

# Divorce and taxes



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[www.oregon.gov/DOR](http://www.oregon.gov/DOR)

Sometimes when people divorce they don't understand that their tax situation changes. In the stress of the divorce process, they neglect to file a tax return or don't realize that they must file individually. Taxpayers who miss filing one year may become fearful and stop filing altogether.

If you don't file your Oregon tax returns for three consecutive years, you become liable for an additional 100 percent penalty. The penalty is based on the amount of tax you owe. To avoid this penalty, file your tax return each year.

The following information is meant to help you comply with tax laws as you work through the divorce process.

## Why do I need to file a return?

If you receive income, you may owe taxes. You must file a tax return if your income is more than the filing requirements shown in the state and federal tax booklets.

When you work for wages, your employer withholds part of your money to pay your taxes. To get a refund of any overpayment, you need to file a return.

Also, if you are now a single parent or have less income, you may be eligible for refundable tax credits. You must file a tax return to receive a refund for any credits for which you are eligible.

## What kind of return do I file?

You may need to file both state and federal individual income tax returns. If you have your own business, you may need to complete more forms or schedules.

If your divorce is not final, you and your spouse may file joint or separate returns. But if your divorce was final on or before December 31 of the tax year, you cannot file a joint return with your ex-spouse for that year. This is true even if you were married for any part of the tax year.

If you don't receive state and federal tax booklets in the mail, you can download them from our website at [www.oregon.gov/DOR](http://www.oregon.gov/DOR). Or, you

can order the state forms you need by telephone or mail. Our telephone numbers and addresses are listed at the end of this flyer. The Internal Revenue Service (IRS) information is listed under "How can I get help?"

Once you complete your federal return, you will generally use the same filing status, exemptions, and itemized deductions to complete your Oregon return. If you choose to file a separate return from your spouse and your spouse claims itemized deductions, you must also claim itemized deductions.

## When do I file?

You must file by April 15 of each year, unless you have an extension. Oregon allows you the same extension you have for your federal return. Be sure to check the "Extension Filed" box on your Oregon return when you file. If you need an extension for Oregon only, obtain an Oregon Form 40-EXT. You can download it from our website or call us.

**Remember:** If you can't file by the due date, the sooner you file, the sooner you will receive your refund. Or, if you have additional tax to pay, the sooner you file and pay, the less interest you will owe.

If you can't pay all of the tax you owe when you file, call us. You may qualify for a payment plan.

## What about returns from prior years? Does getting a divorce change my tax situation?

Most married couples combine their incomes and file a joint return. When you file a joint return with your spouse, you become jointly *and individually* liable for any tax due on the return. This means that if the tax due is not paid by the time the divorce becomes final, you may have to pay it by yourself—even if your spouse earned the income. You also may have to pay the tax even if your divorce settlement states that your spouse will be responsible for the debt.

However, you may be held harmless if you can show that:

- You did not have knowledge of your spouse's income and did not benefit from it, or
- Your signature was forged or you were forced to sign the return under threat.

**How can I get help?**

- Call the Internal Revenue Service at 1-800-829-1040 or visit their website at [www.irs.gov](http://www.irs.gov) to get a copy of Publication 504, *Divorced or Separated Individuals*. The IRS can also give you information about your federal tax obligations.
- Call the Oregon Department of Revenue in Salem at 503-378-4988 or toll-free from an Oregon prefix 1-800-356-4222 to check on your state tax obligations.
- To receive information about your state or federal tax obligations, you will need to provide your Social Security number. You should also let us know your new address if you have moved since you filed your last tax return.
- Many private companies can prepare tax returns. Check your local telephone book for a listing of licensed professional tax preparers if you do not want to prepare your own tax returns.

- You can also call the IRS or the Oregon Department of Revenue for help with general questions about filling out the returns.
- To get Oregon tax forms, visit our website at [www.oregon.gov/DOR](http://www.oregon.gov/DOR). Or, write to:

Forms  
 Oregon Department of Revenue  
 PO Box 14999  
 Salem OR 97309-0990

**Taxpayer assistance**

**General tax information** ..... [www.oregon.gov/DOR](http://www.oregon.gov/DOR)  
 Salem ..... 503-378-4988  
 Toll-free from an Oregon prefix ..... 1-800-356-4222

**Asistencia en español:**  
 Salem ..... 503-378-4988  
 Gratis de prefijo de Oregon..... 1-800-356-4222

**TTY (hearing or speech impaired; machine only):**  
 Salem ..... 503-945-8617  
 Toll-free from an Oregon prefix ..... 1-800-886-7204

**Americans with Disabilities Act (ADA):** Call one of the help numbers for information in alternative formats.

