

Policy & Preparation: MFJ with Deceased Spouse

If one spouse of a taxpayer couple who will file Married Filing Jointly (MFJ) died during the tax year and the surviving spouse did not remarry, the Tax Help Program can prepare the tax return.

The surviving spouse must present the following at Intake:

- a death certificate for the spouse
- the ID and proof of SSN for both the deceased and surviving spouses

If the tax return is for a deceased taxpayer and someone other than the surviving spouse wants to prepare a tax return for a deceased taxpayer, refer to [Policy & Preparation: Court-Appointed Representative or Executor for Deceased Taxpayer](#).

Note: A surviving spouse who is caring for dependent children may be eligible to file using **Qualifying Surviving Spouse (QSS)** status for up to two years following the death of their spouse. See [Understanding Qualifying Surviving Spouse \(QSS\) Status](#) for the conditions and benefits of doing so.

How to Assist the Taxpayer

Start a new Married Filing Jointly (MFJ) return in TaxSlayer.

1. Navigate to **Basic Information**→**Personal Information**.
2. Enter information for the primary and secondary taxpayers.
3. For the deceased spouse, be sure to check **Taxpayer is deceased** and enter the date of death from the death certificate.

Taxpayer is deceased.

Date of Death *

8	16	2021
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Note: TaxSlayer will automatically include the word “**DECEASED**” and the date of death to the right of the decedent’s name on page 1 of Form 1040. See below.

Form 1040 Department of the Treasury—Internal Revenue Service (99) U.S. Individual Income Tax Return		2020	OMB No. 1545-0074	IRS Use Only—Do not write or staple in this space.
Filing Status <input type="checkbox"/> Single <input checked="" type="checkbox"/> Married filing jointly <input type="checkbox"/> Married filing separately (MFS) <input type="checkbox"/> Head of household (HOH) <input type="checkbox"/> Qualifying widow(er) (QW) Check only one box. If you checked the MFS box, enter the name of your spouse. If you checked the HOH or QW box, enter the child's name if the qualifying person is a child but not your dependent ▶				
Your first name and middle initial	Last name	Age: 58	Your social security number	
JOAN M	TAXPAYER	DECEASED:9/1/2021	123	45 6788
If joint return, spouse's first name and middle initial	Last name	Age: 59	Spouse's social security number	
JOHN	TAXPAYER		123	45 6789
Home address (number and street). If you have a P.O. box, see instructions.			Apt. no.	Presidential Election Campaign

4. Prepare the return as usual.
5. To determine the Return Type, see below.

Can the Return be E-Filed?

- ▶ The tax return can be **e-filed** if **all** of these conditions are met:
- a death certificate is provided; **and**
 - the date of death is not greater than 6 months prior to return preparation (and date of presumed efile); **and**
 - a refund is due to the taxpayer; **and**
 - there is no other circumstance that prevents e-filing; **and**
 - a copy of the death certificate is kept in the Processing Envelope.

If any of these conditions are not met, the return must be **Paper**.

Important! Explain to the client that the IRS may reject the return if the SSN of the deceased has been “locked”. If the client wishes to proceed with e-filing, follow the steps for **e-filing** below. If the client wishes to proceed with a Paper return, follow the steps for a **Paper** return below

- ▶ For e-filing, follow these steps:
- Make a note in TaxSlayer that one taxpayer spouse is deceased and the return was prepared with the death certificate.
 - Set the **Return Type** to **E-file** in TaxSlayer.
 - Ask the surviving spouse to sign **Form 8879** for themselves and then for the deceased spouse as follows: (*Deceased Spouse Name*) by (*surviving spouse name*) filing as surviving spouse
 - Prepare two (2) printed copies of the complete tax return:
 - one copy that is ready to mail with all required tax documents attached (do not include the death certificate); and

- one copy for the client's records.
- Instruct the client not to mail the tax return to the IRS unless they receive a call from the Tax Help Program instructing them to do so because the e-filed tax return has been rejected.
- Place a copy of the death certificate and all IDs and SSN proof in the Processing Envelope, as well as any **Form W-2s** included on the tax return.

► For a **Paper** return, follow these steps:

- Make a note in TaxSlayer that one taxpayer spouse is deceased and the return was prepared with the death certificate.
- Set the **Return Type** to **Paper** in TaxSlayer.
- Prepare two (2) printed copies of the complete tax return:
 - one copy that is ready to mail with all required tax documents attached (do not include the death certificate); and
 - one copy for the client's records.
- Ask the surviving spouse to sign the printed tax return to be mailed for themselves and then for the deceased spouse as follows: ***(Deceased Spouse Name) by (surviving spouse name) filing as surviving spouse***
- Instruct the taxpayer to mail the tax return to the IRS.
- Place a copy of the death certificate and all IDs and SSN proof in the Processing Envelope, as well as any **Form W-2s** included on the tax return.