

51A Middle Street Newburyport, MA 01950 Phone: 800-588-7039 Fax: 877-902-4284 contact@bhfe.com www.bhfe.com

Course Information

Course Title: Family Tax Issues #491515

Number of continuing education credit hours recommended for this course:

In accordance with the standards of the CFP Board, the National Registry of CPE Sponsors, and the IRS, CPE credits have been granted based on a 50-minute hour.

CFP[®]: 2 (All states) CFP Board Course ID #195431

CFP Board sponsor number: 1008.

CPA: 2.5 (All states)

National Registry of CPE Sponsors ID Number: 107615.

Sponsor numbers for states requiring sponsor registration Florida Division of Certified Public Accountancy: 4761 (Ethics #11467) New York State Board of Accountancy: 002146 Hawaii Board of Public Accountancy: 14003 Ohio State Board of Accountancy: M0021 Texas State Board of Accountancy: 009349

EA, OTRP 2 (All States) IRS: Qualified Sponsor number: FWKKO.

CLU, ChFC/PACE Recertification: 2

Course Description:

While the nuclear family remains the centerpoint of society, today it is under tremendous economic and social pressure. This mini-course is designed to cover "hot" topics having a direct impact on the practitioner who represents any client with family issues. The emphasis is on using tax solutions to ease family economic concerns permitting the practitioner to be a real tax hero.

Program Delivery Method: Self-Study (NASBA QAS Self-Study/interactive)

Subject Codes/Field of Study

NASBA (CPA), CFP Board of Standards, Inc.: Taxes. IRS (EA, OTRP): Federal Tax Law. (ERPA): Qualified Retirement Plan Matters NAPFA: Taxes

Course Level, Prerequisites, and Advance Preparation Requirements

Program Level: CFP Board: Intermediate; NASBA/CPA, IRS: Overview. This program is appropriate for professionals at all organizational levels. Prerequisites: Basic familiarity with federal taxation Advance Preparation: None

Course Content

Publication/Revision Date: 5/26/2015. Author: Danny Santuccci, J.D. Final exam (online): Twenty questions (multiple-choice).

Instructions for taking this course

In order to receive CPE credit for this course, you must complete the course within one year of the date of purchase. This includes achieving a passing grade of at least 70% on the final exam. Exams may be retaken if not passed on the first attempt (no charge).

Complete the course by following the learning assignments and objectives listed on the following page and studying the review questions after each major section in the text. Once you have completed each learning assignment and you are confident that the learning objectives have been met, answer the final exam questions.

Instructions for Taking the Final Exam Online

- Login to your account online at <u>www.bhfe.com</u>.
- Go to "*My Account*" and view your courses.
- Select "Take Exam" for this course and follow instructions.

Have a question? Call us at 800-588-7039 or email us at <u>contact@bhfe.com</u>.

Learning Assignment & Objectives

As a result of studying the assigned materials, you should be able to meet the objectives listed below.

ASSIGNMENT

At the start of the materials, participants should identify the following topics for study:

- * Filing status & exemptions
- * Divorce costs
- * Child, dependent care & adoption credits
- * Education expenses, credits & deductions
- * Medical costs
- * Charitable contributions
- * Casualty & theft losses
- * Home sales & mortgage interest
- * Property rights
- * Elderly, disabled & estate planning

Learning Objectives

After reading the materials, participants will be able to:

1. Recognize the effect of marital status on filing status, identify the advisability of filing a joint return enlight of the innocent spouse rules, specify available exemptions, and determine the differences be-tween deductible and nondeductible divorce costs.

2. Identify the costs and fees that qualify for the tax credit for adoption expenses and for education credits, such as the HOPE credit, and cite the requirements for dependent care assistance and the contribution limits for Coverdell ESAs.

3. Determine medical cost deductions available to individuals under §213, specify items qualifying as deductible §163 home mortgage interest, and recognize the taxation of §1041 interspousal transfers particularly as to property settlements.

Notice

This course and test have been adapted from materials and information contained in the above text and any supplemental material provided. This course is sold with the understanding that the publisher is not engaged in rendering legal, accounting, or other professional advice and assumes no liability whatsoever in connection with its use. Since laws are constantly changing, and are subject to differing interpretations, we urge you to do additional research and consult appropriate experts before relying on the information contained in this course to render professional advice.



Family Tax Issues

By

Danny C. Santucci

The author is not engaged by this text, any accompanying electronic media, or lecture in the rendering of legal, tax, accounting, or similar professional services. While the legal, tax, and accounting issues discussed in this material have been reviewed with sources believed to be reliable, concepts discussed can be affected by changes in the law or in the interpretation of such laws since this text was drafted or printed. For that reason the accuracy and completeness of this information and the author's opinions based thereon cannot be guaranteed. In addition, state or local tax laws and procedural rules may have a material impact on the general discussion. As a result, the strategies suggested may not be suitable for every individual. Before taking any action, all references and citations should be checked and updated accordingly.

This publication is designed to provide accurate and authoritative information in regard to the subject matter covered. It is sold with the understanding that the publisher is not engaged in rendering legal, accounting, or other professional service. If legal advice or other expert advice is required, the services of a competent professional person should be sought.

—-From a Declaration of Principles jointly adopted by a committee of the American Bar Association and a Committee of Publishers and Associations.

Copyright February 2014 Danny C. Santucci

Table of Contents

| Filing Status | 1 |
|--|----|
| Marital Status | 1 |
| Unmarried | 1 |
| Abandoned Spouse Rule | 1 |
| Married | 2 |
| Joint Return | 2 |
| New Innocent Spouse Relief - §6015 | 2 |
| Refund Offset Program - §6402 | 3 |
| Injured Spouse - Form 8379 | 3 |
| Separate Returns | 3 |
| Separate vs. Joint Dilemma | 4 |
| Disadvantages of a Separate Return | 4 |
| Advantages of a Separate Return | 4 |
| Joint Return after Separate Returns | 5 |
| Head of Household | 5 |
| Exemptions | 5 |
| Phaseout of Exemptions | 5 |
| Dependents | 6 |
| Social Security Numbers | 6 |
| Dependency Tests | 6 |
| Unified Definition of a Child | 6 |
| Children of Divorced or Separated Parents | 7 |
| Divorce Costs | 8 |
| Allocation of Costs & Fees | 8 |
| Tax Advice - §212(3) | 8 |
| Fees to Obtain Alimony or Protect Income - §212(1) & (2) | 8 |
| Fees to Obtain Property - §1012 & 1016 | 8 |
| Living Together | 9 |
| Married v. Unmarried Tax Rate Comparison | 9 |
| Sham Divorce | 9 |
| Dependency Exemptions | 9 |
| Alimony & Property Divisions | 10 |
| Income Earned by Children | 10 |
| Unearned Income of Children Under 18 | 10 |
| Application | 10 |
| Adoption | 11 |
| Exclusion from Income for Employer Reimbursements | 11 |
| Child or Dependent Care Credit - §21 | 12 |
| Eligibility | 12 |
| Employment Related Expenses | 12 |
| Qualifying Out-of-the-home Expenses | 12 |
| Payments to Relatives | 13 |
| Allowable Amount | 13 |
| Dependent Care Assistance - §129 | 13 |
| Reporting | 13 |
| Dependent Care Assistance | 13 |
| | |

| Amount of Assistance | 13 |
|---|----------|
| Requirements 55% Test | 13 14 |
| | 14 |
| Work-Related Educational Expenses - §162 Qualifying Education | 14 |
| | 14 |
| Requirements Exception | 15 |
| Education Required by Employer or by Law | 15 |
| Education Required by Employer of by Eaw Education to Maintain or Improve Skills | 15 |
| Education Expense Credits | 15 |
| HOPE ("American Opportunity") Credit | 15 |
| Refundable | 16 |
| Lifetime Learning Credit | 10 |
| Education Savings Accounts - §530 | 19 |
| Contribution Limits | 19 |
| Beneficiary Limit | 20 |
| Contributor Limit | 20 20 |
| Phased Out of Contribution | 20 20 |
| Qualified Expenses | 20 20 |
| Student Loan Interest - §221 | 20 |
| Qualified Education Loan | 21 |
| Related Party Loan | 22 |
| Qualified Higher Education Expenses | 22 |
| Qualified Tuition Programs - §529 | 22 |
| Distributions | 22 |
| Education Expenses | 23 |
| Cancellation of Student Loans - §108 | 23 |
| Higher Education Expense Deduction - §222 | 24 |
| Eligibility | 24 |
| Maximum Deduction | 24 |
| IRA Withdrawals for Education - §72(t) | 24 |
| Scholarships & Fellowships - §117 | 25 |
| Degree Candidate | 25 |
| Student Loans | 25 |
| Qualified Tuition Reduction | 25 |
| Educational Savings Bonds - §135 | 26 |
| Medical Costs - §213 | 26 |
| Spouse | 26 |
| Dependents | 26 |
| Health Savings Account - §223 | 26 |
| Eligible Individuals | 27 |
| Contributions | 27 |
| Health Insurance For Self-Employed | 27 |
| Charitable Contributions - §170 | 28 |
| Requirements for Deductibility | 28 |
| Limitations on Contributions | 28 |
| 50% Ceiling | 28 |
| 30% Ceiling | 28 |
| 20% Ceiling | 28 |
| Carryovers - Five Years | 28 |
| Casualty & Theft Losses - §165 | 29 |

| Casualty | 29 |
|---------------------------------------|----|
| Theft | 29 |
| Limitations | 29 |
| Special Residence Rule | 29 |
| Disaster Area Losses | 29 |
| Unsafe Home | 30 |
| Special Residence Rule | 30 |
| Home Sales | 31 |
| Exclusion Amount | 31 |
| Two Year Ownership & Use Requirements | 31 |
| Tacking of Prior Holding Period | 31 |
| Prorata Exception | 31 |
| Limitations on Exclusion | 31 |
| Vacant Land | 32 |
| Moving Expenses - §217 | 32 |
| Distance Test | 33 |
| Time Test | 33 |
| Time Test for Employees | 33 |
| Time Test for Self-employment | 33 |
| Home Mortgage Interest | 34 |
| Home Acquisition Debt | 34 |
| Home Equity Debt | 34 |
| Points | 35 |
| Exception - Fully Deductible Points | 35 |
| Property Rights | 35 |
| Marital Property | 36 |
| Common Law Property | 36 |
| Community Property | 36 |
| Equitable Distribution | 36 |
| Separate Property | 36 |
| Premarital Agreements | 37 |
| Limitations | 37 |
| Enforceability Requirements | 37 |
| Property Settlements | 37 |
| Passive Activity Loss Property | 38 |
| Residence | 38 |
| Qualified Domestic Relations Order | 38 |
| Alimony | 38 |
| Recapture of Alimony | 39 |
| Child Support | 39 |
| Contingency Relating To the Child | 39 |
| Clearly Associated With a Contingency | 39 |
| Elderly & Disabled Planning | 40 |
| Managing the Estate | 40 |
| Catastrophic illness | 40 |
| Health Care Decisions | 40 |
| Accelerated Death Benefits | 41 |
| Terminally III Individual | 41 |
| Chronically Ill Individual | 41 |
| Exclusion Limited | 41 |
| Estate Planning | 41 |
| | |

| Simple Will | 42 |
|--|----|
| Applicable Exclusion | 42 |
| Portability – Deceased Spousal Unused Exclusion Amount | 42 |
| Danger for Larger Estates | 42 |
| Probate | 42 |
| Living "A-B" Revocable Trust | 43 |
| Living "A-B-C" (QTIP) Trust | 45 |
| Impact of Spousal Portability on Trust B under TUIRJCA | 46 |
| Glossary | 53 |
| Index of Keywords & Phrases | 55 |

Learning Objectives

After reading the materials, participants will be able to:

1. Recognize the effect of marital status on filing status, identify the advisability of filing a joint return enlight of the innocent spouse rules, specify available exemptions, and determine the differences between deductible and nondeductible divorce costs.

2. Identify the costs and fees that qualify for the tax credit for adoption expenses and for education credits, such as the HOPE credit, and cite the requirements for dependent care assistance and the contribution limits for Coverdell ESAs.

3. Determine medical cost deductions available to individuals under §213, specify items qualifying as deductible §163 home mortgage interest, and recognize the taxation of §1041 interspousal transfers particularly as to property settlements.