

Tax Information for Non-Custodial Parents

The **non-custodial parent** is the parent who is not the custodial parent. Here the custodial parent is the parent with whom the child shared the same principal place of abode for the greater part of the year.

Do you pay child support?

If **YES**, you should be aware of Federal tax issues that could affect your ability to claim your child as a dependent, or take certain tax credits.

Claiming Your Child as a Dependent

Special rules apply when determining who may claim a child as a dependent. For example, if you are the non-custodial parent and provide more than half of your child's total support, you still may **NOT** be able to claim the child as a dependent. Generally, the custodial parent is allowed to claim the exemption for a child who is a dependent even if the non-custodial parent provides child support. A special rule may apply when the parents of a child are divorced or legally separated or when the parents live apart at all times during the last 6 months of the calendar year. If this rule applies, the non-custodial parent may claim an exemption for the child if the custodial parent signs a *Form 8332, Release of Claim to Exemption for Child of Divorced or Separated Parents*, or a substantially similar statement, or if a divorce decree, a decree of separate maintenance, or a written separation agreement provides that the non-custodial parent is entitled to the dependency deduction for the child.

- Form 8332 is also required for parents who were never married.

Earned Income Tax Credit

The Earned Income Tax Credit (EITC) is a tax credit for certain people who work and have earned income. It usually means more money in your pocket as it reduces the amount of tax you owe, but you must be eligible!

- You and your child must have shared the same principal place of abode for more than one-half of the tax year (183 days or more) or you may not take the credit, *even if you meet all the other requirements*.
- As the non-custodial parent of a child, you may not claim the EITC based on this child, even if you may claim a dependency exemption for this child.
- Depending on your income, you may be eligible to claim the EITC without a qualifying child.
- The IRS may request documents, such as a birth certificate or medical/school records, to prove that you are eligible to claim a child as a qualifying child for purposes of the EITC.

Child Tax Credit

- If you are entitled to the dependency exemption for a child rather than the custodial parent, then you may claim the child tax credit for the child, if you meet all the other requirements for claiming this credit.

Treasury Offset Program

- If you are due a federal tax refund but have not paid certain debts (such as delinquent child support, military debt, VA debt, or other federal or state debt), all or part of your federal tax refund may be applied to these unpaid debts. The Financial Management Service (FMS) will offset your refund and forward it to the agency to apply to your debt. If you have questions about the Federal Tax Refund Offset Program, please contact FMS toll-free at 1-800-304-3107.
- Some past-due child support payments are assigned to the state when a custodial parent receives various state benefits. In this instance, the custodial parent may not receive past-due child support payments directly.

References (view, download, or order at www.irs.gov)

- Publication 17, Your Federal Income Tax
- Publication 501, Exemptions, Standard Deduction, and Filing Information
- Publication 596, Earned Income Credit
- Publication 972, Child Tax Credit
- Call the IRS for assistance at **1-800-829-1040**
- **EITC Assistant**—An online tool to assist you in determining if you qualify for the EITC. It is available in English and Spanish. The EITC Assistant is available on www.irs.gov 24 hours a day, 7 days a week.



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