**PROTECTING OLDER AMERICAN**S
**AGAINST OVERPAYMENT OF INCOM**E
**TAXE**S



**U.S. SENATE SPECIAL COMMITTEE ON AGING**

The Senate Special Committee on Aging is issuing this tax information paper for tax year 2013 with older Americans in mind. The Committee has included a checklist for itemized deductions such as medical and dental expenses; a standard deduction table; and information about how to ask the IRS for help when filing your tax returns. **The filing deadline for 2013 income tax returns is midnight, Tuesday, April 15, 2014.**

 Bill Nelson,

 Chairman

Who Must File – By Filing Status and Gross Income 2

Filing Deadline \_3

Which Form to File 4

Social Security Benefits 5

Tax Withholding and Estimated Tax Payments for 2013 5

Exemptions \_ 6

Standard Deduction 6

Checklist of Itemized Deductions 8

Tax Credits \_ 10

Signature \_ 11

IRS Assistance Is Available to You \_12

**WHO MUST FILE--BY FILING STATUS AND GROSS INCOME**

Generally, even though you owe no tax you must file a tax return if your gross income for the year is at least as much as the amount shown for your filing status and age on the table below:

|  |  |
| --- | --- |
| **FILING STATUS AND AGE** | **2013 GROSS INCOME**  |
| **Single**Under 65 65 or older  | $10,000$11,500 |
| **Married Filing Joint Return**Both spouses under 65 One spouse 65 or older Both spouses 65 or older  | $20,000$21,200$22,400 |
| **Married Filing Separate Return** (or living apart from spouse at end of year or on date spouse died) All regardless of age  | $3,900 |
| **Head of Household**Under 65 65 or older  | $12,850$14,350  |
| **Qualifying Widow(er) with Dependent Child** Under 65 65 or older  | $16,100$17,300 |

Even if your income is less than the amount as indicated earlier you must file a return if in 2013:

* you were self-employed and had net earnings of at least $400;
* 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;
* you owe any tax on a qualified retirement plan, an individual retirement account (IRA), an Archer medical savings account (MSA) or a health savings account (HSA);
* you owe alternative minimum tax;
* you owe tax on a Coverdell ESA or on qualified tuition program earnings;
* you owe household employment taxes on domestic workers;
* you owe uncollected social security, Medicare or railroad retirement tax on tips you reported to your employer or on group-term life insurance, or you owe social security or Medicare tax on tips you did not report to your employer;
* you owe any tax from recapture of an investment credit or a low-income housing credit, federal mortgage subsidy, education credit, Indian employment credit, new markets credit, credit for employer-provided child care facilities, alternative motor vehicle credit, alternative fuel vehicle refueling credit, or other credit;
* you have to repay the first-time homebuyer credit;
* you owe any excise tax on insider stock compensation; or
* you owe any other write-in tax, such as the additional tax on income you received from a nonqualified deferred compensation plan that fails to meet certain requirements.

***Please Note*:** You must file a tax return to obtain a refund of any taxes you overpaid for 2013 or if you qualify for the earned income credit, the additional child tax credit, the American opportunity credit, or the health coverage tax credit. If you turned age 65 on January 1, 2014, you are considered to be age 65 for tax year 2013.

**FILING DEADLINE**

**The filing deadline for 2013 income tax returns is midnight, Tuesday, April 15, 2014.** Any return postmarked after April 15 may be subject to tax penalties. You can get an automatic 6-month extension to file if, by April 15, 2014, you file Form 4868. An extension of more than 6 months is generally not approved if you are living in the United States.

If you expect to owe tax with your 2013 return, you may pay by check, money order, credit or debit card, or Electronic Funds Withdrawal. If you pay by credit or debit card, the service provider will charge a convenience fee. These fees may vary by provider. For more information on paying your taxes with a credit or debit card, go to www.irs.gov/e-pay.

**WHICH FORM TO FILE**

**FORM 1040EZ**

Form 1040EZ is used only by those who can file as single or married filing jointly and who are under age 65 and not blind.

You cannot claim any dependents, any adjustments to income (such as an IRA contribution or student loan interest deduction), any itemized deductions, or any tax credits (other than the earned income credit), and you cannot be a debtor in a chapter 11 bankruptcy case filed after October 16, 2005.

All your income must come from wages, salaries, tips, unemployment compensation, Alaska Permanent Fund dividends, taxable scholarship and fellowship grants, and taxable interest of $1,500 or less.

If you earned tips, they must be included in boxes 5 and 7 of your Form W-2.

Your taxable income must be less than $100,000. You cannot owe alternative minimum tax or owe employment taxes for wages paid to a household employee.

**FORM 1040A**

Form 1040A can be used by any filing status.

Your taxable income must be less than $100,000.

You can use the form to report distributions received from individual retirement accounts (IRAs), pension and annuity payments, taxable Social Security or equivalent Railroad Retirement benefits, wages, salaries, tips, taxable scholarship and fellowship grants, interest, ordinary dividends (including Alaska Permanent Fund dividends), capital gain distributions, and unemployment compensation.

The only adjustments to income on Form 1040A are the deductions for educator expenses, contributions to an IRA, tuition and fees deduction, or the student loan interest deduction, and you cannot claim itemized deductions on Form 1040A.

Your taxes may only be from the tax table, the alternative minimum tax, recapture of an education credit, Form 8615 (Tax for Certain Children Who Have Unearned Income), or the qualified dividends and capital gain tax worksheet.

You can take certain credits when using Form 1040A, such as the earned income credit, the credit for child and dependent care expenses, the credit for the elderly or the disabled, the child tax credit, the additional child tax credit, the education credits, the retirement savings contributions credit, or the American opportunity credit.

**FORM 1040**

Form 1040 is used by all other individuals (except nonresident aliens).

It must be used if your taxable income is $100,000 or more, or you itemize your deductions such as home mortgage interest, charitable contributions, taxes, medical and dental expenses, etc.

Capital gains or losses from the sale or exchange of capital assets or business property can be reported only on Form 1040.

If you owe self-employment tax (see Schedule SE), you must use Form 1040.

Form 1040 is also used if you have to repay the first-time homebuyer credit or recapture an investment credit, a low-income housing credit, an Indian employment credit, a new markets credit, a credit for employer-provided child care facilities, an alternative motor vehicle credit, an alternative fuel vehicle refueling credit, or other credit.

Form 1040 is also used if you must pay household employment taxes or any write-in taxes. Frequently, Form 1040 is used when you have to file other forms with your return to report certain exclusions, taxes, or transactions.

**CAPITAL GAINS AND LOSSES**

In most cases, you must report your capital gains and losses on Form 8949 and report the totals on Schedule D. If you sold a covered security in 2013, your broker will send you a Form 1099-B (or substitute statement) that shows your basis. This will help you complete Form 8949. Generally, a covered security is a security acquired after 2010.

**SOCIAL SECURITY BENEFITS**

Some individuals will not be taxed on any of their social security benefits. Others may have to include a portion of their social security benefits (up to 85% in some cases) in taxable income. Generally, the greater a taxpayer’s income, the greater the portion of their benefits that are includible in taxable income.

You should receive Form SSA-l099, Social Security Benefit Statement, if you received benefits in 2013.

To estimate quickly whether you must include any of your benefits in taxable income, add up your income from all sources, including any tax-exempt interest you may have received, plus one-half of your net benefits. If your total income from all sources is **not** more than the following base amounts, your benefits generally are not taxable:

* $25,000 if you are single, head of household, or qualifying widow(er),
* $32,000 if you are married filing a joint return, or
* $-0- if you are married filing a separate return and lived with your spouse at any time during 2013 ($25,000 if you lived apart from your spouse for all of 2013).

*See IRS Publication 915, "Social Security and Equivalent Railroad Retirement Benefits" for more information.*

**TAX WITHHOLDING AND ESTIMATED TAX PAYMENTS**

Unless you choose not to have any tax withheld, federal income tax will generally be taken from the taxable part of your pension and annuity payments. This includes distributions from an IRA, life insurance company under an endowment, annuity or life insurance contract, or from a pension, traditional annuity, profit-sharing or stock bonus plan, or any similar plan that defers the time you receive compensation. However, your right to choose not to have tax withheld applies only to a distribution other than an "eligible rollover distribution" from an employer retirement plan. Employers must withhold tax at a rate of 20% on eligible rollover distributions not directly transferred to another eligible plan trustee.

To tell the company that pays periodic payments from your pension or annuity (that is not an "eligible rollover distribution") how much you want withheld, fill out Form W-4P, or a similar form provided by the payer, showing your marital status and the number of withholding allowances to which you are entitled. If you do not give the payer a Form W-4P, tax will be withheld as if you are married and are claiming three withholding allowances. You may also use this form to tell the payer you do not want any tax withheld. However, if you are a U.S. citizen or resident alien whose address is outside the U.S. or its possessions, the payer must withhold tax.

Tax is withheld at the rate of 10% on nonperiodic payments and at the rate of 20% on any part of an "eligible rollover distribution" that is not rolled over directly to another qualified plan.

Remember, if no tax or not enough tax is withheld from your income, you may need to make quarterly payments of estimated tax. Your estimated tax generally is the total of your expected income tax, self-employment tax, and other taxes (such as employment taxes for household workers) that you will owe, less your withholding and tax credits.

If your withholding and/or estimated tax payments are significantly less than your tax liability, you may be subject to an estimated tax penalty. In general, no penalty will apply if your tax year 2013 return shows a balance due of less than $1,000. Also, no penalty will apply if your withholding and payments for 2013 exceed (1) 90% of your 2012 tax (i.e., total tax less credits) or (2) 100% of the tax shown on your prior year’s return (110% of your prior year’s tax if your adjusted gross income for 2012 exceeds $150,000 or $75,000 if your filing status for 2013 is married filing separately). *See IRS Publication 505, "Tax Withholding and Estimated Tax" for more information.*

**EXEMPTIONS**

You are allowed a $3,900 deduction for each exemption shown on your tax return. In general, a person may be claimed as a dependent of another taxpayer if he or she is a qualifying child or a qualifying relative and certain other tests are met. For more information, get Publication 501, "Exemptions, Standard Deduction, and Filing Information." If you can be claimed as a dependent on the tax return of another taxpayer, you cannot claim your exemption on your own tax return.

**STANDARD DEDUCTION**

The basic standard deduction is $6,100 if you are single or married filing separately, $12,200 if married filing jointly or qualifying widow(er), and $8,950 if head of household.  If you are age 65 or older or blind in 2013, your standard deduction is higher. You are considered 65 for the 2013 tax year if your 65th birthday was on or before January 1, 2014. You are considered blind for 2013 if you are blind on the last day of 2013. Your tax instruction booklet has more information.

Special rules. Your standard deduction is zero if your spouse itemizes deductions on a separate return, you are a dual-status or nonresident alien, or you have a short tax year. If you can be claimed as a dependent on another person's tax return, your standard deduction may be limited. If you meet one of these special rules, you may not use the following standard deduction table. See your tax instruction booklet for more details.

**2013 Standard Deduction Table for Taxpayers 65 or Older (and Blind Taxpayers) Who Are Not Dependents**

Check the number of boxes that apply to you.

You ….. 65 or older ⁪ Blind ⁪

Your spouse … 65 or older ⁪ Blind ⁪

Total number of boxes you checked. . . . . . \_\_\_\_

|  |  |  |
| --- | --- | --- |
| **If your filing status is:**  | **Number of boxes checked**  | **Your standard deduction is:**  |
| Single  | 1 2  | $7,600 $9,100  |
| Married filing jointly or Qualifying Widow(er) with dependent child  | 1 2 3 4  | $13,400 $14,600 $15,800 $17,000  |
| Married filing separately  | 1 2 3 4  | $7,300 $8,500 $9,700 $10,900  |
| Head of Household  | 1 2  | $10,450 $11,950  |

**CHECKLIST OF ITEMIZED DEDUCTIONS**

**MEDICAL AND DENTAL EXPENSES**

Medical and dental expenses include payments you make for the diagnosis, cure, relief, treatment, or prevention of disease or for treatment affecting any part or function of the body. You may include transportation expenses incurred for, and essential to, needed medical care. If you use your own car, you can claim your actual expenses to go to and from the place you received care or you can use a standard rate of 24 cents per mile. Unreimbursed medical expenses are deductible to the extent they are more than 10% of your AGI (7.5% if either you or your spouse were born before January 2, 1949). AGI is line 38 of Form 1040. Expenses may be deducted only in the year you paid them. If you charge medical expenses on your credit card, include the expenses in the year the charge is made.

You may generally include payments for qualified long-term care insurance contracts and expenses for unreimbursed costs for qualified long-term care of chronically ill individuals. Benefits from long-term care insurance are generally excluded from your income. *See IRS Publication 502, "Medical and Dental Expenses" and Publication 525, “Taxable and Nontaxable Income” for more information.*

**TAXES**

In the case of a cash-basis taxpayer, taxes are deductible in the year when paid. Business taxpayers can deduct state, local, and foreign taxes to the extent they are attributable to a trade or business, or when they are incurred for property held for the production of rents or royalties. Some examples of deductible taxes are:

* personal property taxes based on value,
* state, local, or foreign income tax,
* state, local, or foreign real estate taxes when based on the assessed value of the property, and
* state and local general sales taxes\*

\*You can deduct state and local income taxes or state and local general sales taxes. You cannot deduct both. If you choose the sales tax deduction, you can deduct either your actual sales tax expenses or the applicable amount from the optional state sales tax tables provided in the Schedule A (Form 1040) instructions.

In addition to the sales tax table amount, you may be able to also deduct state and local sales tax paid on motor vehicles, boats and other items specified in the Schedule A, (Form 1040) instructions. The tax rate on these items generally must be the same as the general sales tax rate, except for motor vehicles for which the deduction may not exceed the amount that would have been paid at the general sales tax rate.

**INTEREST**

You cannot deduct the interest you paid on loans used for personal purposes, other than qualified home mortgage interest. In most cases, you will be able to deduct all of your home mortgage interest. For 2013, home mortgage interest includes qualified mortgage insurance premiums. However, there are limits on home mortgages and home equity line-of-credit mortgages. *See IRS Publication 936, "Home Mortgage Interest Deduction" for more information.*

**CHARITABLE CONTRIBUTIONS**

A charitable contribution is a contribution or gift to, or for the use of, a qualified organization. Qualified organizations include non-profit groups that use their funds for religious, charitable, educational, scientific, or literary purposes, or organizations that work to prevent cruelty to children or animals. An organization can tell you if it is a qualified organization. For any contribution made in cash, regardless of the amount, you must maintain as a record of the contribution a bank record (such as a canceled check) or a written record from the charity. To deduct your contributions, you must file Form 1040 and itemize deductions on Schedule A.

You generally can deduct your contributions only in the year that you actually make them in cash or other property. Contributions of property (clothing, books, furniture, etc.) generally are deducted at their fair market value, but in certain cases, your deduction is limited to less than fair market value. If you claim a deduction for over $500 in noncash contributions, you must file Form 8283, "Noncash Charitable Contributions." *See IRS Publication 526, "Charitable Contributions" (for individuals), and IRS Publication 561, "Determining the Value of Donated Property"* *for more information.*

*Note:* Generally, the deduction for donations of motor vehicles that are sold by charitable recipients is limited to the amount received by the charity from the sale of the motor vehicle. You must attach to your return a copy of the Form 1098-C, Contributions of Motor Vehicles, Boats, and Airplanes (or other statement containing the same information as Form 1098-C), you received from the organization. *See IRS Publication 526 for more information.*

**CASUALTY OR THEFT LOSSES**

You may deduct casualty losses, such as those that result from a tornado, flood, storm, fire, or auto accident (provided it was not caused by a willful act or willful negligence), or theft losses. Your casualty loss is generally the lesser of (1) the decrease in fair market value of the property as a result of the casualty or theft, or (2) your adjusted basis in the property before the casualty or theft. This amount must be reduced by any insurance or other reimbursement you receive. Special provisions are available for losses from a disaster occurring in a federally declared disaster area.

Your non-business casualty or theft losses are deductible only to the extent that your total losses during the year exceed 10% of your adjusted gross income after reducing each separate casualty or theft by $100. You must use Section A of Form 4684 to figure your personal use property casualty or theft loss. Report your casualty or theft loss from personal use property on line 20 of Schedule A (Form 1040). Casualty and theft losses to income-producing property are figured in Section B of Form 4684.

You may not deduct a casualty or theft loss that is covered by insurance unless you filed a timely insurance claim for reimbursement. However, even if you did not file an insurance claim, you may deduct the part of the loss not covered by insurance. *See IRS Publication 547, "Casualties, Disasters, and Thefts" for more information.*

**MISCELLANEOUS DEDUCTIONS**

Unreimbursed employee business expenses, expenses of producing income, and other qualifying expenses are deducted as miscellaneous itemized deductions on Schedule A (Form 1040). Some miscellaneous itemized deductions cannot be deducted in full. You can claim the amount of expenses that is more than 2% of your adjusted gross income. In general, you apply the 2% limit after you apply any other deduction limit. *See IRS Publication 529, “Miscellaneous Deductions for more information”.*

**TAX CREDITS**

**CREDIT FOR DEPENDENT CARE EXPENSES**

Part of your payments made for dependent care may be claimed as a credit against tax. To claim the credit you must have a qualifying person. A qualifying person includes your spouse who was physically or mentally not able to care for himself or herself and who lived with you for more than half the year or a dependent who was physically or mentally not able to care for himself or herself and who lived with you for more than half the year. If the qualifying person spends at least eight hours a day in the taxpayer's home, expenditures made for care provided outside the home are eligible for the credit. Dependent care centers must be in compliance with all state and local regulations for the taxpayer to count such expenditures toward qualified expenses. You must have earned income and married couples generally must file a joint return to be eligible for the credit. *For more information, get IRS Publication 503, "Child and Dependent Care Expenses."*

**CREDIT FOR THE ELDERLY OR THE DISABLED**

You may be able to claim this credit if you are: (1) age 65 or older at the end of the tax year or (2) under age 65 at the end of the tax year and retired on a permanent and total disability for which you received taxable disability benefits in 2013 and you had not reached mandatory retirement age as of January 1, 2013. The credit is based in part on your filing status and adjusted gross income (AGI).

Generally, you cannot claim a credit if you are: (1) single, head of household, or qualifying widow(er) and your AGI is $17,500 or more; (2) married filing jointly with only one spouse eligible and your AGI is $20,000 or more; (3) married filing jointly with both spouses eligible and your AGI is $25,000 or more; or (4) married filing separately and your AGI is $12,500 or more.

You also cannot claim the credit if you are: (1) single, head of household, or qualifying widow(er) and the total of your nontaxable social security and other nontaxable pensions, annuities, or disability income is $5,000 or more; (2) married filing jointly with only one spouse eligible and the total of your nontaxable social security and other nontaxable pensions, annuities, or disability income is $5,000 or more; (3) married filing jointly and both spouses are eligible and the total of your nontaxable social security and other nontaxable pensions, annuities, or disability income is $7,500 or more; or (4) married filing separately and the total of your nontaxable social security and other nontaxable pensions, annuities, or disability income is $3,750 or more. *See IRS Publication 524, "Credit for the Elderly or the Disabled" for more information.*

**EARNED INCOME CREDIT**

The earned income credit (EIC) is a special credit for certain people who work and have less than $51,567 of earned income. If you do not have a qualifying child and are age 65 or older, you are not eligible for this credit. You are not allowed to claim the credit if your investment income for 2013 exceeds $3,300.

**Earned Income Credit in a Nutshell**

|  |  |  |
| --- | --- | --- |
| **First, you must meet all the rules in this column.** | **Second, you must meet all the rules in one of these columns, whichever applies.** | **Third, you must meet the rule in this column.** |
| **Rules for EVERYONE** | **Rules If You Have a Qualifying Child** | **Rules If You Do *Not* Have a Qualifying Child** | **Figuring and Claiming the EIC** |
| **1.** Your adjusted gross income (AGI) must be less than: • $46,227 ($51,567 for married filing jointly) if you have three or more qualifying children, • $43,038 ($48,378 for married filing jointly) if you have two qualifying children, • $37,870 ($43,210 for married filing jointly) if you have one qualifying child, or • $14,340 ($19,680 for married filing jointly) if you do not have a qualifying child. | **2.** You must have a valid social security number. **3.** Your filing status cannot be “Married filing separately.” **4.** You must be a U.S. citizen or resident alien all year.  **5.** You cannot file Form 2555 or Form 2555-EZ (relating to foreign earned income).  **6.** Your investment income must be $3,200 or less. **7.** You must have earned income | **8.** Your child must meet the relationship, age, joint return, and residency tests.  **9.** Your qualifying child cannot be used by more than one person to claim the EIC. **10.** You cannot be a qualifying child of another person.  | **11.** You must be at least age 25 but under age 65. **12.** You cannot be the dependent of another person.  **13.** You cannot be a qualifying child of another person.  **14.** You must have lived in the United States more than half of the year.  | **15.** Your earned income must be less than: • $46,227 ($51,567 for married filing jointly) if you have three or more qualifying children, • $43,038 ($48,378 for married filing jointly) if you have two qualifying children, • $37,870($43,210 for married filing jointly) if you have one qualifying child, or • $14,340 ($19,680 for married filing jointly) if you do not have a qualifying child.  |

**SIGNATURE**

**When you have completed your return, be sure to sign and date it.** **If it is a joint return, both spouses must sign.**

**IRS ASSISTANCE IS AVAILABLE TO HELP YOU**

Due to the continued growth in electronic filing and in an effort to reduce costs, the IRS no longer automatically mails paper tax packages of forms and instructions. But the IRS has many other ways for you to get the information you need.

**Internet:** You can access forms and publications at irs.gov 24 hours a day, 7 days a week.

**Mail:** You can call 1-800-TAX-FORM (1-800-829-3676) to order forms, instructions, and publications, which will be mailed to you.

**Publications to assist you:** The IRS prepares many free publications to help answer your tax questions. Besides the general Publication 17, "Your Federal Income Tax," publications are available on specific topics, such as:

**PUBLICATION NUMBERS AND TITLES**

1…Your Rights as a Taxpayer

502…Medical and Dental Expenses

505…Tax Withholding and Estimated Tax

523...Selling Your Home

524...Credit for the Elderly or the Disabled

529…Miscellaneous Deductions

530...Tax Information for Homeowners

554...Tax Guide for Seniors

559...Survivors, Executors, and Administrators

575...Pension and Annuity Income

590...Individual Retirement Arrangements (IRAs)

721...Tax Guide to U.S. Civil Service Retirement Benefits

907...Tax Highlights for Persons with Disabilities

910...IRS Guide to Free Tax Services

915...Social Security and Equivalent Railroad Retirement Benefits

939...General Rule for Pensions and Annuities

2053-A…Quick and Easy Access to IRS Tax Help and Tax Products

You can pick up some of the most requested forms, instructions, and publications at many IRS offices, post offices, and libraries.

TeleTax: The IRS has a telephone service which provides recorded tax information on topics such as: IRS services-Volunteer tax assistance, toll-free telephone, walk-in assistance, outreach programs, and identity theft; Tax assistance for individuals with disabilities and the deaf and hard of hearing; Change of address-How to notify the IRS; Power of attorney information; Decedents; Pensions-the general rule and the simplified method; and Lump-sum distributions.

TeleTax is available 24 hours a day, 7 days a week, to taxpayers who use touch-tone telephones (1-800-829-4477). TeleTax topics are also available at www.irs.gov/taxtopics. Through TeleTax, you can also check on the status of your refund.

Other special IRS programs offering free assistance: The Tax Counseling for the Elderly (TCE) program is designed to assist taxpayers age 60 or older with their tax return preparation.

In addition, certain Volunteer Income Tax Assistance (VITA) aides have been trained to help older Americans with their tax returns. VITA assistance is also available to low-income taxpayers. To find the location of the VITA or TCE site nearest to you, call 1-800-906-9887.

The locations of an AARP Tax-Aide site can be found by calling 1-888-AARP-NOW (1-888-227-7669) and entering, when prompted, your 5-digit zip code, or visiting their Internet site at www.aarp.org/money/taxaide.