

Suppose I hire someone to help me? What if I get paid for doing odd jobs?

If you had a household worker (for example, a housekeeper, caregiver, or gardener), you may need to pay employment taxes. You may also need to withhold social security and Medicare taxes. For more information, see IRS Publication 926, Household Employer's Tax Guide. Any income you receive from doing odd jobs is considered self-employment income. If your net earnings from self-employment are more than \$400, you may be subject to self-employment tax even if you are already getting social security or Medicare benefits. For more information on self-employment tax, see IRS Publication 533, Self-Employment Tax.

What other tax issues do I need to think about?

If you have questions regarding powers of attorney, state tax liabilities, inheritance taxes, living wills, bad debts or special rules for seniors regarding local real estate taxes, there are more resources to help you. Please call the numbers listed in this brochure, or check the websites for more information.



Obtaining the publications referred to in this brochure is as easy as dialing a toll-free number or accessing a website.

Internal Revenue Service (IRS)
www.irs.gov

IRS Tax Forms 1-800-TAX-FORM
(800-829-3676)

IRS Tax Information 1-800-TAX-1040
(800-829-1040)

American Bar Association (ABA)
Section of Taxation
www.abanet.org/tax

You may be able to get free tax help. Tax Counseling for the Elderly (TCE) provides volunteers in local areas who prepare simple tax returns.

Dial 1-800-TAX-1040
from February through April 15
to find the nearest TCE site.

The IRS is pleased to cooperate with organizations in bringing you the kind of information presented in this brochure. In doing so, the IRS neither prefers nor endorses any organization over another.



Department of the Treasury
Internal Revenue Service

www.irs.gov

Publication 3864 (2-2004)
Catalog Number 32345Y

Tax Facts for Seniors with a Change in Marital Status

*Death, Divorce,
Marriage...
the tax rules you
thought you knew
may change*

A joint public service of the
Internal Revenue Service and
the American Bar Association
Section of Taxation.



Changes that occur in your life affect whether you need to pay taxes and the amount you pay. The Internal Revenue Service (IRS) and the American Bar Association (ABA) Section of Taxation have designed this publication to answer some common questions. While this doesn't contain all the answers for you, it may make you aware of some issues and direct you to other sources of information.

FREQUENTLY ASKED QUESTIONS

What is my filing status now? Do I even have to file?

Your tax filing status is a category that identifies you, based on your marital situation on the last day of the year. Whether you have to file a tax return depends on your filing status, age, and gross income. When your filing status changes, the level of income that requires you to file an income tax return also changes. For more information on filing status, see IRS Publication 501, Exemptions, Standard Deduction, and Filing Information.

What counts as income?

Generally income is taxable unless specifically exempted by law. While life insurance proceeds are rarely taxable, part of your Social Security benefits and IRA distributions may count as income. See IRS Publication 554, Older Americans' Tax Guide, for more information on income issues of interest to seniors.

Should I pay estimated taxes?

Changes in your filing status and income may mean that you owe taxes. You may need to pay amounts throughout the year if you will owe more than \$1,000 when you file your tax return. By using IRS Form 1040-ES, Estimated Tax for Individuals, you can pay your tax in four payments during the year. See IRS Publication 505, Tax Withholding and Estimated Tax, for more information.

How do I deduct medical expenses?

If you are able to itemize your deductions, you may be able to deduct amounts you paid for certain medical and dental expenses that were not covered by insurance. These expenses include amounts you paid for doctors, hospitals, and prescription drugs. For a list of expenses you may be able to deduct, see IRS Publication 502, Medical and Dental Expenses.

What if I sell my house?

If you had a gain from the sale of your home, you may be able to exclude up to \$250,000 (or \$500,000 on a joint return in most cases). See IRS Publication 554, Older Americans' Tax Guide, for more information on selling your home.

Do I qualify for any special tax credits?

Generally tax credits reduce the amount of tax you owe. Some credits may create a refund, even if you paid little or no tax.

The Earned Income Tax Credit (EITC) may be available if you are working and your earnings are low. The credit may be larger if you have a qualifying child (including a grandchild). If you do not have a qualifying child, you must be under age 65 to qualify for the EITC. For more information, see Publication 596, Earned Income Credit.

The Credit for the Elderly or the Disabled may reduce your tax under certain conditions if your income is very low. See Publication 524, Credit for the Elderly or the Disabled, for more information.

What income tax issues do I need to know about the year my spouse dies?

If your spouse died during the past year and you have not remarried, you may still file a joint return. A joint return will generally result in less tax. IRS Publication 559, Survivors, Executors and Administrators, is designed to show you how to complete and file federal income tax returns and point out your responsibility to pay any taxes due.

Should I worry about estate taxes? Suppose I give gifts?

Generally an estate tax return only needs to be filed if the value of the estate exceeds \$1,000,000 (\$1,500,000 in 2004 and 2005). There is usually no tax if you make a gift to your spouse. If you make a gift to someone else, the gift tax does not apply if your gift to that person is less than \$11,000 per year in 2002, 2003, or 2004. For an overview of estate and gift taxes, see IRS Publication 950, Introduction to Estate and Gift Taxes.

What tax or finance records should I keep and for how long?

You should keep receipts, canceled checks, and any other records to help you prepare a complete and accurate income tax return. You should keep these records for as long as they may be needed to support the items claimed on your return (generally, at least three years). For more information on recordkeeping, see IRS Publication 552, Recordkeeping for Individuals.