2009

Instructions for Form 8615

Tax for Certain Children Who Have Investment Income of More Than $1,900

General Instructions

Purpose of Form
For children under age 18 and certain older children described below in Who Must File, investment income over $1,900 is taxed at the parent’s rate if the parent’s rate is higher than the child’s. If the child’s investment income is more than $1,900, use Form 8615 to figure the child’s tax.

Investment Income
For Form 8615, “investment income” includes all taxable income other than earned income as defined on page 2. Investment income includes taxable interest, ordinary dividends, capital gains (including capital gain distributions), rents, royalties, etc. It also includes taxable social security benefits, pension and annuity income, and income (other than earned income) received as the beneficiary of a trust.

Who Must File
Form 8615 must be filed for any child who meets all of the following conditions:

1. The child had more than $1,900 of investment income.
2. The child is required to file a tax return.
3. The child either:
   a. Was under age 18 at the end of 2009.
   b. Was age 18 at the end of 2009 and did not have earned income that was more than half of the child’s support, or
   c. Was a full-time student over age 18 and under age 24 at the end of 2009 and did not have earned income that was more than half of the child’s support.

Support.
Your child’s support includes all amounts spent to provide the child with food, lodging, clothing, education, medical and dental care, recreation, transportation, and similar necessities. To figure your child’s support, count support provided by you, your child, and others. However, a scholarship received by your child is not considered support if your child is a full-time student. See Pub. 501 for details.

Certain January 1 birthdays.
Use the following chart to determine whether certain children with January 1 birthdays meet condition 3 under Who Must File.

<table>
<thead>
<tr>
<th>If a child was born on...</th>
<th>THEN, at the end of 2009, the child is considered to be...</th>
</tr>
</thead>
<tbody>
<tr>
<td>January 1, 1992</td>
<td>18*</td>
</tr>
<tr>
<td>January 1, 1991</td>
<td>19**</td>
</tr>
<tr>
<td>January 1, 1986</td>
<td>24***</td>
</tr>
</tbody>
</table>

*TIP
*This child is not under age 18. The child meets condition 3 only if the child did not have earned income that was more than half of the child’s support.
**This child meets condition 3 only if the child was a full-time student who did not have earned income that was more than half of the child’s support.
***Do not use Form 8615 for this child.

Alternative Minimum Tax
A child whose tax is figured on Form 8615 may owe the alternative minimum tax. For details, see Form 6251, Alternative Minimum Tax — Individuals, and its instructions.

Line Instructions

Lines A and B
If the child’s parents were married to each other and filed a joint return, enter the name and social security number (SSN) of the parent who is listed first on the joint return.

If the parents were married but filed separate returns, enter the name and SSN of the parent who had the higher taxable income. If you do not know which parent had the higher taxable income, see Pub. 929.

If the parents were unmarried, treated as unmarried for federal income tax purposes, or separated by either a divorce or separate maintenance decree, enter the name and SSN of the parent with whom the child lived for most of the year (the custodial parent).

Exceptions. If the custodial parent remarried and filed a joint return with his or her new spouse, enter the name and SSN of the person listed first on the joint return, even if that person is not the child’s parent. If the custodial parent and his or her new spouse filed separate returns, enter the name and SSN of the person with the higher taxable income, even if that person is not the child’s parent.

If the parents were unmarried but lived together during the year with the child, enter the name and SSN of the parent who had the higher taxable income.

Line 1
If the child had no earned income (defined on page 2), enter the child’s adjusted gross income from Form 1040, line 38; Form 1040A, line 22; or Form 1040NR, line 36.

If the child had earned income, use the worksheet on page 2 to figure the amount to enter on line 1. But use Pub. 929 instead of the worksheet to figure the amount to enter on line 1 if the child:

• Files Form 2555 or 2555-EZ (relating to foreign earned income),
• Has earned income that is more than $1,900, or
• Has investment income or capital gain that is more than $1,900.
Child’s Investment Income Worksheet—Line 1

1. Enter the amount from the child’s Form 1040, line 22; Form 1040A, line 15; or Form 1040NR, line 23, whichever apply .

2. Enter the child’s earned income (defined above) plus the amount of any penalty on early withdrawal of savings from the child’s Form 1040, line 30, or Form 1040NR, line 29, whichever applies .

3. Subtract line 2 from line 1. Enter the result here and on Form 8615, line 1.

Line 2

If the child itemized deductions, enter the larger of:

• $1,900, or
• $950 plus the portion of the amount on Schedule A (Form 1040), line 29 (or Form 1040NR, Schedule A, line 17), that is directly connected with the production of the investment income on Form 8615, line 1.

Line 4

If the child files Form 2555 or 2555-EZ (relating to foreign earned income), enter the amount from line 3 of the child’s Foreign Earned Income Tax Worksheet (in the Form 1040 instructions), instead of the child’s taxable income.

Line 6

If the parent filed a joint return, enter the taxable income shown on that return even if the parent’s spouse is not the child’s parent.

If the Foreign Earned Income Tax Worksheet (in the Form 1040 instructions) was used to figure the parent’s tax, enter the amount from line 3 of that worksheet, instead of the parent’s taxable income.

Line 8

Enter on this line the total of lines 5, 6, and 7. You must determine the amount of net capital gain and qualified dividends included on this line before completing line 5.

Net capital gain. Net capital gain is the smaller of:

• the gain, if any, on Schedule D, line 15, or the gain, if any, on Schedule D, line 16. If Schedule D is not required, it is the amount on line 13 of Form 1040, line 10 of Form 1040A, or line 14 of Form 1040NR.
• Qualified dividends. Qualified dividends are those dividends reported on line 9b of Form 1040 or Form 1040A or line 10b of Form 1040NR.

Net capital gain and qualified dividends on line 8. If neither the child, nor the parent, nor any other child has net capital gain, the net capital gain on line 8 is zero. (The term “other child” means any other child whose Form 8615 uses the tax return information of the parent identified on Lines A and B of Form 8615.) If neither the child, nor the parent, nor any other child has qualified dividends, the amount of qualified dividends on line 8 is zero.

If the child, parent, or any other child has net capital gain, figure the amount of net capital gain included on line 8 by adding together the net capital gain amounts included on lines 5, 6, and 7. If the child, parent, or any other child has qualified dividends, figure the amount of qualified dividends included on line 8 by adding together the qualified dividend amounts included on lines 5, 6, and 7. Use the following discussions to find these amounts.

Net capital gain or qualified dividends on line 5. If the child has a net capital gain or qualified dividends, use the appropriate Line 5 Worksheet on this page or page 3 to find the amount of each included on line 5. These worksheets are needed to adjust the child’s net capital gain and qualified dividends by the appropriate allocated amount of the child’s deductions.

Line 5 Worksheet #1

Use this worksheet only if line 2 of the child’s Form 8615 is more than $1,900 and lines 3 and 5 are the same amount.

1. Enter the child’s qualified dividends .
2. Enter the child’s net capital gain .
3. Add lines 1 and 2 .
4. Divide line 1 by line 3. Enter the result as a decimal (rounded to at least three places).
5. Divide line 2 by line 3. Enter the result as a decimal (rounded to at least three places). Do not enter more than 1.000 .
6. Multiply $1,900 by line 4 .
7. Multiply $1,900 by line 5 .
8. Qualified dividends on Form 8615, line 5. Subtract line 6 from line 1 (but do not enter less than zero or more than the amount on Form 8615, line 5). 
9. Net capital gain on Form 8615, line 5. Subtract line 7 from line 2 (but do not enter less than zero or more than the excess of Form 8615, line 5, over line 8 of this worksheet).

Line 5 Worksheet #2

Use this worksheet only if line 2 of the child’s Form 8615 is more than $1,900 and lines 3 and 5 are the same amount.

1. Enter the child’s qualified dividends .
2. Enter the child’s net capital gain .
3. Add lines 1 and 2 .
4. Divide line 1 by line 3. Enter the result as a decimal (rounded to at least three places).
5. Enter the child’s itemized deductions directly connected with the production of the child’s qualified dividends or net capital gain .
6. Multiply line 4 by line 5 .
7. Subtract line 6 from line 5 .
8. Subtract line 7 from line 2 .
9. Subtract line 6 from line 1 .
10. Enter the amount from the child’s Form 8615, line 1 .
11. Divide line 1 by line 10. Enter the result as a decimal (rounded to at least three places). Do not enter more than 1.000 .
12. Divide line 2 by line 10. Enter the result as a decimal (rounded to at least three places). Do not enter more than 1.000 minus the amount on line 11 .
13. Multiply $950 by line 11 .
14. Multiply $950 by line 12 .
15. Qualified dividends on Form 8615, line 5. Subtract line 13 from line 9 (but do not enter less than zero or more than the amount on Form 8615, line 5). 
16. Net capital gain on Form 8615, line 5. Subtract line 14 from line 8 (but do not enter less than zero or more than the excess of Form 8615, line 5, over line 15 of this worksheet).
Keep for Your Records

Use this worksheet only if the child’s Form 8615, line 5, is less than line 3.

1. Enter the child’s qualified dividends.
2. Enter the child’s net capital gain.
3. Add lines 1 and 2.
4. Divide line 1 by line 3. Enter the result as a decimal (rounded to at least three places).
5. If the child itemized deductions, enter the child’s itemized deductions directly connected with the production of the income on line 3.
6. Multiply line 4 by line 5.
7. Subtract line 6 from line 5.
8. Subtract line 7 from line 2.
9. Multiply line 6 from line 1.
10. If the child can claim his or her own exemption, enter $3,650. Otherwise, enter -0-
11. If the child itemized deductions, enter the child’s itemized deductions not directly connected with the production of the income on line 3. Otherwise, enter the child’s standard deduction.
12. Add lines 10 and 11.
13. Enter the child’s adjusted gross income (Form 1040, line 38; Form 1040A, line 22; or Form 1040NR, line 36).
14. Divide line 3 by line 13. Enter the result as a decimal (rounded to at least three places). Do not enter more than 1,000.
15. Multiply line 12 by line 14.
17. Subtract line 16 from line 15.
18. Qualified dividends on Form 8615, line 5. Subtract line 17 from line 8. Enter the result here (but do not enter less than zero or more than the amount on Form 8615, line 5).
19. Net capital gain on Form 8615, line 5. Subtract line 17 from line 8. If any farming or fishing income (Form 1040, line 39; Form 1040A, line 12; Form 1040NR, line 36) is included on line 8, the tax shown on that return will be less if you Schedule J. If Schedule J was used to figure the tax on the parent’s return, go to step 9. See Pub. 929 for details on how to figure the line 9 tax.
20. Using the Qualified Dividends and Capital Gain Tax Worksheet to figure the line 9 tax. If you used the Qualified Dividends and Capital Gain Tax Worksheet to figure the line 9 tax, complete that worksheet as follows:

   1. On line 1, enter the amount from Form 8615, line 8.
   2. On line 2, enter the amount of qualified dividends included on Form 8615, line 8. (See the instructions for line 8.)
   3. On line 3, enter the amount of the net capital gain included on Form 8615, line 8. (See the instructions for line 8.)
   4. Complete line 4 following the worksheet instructions.

   5. If you are completing the worksheet in the Form 1040 instructions, enter on line 5 the total of the amounts, if any, on line 4g of all Forms 4952 filed by the child, parent, or any other child. Then complete line 6 following the worksheet instructions.

   6. If the Foreign Earned Income Tax Worksheet was used to figure the parent’s tax, go to step 7 below. Otherwise, skip steps 7, 8, and 9 below, and go to step 10.

   7. Determine whether there is a line 8 capital gain excess. To do this, subtract from line 1 of the worksheet the amount on line 2 of the parent’s Foreign Earned Income Tax Worksheet. Subtract the result from line 6 of this Qualified Dividends and Capital Gain Tax Worksheet (line 4 of the worksheet in the Form 1040A or Form 1040NR instructions). If the result is more than zero, that amount is the line 8 capital gain excess. If the result is zero or less, there is no line 8 capital gain excess.

   8. If there is no line 8 capital gain excess, skip step 9 below and go to step 10.

   9. If there is a line 8 capital gain excess, complete a second Qualified Dividends and Capital Gain Tax Worksheet as instructed above and in step 10 below in its entirety and with the following additional modifications.

   a. Reduce the amount you would otherwise enter on line 3 (but not below zero) by the line 8 capital gain excess.
   b. Reduce the amount you would otherwise enter on line 2 (but not below zero) by any of the line 8 capital gain excess not used in (a) above.
   c. Complete lines 7 through 18 (lines 5 through 16 of the worksheet in the Form 1040A or Form 1040NR instructions) following the worksheet instructions. Use the parent’s filing status to complete lines 8, 15, and 17 (lines 6, 13, and 15 of the worksheet in the Form 1040A or Form 1040NR instructions).

   d. Enter the amount from line 18 of the Qualified Dividends and Capital Gain Tax Worksheet (or line 16 of the worksheet in the Form 1040A or Form 1040NR instructions) on Form 8615, line 9, and check the box on that line. Do not attach this worksheet to the child’s return.

Line 10

If the parent filed a joint return, enter the tax shown on that tax return in the parent’s Form 8615. If the parent’s spouse is not the child’s parent.

If the Foreign Earned Income Tax Worksheet (in the Form 1040 instructions) was used to figure the parent’s tax, enter the amount from line 4 of that worksheet, instead of the parent’s tax from Form 1040, line 44.

Line 15

Figure the tax using the Tax Table, Tax Computation Worksheet, Qualified Dividends and Capital Gain Tax Worksheet, Schedule D Tax Worksheet, or Schedule J, whichever applies. If line 14 includes any net capital gain or qualified dividends (see page 4), use the Qualified Dividends and Capital Gain Tax Worksheet to figure this tax. However, if the child has to file Schedule D and line 16 or line 19 of the child’s Schedule D is more than zero, use the Schedule D Tax Worksheet to figure this tax instead.
Pub. 929 for details on how to figure the line 15 tax using the Schedule D Tax Worksheet.

Before using the Qualified Dividends and Capital Gain Tax Worksheet to figure the line 15 tax, you will need to know the amount of net capital gain and qualified dividends, if any, included on line 14.

Net capital gain and qualified dividends on line 14. If the child does not have any net capital gain or qualified dividends, line 14 does not include any net capital gain or qualified dividends.

If the child has net capital gain, the amount of net capital gain included on line 14 is the amount from line 2 of the child’s completed Line 5 Worksheet minus the amount from the last line of that worksheet.

If the child has qualified dividends, the amount of qualified dividends included on line 14 is the amount from line 1 of the child’s completed Line 5 Worksheet minus the amount from the next to the last line of that worksheet.

Child files Form 2555 or 2555-EZ. If line 14 includes any net capital gain or qualified dividends and the child files Form 2555 or 2555-EZ, see Pub. 929 for instructions on how to figure the line 15 tax.

Using the Qualified Dividends and Capital Gain Tax Worksheet for line 15 tax. If you use the Qualified Dividends and Capital Gain Tax Worksheet to figure the line 15 tax, complete that worksheet as follows.

1. On line 1, enter the amount from Form 8615, line 14.
2. On line 2, enter the amount of the qualified dividends included on Form 8615, line 14. (See Net capital gain and qualified dividends on line 14 on this page.)
3. On line 3, enter the amount of the net capital gain included on Form 8615, line 14. (See Net capital gain and qualified dividends on line 14 on this page.)

4. Complete line 4 following the worksheet instructions.
5. If you are completing the worksheet in the Form 1040 instructions, leave line 5 blank.
6. Complete lines 6 through 18 (lines 5 through 16 of the worksheet in the Form 1040A or Form 1040NR instructions) following the worksheet instructions. Use the child’s filing status to complete lines 8, 15, and 17 of the worksheet for Form 1040 (lines 6, 13, and 15 of the worksheet for Form 1040A or Form 1040NR).

Enter the amount from line 18 of this Qualified Dividends and Capital Gain Tax Worksheet (line 16 of the worksheet in the Form 1040A or Form 1040NR instructions) on line 15 of Form 8615 and check the box on that line. Do not attach this worksheet to the child’s return.

Using Schedule J for line 15 tax. If line 14 includes any farming or fishing income (including certain amounts received in connection with the Exxon Valdez litigation), the tax may be less if you use Schedule J. See Pub. 929 for details on how to figure the line 15 tax using Schedule J.

Line 17

Figure the tax using the Tax Table, Tax Computation Worksheet, Qualified Dividends and Capital Gain Tax Worksheet, Schedule D Tax Worksheet, or Schedule J, whichever applies. If line 4 includes any qualified dividends or net capital gain, use the Qualified Dividends and Capital Gain Tax Worksheet to figure the tax unless the Schedule D Tax Worksheet has to be used instead. If any farming or fishing income (including certain amounts received in connection with the Exxon Valdez litigation) is included on line 4, the tax may be less if you use Schedule J.

Child files Form 2555 or 2555-EZ. If line 4 includes any qualified dividends or net capital gain and the child files Form 2555 or 2555-EZ, see Pub. 929 for instructions on how to figure the line 17 tax.

Line 18

If the child files Form 2555 or 2555-EZ, do not enter the amount from Form 8615, line 18, on the child’s Form 1040, line 44. Instead, enter the amount from Form 8615, line 18, on line 4 of the child’s Foreign Earned Income Tax Worksheet (in the Form 1040 instructions). Then complete the rest of the Foreign Earned Income Tax Worksheet to figure the child’s tax.

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. We need it to ensure that you are complying with these laws and to allow us to figure and collect the right amount of tax.

You are not required to provide the information requested on a form that is subject to the Paperwork Reduction Act unless the form displays a valid OMB control number. Books or records relating to a form or its instructions must be retained as long as their contents may become material in the administration of any Internal Revenue law. Generally, tax returns and return information are confidential, as required by Internal Revenue Code section 6103.

The average time and expenses required to complete and file this form will vary depending on individual circumstances. For the estimated averages, see the instructions for your income tax return.

If you have suggestions for making this form simpler, we would be happy to hear from you. See the instructions for your income tax return.