



About Alimony as Taxable Income or Deduction

Alimony is financial support paid to a spouse or former spouse to whom you were legally married. Alimony is also called “maintenance”. It is not child support.

Depending on the year of the tax return and of the divorce decree or legal separation, the taxpayer who makes payments to a spouse or former spouse might be able to deduct it on their tax return, while the taxpayer who receives the payments might be required to include it as taxable income.

Date of Divorce Decree or Legal Maintenance/Separation Agreement	Outcome
January 1, 2019 and after	<ul style="list-style-type: none"> ● alimony or maintenance payments are not deductible from the income of the payer spouse; and ● alimony or maintenance payments are not reported as income for the receiving spouse
December 31, 2018 and prior	<ul style="list-style-type: none"> ● alimony or maintenance payments are deductible from the income of the payer spouse; and ● alimony or maintenance payments are must be reported as income for the receiving spouse

The tax law relates to payments under divorce or separation agreements. These include:

- Divorce decrees
- Separate maintenance decrees
- Written separation agreements

What If the Divorce or Separation Agreement is Modified?

If an agreement was executed on or before Dec. 31, 2018 and then modified after that date, the alimony is not deductible or reported as income if the modifications:

- Change the terms of the alimony or separate maintenance payments.
- Specifically state that alimony or separate maintenance payments are not deductible by the payer spouse or includable in the income of the receiving spouse.

If an agreement was modified after Dec. 31, 2018 but the modifications do not include the above items, alimony will continue to be treated as a deduction and taxed as income.

Who Can Claim the Alimony Deduction?

- You must be divorced or legally separated from the spouse to whom you make the payments, and the year of the decree must be before 2019.

- You, your spouse, or former spouse cannot be members of the same household at the time you make the alimony payments.
- Your spouse or former spouse must include the alimony payments or separate maintenance payments as income on his or her return.
- You must pay the alimony within the year you're taking the deduction.

What Is Not Deductible?

- Child support
- Property settlements you made as a result of a divorce
- Legal fees you paid to defend yourself in an alimony suit
- Payments you made voluntarily that are not identified in a divorce or separate agreement as alimony
- Payments you made to maintain your spouse's house or other real estate

Special circumstances or exceptions:

- If you made alimony payments to a spouse who has recently passed away, you can deduct the payments you made before their death.
- If your third year alimony payments decrease by more than \$15,000 from your second year payments, you are subject to the recapture rule. The recapture rule basically says you have to report part of the alimony you paid during the first two years as income, should your payments decrease by more than \$15,000 during your third year of payments.

Entering Alimony in TaxSlayer as a Deduction

You must have the date of the divorce or separation decree and the receiving spouse's SSN/ITIN to claim the deduction.

1. Navigate to **Federal Section** **Deductions** **Adjustments** **Alimony Paid**.
2. Enter the receiving spouse's SSN or ITIN in **Recipient's SSN**.
3. Enter the alimony paid for the tax year in **Amount Paid**.
4. Enter the date of the divorce or separation agreement.

Alimony Paid

Recipient's SSN

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Amount Paid *

 \$

Date of original divorce or separation agreement *

 MM DD YYYY



Entering Alimony in TaxSlayer as Income

You must have the date of the divorce or separation.

1. Navigate to **Federal Section** **Income** **Alimony Received**.
2. Enter the amount of alimony received by the taxpayer.
3. Enter the date of the divorce or separation agreement.

Alimony Received

Amount of Alimony Taxpayer Received

Date of original divorce or separation agreement

*If the agreement has been modified to conform to TCJA after 2018, enter this date of modification instead.

MM	▼	DD	▼	YYYY	▼
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