



# Filing Status



**Michael O'Leary, EA**

**By The Book Taxes**

**203-434-5626 (M)**

**203-855-9479 (F)**

**mikeo24@bythebooktaxes.net**

**www.bythebooktaxes.net**

## Single

You are unmarried in 2020 if:

- You were never married,
- You were legally separated, according to state law, under a decree of divorce or separate maintenance.
- Your spouse died before January 1, 2020, and you did not remarry in 2020.

If you meet the definition of unmarried, file as Single unless the requirements for one of the following filing statuses are met.

- Head of Household, or
- Qualifying Widow(er) with Dependent Child.

## Married Filing Jointly (MFJ)

You can file a joint return in 2020 with your spouse if:

- You were married at the end of 2020, even if you did not live with your spouse at the end of 2020.
- Your spouse died in 2020, and you did not remarry in 2020.
- You were married at the end of 2020, and your spouse died in 2021 before filing a 2020 return.
- You lived with a person in a common-law marriage recognized in the state where you live or in the state where the common-law marriage began.

You can file MFJ if both you and your spouse agree, otherwise you may file:

- Married Filing Separately (MFS), or
- Head of Household (HOH) if you meet the requirements to be "Considered Unmarried." See *Head of Household*, later.

## Married Filing Separately (MFS)

Married Filing Separately—Special Rules	
50% of MFJ	<ul style="list-style-type: none"> <li>• Standard deduction.</li> <li>• Tax brackets.</li> <li>• AMT exemptions.</li> <li>• Net capital loss deduction (\$1,500).</li> <li>• Exclusion of gain on home sale.</li> <li>• Home mortgage interest limits.</li> </ul>
Income limits 50% of MFJ	<ul style="list-style-type: none"> <li>• Child Tax Credit.</li> <li>• Credit for Other Dependents.</li> <li>• Retirement Savings Contributions Credit.</li> </ul>
Credits disallowed	<ul style="list-style-type: none"> <li>• Earned Income Credit.</li> <li>• Elderly or Disabled Credit unless spouses lived apart all year.</li> <li>• Child and Dependent Care Credit in most cases.</li> <li>• Adoption Expense Credit or exclusion in most cases.</li> </ul>
Education benefits disallowed	<ul style="list-style-type: none"> <li>• Education credits.</li> <li>• Exclusion for U.S. bond interest.</li> <li>• Student loan interest deduction.</li> </ul>
IRAs	<ul style="list-style-type: none"> <li>• If the taxpayer or spouse is covered by an employer retirement plan, contributions are phased out at AGI of \$10,000 unless the spouses lived apart all year.</li> <li>• If the spouses did not live together at any time during the year, they are considered as Single for purposes of the phaseout rule.</li> </ul>
Social Security	<ul style="list-style-type: none"> <li>• If the spouses lived together at any time during the year, up to 85% of all benefits are included in income.</li> <li>• If the spouses did not live together at any time during the year, up to 85% of benefits over \$25,000 are included in income.</li> </ul>
Rental Real Estate Losses	<ul style="list-style-type: none"> <li>• Special loss allowance is \$12,500 reduced at modified AGI over \$50,000.</li> <li>• No special loss allowance if spouses lived together at any time during the year.</li> </ul>

Any taxpayer that was married at the end of 2020 can file as MFS. Generally, you will pay more tax by filing MFS.

## Head of Household (HOH)

The HOH filing status applies to unmarried individuals (or married individuals considered unmarried) who provide a home for a qualified individual.



## Filing Status

**Qualifying child.** The term qualifying child for purposes of the HOH rules has the same meaning as for the dependency test.

**Qualifying relative.** A qualifying relative can be a qualifying person for HOH filing status if you paid more than half the cost of keeping up a home where the qualifying relative lived for more than half the year. You must be eligible to claim the qualifying relative as a dependent, and the qualifying relative must meet one of the following relationship tests.

- Son, daughter, stepchild, foster child, or a descendant of any of these (such as a grandchild),
- Brother, sister, half brother, half sister, or a son or daughter of either (such as a niece or nephew),
- Father, mother, or ancestor or sibling of either, (such as grandmother, grandfather, aunt, or uncle), or
- Stepbrother, stepsister, stepfather, stepmother, son-in-law, daughter-in-law, father-in-law, mother-in-law, brother-in-law, or sister-in-law.

**Note:** A person other than the relationships listed, above, who lived with you all year as a member of your household, can qualify as your dependent, but such person who is a dependent only because they lived with you all year does not qualify you for HOH filing status.

**Temporary absences.** Temporary absences for special circumstances count as time lived in your home. Special circumstances include time away from home going to school, vacation, business, medical care, military service, and detention in a juvenile facility. A person who was born or who died during the year is treated as living in the home for the entire year if the home was their main home for the part of the year he or she was alive.

**Married individuals considered unmarried.** A married individual can be considered unmarried for HOH purposes if all the following apply.

- You lived apart from your spouse for the last six months of the year. Temporary absences for special circumstances, such as for business, medical care, school, or military service, count as time lived in the home.
- You do not file a joint return with your spouse.
- You paid over half the cost of keeping up the home during the year.

This brochure contains general information for taxpayers and should not be relied upon as the only source of authority. Taxpayers should seek professional tax advice for more information.

Copyright © 2020 Tax Materials, Inc.  
All Rights Reserved

- Your home was the main home of your child, stepchild, or foster child for more than half the year.
- You claim this child as a dependent, or the child's other parent claims him or her as a dependent under the rules for children of divorced or separated parents.

## Qualifying Widow(er) (QW)

The QW filing status is available for the first two years following the year your spouse dies, provided all the following requirements are met.

- Your spouse died in 2018 or 2019 and you did not remarry in 2020.
- You have a child or stepchild that you can claim as a dependent. This does not include a foster child.
- Your child lived in your home for all of 2020. If there is a temporary absence for special circumstances, the child is not considered to be away from home, such as for school, vacations, medical care, business, military service, or detention in a juvenile facility.
- You paid over half the cost of keeping up a home.
- You filed a joint return with your deceased spouse in the year of death or you could have filed a joint return that year.

If your spouse dies in 2020, you are married for 2020 and cannot file as a Qualifying Widow(er) until 2021.

## Contact Us

There are many events that occur during the year that can affect your tax situation. Preparation of your tax return involves summarizing transactions and events that occurred during the prior year. In most situations, treatment is firmly established at the time the transaction occurs. However, negative tax effects can be avoided by proper planning. Please contact us in advance if you have questions about the tax effects of a transaction or event, including the following:

- Pension or IRA distributions.
- Significant change in income or deductions.
- Job change.
- Marriage.
- Attainment of age 59½ or 72.
- Sale or purchase of a business.
- Sale or purchase of a residence or other real estate.
- Retirement.
- Notice from IRS or other revenue department.
- Divorce or separation.
- Self-employment.
- Charitable contributions of property in excess of \$5,000.