>Domestic help, no exemption for</b> . . . . .	<b>Form 1040X:</b>	
<b>Adopted child</b> . . . . .	Claiming parent, when child is head of household . . . . .	<b>8</b>		Change of filing status . . . . .	<b>7</b>
Taxpayer identification number . . . . .	Custody of . . . . .	<b>13</b>	<b>Dual-status taxpayers:</b>	Itemized deductions, change to standard deduction . . . . .	<b>23</b>
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<b>Advance earned income credit, effect on filing requirements (Table 3)</b> . . . . .	Dividends of . . . . .	<b>3</b>	Joint returns not available . . . . .	<b>Form 8814, parents' election to report child's interest and dividends</b> . . . . .	<b>3</b>
	Filing requirements as dependents (Table 2) . . . . .	<b>4</b>		<b>Form 8857, innocent spouse relief</b> . . . . .	<b>6</b>
<b>Age:</b>	Investment income of child under age 18 . . . . .	<b>3, 4</b>	<b>E</b>	<b>Form SS-5, social security number request</b> . . . . .	<b>21</b>
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Gross income and filing requirements (Table 1) . . . . .	Social security number . . . . .	<b>21</b>	Defined for purposes of standard deduction . . . . .	<b>Form W-7A, adoption taxpayer identification number request</b> . . . . .	<b>21</b>
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	<b>Citizen or resident test</b> . . . . .	<b>11</b>	Nonresident alien spouse . . . . .	<b>Free tax services</b> . . . . .	<b>24</b>
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	Of child . . . . .	<b>11</b>	Personal (See Personal exemption)		
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