



Department of the Treasury
Internal Revenue Service

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Tax Highlights for Persons with Disabilities

For use in preparing
1997 Returns



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See *How To Get More Information* in this publication.

Introduction

This publication gives you a brief introduction to certain tax laws of particular interest to people with disabilities and those who care for people with disabilities. It includes highlights of tax laws pertaining to:

- Income,
- Itemized deductions, and
- Tax credits.

You will find most of the information you need to complete your tax return in your form instruction booklet. If you need additional information, you may want to order a free tax publication. You may also want to take advantage of the other free tax help services that IRS provides.

See *How To Get More Information*, at the end of this publication, for information about getting publications, forms, and free tax services.

Income

All income is taxable unless it is specifically excluded by law. The following discussions highlight some income items (both taxable and nontaxable) that are of particular interest to persons with disabilities and persons who care for people with disabilities. See Publication 525, *Taxable and Nontaxable Income*, for more information.

Dependent Care Assistance

You can exclude from income benefits provided under your employer's qualified dependent care assistance plan. You may be able to exclude up to \$5,000. The care must be provided for your dependent under the age of 13 or your spouse or dependent who is not capable of self-care.

If you file Form 1040, get Form 2441, *Child and Dependent Care Expenses*, and its instructions. If you file Form 1040A, get Schedule 2 (Form 1040A), *Child and Dependent Care Expenses for Form 1040A Filers*, and its instructions. Publication 503, *Child and Dependent Care Expenses*, contains more detailed information.

Social Security and Equivalent Tier 1 Railroad Retirement Benefits

If you received social security or equivalent tier 1 railroad retirement benefits during the year, part of the amount you received may be taxable.

Supplemental security income (SSI) payments. If you received any SSI payments during the year, do not include these payments in your income. They are not taxable for federal income tax purposes.

Are any of your benefits taxable? If the only income you received during the year was your social security or equivalent tier 1 railroad retirement benefits, your benefits generally are not taxable and you probably do not have to file a return.

If you received income during the year in addition to social security or equivalent tier 1 railroad retirement benefits, part of your benefits may be taxable if your income plus half of your benefits is more than:

- ☒ \$25,000 if you are single, head of household, or qualifying widow(er),
- ☒ \$25,000 if you are married filing separately and lived apart from your spouse for all of the year,
- ☒ \$32,000 if you are married filing jointly, or
- ☒ \$— if you are married filing separately and lived with your spouse at any time during the year.

For more information, see the instructions for lines 20a and 20b (Form 1040) or lines 13a and 13b (Form 1040A). Publication 915, *Social Security and Equivalent Railroad Retirement Benefits*, contains more detailed information.

Disability Pensions

Generally, you must report as income any amount you receive for your disability through an accident or health insurance plan that is paid for by your employer. If both you and your employer pay for the plan, report as income only the amount you receive for your disability that is due to your employer's payments. However, certain payments may not be taxable to you. Your employer should be able to give you specific details about your pension plan and tell you the amount you paid for your disability pension. See Publication 525 for more information.

Military and Government Disability Pensions

Generally, you must report disability pensions as income. But certain military and government disability pensions are not taxable. For more information about military and government disability pensions and VA benefits, see Publication 525.

Veterans' benefits. Disability benefits you receive from the Department of Veterans Affairs (VA) are not included in your gross income. If you are a military retiree and do not receive your disability benefits from the VA, do not include in your income the amount of disability benefits equal to the VA benefits to which you are entitled.

Veterans' benefits paid under any law, regulation, or administrative practice that was in effect on September 9, 1986, and administered by the VA are not included in gross income. These include:

- ☒ Education, training, or subsistence allowances,
- ☒ Grants for specially adapted homes for veterans with disabilities, or
- ☒ Grants for motor vehicles and adaptive equipment for veterans with disabilities.

Other Payments

You may receive other payments that are related to your disability. The following payments are not taxable.

- Benefit payments from a public welfare fund, such as payments due to blindness.
- Workers' compensation for an occupational sickness or injury.
- Damages for physical injury or physical sickness.
- Disability benefits under a "no-fault" car insurance policy for loss of income or earning capacity as a result of injuries.
- Compensation for permanent loss or loss of use of a part or function of your body, or for your permanent disfigurement.

Long-Term Care Insurance

Qualified long-term care insurance contracts are generally treated as accident and health insurance contracts. Amounts you receive from them (other than policyholder dividends or premium refund) generally are excludable from income as amounts received for personal injury or sickness. More detailed information can be found in Publication 525.

Itemized Deductions

If you file Form 1040, you can either claim the standard deduction or itemize your deductions. You must use Schedule A (Form 1040) to itemize your deductions. See your form instructions for information on the standard deduction and the deductions you can itemize. The following discussions highlight some itemized deductions that are of particular interest to persons with disabilities.

Medical Expenses

You can deduct medical and dental expenses for you, your spouse, and your dependents.

Medical expenses include payments you make for the diagnosis, cure, mitigation, treatment, or prevention of disease or for treatment affecting any part or function of the body. They also include the cost of transportation for needed medical care and payments for medical insurance.

You can deduct only the part of your medical and dental expenses that is more than 7.5% of your adjusted gross income shown on line 33, Form 1040.

In the discussions that follow, only the highlights are given. For more detailed information, get Publication 502, *Medical and Dental Expenses*.

Special Items and Equipment

Your medical expenses can include payments for any of the following items.

- Artificial limbs, eyeglasses, and hearing aids.
- The part of the cost of braille books and magazines that exceeds the price of regular books and magazines.

- ☞ Cost and repair of special telephone equipment for hearing-impaired persons.
- ☞ Cost of equipment that displays the audio part of television programs as subtitles for hearing-impaired persons.
- ☞ The cost and maintenance of a wheelchair or autoette.
- ☞ Cost and care of a guide dog or other animals aiding persons with disabilities.
- ☞ A therapist or other person who gives “patterning” exercises to a mentally retarded child.
- ☞ Special schools, if the main reason for using the school is its resources for relieving the mental or physical disability, such as schools that teach Braille or lip reading.
- ☞ Remedial language training to correct a condition caused by a birth defect.
- ☞ Improvements to your home that do not increase its value if the main purpose is medical care. (An example of an improvement would be constructing entrance or exit ramps to your home.)
- ☞ Unreimbursed expenses for qualified long-term care services and qualified long-term care premiums up to certain amounts.

Impairment-Related Work Expenses

If you are an employee and have a physical or mental disability that functionally limits your employment, or a physical or mental impairment that substantially limits one or more of your major life activities, you may be able to claim impairment-related work expenses. These are your allowable business expenses for attendant care at your workplace and other expenses in connection with your workplace that allow you to work. Generally, these include expenses that are:

- 1) Necessary for you to do your work satisfactorily,
- 2) For goods and services not required or used (other than incidentally) in your personal activities, and
- 3) Not specifically covered under other income tax laws.

Employee business expenses are subject to a 2% of adjusted gross income limit. However, impairment-related work expenses are not subject to the 2% limit.

If you have impairment-related work expenses, complete Form 2106, *Employee Business Expenses*, or Form 2106-EZ, *Unreimbursed Employee Expenses*, and attach it to your Form 1040.

Tax Credits

This discussion highlights three tax credits that are of interest to persons with disabilities and persons who care for people with disabilities.

Child and Dependent Care Credit

Generally, if you pay someone to care for your dependent under age 13 or your spouse or dependent who is not capable of self-care, you may be able to get a credit of up to 30% of your expenses. You must pay these expenses so you can work or look for work.

You can claim the credit on Form 1040 or 1040A. You figure the credit on Form 2441 (Form 1040) or Schedule 2 (Form 1040A).

For more information, see the instructions for line 40 (Form 1040) or line 24a (Form 1040A). Publication 503 contains more detailed information.

Credit for the Elderly or the Disabled

You may claim this credit if you are 65 or older, or retired on disability and were permanently and totally disabled when you retired.

You can claim the credit if you file Form 1040 or 1040A. You figure the credit on Schedule R (Form 1040) or on Schedule 3 (Form 1040A).

For more information, see the instructions for line 41 (Form 1040) or line 24b (Form 1040A). Publication 524, *Credit for the Elderly or the Disabled*, contains more detailed information.

Earned Income Credit

Generally, for 1997 you can get this credit if you worked and earned less than:

- \$ 9,770 and did not have a qualifying child,
- \$25,760 and had one qualifying child, or
- \$29,290 and had more than one qualifying child.

To figure the credit, use the Earned Income Credit Worksheet in the instructions for Form 1040, 1040A, or 1040EZ. If you have a qualifying child, also complete Schedule EIC and attach it to your Form 1040 or 1040A. You cannot use Form 1040EZ if you have a qualifying child.

For more information, see the instructions for line 56a (Form 1040), line 29c (Form 1040A), or line 8a (Form 1040EZ). Publication 596, *Earned Income Credit*, contains more detailed information.

Household Employers

Generally, if you pay someone to work in your home, such as a babysitter or housekeeper, you may be a household employer who has to pay employment taxes.

A person you get through a placement agency to work in your home to care for a child or an elderly or disabled person is not your employee if the agency controls what work is done and how it will be done. This control could include setting the fee, requiring regular reports, and providing rules of conduct and appearance.

In this case you do not have to pay employment taxes on the amount you pay. But if an agency merely gives you a list of workers and you hire one from that list, the worker may be your employee.

To find out if you have to pay employment taxes, see Publication 926, *Household Employer's Tax Guide*.

Business Tax Incentives

If you own or operate a business, you should be aware of two tax incentives for helping persons with disabilities. They are:

- **Deduction for costs of removing architectural or transportation barriers**—This is a deduction you can take for making your facility or public transportation vehicle more accessible to and usable by persons who are disabled or elderly. See chapter 11 in Publication 535, *Business Expenses*.
- **Disabled Access Credit**—This is a tax credit for an eligible small business that pays or incurs expenses to provide access to persons with disabilities. The expenses must be paid or incurred to enable the eligible small business to comply with the Americans with Disabilities Act of 1990. See the instructions for Form 8826, *Disabled Access Credit*, for more information.

How To Get More Information



You can get help from the IRS in several ways.

Free publications and forms. To order free publications and forms, call 1-800-TAX-FORM (1-800-829-3676). You can also write to the IRS Forms Distribution Center nearest you. Check your income tax package for the address. Your local library or post office also may have the items you need.

For a list of free tax publications, order Publication 910, *Guide to Free Tax Services*. It also contains an index of tax topics and related publications and describes other free tax information services available from IRS, including tax education and assistance programs.

If you have access to a personal computer and modem, you also can get many forms and publications electronically. See *Quick and Easy Access to Tax Help and Forms* in your income tax package for details.

Tax questions. You can call the IRS with your tax questions. Check your income tax package or telephone book for the local number, or you can call 1-800-829-1040.

TTY/TDD equipment. If you have access to TTY/TDD equipment, you can call 1-800-829-4059 to ask tax questions or to order forms and publications. See your income tax package for the hours of operation.

Braille tax materials. Braille tax materials are available for review from any of the *Regional Libraries for the Visually Impaired* in conjunction with the National Library Service for the Blind and Physically Handicapped. To locate your nearest library write to the National Library Service for the Blind and Physically Handicapped, Library of Congress, 1291 Taylor St., NW, Washington, DC 20542. Braille materials currently available for review are:

- Publication 17, *Your Federal Income Tax*,
- Publication 334, *Tax Guide for Small Business (for Schedule C or C-EZ (Form 1040) Filers)*, and
- Forms 1040, 1040A, 1040EZ and related instructions.

Evaluating the quality of our telephone services.

To ensure that IRS representatives give accurate, courteous, and professional answers, we evaluate the quality of our "800 number" telephone services in several ways.

- A second IRS representative sometimes monitors live telephone calls. That person only evaluates the IRS assistor and does not keep a record of any taxpayer's name or tax identification number.
- We sometimes record telephone calls to evaluate IRS assistors objectively. We hold these recordings no longer than one week and use them only to measure the quality of assistance.
- We value our customers' opinions. Throughout this year, we will be surveying our customers for their opinions on our service.