



Where Tax Issues Start: Filing a Tax Return

Filing a tax return

The tax return is the starting point for understanding tax issues faced by survivors. All potential taxpayers face a range of questions and choices related to the filing of a tax return, the answers to which may have profound financial implications for the individual and the individual's family.

Some of the most significant questions and choices related to filing a tax return, include:

- Am I required by law to file a tax return?
- Even if I am not required to file, are there reasons that I should file a tax return?
- Are there any reasons not to file a tax return?
- What filing status may I and should I use?
- If I am married, must I file a joint tax return with my spouse?
- What information do I need to file a return and where can I get it if I don't have it?
- Who is going to prepare my tax return?

Survivors who are married or who have been married face issues related to the filing of a tax return, including:

- Whether to file a joint return with a spouse to whom they are currently married;
 - Whether to file a joint return with a spouse from whom they are divorced or divorcing, but to whom they were married at the end of the tax year.
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How can advocates help?

Advocates can work with survivors first by determining whether filing taxes might be an option in creating a financial benefit that would improve the survivor's economic security or whether there is known or risk of tax debt or invalid returns that could be detrimental to their economic security and physical safety. Some general assessment questions could include, but are not limited to:

- Is your partner secretive about financial information?
- Do you have access to the household bank account and other financial records?
- Does your partner control the household financial decisions?

- Do you know if you or your partner is current in filing required tax returns?
- Do you know if you or your partner owes tax for past years?
- Have you ever received a notice of tax due from the IRS?
- If married, do you have a history of filing joint returns?
 - Did you participate in filing joint returns with your spouse? Or do you recall authorizing your spouse to prepare and file the joint return?
 - Did you provide your spouse with information and documents used to prepare the return?
 - Did you ever see the tax returns? Do you know if your spouse ever omitted information about you, such as your income?
- Have you received tax refunds or benefits in the past (whether from filing your own taxes or with a spouse)?

These questions can also be readdressed in determining a survivor's filing status or whether a joint return is valid. For additional information, see our [Tax Filing Status for Survivors page](#) or the CSAJ's Advocacy Briefs "[What Survivors Need to Know About Filing Status.](#)"

Information needed to file a tax return

The first step toward filing a tax return is the collection of information needed to prepare the return. All taxpayers must collect income information for all income they received during the tax year.

Employers are required to send each of their employees an IRS Form W2 that reports annual income and the amount of tax that was withheld. Independent contractors may receive IRS Form 1099-Misc from businesses that have paid them at least \$600.00 during the tax year.

Other common sources of income that result in the issuance of a 1099 (or a W2) are Social Security benefits, unemployment benefits, and VA benefits, interest, dividends, pensions, cancelled debts, state and local tax refunds, and gambling winnings.

Leah's story...

In Leah's case, Leah was not allowed to participate in the filing or review of taxes while with John and was fearful of asking about taxes or other financial matters. Thus, she left without taking important tax information with her. Requesting access to information could pose continued safety risks to her and her children.

We also know that John continues to try and control access to certain tax benefits through his lawyer. Assessing Leah's knowledge of John's potential reactions is critical when determining how to gather the necessary documentation for filing.

For a number of reasons, many survivors do not have access to the documents needed to prepare a tax return. Documents may have been destroyed or taken by the abuser. Other survivors lose access to documents when relocating to escape abuse or it may pose a safety risk for survivor to search for needed documentation.

Reconstructing tax information is often possible but may be time-consuming and/or require payment for replacement documents.

Practice Tip

Employers and other payers will often furnish replacement W2s and 1099s. IRS can provide survivors with free Wage and Income Transcripts. These are transcripts of all W2s, 1099s, and other income-related information documents.

However, IRS Wage and Income Transcripts for the most recent tax year are generally not available in full until the middle of the following tax year, although partial information may be available. Unfortunately, IRS does not include state and local tax withholding on its Wage and Income Transcripts. Taxpayers will have to get that information from the entity that issued the original W2 because many state departments of revenue are unable to provide it

Other information needed to file a tax return includes:

- Personal information such as the date of birth and Social Security number of taxpayer and each person the taxpayer will claim as a dependent.
- Records of the taxpayer's and family members' health insurance coverage including records of employer provided coverage or premiums paid and type of coverage for private coverage to show that all had and maintained minimum essential coverage. Taxpayers who are exempt from coverage should retain certificates of exemption received from the Marketplace or other documentation needed to support an exemption claimed on the return. As noted above, taxpayers who claim the Premium Tax Credit (PTC) are required to reconcile the amount of the Advance PTC paid to their health insurer with the amount

that they were actually entitled to receive.

- Taxpayers who are paid in cash should collect documentation of all payments. Useful forms of documentation of cash income can include records of bank deposits, receipts, job contracts, and ledger books.

The ILS Low Income Taxpayer Clinic is proud to partner with the Center for Survivor Agency & Justice. To and advocacy to survivors on a range of consumer-finance issues, including taxes. The content of this page for survivors published by the CSAJ, the Guidebook on Consumer and Economic Civil Legal Advocacy for

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