Married Filing Separately

- **For MFJ-MFS comparison use TSO > Miscellaneous Forms > MFJ to MFS Comparison**
    - **Create one MFJ return and run comparison.**

- **General rules**
    - Each spouse reports the other's name and SSN
    - If one itemizes, the other must too, or claim zero as standard deduction. It's not a first-to-file-wins contest.

- **Filing Threshold**
    - Any age with a gross income >$5

- **Filing Status**
    - Married file either MFJ or MFS – it is TP choice
    - Can file HoH if TP lived apart from spouse for last 6 months and TP has a dependent child (NTTC 4012 B-18)
    - Single - unmarried, divorced, or legally separated under a separate maintenance decree
    - Virginia must use Filing Status 1 if federal return used single, head of household, or qualifying surviving spouse
        - Taxpayer is "unmarried" if legally separated according to state law under a final decree of divorce or separate maintenance
        - In Virginia, couples are married until they have a divorce decree

- **Spouse Info**
    - When spouse SSN not known, use 111-00-1111, and you must paper file
    - DOB can be blank (4012 B-19)

- **Special MFS Rules**
    - Can claim EIC if did not live with SP last 6 months, have a qualifying child and paid home costs (Check box in Personal Info)
    - Can claim CDCC (2441) if considered "unmarried" (Check box in Filing Status)
    - Can claim PTC (8862) if spousal abuse/abandon (Check box in Health Care)
    - If lived with spouse anytime during tax year, then
        - 85% of SS or RR Tier 1 benefits are taxable

    - Reduced levels of Retirement Savings CR, Capital Loss Carryovers and Itemized taxes paid ($5,000) - see Pub17 pg 22
  - Cannot claim Education Credits (AOC, LL) or student loan interest
  - Cannot claim enhanced deduction for seniors (65+), qualified overtime compensation deduction, or qualified tips deduction
  - Capital loss limitation is $1,500

- **Amending Rules** (Pub17 pg 23)
  - MFJ to MFS requires 2 amended returns before the current year filing date.
  - MFS to MFJ requires 1 amended return within 3 years.