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## March 2002 - HOW DO I QUALIFY FOR HEAD OF HOUSEHOLD TAX STATUS?

The rules to qualify for head of household status are similar to, but are different from the rules for the dependent exemption discussed in my last article. Head of household status is much preferred to single or married filing separately because the tax rates are lower and the standard deduction is higher. It is important to carefully consider the differences between the rules for claiming a dependent exemption and those for head of household status because there are times when you qualify for one but not the other.

**Requirements for Head of Household Status.** All of the following requirements must be met to qualify for head of household status:

1. Marital Status. A person must be considered unmarried for tax purposes on the last day of the tax year. You must fall into one of the following categories to be considered unmarried for tax purposes:
  - (a) If you are legally separated under state law under a final divorce or separate maintenance decree you are considered unmarried for tax purposes. A temporary or provisional agreement is not sufficient, nor is a court order covering only custody or support.
  - (b) If your spouse is a non-resident alien you are considered unmarried for tax purposes.
  - (c) If you are not considered unmarried under (a) above, you can still be considered unmarried for tax purposes if you do all of the following:
    - File a separate tax return.
    - Pay more than half of the cost of keeping up your home for the tax year. Section 2(c) later in this article discusses how to determine if you pay more than half of the cost of keeping up your home for the tax year.
    - Your spouse did not live in your home during the last 6 months of the tax year.
    - Your home was the main home of your child, stepchild or adopted child for more than half the year (or the main home of your foster child for the entire year) and you are able to claim an exemption for this child, stepchild, adopted child, or foster child. You meet this last requirement if the only reason you are not able to claim this exemption is because the non-custodial parent is allowed claim it.

2. Home Maintenance for a Qualifying Relative. You must pay over half of the costs of maintaining a home for a qualifying relative.

(a) You can do this by paying over half of the costs of your dependent parent's household, whether your parent lives with you, lives alone, with someone else, or in a senior citizen residence. You must consider any assistance your parent receives from a government agency or charitable institution in determining whether you pay over half of the costs of their household.

(b) You can also do this by paying over half of the costs of maintaining a household for a qualified relative who lives with you for more than half the year. A qualified relative is an unmarried child, stepchild, adopted child, grandchild, or great-grandchild, even if you do not receive the dependent exemption for them (in most cases, so ask!) A qualified relative is also a dependent married child, stepchild, adopted child, grandchild, or great-grandchild. A qualified relative can also be a dependent step-parent, grandparent, brother, sister, half brother, half sister, stepbrother, stepsister, father-in-law, mother-in-law, son-in-law, daughter-in-law. Dependent uncles, aunts, nieces, and nephews can also be qualified relatives if they are related by blood. Finally, paying over half the costs of maintaining a home for a foster child also qualifies, however for the foster child must live with you for the entire year, not just half the year as is allowed for the other relatives just described. It is important to note that there are cases where you can claim a dependent exemption for people who lived with you for the entire year, but if they are not a qualified relative, they do not qualify you for head of household status.

(c) Rules for determining if you pay over half of the costs of maintaining a household. These rules are also different from those for claiming a dependent exemption. You must pay over half of the costs of mortgage interest or rent, utilities, repairs, property taxes, and insurance on the home, food eaten in the home and domestic help. Do not include other expenses for education, medical, clothing, vacation, insurance, travel, auto or other transportation, or the value of the work you do in the home (even though you do include some of these expenses in determining if you can claim a dependent exemption).

### 3. Other Head of Household Considerations

(a) Temporary absences from the home for education, vacation, or to visit the non-custodial parent do not change a qualified relative's home for purposes of determining head of household status.

(b) If a qualified relative is born and/or dies during the year, meeting the residence test for the portion of the year the qualified relative was alive is sufficient to meet the residence requirements to claim head of household status for the full year

(c) If a qualified relative is your dependent only because you are allowed to claim a dependent exemption under a multiple support agreement filed on IRS Form 2210 that relative will not qualify you to claim head of household status.

My next article will discuss the rules for claiming the regular and additional child tax credit, the child and dependent care credit, and the earned income credit. These rules have similarities to the rules for claiming dependent exemptions but are more restrictive than those rules. The credits can reach several thousand dollars and are certainly worth the effort to claim, however care should be taken to properly follow the rules to avoid unwanted correspondence with the IRS and unnecessary delays in receiving your tax refunds.

**The information in this article is intended to inform you of some of the income tax rules concerning claiming head of household tax status. It is not intended to give you specific advice for your personal situation. If you need such advice, please contact a qualified professional!** Please call or e-mail me ([dougbeecher@yahoo.com](mailto:dougbeecher@yahoo.com)) if you are a prospective new client and would like a free initial 30-minute consultation to discuss your personal situation and how the tax laws might benefit you.

If you have a question you'd like to have answered in a future article, please contact me.