

Is Child Support Taxable Income?

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Is child support taxable? The short answer is “No.” Neither parent can deduct child support on IRS income tax filings. The noncustodial parent that pays the child support payments cannot claim the payments as an expense on his or her tax return. The custodial parent who receives the child support does not need to report the support payments as income on the IRS tax return. So, child support is not *deductible* for the payor or *taxable* for the recipient of the payments. This seems very simple. But there’s more to the story! It turns out that in some cases child support **IS** tax deductible for the payor — though indirectly.

When ARE Child Support Payments Included in Tax Returns?

Again, does child support count as income for the recipient? No. Does child support count as an expense for the payor? Again, no — well, not *directly*. However, in cases of divorce or legal separation, the parent who pays child support may be eligible to claim the child as a dependent under the IRS *special rule* that allows this arrangement based on the amount of time throughout the tax year that the child resided with each parent.

Can Divorced Parents Both Claim Their Child on Taxes?

Claiming a child dependent as an expense on your IRS tax filing is a different matter than including child support payments in your income or expense tax claims. If the noncustodial parent is eligible to count the child as a qualifying dependent and claim the tax deduction based on that claim, the custodial parent may not also claim a deduction for the child as a dependent. Only one parent or the other can claim the child as a dependent in any given tax year. See IRS Publication 504 for more information.

Child Support as an Expense Vs. Child as a Dependent

So, let's further clarify the answer to the question, "If I pay child support can I claim my child on taxes." To do that, let's emphasize the distinction between claiming child support as a deduction and claiming a child as a dependent for a deduction.

To legally claim a child as a dependent allows the payor to receive the standard deduction for a dependent. For the noncustodial parent to claim a child as a dependent, he or she must file IRS Form 8332. This form is a release of the custodial parent's claim to a dependent exemption for the child.

The form must be signed by the custodial parent. This releases his or her claim to the tax deduction to the noncustodial parent. It officially confirms that the custodial parent will not be claiming the child as a qualifying dependent for the tax year in question. The form must then be filed along with the tax return filed by the noncustodial parent.

If you are still uncertain about the answer to the question, "Is child support tax deductible?" see the IRS publication for more detailed information.

Child Support Issues? Call the Law Office of David Pedrazas.

For the past 20 years, Attorney David Pedrazas and his team have been helping people with all matters of Utah family law. The state statutes can make child support questions and other domestic legal issues confusing. That can mean more stress for families at an already very emotionally charged and otherwise difficult time. It's a critical time to have the best family law attorney available to you in Utah.

For questions about Utah divorce and child support laws, call the Law Office of David Pedrazas at (801) 263-7078, or contact us here online.
