



IRS Toolkit for Partners: Divorce and Taxes

Partners: Please share this divorce and tax toolkit with clients, members and others in your organization.

This toolkit provides tax filing education for divorced or separated clients. This helps clients who:

- Are getting divorced or separated
- Need information on changing their filing status
- Have lost the ability to claim dependents
- Need to withdraw funds from a retirement account to cover divorce expenses
- Are losing the ability to itemize on Schedule A due to divorce
- Need to add a new or additional source of income

This toolkit includes shareable resources and materials in multiple languages, such as:

- Official [IRS.gov/divorce](https://www.irs.gov/divorce) content
- Divorce and Taxes Checklist
- 5 Things to Know About Divorce and Taxes flyer
- Ready-to-use articles
- IRS Tax Tips for filing as separated or divorced
- IRS social media content related to supporting separated or divorced individuals



Dear Partners,

Did you know that divorced taxpayers are three times more likely to have a balance due when the next filing season arrives? This is because they might not have the information necessary to address changes in filing status, withholdings, losing the ability to claim dependents or other factors.

Here's how you can help:

- Inform people about [IRS.gov/divorce](https://www.irs.gov/divorce). This new webpage can help taxpayers going through divorce reduce the chance of owing money when they file taxes.
- Share the information and materials in this toolkit with constituents, friends, family, community organizations and others through your website, social media accounts, newsletters, emails, or other methods. The IRS urges government representatives and agencies, community groups, non-profits, associations, education groups and anyone connected with people going through divorce or separation to share this information.
- Remind them that they may need to change their withholdings to avoid a balance due.

Information on these tools is provided later in this guide. To get the latest news:

- Subscribe to the [Outreach Connection for Individuals](#) page to get announcements about divorced and separated taxpayer tools and materials relating to them. You'll get alerts when we post outreach materials, IRS Tax Tips, news releases and more.
- Follow the IRS on its [social media platforms](#) and please share our content on Twitter, Facebook, Instagram, YouTube and LinkedIn.

Thank you for your help!



Materials to share: Divorced and separated taxpayer tools and materials.

IRS.gov resources

- The [IRS.gov/divorce](https://www.irs.gov/divorce) page is available in [English](#), [Spanish](#), [Russian](#), [Haitian Creole](#), [Korean](#), [Vietnamese](#), [Chinese-Simplified](#) and [Chinese-Traditional](#).
 - Share the simple URL: [irs.gov/divorce](https://www.irs.gov/divorce) | [irs.gov/divorcio](https://www.irs.gov/divorcio)

Ready-to-use articles

Copy this short article from IRS.gov and paste it into your emails, websites, newsletters and other materials.

- Divorce and separation can affect your taxes in [English](#) and [Spanish](#).

IRS Tax Tips

Copy these Tax Tips from IRS.gov into emails, websites and newsletters.

- IRS Tax Tip 2023-97, Tax considerations for people who are separating or divorcing, available in [English](#) | [Español](#) | [Chinese \(simplified\)](#) | [Chinese \(traditional\)](#) | [Korean](#) | [Russian](#) | [Vietnamese](#) | [Haitian Creole](#)

Support materials

Below are previews of the IRS.gov/divorce landing page, IRS Tax Tips and flyers, along with links to available language options.

Use the flyers as:

- Information to distribute or post in your office or community
- Social media content
- Email or newsletter content
- Web content

To save these PDFs to your computer, click on the link for the flyer and then:

- Click “OK” to open the file.
- Click on “File,” then “Save as,” and select where to save the PDF.
- If you’d like to use a different file name, type your chosen file name in the box.
- Click “Save.” Once you have saved the image, you can print it or use it in your materials.



An official website of the United States Government

IRS

Help | News | English | Charities & Nonprofits | Tax Pros

File | Pay | Refunds | Credits & Deductions | Forms & Instructions | Search

Home / File / Individuals / Life Events / Filing Taxes After Divorce or Separation

Filing Taxes After Divorce or Separation

English | Español | 中文(简体) | 中文(繁體) | 한국어 | Русский | Tiếng Việt | Kreyòl ayisyen

Individuals

Getting legally divorced or separated affects how you file your taxes. Here are changes to consider.

Who Should File

How to File

When to File

Where to File

Your Information

Life Events

Deceased Person

Students

On This Page

- Filing Status
- Name Change
- Tax Withholding
- Alimony and Separate Maintenance
- Claiming Dependents
- Property Transfers
- Retirement Plans and IRAs

Filing Status

Your filing status determines your filing requirements, standard deduction, eligibility for certain credits and tax.

Your filing status generally depends on whether you're married or unmarried on the last day of the year.

• **IRS.gov/divorce**

- English |
- Spanish |
- Russian |
- Haitian Creole |
- Korean |
- Vietnamese |
- Chinese Simplified |
- Chinese Traditional |

An official website of the United States Government

IRS

Help | News | English | Charities & Nonprofits | Tax Pros

File | Pay | Refunds | Credits & Deductions | Forms & Instructions | Search

Home / News / IRS Tax Tips / Tax considerations for people who are separating or divorcing

Tax considerations for people who are separating or divorcing

English | Español | 中文(简体) | 中文(繁體) | 한국어 | Tiếng Việt | Kreyòl ayisyen

Topics in the News

IRS Tax Tip 2023-97, July 31, 2023

News Releases

When couples separate or divorce, the change in their relationship status affects their tax situation. The IRS considers a couple married for tax filing purposes until they get a final decree of divorce or separate maintenance.

Multimedia Center

Tax Relief in Disaster Situations

Inflation Reduction Act

Tax Reform

Taxpayer First Act

Tax Scams/Consumer Alerts

The Tax Gap

Fact Sheets

IRS Tax Tips

Update tax withholding

When a taxpayer divorces or separates, they usually need to update their proper tax withholding by filing with their employer a new Form W-4, Employee's Withholding Certificate. If they receive alimony, they may have to make estimated tax payments. Taxpayers can figure out if they're withholding the correct amount with the Tax Withholding Estimator on IRS.gov.

Tax treatment of alimony and separate maintenance

- Amounts paid to a spouse or a former spouse under a divorce decree, a separate maintenance decree or a written separation agreement may be alimony or separate maintenance for federal tax purposes.
- Certain alimony or separate maintenance payments are deductible by the payer spouse, and the recipient spouse must include it in income.

Rules related to dependent children and support

Generally, the parent with custody of a child can claim that child on their tax return. If parents split custody fifty-fifty and aren't filing a joint return, they'll have to decide which parent claims the child. If the parents can't agree, taxpayers should refer to the tie-breaker rules in Publication 504, Divorced or Separated Individuals. Child support payments aren't deductible by the payer and aren't taxable to the payee.

• **IRS Tax Tip**

- English |
- Español |
- Chinese (simplified) |
- Chinese (traditional) |
- Korean |
- Vietnamese |
- Haitian Creole |



Divorce & Taxes Checklist

Divorce or separation can affect your taxes. This quick checklist can help you understand what changes you need to make to avoid an unexpected balance due when you file. If you answer "yes" to the question, check the box and click the link for additional information.

- Will your filing status change?**
Changing your filing status can make a difference in your taxes. Use the [What is My Filing Status?](#) assistant to determine what filing status you should use on your tax return.
Tip: If you're legally separated or divorced at the end of the tax year, file as single unless you're eligible to file as head of household or you remarry by December 31.
- Will you be able to claim dependents?**
Divorce can affect your ability to claim dependents, which can impact how much tax you owe. Find out if you're eligible using the [Whom May I Claim as a Dependent?](#) assistant. **Note:** You need to know your filing status first.
- Are you using your retirement account to cover divorce expenses?**
Early withdrawals from retirement accounts, such as a 401(k), can trigger additional taxes. Most plans require an ex-spouse to file a Qualified Domestic Relations Order with the plan administrator before you withdraw.
- Can you itemize deductions?**
Divorce can affect deductions normally taken on Schedule A, including medical expenses, mortgage interest, real estate taxes, general sales tax, and gifts to charity. Special rules apply if you choose to file Married Separate and your spouse itemizes.
Tip: If you can't itemize, use the [How Much Is My Standard Deduction?](#) assistant to determine the amount of your standard deduction.
- Will you have changes to your income?**
Income earned from a second job, gig-economy "side hustles" or starting your own business are all examples of taxable income that can affect your taxes. If you have a decrease in income, you may be able to adjust your withholding and increase your take home pay.
- Do you need to adjust your federal income tax withholding or make estimated tax payments?**
If any items on this list apply to you, you might need to adjust your withholdings, make estimated tax payments or both. Use the [Tax Withholding Estimator](#) to estimate the federal income tax you want your employer to withhold from your paycheck.
Tip: Consider completing a new Form W-4 each year and when your personal or financial situation changes.

This checklist is only a guide to help you stay compliant with your tax obligations and may not contain all requirements or specific situations that apply to you. See www.irs.gov/divorce for more resources.

If you have tax questions, go to the IRS Interactive Tax Assistant page at IRS.gov/Help/ITA where you can find topics by using the search feature or viewing the categories listed.

Please don't send this checklist to the IRS.

[Contact your tax advisor](#)
www.irs.gov/divorce

Publication 5802 (Rev. 9-2024) Catalog Number 94046C Department of the Treasury Internal Revenue Service www.irs.gov

- **Publication 5802,**
Divorce and Taxes
Checklist
[English |](#)
[Spanish |](#)

5 Things to Know About Divorce & Taxes

Divorce or separation can impact your federal tax return and may mean you unexpectedly owe taxes. Below are five common issues taxpayers run into.

1 **Form 1040**
Single

Your filing status might change.
Changing your filing status from Married can have significant tax implications.

4

You might not be able to itemize deductions
Mortgage interest, medical expenses, and charitable contributions are all examples of deductions that you may lose if you accept the standard deduction.

2

You might not be able to claim some dependents.
A dependent can only be claimed by one taxpayer.

5

You might take on additional work to cover expenses
Getting a second job, a gig economy "side hustle" or starting your own business can increase how much you owe in taxes.

3

You might have to withdraw from a retirement account.
Withdrawals from a retirement account, like a 401(k), can result in additional taxes when filing.

If any of these situations apply to you, you may have to adjust your federal tax withholding or make estimated payments. For more information, visit IRS.gov/divorce.

Publication 5854 (8-2023) Catalog Number 94298GG Department of the Treasury Internal Revenue Service publish.no.irs.gov

- **Publication 5854,**
5 Things to Know
About Divorce and
Taxes
[English |](#)
[Spanish |](#)

5



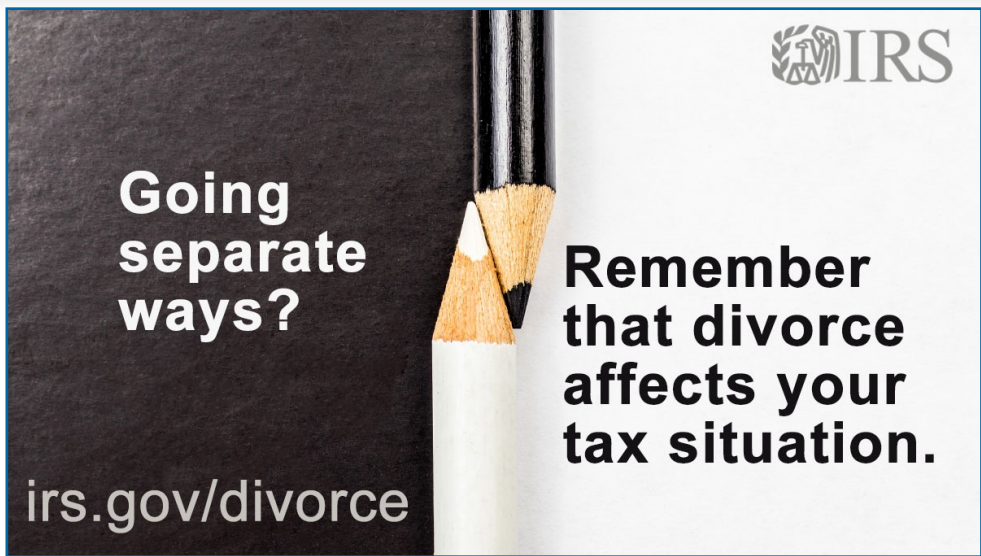
Social media content

To copy an image from this toolkit to use on your social media platforms:

- Right-click on the image.
- Choose “Save as Picture.”
- Select where on your computer you would like to save the image.
- Type your chosen file name in the “File name” box.
- Click “Save.”
- Below the images, see related social media posts you can copy and use with the images.
- These social media images, intended for electronic format use only, should not be used for printed materials.

Divorced and separated taxpayer information, including images and posts, are available in English and Spanish.



Going separate ways?

Remember that divorce affects your tax situation.

irs.gov/divorce

IRS



Going separate ways?

A legal separation affects your tax situation.

irs.gov/divorce

IRS

When going through a legal separation or divorce, the change in your relationship status also affects your tax situation. #IRS has some tips that can help: <https://ow.ly/nzTQ50PpU42>

If you're going through a divorce, don't overlook the tax considerations that come into play. See an #IRS tax tip that can help you stay on track. <https://ow.ly/nzTQ50PpU42>

#IRS offers some tax considerations for people who are separating or divorcing: <https://ow.ly/nzTQ50PpU42>

Avoid a tax misstep after a divorce. Check out this #IRS tip on the tax implications of a change in relationship status: <https://ow.ly/nzTQ50PpU42>

There are important tax adjustments that separating, or recently divorced people should consider. #IRS has some tips at <https://ow.ly/nzTQ50PpU42>


Get to know the tax implications of a divorce, including how it affects your withholding, filing status and issues like alimony and child support. #IRS has info at: <https://ow.ly/nzTQ50PpU42>





Getting legally divorced or separated affects how you file your taxes. Learn about changes to consider.

irs.gov/divorce 

Split? If you've legally separated or divorced by the end of the year, you'll probably need to file taxes as single. Learn more at: irs.gov/divorce





If you're recently divorced, don't overlook the tax considerations that come into play. #IRS has information to help you stay on track. www.irs.gov/divorce

When going through a legal separation or divorce, the change in your relationship status also affects your tax situation. #IRS has information that can help: www.irs.gov/divorce

#IRS offers some tax considerations for people who are separating or divorcing: www.irs.gov/divorce



¿Resultó no ser su media naranja?
Vea cómo la separación legal o el divorcio afectan sus impuestos.



 **IRS** [irs.gov/divorcio](https://www.irs.gov/divorcio)

If you're going through a divorce, don't overlook the tax considerations that come into play. See an #IRS tax tip that can help you stay on track. www.irs.gov/divorce

Si se está divorciando, no pase por alto los temas de impuestos que pueden afectarle. Eche un vistazo a la información que le ofrece el #IRS en: www.irs.gov/divorcio

When going through a legal separation or divorce, the change in your relationship status also affects your tax situation. #IRS has some tips that can help: www.irs.gov/divorce

Si se separa legalmente o se divorcia, el cambio afecta su situación tributaria. El #IRS tiene información que puede serle útil: www.irs.gov/divorcio

#IRS offers some tax considerations for people who are separating or divorcing: www.irs.gov/divorce

El #IRS ofrece consideraciones a tener presentes si se está separando o divorciando.
Vea: www.irs.gov/divorcio