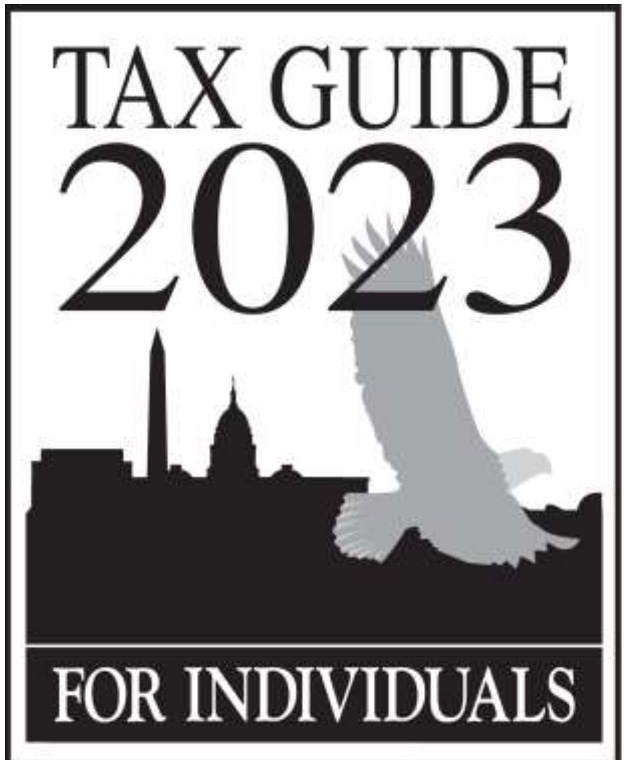
Publication 17

Your Federal Income

For use in preparing

2023 Returns)

Volume 11 of 14



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Real Estate-Related Items You Can’t Deduct

Payments for the following items generally aren’t deductible as real estate taxes.

- Taxes for local benefits.
- Itemized charges for services (such as trash and garbage pickup fees).
- Transfer taxes (or stamp taxes).
- Rent increases due to higher real estate taxes.
- Homeowners' association charges.

Taxes for local benefits. Deductible real estate taxes generally don’t include taxes charged for local benefits and improvements tending to increase the value of your property. These include assessments for streets, sidewalks, water mains, sewer lines, public parking facilities, and similar improvements. You should increase the basis of your property by the amount of the assessment.

Local benefit taxes are deductible only if they are for maintenance, repair, or interest charges related to those benefits. If only a part of the taxes is for maintenance, repair, or interest, you must be able to show the amount of that part to claim the deduction. If you can’t determine what part of the tax is for maintenance, repair, or interest, none of it is deductible.

Taxes for local benefits may be included in your real estate tax bill. If your taxing authority (or mortgage lender) doesn’t furnish you a copy of your real estate tax bill, ask for it. You should use the rules above to determine if the local benefit tax is deductible. Contact the taxing authority if you need additional information about a specific charge on your real estate tax bill.

Table 11-1. **Which Taxes Can You Deduct?**

Type of Tax	You Can Deduct	You Can't Deduct
Fees and Charges	Fees and charges that are expenses of your trade or business or of producing income.	Fees and charges that aren't expenses of your trade or business or of producing income, such as fees for driver's licenses, car inspections, parking, or charges for water bills (see *Taxes and Fees You Can't Deduct*). Fines and penalties.
Income Taxes	State and local income taxes. Foreign income taxes. Employee contributions to state funds listed under *Contributions to state benefit funds*.	Federal income taxes. Employee contributions to private or voluntary disability plans. State and local general sales taxes if you choose to deduct state and local income taxes.
General Sales Taxes	State and local general sales taxes, including compensating use taxes.	State and local income taxes if you choose to deduct state and local general sales taxes.
Other Taxes	Taxes that are expenses of your trade or business. Taxes on property producing rent or royalty income. One-half of self-employment tax paid.	Federal excise taxes, such as tax on gasoline, that aren't expenses of your trade or business or of producing income. Per capita taxes.
Personal Property Taxes	State and local personal property taxes.	Customs duties that aren't expenses of your trade or business or of producing income.
Real Estate Taxes	State and local real estate taxes. Tenant's share of real estate taxes paid by a cooperative housing corporation.	Real estate taxes that are treated as imposed on someone else (see *Division of real estate taxes between buyers and sellers*). Foreign real estate taxes. Taxes for local benefits (with exceptions). See *Real Estate-Related Items You Can't Deduct*. Trash and garbage pickup fees (with exceptions). See *Real Estate-Related Items You Can't Deduct*. Rent increase due to higher real estate taxes. Homeowners' association charges.

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Itemized charges for services. An itemized charge for services assessed against specific property or certain people isn't a tax, even if the charge is paid to the taxing authority. For example, you can't deduct the charge as a real estate tax if it is:

- A unit fee for the delivery of a service (such as a $5 fee charged for every 1,000 gallons of water you use),
- A periodic charge for a residential service (such as a $20 per month or $240 annual fee charged to each homeowner for trash collection), or
- A flat fee charged for a single service provided by your government (such as a $30 charge for mowing your lawn because it was allowed to grow higher than permitted under your local ordinance).

CAUTION *You must look at your real estate tax bill to determine if any nondeductible itemized charges, such as those listed* *above, are included in the bill. If your taxing authority (or mortgage lender) doesn't furnish you a copy of your real estate tax bill, ask for it.*

Exception. Service charges used to maintain or improve services (such as trash collection or police and fire protection) are deductible as real estate taxes if:

- The fees or charges are imposed at a like rate against all property in the taxing jurisdiction;
- The funds collected aren't earmarked; instead, they are commingled with general revenue funds; and
- Funds used to maintain or improve services aren't limited to or determined by the amount of these fees or charges collected.

Transfer taxes (or stamp taxes). Transfer taxes and similar taxes and charges on the sale of a personal home aren't deductible. If they are paid by the seller, they are expenses of the sale and reduce the amount realized on the sale. If paid by the buyer, they are included in the cost basis of the property.

Rent increase due to higher real estate taxes. If your landlord increases your rent in the form of a tax surcharge because of increased real estate taxes, you can’t deduct the increase as taxes.

Homeowners' association charges. These charges aren’t deductible because they are imposed by the homeowners' association, rather than the state or local government.

Personal Property Taxes

Personal property tax is deductible if it is a state or local tax that is:

- Charged on personal property;
- Based only on the value of the personal property; and

- Charged on a yearly basis, even if it is collected more or less than once a year.

A tax that meets the above requirements can be considered charged on personal property even if it is for the exercise of a privilege. For example, a yearly tax based on value qualifies as a personal property tax even if it is called a registration fee and is for the privilege of registering motor vehicles or using them on the highways.

If the tax is partly based on value and partly based on other criteria, it may qualify in part.

Example. Your state charges a yearly motor vehicle registration tax of 1% of value plus 50 cents per hundredweight. You paid $32 based on the value ($1,500) and weight (3,400 lbs.) of your car. You can deduct $15 (1% × $1,500) as a personal property tax because it is based on the value. The remaining $17 ($0.50 × 34), based on the weight, isn't deductible.

Taxes and Fees You Can’t Deduct

Many federal, state, and local government taxes aren’t deductible because they don’t fall within the categories discussed earlier. Other taxes and fees, such as federal income taxes, aren’t deductible because the tax law specifically prohibits a deduction for them. See Table 11-1.

Taxes and fees that are generally not deductible include the following items.

- ***Employment taxes.*** This includes social security, Medicare, and railroad retirement taxes withheld from your pay. However, one-half of self-employment tax you pay is deductible. In addition, the social security and other employment taxes you pay on the wages of a household worker may be included in medical expenses that you can deduct, or childcare expenses that allow you to claim the child and dependent care credit. For more information, see Pub. 502 and Pub. 503.

- ***Estate, inheritance, legacy, or succession taxes.*** You can deduct the estate tax attributable to income in respect of a decedent if you, as a beneficiary, must include that income in your gross income. In that case, deduct the estate tax on Schedule A (Form 1040), line 16. For more information, see Pub. 559.
- ***Federal income taxes.*** This includes income taxes withheld from your pay.
- ***Fines and penalties.*** You can't deduct fines and penalties paid to a government for violation of any law, including related amounts forfeited as collateral deposits.
- ***Foreign personal or real property taxes.***
- ***Gift taxes.***

- ***License fees.*** You can’t deduct license fees for personal purposes (such as marriage, driver's, and pet license fees).
- ***Per capita taxes.*** You can’t deduct state or local per capita taxes.

Many taxes and fees other than those listed above are also nondeductible, unless they are ordinary and necessary expenses of a business or income-producing activity. For other nondeductible items, see *Real Estate-Related Items You Can’t Deduct*, earlier.

Where To Deduct

You deduct taxes on the following schedules.

State and local income taxes. These taxes are deducted on Schedule A (Form 1040), line 5a, even if your only source of income is from business, rents, or royalties.

Limitation on deduction for state and local taxes. The deduction for state and local taxes is limited to $10,000 ($5,000 if married filing married separately). State and local taxes are the taxes that you include on Schedule A (Form 1040), lines 5a, 5b, and 5c. Include taxes imposed by a U.S. territory with your state and local taxes on Schedule A (Form 1040), lines 5a, 5b, and 5c. However, don't include any U.S. territory taxes you paid that are allocable to excluded income.

TIP *You may want to take a credit for U.S. territory tax instead of a deduction. See the instructions for Schedule 3 (Form 1040), line 1, for details.*

General sales taxes. Sales taxes are deducted on Schedule A (Form 1040), line 5a. You must check the box on line 5a. If you elect to deduct sales taxes, you can’t deduct state and local income taxes on Schedule A (Form 1040), line 5a.

Foreign income taxes. Generally, income taxes you pay to a foreign country or U.S. territory can be claimed as an itemized deduction on Schedule A (Form 1040), line 6, or as a credit against your U.S. income tax on Schedule 3 (Form 1040), line 1. To claim the credit, you may have to complete and attach Form 1116. For more information, see the Instructions for Form 1040 or Pub. 514.

Real estate taxes and personal property taxes. Real estate and personal property taxes are deducted on Schedule A (Form 1040), lines 5b and 5c, respectively, unless they are paid on property used in your business, in which case they are deducted on Schedule C (Form 1040) or Schedule F (Form 1040). Taxes on property that produces rent or royalty income are deducted on Schedule E (Form 1040).

Self-employment tax. Deduct one-half of your self-employment tax on Schedule 1 (Form 1040), line 15.

Other taxes. All other deductible taxes are deducted on Schedule A (Form 1040), line 6.

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Other Itemized Deductions

What's New

Standard mileage rate. The 2023 rate for business use of a vehicle is 65.5 cents a mile.

Reminders

No miscellaneous itemized deductions allowed. You can no longer claim any miscellaneous itemized deductions. Miscellaneous itemized deductions are those deductions that would have been subject to the 2%-of-adjusted-gross-income (AGI) limitation. See *Miscellaneous Itemized Deductions*, later.

Fines and penalties. Rules regarding deducting fines and penalties have changed. See *Fines and Penalties*, later.

Introduction

This chapter explains that you can no longer claim any miscellaneous itemized deductions, unless you fall into one of the qualified categories of employment claiming a deduction relating to unreimbursed employee expenses. Miscellaneous itemized deductions are those deductions that would have been subject to the 2%-of-AGI limitation. You can still claim certain expenses as itemized deductions on Schedule A (Form 1040), Schedule A (Form 1040-NR), or as an adjustment to income on Form 1040 or 1040-SR. This chapter covers the following topics.

- Miscellaneous itemized deductions.
- Expenses you can't deduct.
- Expenses you can deduct.
- How to report your deductions.

You must keep records to verify your deductions. You should keep receipts, canceled checks, substitute checks, financial account statements, and other documentary evidence. For more information on recordkeeping, see *What Records Should I Keep?* in chapter 1.

Useful Items

You may want to see:

Publication

- ☐ **463** Travel, Gift, and Car Expenses
- ☐ **525** Taxable and Nontaxable Income
- ☐ **529** Miscellaneous Deductions
- ☐ **547** Casualties, Disasters, and Thefts
- ☐ **575** Pension and Annuity Income
- ☐ **587** Business Use of Your Home
- ☐ **946** How To Depreciate Property

Form (and Instructions)

- ☐ **Schedule A (Form 1040)** Itemized Deductions
- ☐ **2106** Employee Business Expenses
- ☐ **8839** Qualified Adoption Expenses
- ☐ **Schedule K-1 (Form 1041)** Beneficiary's Share of Income, Deductions, Credits, etc.

For these and other useful items, go to *IRS.gov/ Forms*.

Miscellaneous Itemized Deductions

You can no longer claim any miscellaneous itemized deductions that are subject to the 2%-of-AGI limitation, including unreimbursed employee expenses. However, you may be able to deduct certain unreimbursed employee business expenses if you fall into one of the following categories of employment listed under *Unreimbursed Employee Expenses* next.

Unreimbursed Employee Expenses

You can no longer claim a deduction for unreimbursed employee expenses unless you fall into one of the following categories of employment.

- Armed Forces reservists.
- Qualified performing artists.
- Fee-basis state or local government officials.
- Employees with impairment-related work expenses.

Categories of Employment

You can deduct unreimbursed employee expenses only if you qualify as an Armed Forces reservist, a qualified performing artist, a fee-basis state or local government official, or an employee with impairment-related work expenses.

Armed Forces reservist (member of a reserve component). You are a member of a reserve component of the Armed Forces of the United States if you are in the Army, Navy, Marine Corps, Air Force, or Coast Guard Reserve; the Army National Guard of the United States; or the Reserve Corps of the Public Health Service.

Qualified performing artist. You are a qualified performing artist if you:

1. Performed services in the performing arts as an employee for at least two employers during the tax year,
2. Received from at least two of the employers wages of $200 or more per employer,
3. Had allowable business expenses attributable to the performing arts of more than 10% of gross income from the performing arts, and

4. Had AGI of $16,000 or less before deducting expenses as a performing artist.

Fee-basis state or local government official. You are a qualifying fee-basis official if you are employed by a state or political subdivision of a state and are compensated, in whole or in part, on a fee basis.

Employee with impairment-related work expenses. Impairment-related work expenses are the allowable expenses of an individual with physical or mental disabilities for attendant care at their place of employment. They also include other expenses in connection with the place of employment that enable the employee to work. See Pub. 463, Travel, Gift, and Car Expenses, for more details.

Allowable unreimbursed employee expenses. If you qualify as an employee in one of the categories mentioned above, you may be able to deduct the following items as unreimbursed employee expenses.

Unreimbursed employee expenses for individuals in these categories of employment are deducted as adjustments to gross income. Qualified employees listed in one of the categories above must complete Form 2106, Employee Business Expenses, to take the deduction.

You can deduct only unreimbursed employee expenses that are paid or incurred during your tax year, for carrying on your trade or business of being an employee, and ordinary and necessary.

An expense is ordinary if it's common and accepted in your trade, business, or profession. An expense is necessary if it's appropriate and helpful to your business. An expense doesn't have to be required to be considered necessary.

Educator Expenses

If you were an eligible educator in 2023, you can deduct up to $300 of qualified expenses you paid in 2023 as an adjustment to gross income on Schedule 1 (Form 1040), line 11, rather than as a miscellaneous itemized deduction. If you and your spouse are filing jointly and both of you were eligible educators, the maximum deduction is $600. However, neither spouse can deduct more than $300 of their qualified expenses. For additional information, see *Educator Expenses* in Pub. 529, Miscellaneous Deductions.

TIP *Educator expenses include amounts paid or incurred after March 12, 2020, for personal protective equipment, disinfectant, and other supplies used for the prevention of the spread of coronavirus. For more information, see the instructions for Schedule 1 (Form 1040), line 11, and* Educator Expenses *in Pub. 529, Miscellaneous Deductions.*

Expenses You Can’t Deduct

Because of the suspension of miscellaneous itemized deductions, there are two categories of expenses you can't deduct: miscellaneous itemized deductions subject to the 2%-of-AGI limitation, and those expenses that are traditionally nondeductible under the Internal Revenue Code. Both categories of deduction are discussed next.

Miscellaneous Deductions Subject to 2% AGI

Unless you fall into one of the qualified categories of employment under *Unreimbursed Employee Expenses*, earlier, miscellaneous itemized deductions that are subject to the 2%-of-AGI limitation can no longer be claimed. For expenses not related to unreimbursed employee expenses, you generally can't deduct the following expenses, even if you fall into one of the qualified categories of employment listed earlier.

Appraisal Fees

Appraisal fees you pay to figure a casualty loss or the fair market value of donated property are miscellaneous itemized deductions and can no longer be deducted.

Casualty and Theft Losses

Damaged or stolen property used in performing services as an employee is a miscellaneous deduction and can no longer be deducted. For other casualty and theft losses, see Pub. 547, Casualties, Disasters, and Thefts.

Clerical Help and Office Rent

Office expenses, such as rent and clerical help, you pay in connection with your investments and collecting taxable income on those investments are miscellaneous itemized deductions and are no longer deductible.

Credit or Debit Card Convenience Fees

The convenience fee charged by the card processor for paying your income tax (including estimated tax payments) by credit or debit card is a miscellaneous itemized deduction and is no longer deductible.

Depreciation on Home Computer

If you use your home computer to produce income (for example, to manage your investments that produce taxable income), the depreciation of the computer for that part of the usage of the computer is a miscellaneous itemized deduction and is no longer deductible.

Fees To Collect Interest and Dividends

Fees you pay to a broker, bank, trustee, or similar agent to collect your taxable bond interest or dividends on shares of stock are miscellaneous itemized deductions and can no longer be deducted.

Hobby Expenses

A hobby isn't a business because it isn't carried on to make a profit. Hobby expenses are miscellaneous itemized deductions and can no longer be deducted.

Indirect Deductions of Pass-Through Entities

Pass-through entities include partnerships, S corporations, and mutual funds that aren't publicly offered. Deductions of pass-through entities are passed through to the partners or shareholders. The partner’s or shareholder’s share of passed-through deductions for investment expenses are miscellaneous itemized deductions and can no longer be deducted.

Nonpublicly offered mutual funds. These funds will send you a Form 1099-DIV, Dividends and Distributions, or a substitute form, showing your share of gross income and investment expenses. The investment expenses reported on Form 1099-DIV are a miscellaneous itemized deduction and are no longer deductible.

Investment Fees and Expenses

Investment fees, custodial fees, trust administration fees, and other expenses you paid for managing your investments that produce taxable income are miscellaneous itemized deductions and are no longer deductible.

Legal Expenses

You can usually deduct legal expenses that you incur in attempting to produce or collect taxable income or that you pay in connection with the determination, collection, or refund of any tax.

Legal expenses that you incur in attempting to produce or collect taxable income, or that you pay in connection with the determination, collection, or refund of any tax are miscellaneous itemized deductions and are no longer deductible.

You can deduct expenses of resolving tax issues relating to profit or loss from business reported on Schedule C (Form 1040), Profit or Loss From Business, from rentals or royalties reported on Schedule E (Form 1040), Supplemental Income and Loss, or from farm income and expenses reported on Schedule F (Form 1040), Profit or Loss From Farming, on that schedule. Expenses for resolving nonbusiness tax issues are miscellaneous itemized deductions and are no longer deductible.

Loss on Deposits

For information on whether, and if so, how, you may deduct a loss on your deposit in a qualified financial institution, see *Loss on Deposits* in Pub. 547.

Repayments of Income

Generally, repayments of amounts that you included in income in an earlier year is a miscellaneous itemized deduction and can no longer be deducted. If you had to repay more than $3,000 that you included in your income in an earlier year, you may be able to deduct the amount. See *Repayments Under Claim of Right*, later.

Repayments of Social Security Benefits

For information on how to deduct your repayments of certain social security benefits, see *Repayments More Than Gross Benefits* in chapter 7.

Safe Deposit Box Rent

Rent you pay for a safe deposit box you use to store taxable income-producing stocks, bonds, or investment-related papers is a miscellaneous itemized deduction and can no longer be deducted. You also can't deduct the rent if you use the box for jewelry, other personal items, or tax-exempt securities.

Service Charges on Dividend Reinvestment Plans

Service charges you pay as a subscriber in a dividend reinvestment plan are a miscellaneous itemized deduction and can no longer be deducted. These service charges include payments for:

- Holding shares acquired through a plan,
- Collecting and reinvesting cash dividends, and
- Keeping individual records and providing detailed statements of accounts.

Tax Preparation Fees

Tax preparation fees on the return for the year in which you pay them are a miscellaneous itemized deduction and can no longer be deducted. These fees include the cost of tax preparation software programs and tax publications. They also include any fee you paid for electronic filing of your return.

Trustee's Administrative Fees for IRA

Trustee's administrative fees that are billed separately and paid by you in connection with your IRA are a miscellaneous itemized deduction and can no longer be deducted. For more information about IRAs, see chapter 9.

Nondeductible Expenses

In addition to the miscellaneous itemized deductions discussed earlier, you can't deduct the following expenses.

List of Nondeductible Expenses

- Adoption expenses.
- Broker's commissions.
- Burial or funeral expenses, including the cost of a cemetery lot.
- Campaign expenses.

- Capital expenses.
- Check-writing fees.
- Club dues.
- Commuting expenses.
- Fees and licenses, such as car licenses, marriage licenses, and dog tags.
- Fines or penalties.
- Health spa expenses.
- Hobby losses, but see *Hobby Expenses*,
- earlier.
- Home repairs, insurance, and rent.
- Home security system.
- Illegal bribes and kickbacks.
- Investment-related seminars.
- Life insurance premiums paid by the insured.
- Lobbying expenses.

- Losses from the sale of your home, furniture, personal car, etc.
- Lost or misplaced cash or property.
- Lunches with co-workers.
- Meals while working late.
- Medical expenses as business expenses other than medical examinations required by your employer.
- Personal disability insurance premiums.
- Personal legal expenses.
- Personal, living, or family expenses.
- Political contributions.
- Professional accreditation fees.
- Professional reputation improvement expense.
- Relief fund contributions.
- Residential telephone line.

- Stockholders’ meeting attendance expenses.
- Tax-exempt income earning/collecting expenses.
- The value of wages never received or lost vacation time.
- Travel expenses for another individual.
- Voluntary unemployment benefit fund contributions.
- Wristwatches.

Adoption Expenses

You can't deduct the expenses of adopting a child, but you may be able to take a credit for those expenses. See the Instructions for Form 8839, Qualified Adoption Expenses, for more information.

Campaign Expenses

You can't deduct campaign expenses of a candidate for any office, even if the candidate is running for reelection to the office. These include qualification and registration fees for primary elections.

Legal fees. You can't deduct legal fees paid to defend charges that arise from participation in a political campaign.

Check-Writing Fees on Personal Account

If you have a personal checking account, you can't deduct fees charged by the bank for the privilege of writing checks, even if the account pays interest.

Club Dues

Generally, you can't deduct the cost of membership in any club organized for business, pleasure, recreation, or other social purpose. This includes business, social, athletic, luncheon, sporting, airline, hotel, golf, and country clubs.

You can't deduct dues paid to an organization if one of its main purposes is to:

- Conduct entertainment activities for members or their guests, or
- Provide members or their guests with access to entertainment facilities.

Dues paid to airline, hotel, and luncheon clubs aren't deductible.

Commuting Expenses

You can't deduct commuting expenses (the cost of transportation between your home and your main or regular place of work). If you haul tools, instruments, or other items in your car to and from work, you can deduct only the additional cost of hauling the items such as the rent on a trailer to carry the items.

Fines and Penalties

Generally, no deduction is allowed for fines and penalties paid to a government or specified nongovernmental entity for the violation of any law except in the following situations.

- Amounts that constitute restitution.
- Amounts paid to come into compliance with the law.
- Amounts paid or incurred as the result of certain court orders in which no government or specified nongovernmental agency is a party.
- Amounts paid or incurred for taxes due.

Nondeductible amounts include an amount paid in settlement of your actual or potential liability for a fine or penalty (civil or criminal). Fines or penalties include amounts paid such as parking tickets, tax penalties, and penalties deducted from teachers' paychecks after an illegal strike.

No deduction is allowed for the restitution amount or amount paid to come into compliance with the law unless the amounts are specifically identified in the settlement agreement or court order. Also, any amount paid or incurred as reimbursement to the government for the costs of any investigation or litigation are not eligible for the exceptions and are nondeductible.

Health Spa Expenses

You can't deduct health spa expenses, even if there is a job requirement to stay in excellent physical condition, such as might be required of a law enforcement officer.

Home Security System

You can't deduct the cost of a home security system as a miscellaneous deduction. However, you may be able to claim a deduction for a home security system as a business expense if you have a home office. See *Security system* under *Figuring the Deduction* in Pub. 587.

Investment-Related Seminars

You can't deduct any expenses for attending a convention, seminar, or similar meeting for investment purposes.

Life Insurance Premiums

You can't deduct premiums you pay on your life insurance. You may be able to deduct, as alimony, premiums you pay on life insurance policies assigned to your former spouse. See Pub. 504, Divorced or Separated Individuals, for information on alimony.

Lobbying Expenses

You generally can't deduct amounts paid or incurred for lobbying expenses. These include expenses to:

- Influence legislation;
- Participate or intervene in any political campaign for, or against, any candidate for public office;

- Attempt to influence the general public, or segments of the public, about elections, legislative matters, or referendums; or
- Communicate directly with covered executive branch officials in any attempt to influence the official actions or positions of those officials.

Lobbying expenses also include any amounts paid or incurred for research, preparation, planning, or coordination of any of these activities.

Dues used for lobbying. If a tax-exempt organization notifies you that part of the dues or other amounts you pay to the organization are used to pay nondeductible lobbying expenses, you can't deduct that part. See *Lobbying Expenses* in Pub. 529 for information on exceptions.

Lost or Mislaid Cash or Property

You can't deduct a loss based on the mere disappearance of money or property.

However, an accidental loss or disappearance of property can qualify as a casualty if it results from an identifiable event that is sudden, unexpected, or unusual. See Pub. 547 for more information.

Lunches With Co-Workers

You can't deduct the expenses of lunches with co-workers, except while traveling away from home on business. See Pub. 463 for information on deductible expenses while traveling away from home.

Meals While Working Late

You can't deduct the cost of meals while working late. However, you may be able to claim a deduction if the cost of meals is a deductible entertainment expense, or if you're traveling away from home. See Pub. 463 for information on deductible entertainment expenses and expenses while traveling away from home.

Personal Legal Expenses

You can't deduct personal legal expenses such as those for the following.

- Custody of children.
- Breach of promise to marry suit.
- Civil or criminal charges resulting from a personal relationship.
- Damages for personal injury, except for certain unlawful discrimination and whistle-blower claims.
- Preparation of a title (or defense or perfection of a title).
- Preparation of a will.
- Property claims or property settlement in a divorce.

You can't deduct these expenses even if a result of the legal proceeding is the loss of income-producing property.

Political Contributions

You can't deduct contributions made to a political candidate, a campaign committee, or a newsletter fund. Advertisements in convention bulletins and admissions to dinners or programs that benefit a political party or political candidate aren't deductible.

Professional Accreditation Fees

You can't deduct professional accreditation fees such as the following.

- Accounting certificate fees paid for the initial right to practice accounting.
- Bar exam fees and incidental expenses in securing initial admission to the bar.
- Medical and dental license fees paid to get initial licensing.

Professional Reputation

You can't deduct expenses of radio and TV appearances to increase your personal prestige or establish your professional reputation.

Relief Fund Contributions

You can't deduct contributions paid to a private plan that pays benefits to any covered employee who can't work because of any injury or illness not related to the job.

Residential Telephone Service

You can't deduct any charge (including taxes) for basic local telephone service for the first telephone line to your residence, even if it's used in a trade or business.

Stockholders' Meetings

You can't deduct transportation and other expenses you pay to attend stockholders' meetings of companies in which you own stock but have no other interest. You can't deduct these expenses even if you're attending the meeting to get information that would be useful in making further investments.

Tax-Exempt Income Expenses

You can't deduct expenses to produce tax-exempt income. You can't deduct interest on a debt incurred or continued to buy or carry tax-exempt securities.

If you have expenses to produce both taxable and tax-exempt income, but you can't identify the expenses that produce each type of income, you must divide the expenses based on the amount of each type of income to determine the amount that you can deduct.

Travel Expenses for Another Individual

You generally can't deduct travel expenses you pay or incur for a spouse, dependent, or other individual who accompanies you (or your employee) on business or personal travel unless the spouse, dependent, or other individual is an employee of the taxpayer, the travel is for a bona fide business purpose, and such expenses would otherwise be deductible by the spouse, dependent, or other individual. See Pub. 463 for more information on deductible travel expenses.

Voluntary Unemployment Benefit Fund Contributions

You can't deduct voluntary unemployment benefit fund contributions you make to a union fund or a private fund. However, you can deduct contributions as taxes if state law requires you to make them to a state unemployment fund that covers you for the loss of wages from unemployment caused by business conditions.

Wristwatches

You can't deduct the cost of a wristwatch, even if there is a job requirement that you know the correct time to properly perform your duties.

Expenses You Can Deduct

You can deduct the items listed below as itemized deductions. Report these items on Schedule A (Form 1040), line 16, or Schedule A (Form 1040-NR), line 7.

List of Deductions

Each of the following items is discussed in detail after the list (except where indicated).

- Amortizable premium on taxable bonds.
- Casualty and theft losses from income producing property.
- Excess deductions of an estate or trust
- Federal estate tax on income in respect of a decedent.
- Gambling losses up to the amount of gambling winnings.
- Impairment-related work expenses of persons with disabilities.

- Losses from Ponzi-type investment schemes (see Pub. 547 for more information).
- Repayments of more than $3,000 under a claim of right.
- Unlawful discrimination claims.
- Unrecovered investment in an annuity.

Amortizable Premium on Taxable Bonds

In general, if the amount you pay for a bond is greater than its stated principal amount, the excess is bond premium. You can elect to amortize the premium on taxable bonds. The amortization of the premium is generally an offset to interest income on the bond rather than a separate deduction item.

Part of the premium on some bonds may be an itemized deduction on Schedule A (Form 1040). For more information, see *Amortizable Premium on Taxable Bonds* in Pub. 529, and

Bond Premium Amortization in chapter 3 of Pub. 550, Investment Income and Expenses.

Casualty and Theft Losses of Income-Producing Property

You can deduct a casualty or theft loss as an itemized deduction on Schedule A (Form 1040), line 16, if the damaged or stolen property was income-producing property (property held for investment, such as stocks, notes, bonds, gold, silver, vacant lots, and works of art). First, report the loss in Form 4684, Section B. You may also have to include the loss on Form 4797 if you're otherwise required to file that form. To figure your deduction, add all casualty or theft losses from this type of property included on Form 4684, lines 32 and 38b, or Form 4797, line 18a. For more information on casualty and theft losses, see Pub. 547.

Excess Deductions of an Estate or Trust

Generally, if an estate or trust has an excess deduction resulting from total deductions being greater than its gross income, in the estate’s or trust's last tax year, a beneficiary can deduct the excess deductions, depending on its character. The excess deductions retain their character as an adjustment to arrive at adjusted gross income on Schedule 1 (Form 1040), as a non-miscellaneous itemized deduction reported on Schedule A (Form 1040), or as a miscellaneous itemized deduction. For more information on excess deductions of an estate or trust, see the Instructions for Schedule K-1 (Form 1041) for a Beneficiary Filing Form 1040.

Federal Estate Tax on Income in Respect of a Decedent

You can deduct the federal estate tax attributable to income in respect of a decedent that you as a beneficiary include in your gross income. Income in respect of the decedent is gross income that the decedent would have received had death not occurred and that wasn't properly includible in the decedent's final income tax return. See Pub. 559, Survivors, Executors, and Administrators, for more information.

Gambling Losses up to the Amount of Gambling Winnings

You must report the full amount of your gambling winnings for the year on Schedule 1 (Form 1040), line 8b. You deduct your gambling losses for the year on Schedule A (Form 1040), line 16. You can't deduct gambling losses that are more than your winnings.

You can't reduce your gambling winnings by your gambling losses and report the difference. You must report the full amount of your winnings as income and claim your losses (up to the amount of winnings) as an itemized deduction.

Therefore, your records should show your winnings separately from your losses.

Diary of winnings and losses. You must keep an accurate diary or similar record of your losses and winnings.

Your diary should contain at least the following information.

- The date and type of your specific wager or wagering activity.
- The name and address or location of the gambling establishment.
- The names of other persons present with you at the gambling establishment.
- The amount(s) you won or lost.

See Pub. 529 for more information.

Impairment-Related Work Expenses

If you have a physical or mental disability that limits your being employed, or substantially limits one or more of your major life activities, such as performing manual tasks, walking, speaking, breathing, learning, and working, you can deduct your impairment-related work expenses.

Impairment-related work expenses are ordinary and necessary business expenses for attendant care services at your place of work and for other expenses in connection with your place of work that are necessary for you to be able to work.

Self-employed. If you're self-employed, enter your impairment-related work expenses on the appropriate form (Schedule C (Form 1040), Schedule E (Form 1040), or Schedule F (Form 1040)) used to report your business income and expenses.

Repayments Under Claim of Right

If you had to repay more than $3,000 that you included in your income in an earlier year because at the time you thought you had an unrestricted right to it, you may be able to deduct the amount you repaid or take a credit against your tax. See *Repayments* in chapter 8 for more information.

Unlawful Discrimination Claims

You may be able to deduct, as an adjustment to income on Schedule 1 (Form 1040), line 24h, attorney fees and court costs for actions settled or decided after October 22, 2004, involving a claim of unlawful discrimination, a claim against the U.S. Government, or a claim made under section 1862(b)(3)(A) of the Social Security Act. However, the amount you can deduct on

Schedule 1 (Form 1040), line 24h, is limited to the amount of the judgment or settlement you are including in income for the tax year. See Pub. 525, Taxable and Nontaxable Income, for more information.

Unrecovered Investment in Annuity

A retiree who contributed to the cost of an annuity can exclude from income a part of each payment received as a tax-free return of the retiree's investment. If the retiree dies before the entire investment is recovered tax free, any unrecovered investment can be deducted on the retiree's final income tax return. See Pub. 575, Pension and Annuity Income, for more information about the tax treatment of pensions and annuities.

Part Four.

Figuring Your Taxes, and Refundable and Nonrefundable Credits

The two chapters in this part explain how to figure your tax. They also discuss tax credits that, unlike deductions, are subtracted directly from your tax and reduce your tax dollar for dollar.

The Form 1040 and Form 1040-SR schedules that are discussed in these chapters are:

- *Schedule 1, Additional Income and Adjustments to Income;*
- *Schedule 2, Additional Taxes; and*
- *Schedule 3, Additional Credits and Payments.*

13

How To Figure Your Tax

Introduction

After you have figured your income and deductions, your next step is to figure your tax. This chapter discusses:

- The general steps you take to figure your tax,
- An additional tax you may have to pay called the alternative minimum tax (AMT), and

- The conditions you must meet if you want the IRS to figure your tax.

Useful Items

You may want to see:

Publication

- ☐ **503** Child and Dependent Care Expenses
- ☐ **505** 505 Tax Withholding and Estimated Tax
- ☐ **524** Credit for the Elderly or the Disabled
- ☐ **525** Taxable and Nontaxable Income
- ☐ **531** Reporting Tip Income
- ☐ **550** Investment Income and Expenses
- ☐ **560** Retirement Plans for Small Business (SEP, SIMPLE, and Qualified Plans)
- ☐ **575** Pension and Annuity Income

- ☐ **596** Earned Income Credit (EIC)
- ☐ **926** Household Employer’s Tax Guide
- ☐ **969** Health Savings Accounts and Other Tax-Favored Health Plans
- ☐ **970** Tax Benefits for Education
- ○ **974** Premium Tax Credit (PTC)

Form (and Instructions)

- ☐ **W-2** Wage and Tax Statement
- ☐ **Schedule SE (Form 1040)** Self-Employment Tax
- ☐ **Schedule 8812 (Form 1040)** Credits for Qualifying Children and Other Dependents
- ☐ **1116** Foreign Tax Credit
- ☐ **3800** General Business Credit
- ☐ **4136** Credit for Federal Tax Paid on Fuels

- ☐ **4970** Tax on Accumulation Distribution of Trusts
- ☐ **5329** Additional Taxes on Qualified Plans (Including IRAs) and Other Tax-Favored Accounts
- ☐ **5405** Repayment of the First-Time Homebuyer Credit
- ☐ **5695** Residential Energy Credits
- ☐ **5884** Work Opportunity Credit
- ☐ **8396** Mortgage Interest Credit
- ☐ **8801** Credit for Prior Year Minimum Tax—Individuals, Estates, and Trusts
- ☐ **8835** Renewable Electricity Production Credit
- ☐ **8839** Qualified Adoption Expenses
- ☐ **8846** Credit for Employer Social Security and Medicare Taxes Paid on Certain Employee Tips

- ☐ **8853** Archer MSAs and Long-Term Care Insurance Contracts
- ☐ **8880** Credit for Qualified Retirement Savings Contributions
- ☐ **8889** Health Savings Accounts (HSAs)
- ☐ **8910** Alternative Motor Vehicle Credit
- ☐ **8912** Credit to Holders of Tax Credit Bonds
- ☐ **8936** Clean Vehicle Credits
- ☐ **8959** Additional Medicare Tax
- ☐ **8960** Net Investment Income Tax—Individuals, Estates, and Trusts
- ☐ **8962** Premium Tax Credit (PTC)

Figuring Your Tax

Your income tax is based on your taxable income. After you figure your income tax and AMT, if any, subtract your tax credits and add any other taxes you may owe. The result is your total tax. Compare your total tax with your total payments to determine whether you are entitled to a refund or must make a payment.

This section provides a general outline of how to figure your tax. You can find step-by-step directions in the Instructions for Form 1040.

Tax. Most taxpayers use either the Tax Table or the Tax Computation Worksheet to figure their income tax. However, there are special methods if your income includes any of the following items.

- A net capital gain. See Pub. 550.
- Qualified dividends taxed at the same rates as a net capital gain. See Pub. 550.
- Lump-sum distributions. See Pub. 575.
- Farming or fishing income. See Schedule J (Form 1040).
- Tax for certain children who have unearned income. See Form 8615.

- Parent's election to report child's interest and dividends. See Form 8814.
- Foreign earned income exclusion or the housing exclusion. (See Form 2555, Foreign Earned Income, and the Foreign Earned Income Tax Worksheet in the Instructions for Form 1040.)

Credits. After you figure your income tax and any AMT (discussed later), determine if you are eligible for any tax credits. Eligibility information for these tax credits is discussed in other publications and your form instructions. The following items are some of the credits you may be able to subtract from your tax and shows where you can find more information on each credit.

- Adoption credit. See Form 8839.
- Alternative motor vehicle credit. See Form 8910.
- Child and dependent care credit. See Pub. 503.

- Child tax credit. See Schedule 8812 (Form 1040).
- Credit for employer social security and Medicare taxes paid on certain employee tips. See Form 8846.
- Credit to holders of tax credit bonds. See Form 8912.
- Education credit. See Pub. 970.
- Elderly or disabled credit. See Pub. 524.
- Foreign tax credit. See Form 1116.
- General business credit. See Form 3800.
- Mortgage interest credit. See Form 8396.
- Clean vehicle credits. See Form 8936.
- Premium tax credit. See Pub. 974.
- Prior year minimum tax credit. See Form 8801.
- Renewable electricity production credit. See Form 8835.

- Residential clean energy credit. See Form 5695.
- Retirement savings contribution credit. See Form 8880.
- Work opportunity credit. See Form 5884.

Some credits (such as the earned income credit) aren’t listed because they are treated as payments. See *Payments*, later.

Other taxes. After you subtract your tax cred-its, determine whether there are any other taxes you must pay. This chapter doesn’t explain these other taxes. You can find that information in other publications and your form instructions. See the following list for other taxes you may need to add to your income tax.

- Additional Medicare tax. See Form 8959.
- Additional tax on ABLE accounts. See Pub. 969.

- Additional tax on Archer MSAs and long-term care insurance contracts. See Form 8853.
- Additional tax on Coverdell ESAs. See Form 5329.
- Additional tax on HSAs. See Form 8889.
- Additional tax on income you received from a nonqualified deferred compensation plan that fails to meet certain requirements. See the Instructions for Form 1040.
- Additional tax on qualified plans and other tax-favored accounts. See Form 5329.
- Additional tax on qualified retirement plans and IRAs. See Form 5329.
- Additional tax on qualified tuition programs. See Pub. 970.
- Excise tax on insider stock compensation from an expatriated corporation. See the Instructions for Form 1040.

- Household employment taxes. See Pub. 926.
- Interest on the deferred tax on gain from certain installment sales with a sales price over $150,000. See the Instructions for Form 1040.
- Interest on the tax due on installment income from the sale of certain residential lots and timeshares. See the Instructions for Form 1040.
- Net investment income tax. See Form 8960.
- Recapture of an education credit. See Pub. 970.
- Recapture of other credits. See the Instructions for Form 1040.
- Repayment of first-time homebuyer credit. See Form 5405.
- Section 72(m)(5) excess benefits tax. See Pub. 560.

- Self-employment tax. See Schedule SE (Form 1040).
- Social security and Medicare tax on tips. See Pub. 531.
- Social security and Medicare tax on wages. See Pub. 525.
- Tax on accumulation distribution of trusts. See Form 4970.
- Tax on golden parachute payments. See the Instructions for Form 1040.
- Uncollected social security and Medicare tax on group-term life insurance. See Form W-2.
- Uncollected social security and Medicare tax on tips. See Pub. 531.

You may also have to pay AMT (discussed later in this chapter).

Payments. After you determine your total tax, figure the total payments you have already made for the year. Include credits that are treated as payments. This chapter doesn’t explain these payments and credits. You can find that information in other publications and your form instructions. See the following list of payments and credits that you may be able to include in your total payments.

- American opportunity credit. See Pub. 970.
- Additional child tax credit. See Schedule 8812 (Form 1040).
- Credit for federal tax on fuels. See Form 4136.
- Credit for tax on undistributed capital gain. See the Instructions for Form 1040.
- Earned income credit. See Pub. 596.
- Estimated tax paid. See Pub. 505.

- Excess social security and RRTA tax withheld. See the Instructions for Form 1040.
- Federal income tax withheld. See Pub. 505.
- Net premium tax credit. See the Instructions for Form 8962 or the Instructions for Form 1040.
- Qualified sick and family leave credits. See the Instructions for Form 1040.
- Tax paid with extension. See the Instructions for Form 1040.

Refund or balance due. To determine whether you are entitled to a refund or whether you must make a payment, compare your total payments with your total tax. If you are entitled to a refund, see your form instructions for information on having it directly deposited into one or more of your accounts (including a traditional IRA, Roth IRA, or a SEP-IRA), or to purchase

U.S. savings bonds instead of receiving a paper check.

Alternative Minimum Tax (AMT)

This section briefly discusses an additional tax you may have to pay.

The tax law gives special treatment to some kinds of income and allows special deductions and credits for some kinds of expenses. Taxpayers who benefit from this special treatment may have to pay at least a minimum amount of tax through an additional tax called AMT.

You may have to pay the AMT if your taxable income for regular tax purposes, combined with certain adjustments and tax preference items, is more than a certain amount. See Form 6251, Alternative Minimum Tax—Individuals.

Adjustments and tax preference items. The more common adjustments and tax preference items include:

- Addition of the standard deduction (if claimed);
- Addition of itemized deductions claimed for state and local taxes and certain interest;
- Subtraction of any refund of state and local taxes included in gross income;
- Changes to accelerated depreciation of certain property;
- Difference between gain or loss on the sale of property reported for regular tax purposes and AMT purposes;
- Addition of certain income from incentive stock options;
- Change in certain passive activity loss deductions;
- Addition of certain depletion that is more than the adjusted basis of the property;

- Addition of part of the deduction for certain intangible drilling costs; and
- Addition of tax-exempt interest on certain private activity bonds.

More information. For more information about the AMT, see the Instructions for Form 6251.

Tax Figured by the IRS

If you file by the due date of your return (not counting extensions) — April 15, 2024, for most people — you can have the IRS figure your tax for you on Form 1040 or 1040-SR.

If the IRS figures your tax and you paid too much, you will receive a refund. If you didn’t pay enough, you will receive a bill for the balance. To avoid interest or the penalty for late payment, you must pay the bill within 30 days of the date of the bill or by the due date for your return, whichever is later.

The IRS can also figure the credit for the elderly or the disabled and the earned income credit for you.

When the IRS cannot figure your tax. The IRS can’t figure your tax for you if any of the following apply.

1. You want your refund directly deposited into your checking or savings account.
2. You want any part of your refund applied to your 2024 estimated tax.
3. You had income for the year from sources other than wages, salaries, tips, interest, dividends, taxable social security benefits, unemployment compensation, IRA distributions, pensions, and annuities.
4. Your taxable income is $100,000 or more.
5. You itemize deductions.

6. You file any of the following forms.

   a. Form 2555, Foreign Earned Income.

   b. Form 4137, Social Security and Medi-care Tax on Unreported Tip Income.

   c. Form 4970, Tax on Accumulation Distribution of Trusts.

   d. Form 4972, Tax on Lump-Sum Distributions.

   e. Form 6198, At-Risk Limitations.

   f. Form 6251, Alternative Minimum Tax—Individuals.

   g. Form 8606, Nondeductible IRAs.

   h. Form 8615, Tax for Certain Children Who Have Unearned Income.

i. Form 8814, Parents' Election To Re-port Child's Interest and Dividends.

j. Form 8839, Qualified Adoption Expenses.

k. Form 8853, Archer MSAs and Long-Term Care Insurance Contracts.

l. Form 8889, Health Savings Accounts (HSAs).

m. Form 8919, Uncollected Social Security and Medicare Tax on Wages.

Filing the Return

After you complete the line entries for the tax form you are filing, fill in your name and address. Enter your social security number in the space provided. If you are married, enter the social security numbers of you and your spouse, even if you file separately. Sign and date your return and enter your occupation(s). If you are filing a joint return, both you and your spouse must sign it. Enter your daytime phone number in the space provided. This may help speed the processing of your return if we have a question that can be answered over the phone. If you are filing a joint return, you may enter either your or your spouse's daytime phone number.

If you want to allow your preparer, a friend, a family member, or any other person you choose to discuss your 2023 tax return with the IRS, check the “Yes” box in the “Third Party Designee” area on your return. Also, enter the designee's name, phone number, and any five digits the designee chooses as their personal identification number (PIN). If you check the “Yes” box, you, and your spouse if filing a joint return, are authorizing the IRS to call the designee to answer any questions that may arise during the processing of your return.

Fill in and attach any schedules and forms asked for on the lines you completed to your paper return. Attach a copy of each of your Forms W-2 to your paper return. Also, attach to your paper return any Form 1099-R you received that has withholding tax in box 4.

Mail your return to the Internal Revenue Service Center for the area where you live. A list of Service Center addresses is in the instructions for your tax return.

Form 1040 or 1040-SR Line Entries

If you want the IRS to figure your tax. Read Form 1040 or 1040-SR, lines 1 through 15, and Schedule 1 (Form 1040), if applicable. Fill in the lines that apply to you and attach Schedule 1 (Form 1040), if applicable. Don’t complete Form 1040 or 1040-SR, line 16 or 17.

If you are filing a joint return, use the space on the dotted line next to the words “Adjusted Gross Income” on the first page of your return to separately show your taxable income and your spouse's taxable income.

Read Form 1040 or 1040-SR, lines 19 through 33, and Schedules 2 and 3 (Form 1040), if applicable. Fill in the lines that apply to you and attach Schedules 2 and 3 (Form 1040), if applicable. Don’t fill in Form 1040 or 1040-SR, lines 22, 24, 33, or 34 through 38. Don’t fill in Schedule 2 (Form 1040), line 1 or 3. Also, don’t complete Schedule 3 (Form 1040), line 6d, if you are completing Schedule R (Form 1040), or Form 1040 or 1040-SR, line 27, if you want the IRS to figure the credits shown on those lines.

Payments. If you have federal income tax withheld that is shown on Form W-2, box 2; Form 1099, box 4; Form W-2G, box 4; or another form (see the Instructions for Form 1040 for more information), enter the amount on Form 1040 or 1040-SR, line 25. Enter any estimated tax payments you made on Form 1040 or 1040-SR, line 26.

Credit for child and dependent care expenses. If you can take this credit, complete Form 2441 and attach it to your paper return. Enter the amount of the credit on Schedule 3 (Form 1040), line 2. The IRS will not figure this credit.

Net premium tax credit. If you take this credit, complete Form 8962, Premium Tax Credit (PTC), and attach it to your return. Enter the amount of the credit on Schedule 3 (Form 1040), line 9. The IRS will not figure this credit.

Credit for the elderly or the disabled. If you can take this credit, the IRS can figure it for you. Enter "CFE" on the line next to Schedule 3 (Form 1040), line 6d, and attach Schedule R (Form 1040) to your paper return. On Schedule R (Form 1040), check the box in Part I for your filing status and age. Complete Parts II and III, lines 11 and 13, if they apply.

Earned income credit. If you can take this credit, the IRS can figure it for you. Enter

“EIC” on the dotted line on Form 1040 or 1040-SR, line 27. If you elect to use your nontaxable combat pay in figuring your EIC, enter the amount on Form 1040 or 1040-SR, line 1i.

If you have a qualifying child, you must fill in Schedule EIC (Form 1040), Earned Income

Credit, and attach it to your paper return. If you don’t provide the child's social security number on Schedule EIC, line 2, the credit will be reduced or disallowed unless the child was born and died in 2023.

If your credit for any year after 1996 was reduced or disallowed by the IRS, you may also have to file Form 8862 with your return. For details, see the Instructions for Form 1040.

14.

Child Tax Credit and Credit for Other Dependents

What's New

ACTC amount increased. The maximum amount of ACTC for each qualifying child increased to $1,600.

Reminders

Schedule 8812 (Form 1040). The Schedule 8812 (Form 1040) and its instructions are the single source for figuring and reporting the child tax credit, credit for other dependents, and additional child tax credit. The instructions now include all applicable worksheets for figuring these credits. As a result, Pub. 972, Child Tax Credit, won't be revised. For prior-year versions of Pub. 972, go to *IRS.gov/Pub972*.

Abbreviations used throughout this chapter. The following abbreviations will be used in this chapter when appropriate.

- ACTC means additional child tax credit.
- ATIN means adoption taxpayer identification number.
- CTC means child tax credit.
- ITIN means individual taxpayer identification number.
- ODC means credit for other dependents.
- SSN means social security number.
- TIN means taxpayer identification number. A TIN may be an ATIN, an ITIN, or an SSN.

Other abbreviations may be used in this chapter and will be defined as needed.

Delayed refund for returns claiming the ACTC. The IRS can’t issue refunds before mid-February 2024 for returns that properly claim the ACTC. This time frame applies to the entire refund, not just the portion associated with the ACTC.

Introduction

The CTC is a credit that may reduce your tax by as much as $2,000 for each child who qualifies you for the credit. See *Limits on the CTC and ODC*, later.

The ACTC is a credit you may be able to take if you are not able to claim the full amount of the CTC.

The ODC is a credit that may reduce your tax by as much as $500 for each eligible dependent.

CAUTION *The CTC and the ACTC shouldn't be confused with the child and dependent care credit discussed in Pub. 503.*

Useful Items

You may want to see:

Form (and Instructions)

- ☐ **Schedule 8812 (Form 1040)** Credits for Qualifying Children and Other Dependents
- ☐ **8862** Information To Claim Certain Credits After Disallowance

For these and other useful items, go to *IRS.gov/ Forms*.

Taxpayer Identification Number Requirements

You must have a TIN by the due date of your return. If you, or your spouse if filing jointly, don't have an SSN or ITIN issued on or before the due date of your 2023 return (including extensions), you can't claim the CTC, ODC, or ACTC on either your original or amended 2023 tax return.

If you apply for an ITIN on or before the due date of your 2023 return (including extensions) and the IRS issues you an ITIN as a result of the application, the IRS will consider your ITIN as issued on or before the due date of your return.

Each qualifying child you use for CTC or ACTC must have the required SSN. If you have a qualifying child who doesn't have the required SSN, you can't use the child to claim the CTC or ACTC on either your original or amended 2023 tax return. The required SSN is one that is valid for employment and is issued before the due date of your 2023 return (including extensions).

If your qualifying child was born and died in 2023 and you don't have an SSN for the child, attach a copy of the child's birth certificate, death certificate, or hospital records. The document must show the child was born alive.

If your qualifying child doesn't have the required SSN but has another type of TIN issued on or before the due date of your 2023 return (including extensions), you may be able to claim the ODC for that child. See *Credit for Other Dependents (ODC)*, later.

Each dependent you use for the ODC must have a TIN by the due date of your return. If you have a dependent who doesn't have an SSN, ITIN, or ATIN issued on or before the due date of your 2023 return (including extensions), you can't use that dependent to claim the ODC on either your original or amended 2023 tax return.

If you apply for an ITIN or ATIN for the dependent on or before the due date of your 2023 return (including extensions) and the IRS issues the ITIN or ATIN as a result of the application, the IRS will consider the ITIN or ATIN as issued on or before the due date of your return.

Improper Claims

If you erroneously claim the CTC, ACTC, or ODC, and it is later determined that your error was due to reckless or intentional disregard of the CTC, ACTC, or ODC rules, you will not be allowed to claim any of these credits for 2 years. If it is determined that your error was due to fraud, you will not be allowed to claim any of these credits for 10 years. You may also have to pay penalties.

Form 8862 may be required. If your CTC (refundable or nonrefundable depending on the tax year), ACTC, or ODC for a year after 2015 was denied or reduced for any reason other than a math or clerical error, you must attach Form 8862 to your tax return to claim the CTC, ACTC, or ODC, unless an exception applies. See Form 8862, Information To Claim Certain Credits After Disallowance, and its instructions for more information, including whether an exception applies.

Child Tax Credit (CTC)

The CTC is for individuals who claim a child as a dependent if the child meets additional conditions (described later).

Note. This credit is different from and in addition to the credit for child and dependent care expenses and the earned income credit that you may also be eligible to claim.

The maximum amount you can claim for the credit is $2,000 for each child who qualifies you for the CTC. But, see *Limits on the CTC and ODC*, later.

For more information about claiming the CTC, see *Claiming the CTC and ODC*, later.

Qualifying Child for the CTC

A child qualifies you for the CTC if the child meets all of the following conditions.

1. The child is your son, daughter, stepchild, foster child, brother, sister, stepbrother, stepsister, half brother, half sister, or a descendant of any of them (for example, your grandchild, niece, or nephew).

2. The child was under age 17 at the end of 2023.
3. The child didn’t provide over half the child’s own support for 2023.
4. The child lived with you for more than half of 2023 (see *Exceptions to time lived with you*, later).
5. The child is claimed as a dependent on your return. See chapter 3 for more information about claiming someone as a dependent.
6. The child doesn’t file a joint return for the year (or files it only to claim a refund of withheld income tax or estimated tax paid).
7. The child was a U.S. citizen, U.S. national, or U.S. resident alien. For more information, see Pub. 519. If the child was adopted, see *Adopted child*, later.

Example. Your child turned 17 on December 30, 2023, and is a citizen of the United States and claimed as a dependent on your return. You can't use the child to claim the CTC or ACTC because the child was not **under** age 17 at the end of 2023.

If your child is age 17 or older at the end of 2023, see Credit for Other Dependents (ODC), *later.*

Adopted child. An adopted child is always treated as your own child. An adopted child includes a child lawfully placed with you for legal adoption.

If you are a U.S. citizen or U.S. national and your adopted child lived with you all year as a member of your household in 2023, that child meets condition 7, earlier, to be a qualifying child for the child tax credit (or condition 3, later, to be a qualifying person for the ODC).

Exceptions to time lived with you. A child is considered to have lived with you for more than half of 2023 if the child was born or died in 2023 and your home was this child's home for more than half the time the child was alive. Temporary absences by you or the child for special circumstances, such as school, vacation, business, medical care, military service, or detention in a juvenile facility, count as time the child lived with you.

There are also exceptions for kidnapped children and children of divorced or separated parents. For details, see *Residency Test* in chapter 3.

Qualifying child of more than one person. A special rule applies if your qualifying child is the qualifying child of more than one person. For details, see *Qualifying Child of More Than One Person* in chapter 3.

Required SSN

In addition to being a qualifying child for the CTC, your child must have the required SSN. The required SSN is one that is valid for employment and that is issued by the Social Security Administration (SSA) before the due date of your 2023 return (including extensions).

TIP *If your qualifying child does not have the required SSN, see* Credit for Other Dependents (ODC)*, later.*

If your child was a U.S. citizen when the child received the SSN, the SSN is valid for employment. If “Not Valid for Employment” is printed on your child’s social security card and your child’s immigration status has changed so that your child is now a U.S. citizen or permanent resident, ask the SSA for a new social security card without the legend. However, if “Valid for Work Only With DHS Authorization” is printed on your child’s social security card, your child has the required SSN only as long as the Department of Homeland Security (DHS) authorization is valid.

If your child doesn’t have the required SSN, you can't use the child to claim the CTC or ACTC on either your original or amended 2023 tax return.

Credit for Other Dependents (ODC)

This credit is for individuals with a dependent who meets additional conditions (described later).

Note. This credit is different from and in addition to the credit for child and dependent care expenses that you may also be eligible to claim.

The maximum amount you can claim for this credit is $500 for each qualifying dependent. See *Limits on the CTC and ODC*, later.

For more information about claiming the ODC, see *Claiming the CTC and ODC*, later.

Qualifying Person for the ODC

A person qualifies you for the ODC if the person meets all of the following conditions.

1. The person is claimed as a dependent on your return. See chapter 3 for more information about claiming someone as a dependent.
2. The person can’t be used by you to claim the CTC or ACTC. See *Child Tax Credit (CTC)*, earlier.
3. The person was a U.S. citizen, U.S. national, or U.S. resident alien. For more information, see Pub. 519. If the person is your adopted child, see *Adopted child*, earlier.

Example. Your sibling’s 10-year-old child lives in Mexico and qualifies as your dependent. The child is not a U.S. citizen, U.S. national, or U.S. resident alien. You can't use this dependent to claim the ODC.