

# Injured Spouse Claim and Allocation

Name(s) shown on return

Your social security number

## Paperwork Reduction Act Notice

We ask for the information on this form to carry out the Internal Revenue laws of the United States. You are required to give us the information so that we can process your claim. We need it to ensure that you are allocating items correctly and to allow us to figure the correct amount of your claim for refund. The time needed to complete and file this form will vary depending on individual circumstances. The estimated average times are: Recordkeeping, 13 min.; Learning about the law or the form, 5 min.; Preparing the form, 58 min.; Sending the form, 31 min.

If you have comments concerning the accuracy of these time estimates or suggestions for making this form more simple, we would be happy to hear from you. You can write to both the **Internal Revenue Service**, Attention: Reports Clearance Officer, PC:FP, Washington, DC 20224; and the **Office of Management and Budget**, Paperwork Reduction Project (1545-1210), Washington, DC 20503. **Do not** send this form to either of these offices. Instead, see **How Do I File Form 8379?** below.

## Are You an Injured Spouse?

You are an injured spouse if all or part of your share of the overpayment shown on your joint return was, or is expected to be, applied against your spouse's past-due child or spousal support payments or certain Federal debts such as student loans. You may file Form 8379 to claim your part of the refund if **all three** of the following apply:

1. You are not required to pay the past-due amount.
2. You received and reported income (such as wages, taxable interest, etc.) on the joint return.
3. You made and reported payments, such as Federal income tax withheld from your wages or estimated tax payments, on the joint return.

If **all three** of the above apply and you want your share of the overpayment shown on the joint return refunded to you, complete this form. The IRS will figure your part of the overpayment and send you any refund that is due. However, if you also owe past-due child support or a Federal agency debt, part or all of your share of the overpayment may be applied to that debt. Allow 6-8 weeks for the processing of this claim.

## How Do I File Form 8379?

- If you have already filed the joint tax return, mail Form 8379 by itself to the same Internal Revenue Service Center where you filed the joint return. Include copies of all W-2 forms of both spouses and any Forms 1099-R showing income tax withheld.
- If you haven't filed the joint return, attach Form 8379 to your return when you file it. Write "Injured Spouse" in the upper left corner of the return.

## Part I Information About the Joint Tax Return for Which This Claim Is Filed

- 1** Enter the following information exactly as it is shown on the tax return for which you are filing this claim. The spouse's name and social security number shown first on that tax return must also be shown first below.

First name, initial, and last name shown first on the return	Social security number shown first	If Injured Spouse, check here ► <input type="checkbox"/>
First name, initial, and last name shown second on the return	Social security number shown second	If Injured Spouse, check here ► <input type="checkbox"/>

*If you are filing Form 8379 with your tax return, skip to line 5.*

- 2** Enter the tax year for which you are filing this claim ► 19\_\_\_\_

**3** Current home address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ ZIP code \_\_\_\_\_

**4** Is the address on your joint return different from the address shown above? . . . . .  Yes  No

**5** Do you want the refund check to be payable to the injured spouse only? . . . . .  Yes  No

**6** Did you live in a community property state (Arizona, California, Idaho, Louisiana, Nevada, New Mexico, Texas, Washington, or Wisconsin) at any time during the tax year for which you are filing this claim? . . .  Yes  No  
If "Yes," which community property state(s) did you live in? \_\_\_\_\_

**Note:** Overpayments involving community property states will be allocated by the IRS according to state law. Claims from California, Idaho, Louisiana, and Texas will usually result in no refund for the injured spouse.

**Go to Part II on the back.**

**Part II Allocation of Items on the Joint Tax Return Between Spouses**

Allocated Items	(a) Amount Shown on Joint Return	(b) Allocated to Injured Spouse	(c) Allocated to Other Spouse
<p><b>7 Income.</b> Allocate separate income to the spouse who earned it. Allocate joint income, such as interest earned on a joint bank account, as you determine. But be sure to allocate <b>all</b> income shown on the joint return.</p> <p><b>a Wages.</b> . . . . .</p> <p><b>b All other income.</b> Identify the type and amount ►</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>			
<p><b>8 Adjustments to income.</b> Allocate separate adjustments, such as an IRA deduction, to the spouse to whom they belong. Allocate other adjustments as you determine . . .</p>			
<p><b>9 Standard deduction.</b> If you itemized your deductions, go to line 10. Otherwise, enter 1/2 of the amount in column (a) in columns (b) and (c) and go to line 11 . . . . .</p>			
<p><b>10 Itemized deductions.</b> Allocate separate deductions, such as employee business expenses, to the spouse to whom they belong. Allocate other deductions as you determine.</p>			
<p><b>11 Number of exemptions.</b> Allocate the exemptions claimed on the joint return to the spouse who would have claimed them if separate returns had been filed. Enter whole numbers only (for example, you <b>cannot</b> allocate 3 exemptions by giving 1.5 exemptions to each spouse) . . .</p>			
<p><b>12 Credits.</b> Allocate business credits to the spouse who had the business. Allocate any child and dependent care credit claimed for a dependent to the spouse who has been allocated the dependent's exemption. <b>Do not</b> include the earned income credit; the IRS will allocate it. Allocate any other credits as you determine . . . . .</p>			
<p><b>13 Other taxes.</b> Allocate self-employment tax to the spouse who earned the self-employment income. Allocate any alternative minimum tax as you determine. . . . .</p>			
<p><b>14 Federal income tax withheld.</b> Allocate Federal income tax withheld to each spouse as shown on Forms W-2 and 1099-R. Be sure to attach copies of these forms to your tax return, or to Form 8379 if you are filing it by itself. (Also include any excess social security, Medicare, and RRTA tax withheld on this line.) . . . . .</p>			
<p><b>15 Payments.</b> Allocate joint estimated tax payments as you determine, or let the IRS allocate half to each spouse. . .</p>			

**Note:** The IRS will figure the amount of any refund due the injured spouse.

**Part III Signature.** Complete this part only if you are filing Form 8379 by itself and not with your tax return.

Under penalties of perjury, I declare that I have examined this form and any accompanying schedules or statements and to the best of my knowledge and belief, they are true, correct, and complete. Declaration of preparer (other than taxpayer) is based on all information of which preparer has any knowledge.

Keep a copy of this form for your records	Injured spouse's signature	Date	Phone number (optional) ( )
<b>Paid Preparer's Use Only</b>	Preparer's signature ►	Date	Preparer's social security no.
	Firm's name (or yours if self-employed) and address ►		E. I. No. ZIP code