

# Instructions for PA-40 Schedule SP

## Special Tax Forgiveness

PA-40 Schedule SP (04-17)

### WHAT'S NEW

Separate filing instructions for PA-40 Schedule SP, Special Tax Forgiveness, have been developed by the department.

### GENERAL INFORMATION

#### PURPOSE OF SCHEDULE

Use PA-40 Schedule SP to claim the Tax Forgiveness Credit for taxpayers who meet the qualifications to reduce all or a part of their Pennsylvania Tax Liability.

Refer to Chapter 20 of the PA PIT Guide for additional information.

### RECORDING DOLLAR AMOUNTS

Show money amounts in whole-dollars only. Eliminate any amount less than \$0.50 and increase any amount that is \$0.50 or more to the next highest dollar.

### WHO MUST COMPLETE

PA-40 Schedule SP must be completed and included with an originally filed PA-40, Personal Income Tax Return, for any taxpayer(s) claiming the Tax Forgiveness Credit on Line 21 of the PA-40.

An amended PA Schedule SP must be included with Schedule PA-40X if increases or decreases in income amounts or changes to any information in Parts A, B or C of PA Schedule SP are discovered after an original or other amended return is filed with the department. Part III on Page 2 of Schedule PA-40X must be completed to explain any changes to the information on PA-40 Schedule SP resulting in changes to the Tax Forgiveness credit reported on an amended PA-40, Personal Income Tax Return.

### FORM INSTRUCTIONS

#### IDENTIFICATION INFORMATION

##### Name of Taxpayer Claiming Tax Forgiveness

Enter the name of the taxpayer claiming Tax Forgiveness. If a jointly filed return, enter the name of the primary taxpayer (name shown first on the PA-40, Personal Income Tax Return).

##### Spouse's Name

Enter the spouse's name if filing Married, Filing Jointly or Married, Filing Separately on the PA-40, Personal Income Tax Return.

##### Social Security Number

Enter the Social Security number (SSN) of the taxpayer. If a jointly filed return, enter the primary taxpayer's SSN.

##### Spouse's Social Security Number

Enter the spouse's SSN even if filing Married, Filing Separately.

### GENERAL INSTRUCTIONS

#### What is Tax Forgiveness?

Tax Forgiveness is a credit that allows eligible taxpayers to reduce all or part of their PA tax liability. Tax Forgiveness:

- Gives a state tax refund to some taxpayers; and
- Forgives some taxpayers of their liabilities even if they have not paid their PA personal income tax.

#### Who is Eligible for Tax Forgiveness?

A taxpayer and spouse, if applicable, are eligible if:

1. Subject to PA personal income tax. Taxpayer and spouse are liable for PA tax on income (or would be liable if earned, received, or realized PA-taxable income);
2. Not a dependent on another person's federal tax return; and
3. The eligibility income requirements are met.



**NOTE:** A dependent child may also be eligible if he or she is a dependent on the PA-40 Schedule SP

of his or her parents, grandparents, or foster parents.

#### How Do I Claim Tax Forgiveness?

To claim Tax Forgiveness, complete and submit a PA Schedule SP, and:

1. Determine Eligibility Income. If married, whether filing Married, Filing Jointly or Married, Filing Separately, total or joint Eligibility Income must be determined in Part C (taxpayer Eligibility Income plus the spouse's Eligibility Income).
2. Determine the Filing Status in Part A.
3. Calculate the Tax Forgiveness Credit, using the applicable Eligibility Income Table, in Part D.

**IMPORTANT:** There is no advantage to filing separately because married claimants must report their Joint Eligibility Income on PA Schedule SP. The spouse's SSN must be included, even if filing Married, Filing Separately.

#### Claiming Dependents on Separate PA Schedules SP

It is possible that a taxpayer and spouse file jointly for federal income tax purposes, but must file separately for Pennsylvania personal income tax purposes. If qualifying for Tax Forgiveness, the taxpayer and spouse must each complete PA-40 Schedule SP as if filing jointly. Each must report the same information including dependents and the joint Eligibility Income. The Married and Filing Separate ovals in Part A of each PA-40 Schedule SP must be completed. A copy of the PA-40 Schedule SP must be included with both PA-40, Personal Income Tax Returns, for the taxpayer and spouse.

#### Nonresidents and Part-Year Residents

Taxpayers who are nonresidents and part-year residents of Pennsylvania may claim Tax Forgiveness if meeting all the eligibility requirements. Such taxpayers must include in their Eligibility Income all income as described whether earned within or outside Pennsylvania. Nonresident and part-year

resident taxpayers who file paper copies of the PA-40, Personal Income Tax Return, must also include a copy of page one of their federal income tax return along with their completed PA-40 Schedule SP.

**CAUTION:** Residents of reciprocal states that have Pennsylvania-taxable income in Pennsylvania classes of income other than compensation must also include all their nontaxable income earned outside Pennsylvania, as well as the compensation not taxable to Pennsylvania as a resident of a reciprocal state, on Line 6 of PA-40 Schedule SP.

## LINE INSTRUCTIONS

### ELIGIBILITY QUESTIONS

#### LINE 1

Answer the question regarding if the taxpayer is a dependent on another taxpayer's (parent, guardian, grandparent, step-parent, etc.) federal tax return.

#### LINE 2

If yes is the answer on Line 1, answer the question regarding whether the taxpayer on whose tax return the dependency is claimed also qualifies for Tax Forgiveness.

**IMPORTANT:** If "No" is the answer on Line 1, proceed with completing the remaining part of PA-40 Schedule SP to determine eligibility for Tax Forgiveness. If "Yes" is the answer on Line 1 and Line 2, proceed with completing the remaining parts of PA-40 Schedule SP to determine eligibility for Tax Forgiveness. If "Yes" is the answer on Line 1 and "No" is the answer on Line 2, Tax Forgiveness may not be claimed.

### PART A, FILING STATUS

Fill in the oval(s) that accurately describe(s) the filing status as of Dec. 31 of the tax year.

#### LINE 1

Complete the unmarried oval on PA-40 Schedule SP if single, widowed and could not or did not elect to file a joint return in the year of death of the taxpayer and/or spouse, or divorced on Dec. 31 of the tax year. Also

complete the unmarried/separated oval on Line 19a of the PA-40, Personal Income Tax Return.

#### Line 1a

Complete this oval if single, unmarried, divorced or widowed and could not or did not elect to file a joint return in the year of death of the taxpayer and/or spouse.

#### Line 1b

Complete this oval claimed as a dependent on another person's PA-40 Schedule SP. Enter the other person's SSN and name in the spaces provided.

#### Students

A full-time student who is a dependent on his/her parents' federal income tax return cannot claim this credit, regardless of his/her income, unless his/her parents are eligible for Tax Forgiveness. In this case, the student claimant must file his/her own tax return and PA-40 Schedule SP.

#### LINE 2

Complete the separated oval on PA-40 Schedule SP only if separated and living apart at all times during the last six months of the tax year, or separated pursuant to a written separation agreement. Also complete the unmarried/separated oval on Line 19a of the PA-40, Personal Income Tax Return.

#### LINE 3

Complete the married oval on PA-40 Schedule SP if married and living together or a joint return was elected to be filed in the year of death of the taxpayer and/or spouse. Also complete the married oval if filing married and living apart for less than the last six months of the tax year or were separated, but not by a written separation agreement. In addition, complete the married oval on Line 19a of the PA-40, Personal Income Tax Return.

#### Line 3a

Complete this oval if married and living together or a joint return was elected to be filed in the year of death of the taxpayer and/or spouse.

#### Line 3b

Complete this oval if married and filing separate PA-40, Personal Income Tax Returns.

**NOTE:** Columns B and C must be completed in Part C, Eligibility Income.

#### Certification

Complete this oval if certifying the information included on each Schedule SP is the same.

#### Line 3c

Complete this oval if married and the spouse is dependent on another person's federal tax return. Enter the other person's SSN and name in the spaces provided.

**NOTE:** Columns B and C must be completed in Part C, Eligibility Income.

#### Line 3d

Complete this oval if married and lived apart but not for the last six months of the tax year.

**NOTE:** Columns B and C must be completed in Part C, Eligibility Income.

When claiming Tax Forgiveness together, either the taxpayer or spouse must meet the eligibility requirements, but the Joint Eligibility Income and Eligibility Income Table 2 must be used.

When filing separately, the taxpayer and spouse must combine their Eligibility Incomes to determine if they meet the eligibility requirements. A married taxpayer cannot claim Tax Forgiveness independently of his or her spouse. Married claimants are not dependents of one another for Tax Forgiveness purposes, even when one spouse does not have any Eligibility Income. Each must use the Joint Eligibility Income and Eligibility Income Table 2, and fill in the oval and certify that the same information for PA-40 Schedule SP is being used.

When one spouse is claimed as a dependent on another person's federal income tax return, otherwise qualifying married taxpayers must file separately.

**EXAMPLE:** Scott is a dependent on his parents' federal income tax return and is not eligible for Tax Forgiveness. His wife, Paula, is not a dependent, and may complete PA-40 Schedule SP. Paula may not claim Scott as a dependent, but must include his Eligibility Income when calculating her Total Eligibility Income. Additionally, if Scott's parents qualify for Tax Forgiveness, Scott may also qualify if he included Paula's income in his Total Eligibility Income.

## LINE 4

Complete this oval if the tax return is being filed for a person who died during the tax year and/or the deceased person's surviving spouse or deceased spouse could not or did not elect to file a joint return with the deceased taxpayer. Annualization of a deceased taxpayer and/or spouse's income may be required in order to determine total Eligibility Income for Tax Forgiveness purposes. Also complete the deceased oval on Line 19a of the PA-40, Personal Income Tax Return.


### Annualization of Income

In order to determine eligibility for Tax Forgiveness, the Eligibility Income for a complete year must be used as the tables in Part D of PA-40 Schedule SP use an annual income amount in the calculation of the forgiveness factor. As a result, taxpayers that do not have a complete tax year's income (usually deceased taxpayers) must annualize their income. To annualize a deceased taxpayer's income, the income realized by the decedent is divided by the number of days (or months) the decedent lived and multiplied by 365 days (or 12 months) may be used. From this product, subtract the amount of realized income and include the remainder in the amount reported on Line 2 of Part C for PA-40 Schedule SP. One time transactions, such as those from the sale of stock or real property, need not be included when determining the amount of the realized income before multiplying by the number of days or months in the tax year. Realized income includes Pennsylvania-taxable income and any other eligibility income listed on Lines 2 through 10 for Part C of PA-40 Schedule SP. Separate calculations of annualized income amounts may be required for each of the Lines 2 through 10 in Part C of PA-40 Schedule SP.

When determining the amount of annualized income, the total Eligibility Income on the prior year's return may be used if the individual was eligible for Tax Forgiveness, received approximately the same income during this taxable year and did not have any transactions that were different from the previous tax year. The department will usually accept a reasonable calculation of the decedent's annual Eligibility Income.


**EXAMPLE:** Jerry and Pat have been married for 50 years and Jerry dies on

October 1 of the most recent tax year. Pat elects to file a joint return with her deceased spouse. Jerry worked as a custodian for a local school to supplement their social security income and died while still employed. Jerry and Pat also had joint interest and dividend income during the tax year. Jerry's compensation income must be annualized and the amount Jerry might have earned for the remaining three months of the tax year must be included on Line 2 in Part C of PA-40 Schedule SP. Because Pat is electing to file a joint return, the interest and dividend income from the joint ownership of the assets is not required to be annualized. If the surviving spouse (Pat) or Jerry's estate elects to file a separate return, Jerry's return would need to include annualized income from the interest and dividend classes of income in addition to the annualized compensation income.

 **IMPORTANT:** Surviving spouses should not include any income in respect of a decedent, income that should be included on the estate tax return, or any income of the deceased taxpayer (including the decedent's half of any joint income received prior to the decedent's date of death) in the taxable income or in the calculation of the Eligibility Income of the surviving spouse when a separate return is filed by the surviving spouse.

## PART B, DEPENDENT CHILDREN

A dependent child for PA-40 Schedule SP purposes is a minor or adult child claimed as a dependent on a federal income tax return.

 **TIP** If there are no dependents, go to Part C of PA-40 Schedule SP.

The Department of Revenue has a two-step test for a dependent child:

### 1. Is the individual a child of the claimant?

For Pennsylvania income tax purposes, a child includes the natural child, adopted child, or step-child of a parent. Child also includes a grandchild of a grandparent and a foster child of a foster parent. Therefore, a son or daughter, a grandchild, or a foster child can be claimed as a dependent for PA-40 Schedule SP if the child is claimed as a dependent on the federal income tax return of the taxpayer.

However, an aunt, uncle, or unrelated person cannot claim a child as a dependent, as defined above, even if claiming the child as a dependent on a federal income tax return.

### 2. Can the claimant claim the child as a dependent for federal tax purposes?

The age, status as a full-time student, and gross income of a daughter, son, granddaughter, grandson, or foster child are factors only in determining whether the claimant can claim the child as a dependent for federal purposes. For example, parents that can claim a qualifying 30-year-old child for federal purposes can claim that child as a dependent for PA-40 Schedule SP purposes.

A dependent child cannot be claimed on PA-40 Schedule SP if:

- The dependent is not a child of the taxpayer, as defined above;
- The child cannot be claimed on the federal tax return of the taxpayer;
- The taxpayer is unmarried for Tax Forgiveness purposes, and the former spouse by agreement or court decree can claim the child as a dependent for federal and PA-40 Schedule SP purposes; or
- The child's other parent, by agreement or court decree, can claim the child as a dependent for federal tax and Pennsylvania Tax Forgiveness purposes.

No other adult can be claimed as a dependent, even if doing so on a federal tax return.

A dependent child with taxable income in excess of \$33 must file a PA-40, Personal Income Tax Return. If that child's parents qualify for Tax Forgiveness, that child is also eligible for this credit. The child must file a tax return and a PA-40 Schedule SP. The child must also include any child support paid to his/her parent on his/her behalf in his/her Eligibility Income.

## LINE 1

Enter the name, age, relationship to the taxpayer and SSN for each dependent in the spaces provided. If there are more than four dependents, include a statement showing the name, age relationship and SSN of each dependent.



**LINE 2**

Enter the total number of dependent children claimed.

**⚠ CAUTION:** If an adult child, an adopted child, a foster child, or a child with a different last name from the taxpayer is claimed on PA-40 Schedule SP, a copy of page one of the federal income tax return for the tax year must also be included.

**PART C,  
ELIGIBILITY INCOME**

Use Column A if unmarried or married filing jointly. Use the columns under Column B and C if married filing separately.

**LINE 1**

Enter the total PA Taxable Income amount from Line 9 of the PA-40, Personal Income Tax Return.

**Nontaxable Income**

On Lines 2 through 10 of PA-40 Schedule SP, income must be reported that is not reported as taxable on the PA-40, Personal Income Tax Return, which PA law requires to be reported for Tax Forgiveness purposes. If no amounts are required to be reported on Lines 2 through 10, enter zero. Annualized income from each of the sources for Lines 2 through 10 should be reported for decedents on the respective lines.

**LINE 2**

Enter the amount of tax-exempt interest from Lines 6 and 7 of PA-40 Schedule A and any exempt-interest dividends included in Line 3 of PA-40 Schedule B as well as any exempt income and gains from investments in direct obligations of the federal government, Pennsylvania, and political subdivisions of Pennsylvania. Include the nontaxable portion of gain from the sale of any property. Include nontaxable income received as a beneficiary of an estate or trust. For decedents only: in addition to any annualized income for nontaxable interest, dividends, and gains, include the difference between the total annualized income and the Pennsylvania-taxable income from Line 1 above as well as any annualized tax-exempt interest or exempt-interest dividends.

**LINE 3**

Enter the amount of federally taxable alimony received by the taxpayer and/or spouse.

**LINE 4**

Enter the amount of the total proceeds received from life or other insurance policies. Also, include inherited cash or the value of property received as well as the amount received as reported on federal Form 1099-R with distribution code 4 reported in Box 7 of the form.

**LINE 5**

Enter the total amount of nontaxable cash or property received as gifts from others. Also, include awards received in recognition of civic and social achievements and noncash prizes from the Pennsylvania Lottery.

**LINE 6**

Part-year residents and nonresidents must complete this line. Enter the total of all income, not already reported on this schedule, earned, received, and realized while residing outside Pennsylvania by the taxpayer and/or spouse. Include any amount exempted from taxation under the Military Spouses Residency Relief Act. Part-year residents or nonresidents who file a paper copy of the PA-40, Personal Income Tax Return, must also include a copy of page one of their federal income tax return.

**LINE 7**

Enter the amount that represents the difference between the total military income earned and the amount reported as taxable compensation on Line 1 of the PA-40 Personal Income Tax Return. Do not include combat zone pay and hazardous duty pay.

**LINE 8**

Enter the nontaxable gain from the sale of a principle residence.

**LINE 9**

Enter the amount of the total value of all nontaxable scholarships, fellowships, and stipends as well as the amount of any federal and state educational grants received. Do not

include student loans. Also, include the value of tuition reductions offered as part of an employer's benefit plan.

**LINE 10**

Enter on Line 10 the following kinds of nontaxable income when determining Eligibility Income:

- Support received from a spouse or former spouse who does not live in the household. Do not include payments received for child support here – see the instructions for Part B.
- Any payments received from other persons outside the household, including nontaxable cash or property received for personal use, such as cash received from a parent to buy clothing, or gifts from grown children. Do not include monies paid pursuant to a cost-sharing arrangement.
- Nontaxable payments to an employer's cafeteria plan for hospitalization, sickness, disability, or death, supplemental unemployment, or strike benefits.
- Payments received as a foster parent for providing in-home care for foster children.

**TIP** If claiming a foster child in Part B, the payments received as a foster parent must be included. However, if the foster care program did not place the child in the home, or no payments were received for providing foster care, submit a written explanation that there is no income to report as a foster parent. Include an explanation of the child's relationship to the taxpayer.

- The value of the personal use of employer-owned or leased property (if included in federal taxable income).
- The value of government education grants.

Do not include the following types of nontaxable income in Line 10 when calculating Eligibility Income:

- Social Security and Railroad Retirement Benefits;
- Retirement benefits from Pennsylvania eligible retirement plans after becoming eligible to retire and retiring;
- United Mineworkers pensions;
- Child support (unless a dependent child of a taxpayer also eligible for Tax Forgiveness);

- Military pension benefits;
- Civil Service annuity payments;
- Payments received under workers' compensation acts, occupational disease acts or similar legislation including Heart and Lung Pensions;
- Payment for injuries received while working and damages received, whether by suit or otherwise, for personal injuries;
- Sick pay and disability benefits, including payments by third party insurers for sickness and disability;
- Damage awards and settlements from physical injury or sickness – pain and suffering, emotional distress;
- Personal use of an employer's owned or leased property and/or services, at no cost or at a reduced cost (if not included in federal taxable income); or
- Income from contracts of insurance for long-term care that do not have

accumulated refundable reserves payable upon lapse or surrender.

### LINE 11

Add Lines 1 through 10, and enter the total. If using Columns B and C, add each column, and enter the total on Line 11. Eligibility Income is the total amount of Pennsylvania-taxable and nontaxable income that is used to determine the percentage of Tax Forgiveness.

## PART D, CALCULATING TAX FORGIVENESS

### LINE 12

Enter the amount of the PA tax liability from Line 12 of the PA-40, Personal Income Tax Return. If filing an amended return, enter the amount from Line 12 of the amended PA-40.

### LINE 13

Enter the amount of any resident credit claimed on Line 22 of the PA-40, Personal Income Tax Return.

### LINE 14

Subtract Line 13 from Line 12 and enter the result.

### LINE 15

Find the Tax Forgiveness percentage and decimal equivalent using the dependents from Part B, Line 2, the Eligibility Income from Part C, Line 11, and the appropriate Eligibility Income Table below. Enter the decimal equivalent on Line 15.

### LINE 16

Multiply Line 14 by the decimal on Line 15. Enter the product here and on Line 21 of the PA-40, Personal Income Tax Return.

## ELIGIBILITY INCOME TABLE 1. Unmarried, Separated and Deceased Claimants

If the Eligibility Income from PA Schedule SP, Line 11, does not exceed:

YOU →	\$6,500	\$6,750	\$7,000	\$7,250	\$7,500	\$7,750	\$8,000	\$8,250	\$8,500	\$8,750
▼ DEPENDENT CHILDREN										
1	\$16,000	\$16,250	\$16,500	\$16,750	\$17,000	\$17,250	\$17,500	\$17,750	\$18,000	\$18,250
2	\$25,500	\$25,750	\$26,000	\$26,250	\$26,500	\$26,750	\$27,000	\$27,250	\$27,500	\$27,750
3	\$35,000	\$35,250	\$35,500	\$35,750	\$36,000	\$36,250	\$36,500	\$36,750	\$37,000	\$37,250
4	\$44,500	\$44,750	\$45,000	\$45,250	\$45,500	\$45,750	\$46,000	\$46,250	\$46,500	\$46,750
5	\$54,000	\$54,250	\$54,500	\$54,750	\$55,000	\$55,250	\$55,500	\$55,750	\$56,000	\$56,250
6	\$63,500	\$63,750	\$64,000	\$64,250	\$64,500	\$64,750	\$65,000	\$65,250	\$65,500	\$65,750
7	\$73,000	\$73,250	\$73,500	\$73,750	\$74,000	\$74,250	\$74,500	\$74,750	\$75,000	\$75,250
8	\$82,500	\$82,750	\$83,000	\$83,250	\$83,500	\$83,750	\$84,000	\$84,250	\$84,500	\$84,750
9	\$92,000	\$92,250	\$92,500	\$92,750	\$93,000	\$93,250	\$93,500	\$93,750	\$94,000	\$94,250
Then the Percentage of Tax Forgiveness and the Decimal Equivalent is:										
	100%	90%	80%	70%	60%	50%	40%	30%	20%	10%
	1.0	.90	.80	.70	.60	.50	.40	.30	.20	.10

**NOTE:** If claiming more than nine (9) dependent children, go to the **PA PIT Guide** on the department's website.

## ELIGIBILITY INCOME TABLE 2. Married Claimants, even if filing separately

If the Eligibility Income from PA Schedule SP, Line 11, does not exceed:

YOU & SPOUSE →	\$13,000	\$13,250	\$13,500	\$13,750	\$14,000	\$14,250	\$14,500	\$14,750	\$15,000	\$15,250
▼ DEPENDENT CHILDREN										
1	\$22,500	\$22,750	\$23,000	\$23,250	\$23,500	\$23,750	\$24,000	\$24,250	\$24,500	\$24,750
2	\$32,000	\$32,250	\$32,500	\$32,750	\$33,000	\$33,250	\$33,500	\$33,750	\$34,000	\$34,250
3	\$41,500	\$41,750	\$42,000	\$42,250	\$42,500	\$42,750	\$43,000	\$43,250	\$43,500	\$43,750
4	\$51,000	\$51,250	\$51,500	\$51,750	\$52,000	\$52,250	\$52,500	\$52,750	\$53,000	\$53,250
5	\$60,500	\$60,750	\$61,000	\$61,250	\$61,500	\$61,750	\$62,000	\$62,250	\$62,500	\$62,750
6	\$70,000	\$70,250	\$70,500	\$70,750	\$71,000	\$71,250	\$71,500	\$71,750	\$72,000	\$72,250
7	\$79,500	\$79,750	\$80,000	\$80,250	\$80,500	\$80,750	\$81,000	\$81,250	\$81,500	\$81,750
8	\$89,000	\$89,250	\$89,500	\$89,750	\$90,000	\$90,250	\$90,500	\$90,750	\$91,000	\$91,250
9	\$98,500	\$98,750	\$99,000	\$99,250	\$99,500	\$99,750	\$100,000	\$100,250	\$100,500	\$100,750
Then the Percentage of Tax Forgiveness and the Decimal Equivalent is:										
	100%	90%	80%	70%	60%	50%	40%	30%	20%	10%
	1.0	.90	.80	.70	.60	.50	.40	.30	.20	.10