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Household Employer's Tax Guide

For Wages Paid in 2004



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Important Reminders

Social security and Medicare wage threshold is \$1,400. The social security and Medicare wage threshold is \$1,400 for 2004. This means that if you pay a household employee cash wages of less than \$1,400 in 2004, you do not have to report and pay social security and Medicare taxes on that employee's 2004 wages. For more information, see *Social security and Medicare wages* under *Social Security and Medicare Taxes*.

Photographs of missing children. The Internal Revenue Service is a proud partner with the National Center for Missing and Exploited Children. Photographs of missing children selected by the Center may appear in this publication on pages that would otherwise be blank. You can help bring these children home by looking at the photographs and calling **1–800–THE–LOST (1–800–843–5678)** if you recognize a child.

Introduction

The information in this publication applies to you only if you have a household employee. If you have a household employee in 2004, you may need to pay state and Federal employment taxes for 2004. You generally must add your

Federal employment taxes to the income tax that you will report on your 2004 Federal income tax return.

This publication will help you decide whether you have a household employee and, if you do, whether you need to pay Federal employment taxes (social security tax, Medicare tax, Federal unemployment tax, and Federal income tax withholding). It explains how to figure, pay, and report these taxes for your household employee. It also explains what records you need to keep.

This publication also tells you where to find out whether you need to pay state unemployment tax for your household employee.

Comments and suggestions. We welcome your comments about this publication and your suggestions for future editions. You can email us while visiting our website at **www.irs.gov.**

You can write to us at the following address:

Internal Revenue Service Tax Forms and Publications SE:W:CAR:MP:T 1111 Constitution Ave. NW Washington, DC 20224

We respond to many letters by telephone. Therefore, it would be helpful if you would include your daytime phone number, including the area code, in your correspondence.

Do You Have a Household Employee?

You have a household employee if you hired someone to do household work and that worker is your employee. The worker is your employee if you can control not only what work is done, but how it is done. If the worker is your employee, it does not matter whether the work is full time or part time or that you hired the worker through an agency or from a list provided by an agency or association. It also does not matter whether you pay the worker on an hourly, daily, or weekly basis or by the job.

Example. You pay Betty Shore to babysit your child and do light housework 4 days a week in your home. Betty follows your specific instructions about household and child care duties. You provide the household equipment and supplies that Betty needs to do her work. Betty is your household employee.

Household work. Household work is work done in or around your home by the following people.

- Babysitters
- Cleaning people
- Drivers
- Housekeepers
- Nannies
- Health aides
- Private nurses

- Maids
- Caretakers
- Yard workers
- Similar domestic workers

Workers who are not your employees. If only the worker can control how the work is done, the worker is not your employee but is self-employed. A self-employed worker usually provides his or her own tools and offers services to the general public in an independent business.

A worker who performs child care services for you in his or her home generally is not your employee.

If an agency provides the worker and controls what work is done and how it is done, the worker is not your employee.

Example. You made an agreement with John Peters to care for your lawn. John runs a lawn care business and offers his services to the general public. He provides his own tools and supplies, and he hires and pays any helpers he needs. Neither John nor his helpers are your household employees.

More information. More information about who is an employee is in Publication 15–A, *Employer's Supplemental Tax Guide.*

Can Your Employee Legally Work in the United States?



It is unlawful for you knowingly to hire or continue to employ an alien who cannot legally work in the United States.

When you hire a household employee to work for you on a regular basis, you and the employee must complete the U.S. Citizenship and Immigration Services (USCIS) Form **I-9**, *Employment Eligibility Verification*. No later than the first day of work, the employee must complete the employee section of the form by providing certain required information and attesting to his or her current work eligibility status in the United States. You must complete the employer section by examining documents presented by the employee as evidence of his or her identity and employment eligibility. Acceptable documents to establish identity and employment eligibility are listed on Form I-9. You should keep the completed Form I-9 in your own records. Do not submit it to the IRS, the USCIS, or any other government or other entity. The form must be kept available for review upon notice by an authorized U.S. Government official.

Two copies of Form I-9 are contained in the **Handbook** for Employers (Form M-274).

Call the USCIS at **1–800–870–3676** to order the *Handbook for Employers*. If you have questions about the employment eligibility verification process or other immigration-related employment matters, contact the USCIS Office of Business Liaison at **1–800–357–2099**.



You also can visit the USCIS website at www.uscis.gov to get Form I-9.

For more information, see "Employee's Social Security Number (SSN)" in Circular E (Pub. 15), Employer's Tax Guide.

Do You Need To Pay **Employment Taxes?**

If you have a household employee, you may need to withhold and pay social security and Medicare taxes, pay Federal unemployment tax, or both. To find out, read Table 1.

You do not need to withhold Federal income tax from your household employee's wages. But if your employee asks you to withhold it, you can. See Do You Need To Withhold Federal Income Tax, later.

If you need to pay social security, Medicare, or Federal unemployment tax or choose to withhold Federal income tax, read Table 2 for an overview of what you may need to do.



If you do not need to pay social security, Medicare, or Federal unemployment tax and do not choose to withhold Federal income tax, read State employment taxes, next. The rest of this publication does not apply to you.

State employment taxes. You should contact your state unemployment tax agency to find out whether you need to pay state unemployment tax for your household employee. For the address and phone number, see the Appendix near the end of the publication. You should also find out whether you need to pay or collect other state employment taxes or carry workers' compensation insurance.

Social Security and Medicare Taxes

The social security tax pays for old-age, survivors, and disability benefits for workers and their families. The Medicare tax pays for hospital insurance.

Both you and your household employee may owe social security and Medicare taxes. Your share is 7.65% (6.2% for social security tax and 1.45% for Medicare tax) of the employee's social security and Medicare wages. Your employee's share is the same.

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You can use Table 3 (shown near the end of this publication) to figure the amount of social security and Medicare taxes to withhold from each wage payment.

You are responsible for payment of your employee's share of the taxes as well as your own. You can either withhold your employee's share from the employee's wages or pay it from your own funds. If you decide to pay the employee's share from your own funds, see Not withholding the employee's share, later. Pay the taxes as discussed under How Do You Make Tax Payments, later. Also, see What Forms Must You File, later.

Social security and Medicare wages. You figure social security and Medicare taxes on the social security and Medicare wages you pay your employee.

If you pay your household employee cash wages of \$1,400 or more in 2004, all cash wages you pay to that employee in 2004 (regardless of when the wages were earned) are social security and Medicare wages. However, any noncash wages you pay do not count as social security and Medicare wages.

If you pay the employee less than \$1,400 in cash wages in 2004, none of the wages you pay the employee are

Table 1. Do You Need To Pay Employment Taxes?

IF you		THEN you need to	
A–	 Pay cash wages of \$1,400 or more in 2004 to any one household employee. Do not count wages you pay to— Your spouse, Your child under the age of 21, Your parent (see page 4 for an exception), or Any employee under the age of 18 at any time in 2004 (see page 4 for an exception). 	 Withhold and pay social security and Medicare taxes The taxes are 15.3% of cash wages. Your employee's share is 7.65%. (You can choose to pay it yourself and not withhold it.) Your share is a matching 7.65%. 	
B-	Pay total cash wages of \$1,000 or more in any calendar quarter of 2003 or 2004 to household employees. Do not count wages you pay to—	Pay Federal unemployment tax	
	Your spouse,Your child under the age of 21, orYour parent.	 The tax is usually 0.8% of cash wages. Wages over \$7,000 a year per employee are not taxed. You also may owe state unemployment tax. 	

lot need to pay any rederal employment taxes. But you may still nee employment taxes.

social security and Medicare wages and neither you nor your employee will owe social security or Medicare tax on those wages.

Cash wages. Cash wages include wages you pay by check, money order, etc. Cash wages do not include the value of food, lodging, clothing, and other noncash items you give your household employee. However, cash you give your employee in place of these items is included in cash wages.

State disability payments treated as wages. Certain state disability plan payments that your household employee may receive are treated as social security and Medicare wages. For more information about these payments, see the instructions for Schedule H (Form 1040), *Household Employment Taxes,* and the notice issued by the state.

Wages not counted. Do not count wages you pay to any of the following individuals as social security and Medicare wages, even if these wages are \$1,400 or more during the year.

- 1) Your spouse.
- 2) Your child who is under the age of 21.
- 3) Your parent. *Exception:* Count these wages if both the following conditions apply.
 - a) Your parent cares for your child who is *either* of the following.
 - i) Under the age of 18, or
 - ii) Has a physical or mental condition that requires the personal care of an adult for at least 4 continuous weeks in a calendar quarter.
 - b) Your marital status is **one** of the following.
 - i) You are divorced and have not remarried,
 - ii) You are a widow or widower, or

- iii) You are living with a spouse whose physical or mental condition prevents him or her from caring for your child for at least 4 continuous weeks in a calendar quarter.
- 4) An employee who is under the age of 18 at any time during the year. *Exception:* Count these wages if providing household services is the employee's principal occupation. If the employee is a student, providing household services is not considered to be his or her principal occupation.

Also, if your employee's cash wages reach \$87,900 in 2004, do not count any wages you pay that employee during the rest of the year as social security wages to figure social security tax. (But continue to count the employee's cash wages as Medicare wages to figure Medicare tax.)

If you reimburse your employee for the amount paid for transit passes used to commute to your home, do not count the reimbursement (up to \$100 per month for 2003) as wages. See Publication 15–B, *Employer's Tax Guide to Fringe Benefits*, for the 2004 amount. A transit pass includes any pass, token, farecard, voucher, or similar item entitling a person to ride on mass transit, such as a bus or train.

If you reimburse your employee for the amount paid for parking at or near your home or at or near a location from which your employee commutes to your home, do not count reimbursement (up to \$190 per month for 2003) as wages. See Publication 15–B for the 2004 amount.

Withholding the employee's share. You should withhold the employee's share of social security and Medicare taxes if you expect to pay your household employee cash wages of \$1,400 or more in 2004. However, if you prefer to pay the employee's share yourself, see *Not withholding the employee's share*, next.

You can withhold the employee's share of the taxes even if you are not sure your employee's cash wages will be \$1,400 or more in 2004. If you withhold the taxes but

Table 2. Household Employer's Checklist

You may need to do the following things when you have a household employee.

When you hire a household employee:	 Find out if the person can legally work in the United States. Find out if you need to pay state taxes.
When you pay your household employee:	 Withhold social security and Medicare taxes. Withhold Federal income tax. Make advance payments of the earned income credit. Decide how you will make tax payments. Keep records.
By January 31, 2005:	 Get an employer identification number (EIN). Give your employee Copies B, C, and 2 of Form W-2, Wage and Tax Statement.
By February 28, 2005:	□ Send Copy A of Form W–2 to the Social Security Administration (SSA).
By April 15, 2005:	□ File Schedule H (Form 1040), <i>Household Employment Taxes,</i> with your 2004 Federal income tax return (Form 1040). If you do not have to file a return, use one of the other filing options, such as the option to file Schedule H by itself.

then actually pay the employee less than \$1,400 in cash wages for the year, you should repay the employee.

Withhold 7.65% (6.2% for social security tax and 1.45% for Medicare tax) from each payment of social security and Medicare wages. You can use *Table 3*, later, to figure the proper amount to withhold. You will pay the amount withheld to the IRS with a matching amount for your share of the taxes. Do not withhold any social security tax after your employee's social security wages for the year reach \$87,900.

If you make an error by withholding too little, you should withhold additional taxes from a later payment. If you withhold too much, you should repay the employee.

Example. You hire a household employee (who is an unrelated individual over age 18) to care for your child and agree to pay cash wages of \$100 every Friday. You expect to pay your employee \$1,400 or more for the year. You should withhold \$7.65 from each \$100 wage payment and pay your employee the remaining \$92.35. The \$7.65 is the sum of \$6.20 (\$100 × 6.2%) for your employee's share of social security tax and \$1.45 (\$100 × 1.45%) for your employee's share of Medicare tax. Match the \$7.65 you withhold with \$7.65 from your own funds when you pay the taxes.

Not withholding the employee's share. If you prefer to pay your employee's social security and Medicare taxes from your own funds, do not withhold them from your employee's wages. The social security and Medicare taxes you pay to cover your employee's share must be included in the employee's wages for income tax purposes. However, they are not counted as social security and Medicare wages or as Federal unemployment (FUTA) wages.

Example. You hire a household employee (who is an unrelated individual over age 18) to care for your child and agree to pay cash wages of \$100 every Friday. You expect to pay your employee \$1,400 or more for the year. You decide to pay your employee's share of social security and Medicare taxes from your own funds. You pay your employee \$100 every Friday without withholding any social security or Medicare taxes.

For social security and Medicare tax purposes, your employee's wages each payday are \$100. For each wage payment, you will pay \$15.30 when you pay the taxes. This is \$7.65 (\$6.20 for social security tax + \$1.45 for Medicare tax) to cover your employee's share plus a matching \$7.65 for your share. For income tax purposes, your employee's wages each payday are \$107.65 (\$100 + the \$7.65 you will pay to cover your employee's share of social security and Medicare taxes).

Federal Unemployment (FUTA) Tax

The Federal unemployment tax is part of the Federal and state program under the Federal Unemployment Tax Act (FUTA) that pays unemployment compensation to workers who lose their jobs. Like most employers, you may owe both the Federal unemployment tax (the FUTA tax) and a state unemployment tax. Or, you may owe only the FUTA tax or only the state unemployment tax. To find out whether you will owe state unemployment tax, contact your state's unemployment tax agency. See the list of state unemployment agencies in the Appendix for the address.

The FUTA tax is 6.2% of your employee's FUTA wages. However, you may be able to take a credit of up to 5.4% against the FUTA tax, resulting in a net tax of 0.8%. Your credit for 2004 is limited unless you pay all the required contributions for 2004 to your state unemployment fund by April 15, 2005. The credit you can take for any contributions for 2004 that you pay after April 15, 2005, is limited to 90% of the credit that would have been allowable if the contributions were paid by April 15, 2005. (If you did not pay all the required contributions for 2003 by April 15, 2004, see *Credit for 2003*, later.)

Pay the tax as discussed under *How Do You Make Tax Payments,* later. Also, see *What Forms Must You File,* later.



Do not withhold the FUTA tax from your employee's wages. You must pay it from your own funds.

FUTA wages. Figure the FUTA tax on the FUTA wages you pay. If you pay cash wages to household employees totaling \$1,000 or more in any calendar quarter of 2004, the first \$7,000 of cash wages you pay to each household employee in 2004 and 2005 is FUTA wages. (A calendar quarter is January through March, April through June, July through September, or October through December.) If your employee's cash wages reach \$7,000 during the year, do not figure the FUTA tax on any wages you pay that employee during the rest of the year. For an explanation of *cash wages*, see the discussion on social security and Medicare wages, earlier.

If the cash wages you pay are less than \$1,000 in each calendar quarter of 2004, but you had a household employee in 2003, the cash wages you pay in 2004 may still be FUTA wages. They are FUTA wages if the cash wages you paid to household employees in any calendar quarter of 2003 totaled \$1,000 or more.

Wages not counted. Do not count wages you pay to any of the following individuals as FUTA wages.

- Your spouse.
- Your child who is under the age of 21.
- Your parent.

Example. You hire a household employee (who is not related to you) on January 1, 2004, and agree to pay cash wages of \$200 every Friday. During January, February, and March you pay the employee cash wages of \$2,600. You pay cash wages of \$1,000 or more in a calendar quarter of 2004, so the first \$7,000 of cash wages you pay the employee (or any other employee) in 2004 or 2005 is FUTA wages. The FUTA wages you pay may also be subject to your state's unemployment tax.

During 2004, you pay your household employee cash wages of \$10,400. You pay all the required contributions for 2004 to your state unemployment fund by April 15, 2005. Your FUTA tax for 2004 is \$56 ($$7,000 \times 0.8\%$).

Credit for 2003. The credit you can take for any state unemployment fund contributions for 2003 that you pay after April 15, 2004, is limited to 90% of the credit that

would have been allowable if the contributions were paid on or before April 15, 2004.



You must complete *Worksheet A* to figure the credit for late contributions if you paid any state contributions after the due date for filing Form

Do You Need To Withhold Federal Income Tax?

You are not required to withhold Federal income tax from wages you pay a household employee. You should withhold Federal income tax only if your household employee asks you to withhold it and you agree. The employee must give you a completed **Form W-4**, *Employee's Withholding Allowance Certificate*.

If you and your employee have agreed to withholding, either of you may end the agreement by letting the other know in writing.

If you agree to withhold Federal income tax, you are responsible for paying it to the IRS. Pay the tax as discussed under *How Do You Make Tax Payments,* later. Also, see *What Forms Must You File*, later.

Use the income tax withholding tables in Circular E (Pub. 15), *Employer's Tax Guide*, to find out how much to withhold. Figure Federal income tax withholding on wages before you deduct any amounts for other withheld taxes. Withhold Federal income tax from each payment of wages based on the filing status and exemptions shown on your employee's Form W-4. Circular E (Pub. 15) contains detailed instructions.

Wages. Figure Federal income tax withholding on both cash and noncash wages you pay. Measure wages you pay in any form other than cash by the fair market value of the noncash item.

Do not count as wages any of the following items.

- Meals provided to your employee at your home for your convenience.
- Lodging provided to your employee at your home for your convenience and as a condition of employment.
- Up to \$100 a month for 2003 (see Publication 15–B, *Employer's Tax Guide to Fringe Benefits,* for the 2004 amount) for transit passes you give your employee or for any cash reimbursement you make for the amount your employee pays for transit passes

used to commute to your home. A transit pass includes any pass, token, farecard, voucher, or similar item entitling a person to ride on mass transit, such as a bus or train.

• Up to \$190 a month for 2003 (see Publication 15–B, for the 2004 amount) for the value of parking you provide your employee or for any cash reimbursement you make for the amount your employee pays for parking at or near your home or at or near a location from which your employee commutes to your home.

See Circular E (Pub.15) for more information on cash and noncash wages.

Paying tax without withholding. Any income tax you pay for your employee without withholding it from the employee's wages must be included in the employee's wages for Federal income tax purposes. It also must be included in social security and Medicare wages and in Federal unemployment (FUTA) wages.

What Do You Need To Know About the Earned Income Credit?

Certain workers can take the earned income credit (EIC) on their Federal income tax return. This credit reduces their tax or allows them to receive a payment from the IRS. You may have to make advance payment of part of your household employee's EIC along with the employee's wages. You also may have to give your employee a notice about the EIC.

Advance EIC payments. You must make advance EIC payments if your employee gives you a properly completed Form W–5, *Earned Income Credit Advance Payment Certificate*. Use the advance EIC payment tables in Circular E (Pub. 15), *Employer's Tax Guide*, to find out how much to pay your employee.

Reduce the social security and Medicare taxes and withheld Federal income tax you need to pay to the IRS by any advance EIC payments you make. See Circular E (Pub. 15) for more information about making advance EIC payments.

Notice about the EIC. Copy B of the 2004 **Form W–2**, *Wage and Tax Statement,* has a statement about the EIC

Worksheet A. Worksheet for Credit for Late Contributions

А.	Enter the amount from Schedule H, line 23
Β.	Enter the amount from Schedule H, line 20
C.	Subtract line B from line A. If zero or less, enter -0
D.	Enter total contributions paid to the state(s) after the Form 1040 due date
E.	Enter the smaller of line C or D
F.	Multiply line E by .90 (90%)
G.	Add lines B and F
Н.	Enter the smaller of the amount on line A or G here and on Schedule H, line 24

on the back. If you give your employee that copy by January 31, 2005 (as discussed under *Form W*-2, later), you do not have to give the employee any other notice about the EIC.

If you do not give your employee Copy B of the Form W-2, your notice about the EIC can instead be any of the following items.

- A substitute Form W−2 with the same EIC information on the back of the employee's copy that is on Copy B of the Form W−2.
- 2) Notice 797, Possible Federal Tax Refund Due to the Earned Income Credit (EIC).
- 3) Your own written statement with the same wording as in Notice 797.

If a substitute Form W–2 is given on time but does not have the required EIC information, you must notify the employee within one week of the date the substitute Form W–2 is given. If Form W–2 is required but is not given on time, you must give the employee Notice 797 or your written statement about the 2004 EIC by January 31, 2005. If Form W–2 is not required, you must notify the employee by February 7, 2005.

You must give your household employee a notice about the EIC if you agree to withhold Federal income tax from the employee's wages (as discussed under *Do You Need To Withhold Federal Income Tax*, earlier) and the income tax withholding tables show that no tax should be withheld. Even if not required, you are encouraged to give the employee a notice about the EIC if his or her 2004 wages are less than the EIC eligible maximum amount (see the Form W–5 instructions for the 2004 maximum amount).

How Do You Make Tax Payments?

When you file your 2004 Federal income tax return in 2005, attach **Schedule H**, *Household Employment Taxes*, to your Form 1040. Use Schedule H to figure your total household employment taxes (social security, Medicare, FUTA, and withheld Federal income taxes). Add these household employment taxes to your income tax. Pay the amount due by April 15, 2005. (For more information about using Schedule H, see Schedule H under What Forms *Must You File*, later.)

You can avoid owing tax with your return if you pay enough tax during the year to cover your household employment taxes, as well as your income tax. You can pay the additional tax in any of the following ways.

- Ask your employer to withhold more Federal income tax from your wages in 2004.
- Ask the payer of your pension or annuity to withhold more Federal income tax from your benefits.
- Make estimated tax payments for 2004 to the IRS.
- Increase your payments if you already make estimated tax payments.

You may be subject to the estimated tax underpayment penalty if you did not pay enough income and household employment taxes during the year. (See Publication 505, Tax Withholding and Estimated Tax, for information about the underpayment penalty.) However, you will not be subject to the penalty if both of the following situations apply to you.

- You will not have Federal income tax withheld from wages, pensions, or any other payments you receive.
- Your income taxes, excluding your household employment taxes, would not be enough to require payment of estimated taxes.

Asking for more Federal income tax withholding. If you are employed and want more Federal income tax withheld from your wages to cover your household employment taxes, give your employer a new Form W-4, *Employee's Withholding Allowance Certificate*. Complete it as before, but show the additional amount you want withheld from each paycheck on line 6.

If you receive a pension or annuity and want more Federal income tax withheld to cover household employment taxes, give the payer a new **Form W-4P**, *Withhold-ing Certificate for Pension or Annuity Payments* (or a similar form provided by the payer). Complete it as before, but show the additional amount you want withheld from each benefit payment on line 3.

Get Publication 919, *How Do I Adjust My Tax Withholding*, to make sure you will have the right amount withheld. It will help you compare your total expected withholding for 2004 with the combined income tax and employment taxes that you can expect to figure on your 2004 return.

Paying estimated tax. If you want to make estimated tax payments to cover household employment taxes, get **Form 1040–ES**, *Estimated Tax for Individuals*. You can use its payment vouchers to make your payments by check or money order. You may be able to pay by direct debit (automatic withdrawal) or credit card. See the form instructions for details.

You can pay all the employment taxes at once or you can pay them in installments. If you have already made estimated tax payments for 2004, you can increase your remaining payments to cover the employment taxes. Estimated tax payments for 2004 are due April 15, June 15, and September 15, 2004, and January 18, 2005.

Payment option for business employers. If you own a business as a sole proprietor or your home is on a farm operated for profit, you can choose either of two ways to pay your 2004 household employment taxes. You can pay them with your Federal income tax as described above, or you can include them with your Federal employment tax deposits or other payments for your business or farm employees. For information on depositing employment taxes, see Circular E (Pub. 15).

If you pay your household employment taxes with your business or farm employment taxes, you must report your household employment taxes with those other employment taxes on Form 941 or Form 943 and on Form 940 (or 940–EZ). See *Business employment tax returns*, later.

The deduction that can be taken on Schedules C and F (Form 1040) for wages and employment taxes applies only to wages and taxes paid for business and farm employees. You cannot deduct the wages and employment taxes paid for your household employees on your Schedule C or F.

More information. For more information about paying taxes through Federal income tax withholding and estimated tax payments, and figuring the estimated tax penalty, get Publication 505, Tax Withholding and Estimated Тах.

What Forms Must You File?

You must file certain forms to report your household employee's wages and the Federal employment taxes for the employee if you pay any of the following wages to the employee.

- Social security and Medicare wages.
- FUTA wages.
- Wages from which you withhold Federal income tax.

The employment tax forms and instructions you need for 2004 will be sent to you automatically in January 2005 if you reported employment taxes for 2003 on Schedule H (Form 1040), Household Employment Taxes. Otherwise, for information on ordering these forms, see How To Get Tax Help, later.

Employer identification number (EIN). You must include your employer identification number (EIN) on the forms you file for your household employee. An EIN is a 9-digit number issued by the IRS. It is not the same as a social security number.



You ordinarily will have an EIN if you previously paid taxes for employees, either as a household employer or as a sole proprietor of a business you own. If you already have an EIN, use that number.

If you do not have an EIN, get Form SS-4, Application for Employer Identification Number. The instructions for Form SS-4 explain how you can get an EIN immediately by telephone or in about 4 weeks if you apply by mail. In addition, the IRS is now accepting applications through its website at www.irs.gov/smallbiz.

Form W-2. File a separate 2004 Form W-2, Wage and Tax Statement, for each household employee to whom you pay either of the following wages during the year.

- Social security and Medicare wages of \$1,400 or more.
- Wages from which you withhold Federal income tax.

You must complete Form W-2 and give Copies B, C, and 2 to your employee by January 31, 2005. You must send Copy A of Form W-2 with Form W-3, Transmittal of Wage and Tax Statements, to the Social Security Administration by February 28, 2005 (March 31, 2005, if you file your Form W-2 electronically). Most employers may file Forms W-2 electronically. See www.socialsecurity.gov/employer for more information.

Employee who leaves during the year. If an employee stops working for you before the end of 2004, you can file Form W-2 and provide copies to your employee immediately after you make your final payment of wages. You do not need to wait until 2005. If the employee asks you for Form W-2, give it to him or her within 30 days after the request or the last wage payment, whichever is later.

Schedule H. Use Schedule H (Form 1040), Household Employment Taxes, to report household employment taxes if you pay any of the following wages to the employee.

- Cash wages of \$1,400 or more.
- FUTA wages.
- Wages from which you withhold Federal income tax.

File Schedule H with your 2004 Federal income tax return by April 15, 2005. If you get an extension to file your return, the extension also will apply to your Schedule H.

Filing options when no return is required. If you are not required to file a 2004 tax return, you have the following two options.

- 1) You can file Schedule H by itself. See the Schedule H instructions for details.
- 2) If, besides your household employee, you have other employees for whom you report employment taxes on Form 941 or Form 943 and on Form 940 (or 940-EZ), you can include your taxes for your household employee on those forms. See Business employment tax returns, next.

Employers having the options listed above include certain tax-exempt organizations that do not have to file a tax return, such as churches that pay a household worker to take care of a minister's home.

Business employment tax returns. Do not use Schedule H (Form 1040) if you choose to pay the employment taxes for your household employee with business or farm employment taxes. (See Payment option for business employers, earlier.) Instead, include the social security, Medicare, and withheld Federal income taxes for the employee on the Form 941, Employer's Quarterly Federal Tax Return, you file for your business or on the Form 943, Employer's Annual Federal Tax Return for Agricultural Employees, you file for your farm. Include the FUTA tax for the employee on your Form 940 (or 940-EZ), Employer's Annual Federal Unemployment (FUTA) Tax Return.

If you report the employment taxes for your household employee on Form 941 or Form 943, file Form W-2 for that employee with the Forms W-2 and Form W-3 for your business or farm employees.

For information on filing Form 941, get Circular E (Pub. 15). For information on filing Form 943, get Circular A (Pub. 51), Agricultural Employer's Tax Guide. Both of these publications also provide information about filing Form 940 (or 940-EZ).

What Records Must You Keep?



Keep your copies of Schedule H or other employment tax forms you file and related Forms W-2, W-3, W-4, and W-5. You must also keep records to support the information you enter on the forms you

file. If you must file Form W-2, you will need to keep a record of your employee's name, address, and social security number.

Wage and tax records. On each payday you should record the date and amounts of all the following items.

- Your employee's cash and noncash wages.
- Any employee social security tax you withhold or agree to pay for your employee.
- Any employee Medicare tax you withhold or agree to pay for your employee.
- Any Federal income tax you withhold.
- Any advance EIC payments you make.
- Any state employment taxes you withhold.

Employee's social security number. You must keep a record of your employee's name and social security number exactly as they appear on his or her social security card if you pay the employee either of the following.

- Social security and Medicare wages of \$1,400 or more.
- Wages from which you withhold Federal income tax.

You must ask for your employee's social security number no later than the first day on which you pay the wages. You may wish to ask for it when you hire your employee.

An employee who does not have a social security number must apply for one on Form SS-5, Application for a Social Security Card. An employee who has lost his or her social security card or whose name is not correctly shown on the card should apply for a new card.



Employees can get Form SS-5 from any Social Security Administration office or by calling 1-800-772-1213.



You also can download Form SS-5 from the Social Security Administration web site, www.socialsecurity.gov/online/ss-5.html.

How long to keep records. Keep your employment tax records for at least 4 years after the due date of the return on which you report the taxes or the date the taxes were paid, whichever is later.

Can You Claim a Credit for **Child and Dependent Care Expenses**?

If your household employee cares for your dependent who is under age 13 or for your spouse or dependent who is not capable of self care, you may be able to take an income tax credit of up to 35% of your expenses. To qualify, you must pay these expenses so you can work or look for work. If you can take the credit, you can include in your qualifying expenses your share of the Federal and state employment taxes you pay, as well as the employee's wages. For information about the credit, see Publication 503, Child and Dependent Care Expenses.

How To Get Tax Help

You can get help with unresolved tax issues, order free publications and forms, ask tax questions, and get more information from the IRS in several ways. By selecting the method that is best for you, you will have quick and easy access to tax help.

Contacting your Taxpayer Advocate. If you have attempted to deal with an IRS problem unsuccessfully, you should contact your Taxpayer Advocate.

The Taxpayer Advocate represents your interests and concerns within the IRS by protecting your rights and resolving problems that have not been fixed through normal channels. While Taxpayer Advocates cannot change the tax law or make a technical tax decision, they can clear up problems that resulted from previous contacts and ensure that your case is given a complete and impartial review.

To contact your Taxpayer Advocate:

- Call the Taxpayer Advocate at 1-877-777-4778.
- Call, write, or fax the Taxpayer Advocate office in your area.
- Call 1-800-829-4059 if you are a TTY/TDD user.

For more information, see Publication 1546, The Taxpayer Advocate Service of the IRS.

Free tax services. To find out what services are available, get Publication 910, Guide to Free Tax Services. It contains a list of free tax publications and an index of tax topics. It also describes other free tax information services, including tax education and assistance programs and a list of TeleTax topics.



Personal computer. You can access the IRS online at www.irs.gov. While visiting our website, you can:

 See answers to frequently asked tax questions or request help by email.

- Download forms and publications or search for forms and publications by topic or keyword.
- Order IRS products online.
- View forms that may be filled in electronically, print the completed form, and then save the form for recordkeeping.
- View Internal Revenue Bulletins published in the last few years.
- Search regulations and the Internal Revenue Code.
- Receive our electronic newsletters on hot tax issues and news.
- Learn about the benefits of filing electronically (IRS) efile).
- Get information on starting and operating a small business.

You can also reach us with your computer using File Transfer Protocol at **ftp.irs.gov**.



TaxFax Service. Using the phone attached to your fax machine, you can receive forms and instructions by calling 703-368-9694. Follow the directions from the prompts. When you order forms, enter the catalog number for the form you need. The items you request will be faxed to you.

For help with transmission problems, call the FedWorld Help Desk at 703-487-4608.



Phone. Many services are available by phone.

- Ordering forms, instructions, and publications. Call 1-800-829-3676 to order current and prior year forms, instructions, and publications.
- Asking tax questions. Call the IRS with your tax questions at 1-800-829-1040.
- Solving problems. Take advantage of Everyday Tax Solutions service by calling your local IRS office to set up an in-person appointment at your convenience. Check your local directory assistance or www.irs.gov for the numbers.
- TTY/TDD equipment. If you have access to TTY/ TDD equipment, call 1-800-829-4059 to ask tax questions or to order forms and publications.
- TeleTax topics. Call 1-800-829-4477 to listen to pre-recorded messages covering various tax topics.

Evaluating the quality of our telephone services. To ensure that IRS representatives give accurate, courteous, and professional answers, we use several methods to evaluate the quality of our telephone services. One method is for a second IRS representative to sometimes listen in on or record telephone calls. Another is to ask some callers to complete a short survey at the end of the call.



Walk-in. Many products and services are available on a walk-in basis.

- Products. You can walk in to many post offices, libraries, and IRS offices to pick up certain forms, instructions, and publications. Some IRS offices, libraries, grocery stores, copy centers, city and county governments, credit unions, and office supply stores have an extensive collection of products available to print from a CD-ROM or photocopy from reproducible proofs. Also, some IRS offices and libraries have the Internal Revenue Code, regulations, Internal Revenue Bulletins, and Cumulative Bulletins available for research purposes.
- Services. You can walk in to your local IRS office to ask tax questions or get help with a tax problem. Now you can set up an appointment by calling your local IRS office number and, at the prompt, leaving a message requesting Everyday Tax Solutions help. A representative will call you back within 2 business days to schedule an in-person appointment at your convenience.



Mail. You can send your order for forms, instructions, and publications to the Distribution Center nearest to you and receive a response within 10 workdays after your request is received. Find the address that applies to your part of the country.

- Western part of U.S.: Western Area Distribution Center Rancho Cordova, CA 95743-0001
- Central part of U.S.: Central Area Distribution Center P.O. Box 8903 Bloomington, IL 61702-8903
- Eastern part of U.S. and foreign addresses: Eastern Area Distribution Center P.O. Box 85074 Richmond, VA 23261-5074



CD-ROM for tax products. You can order IRS Publication 1796, Federal Tax Products CD-ROM, and obtain:

- Current tax forms, instructions, and publications.
- Prior-year tax forms and instructions.
- Popular tax forms that may be filled in electronically, printed out for submission, and saved for recordkeeping.
- Internal Revenue Bulletins.

The CD-ROM can be purchased from National Technical Information Service (NTIS) by calling 1-877-233-6767 or online at www.irs.gov/cdorders. The first release is available in early January and the final release is available in late February.



CD-ROM for small businesses. IRS Publication 3207, *Small Business Resource Guide,* is a must

for every small business owner or any taxpayer about to start a business. This handy, interactive CD contains all the business tax forms, instructions, and publications needed to successfully manage a business. In addition, the CD provides an abundance of other helpful information, such as how to prepare a business plan, finding financing for your business, and much more. The design of the CD makes finding information easy and quick and incorporates file formats and browsers that can be run on virtually any desktop or laptop computer.

It is available in March. You can get a free copy by calling **1-800-829-3676** or by visiting the website at **www.irs.gov/smallbiz**.

Appendix: State Unemployment Tax Agencies

The following list of state unemployment tax agencies was provided to the IRS by the U.S. Department of Labor. If the telephone number listed for your state would be a long distance call from your area, you can use the name of the agency to look for a local number in your telephone book. The addresses and telephone numbers of the agencies, which were current at the time this publication was prepared for print, are subject to change.



For the most up-to-date addresses and telephone numbers for these agencies, you

can download this publication from the IRS website. You can access the IRS website at **www.irs.gov.**

Alabama

Department of Industrial Relations 649 Monroe Street Montgomery, AL 36131 (334) 242–8467 www.dir.state.al.us

Alaska

Department of Labor Employment Security Division P O Box 25509 Juneau, AK 99802–5509 (907) 465–5912 www.state.ak.us

Arizona

Department of Economic Security 3225 N. Central Avenue Suite 1411 Phoenix, AZ 85012 (602) 248–9396 www.de.state.az.us

Arkansas

Employment Security Department P O Box 2981 Little Rock, AR 72203 (501) 682–3253 www.state.ar.us/esd

California

Employment Development Department 3321 Power Inn Road, Suite 220 Sacramento, CA 95826–6110 (916) 464–3502 www.edd.cahwnet.gov

Colorado

Department of Labor and Employment 1515 Arapahoe Street Tower 2, Suite 200 Denver, CO 80202–2117 (800) 480–8299 www.coworkforce.com

Connecticut

Employment Security Division Labor Department 200 Folly Brook Blvd. Wethersfield, CT 06109–1114 (860) 263–6550 www.ctdol.state.ct.us

Delaware

Department of Labor 4425 North Market Street Wilmington, DE 19802 (302) 761–8484 www.delawareworks.com

District of Columbia

Department of Employment Services 609 H Street, NE, Room 362 Washington, DC 20002 (202) 727–1000 http://does.ci.washington.dc.us

Florida

Agency for Workforce Innovation UC Services 107 E. Madison Street, MSC 229 Tallahassee, FL 32399–0100 (800) 482–8293 www.floridajobs.org

Georgia

Department of Labor 148 International Blvd. Suite 800 Atlanta, GA 30303 (404) 232–3301 www.dol.state.ga.us

Hawaii

Department of Labor and Industrial Relations 830 Punchbowl Street Room 437 Honolulu, HI 96813 (808) 586–8913 www.state.hi.us/

Idaho

Department of Labor 317 Main Street Boise, ID 83735 (208) 334–6318 www.labor.state.id.us

Illinois

Department of Employment Security 401 South State Street Chicago, IL 60605 (312) 793–1900 www.ides.state.il.us

Indiana

Department of Workforce Development 10 North Senate Avenue Indianapolis, IN 46204 (317) 232–7436 www.IN.gov/dwd/

lowa

Workforce Development 1000 East Grand Avenue Des Moines, IA 50319 (515) 281–5339 http://www.ides.state.il.us

Kansas

Department of Human Resources 401 SW Topeka Blvd. Topeka, KS 66603 (785) 296–5025 www.2.hr.state.ks.us

Kentucky

Division of Employment Services P O Box 948 Frankfort, KY 40602 (502) 564–6838 www.kycwd.org/des/ui

Louisiana

Department of Labor P O Box 98146 Baton Rouge, LA 70804 (225) 342–2944 www.ldol.state.la.us

Maine

Department of Labor P O Box 259 Augusta, ME 04332–0259 (207) 287–3176 www.state.me.us/labor

Maryland

Department of Labor, Licensing & Regulation 1100 North Eutaw Street, Room 414 Baltimore, MD 21201 (800) 492–5524 www.dllr.state.md.us

Massachusetts

Division of Employment and Training 19 Staniford Street Boston, MA 02114 (617) 626–5050 www.detma.org/DETUI.htm

Michigan

Bureau of Workers' and Unemployment Compensation 3024 West Grand Blvd. Detroit, MI 48202 (313) 456–2180 www.michigan.gov/bwuc

Minnesota

Department of Economic Security 390 North Robert Street St. Paul, MN 55101 (651) 296–6141 www.mnwfc.org

Mississippi

Employment Security Commission P O Box 22781 Jackson, MS 39225–2781 (601) 961–7755 www.mesc.state.ms.us/tax

Missouri

Division of Employment Security P O Box 59 Jefferson City, MO 65104 (573) 751–3215 www.dolir.state.mo.us

Montana

Department of Labor and Industry P O Box 1728 Helena, MT 59624 (406) 444–6900 http://dli.state.mt.us

Nebraska

Department of Labor Box 94600 State House Station Lincoln, NE 68509 (402) 471–9899 www.dol.state.ne.us

Nevada

Department of Employment Training and Rehabilitation 500 East Third Street Carson City, NV 89713 (775) 687–4545 http://detr.state.nv.us

New Hampshire

Department of Employment Security 32 South Main Street Concord, NH 03301 (603) 228–4045 www.nhworks.state.nh.us

New Jersey

Department of Labor P O Box 947 Trenton, NJ 08625-0947 (609) 663-6400 www.state.nj.us

New Mexico

Department of Labor P O Box 2281 Albuquerque, NM 87103 (505) 841–8582 www.uiclaims.state.nm.us

New York

Department of Labor State Campus, Building 12, Room 542 Albany, NY 12240 (888) 899–8810 www.labor.state.ny.us

North Carolina

Employment Security Commission P O Box 26504 Raleigh, NC 27611 (919) 733–7396 www.ncesc.com

North Dakota

Job Service of North Dakota P O Box 5507 Bismarck, ND 58506–5507 (800) 472–2952 www.state.nd.us/jsnd

Ohio

Department of Job and Family Services P O Box 182404 Columbus, OH 43218–2404 (614) 466-2319 http://www.state.oh.us/odjfs/ouc

Oklahoma

Employment Security Commission Will Rogers Memorial Office Building 2401 North Lincoln Oklahoma City, OK 73105 (405) 557-7170 www.oesc.state.ok.us/ui

Oregon

Employment Department 875 Union Street NE Salem, OR 97311 (503) 947-1488 www.emp.state.or.us

Pennsylvania

Department of Labor and Industry 7th and Forster Street Harrisburg, PA 17121 (717) 787-7679 www.dli.state.pa.us

Puerto Rico

Department of Labor and Human Resources P O Box 1020 San Juan, PR 00919 (787) 754-5262 www.interempleo.org

Rhode Island

Department of Labor and Training One Capitol Hill Providence, RI 02908–5829 (401) 222-3696 www.det.state.ri.us

South Carolina

Employment Security Commission P O Box 995 Columbia, SC 29202 (803) 737-3075 www.sces.org/ui

South Dakota

Department of Labor P O Box 4730 Aberdeen, SD 57402 (605) 626-2312 www.state.sd.us

Tennessee

Department of Employment Security 500 James Robertson Parkway Davy Crocket Tower, 9th Floor Nashville, TN 37245-3500 (615) 741-2486 www.state.tn.us

Texas

Workforce Commission 101 East 15th Street Austin, TX 78778 (512) 463-2700 www.twc.state.tx.us

Utah

Department of Workforce Services P O Box 143001 Salt Lake City, UT 84145–0249 (801) 526–9400 http://jobs.utah.gov/ui

Vermont

Department of Employment and Training P O Box 488 Montpelier, VT 05601–0488 (802) 828–4252 www.det.state.vt.us

Virginia

Employment Commission P O Box 1358 Richmond, VA 23218–1358 (804) 371–6325 www.vec.state.va.us

Virgin Islands

Employment Security Agency P O Box 789 St. Croix, U.S. Virgin Islands 00821 (340) 776-3700

Washington

Employment Security Department P O Box 9046 Olympia, WA 98507-9046 (360) 902-9360 www.wa.gov/esd

West Virginia

Bureau of Employment Programs 112 California Avenue Charleston, WV 25305-0112 (304) 558–2675 www.state.wv.us

Wisconsin

Department of Workforce Development P O Box 7942, GEF 1 Madison, WI 53702 (608) 261-6700 www.dwd.state.wi.us

Wyoming

Department of Employment P O Box 2760 Casper, WY 82602 (307) 235-3217 http://wydoe.state.wy.us

Table 3. Employee Social Security (6.2%) and Medicare (1.45%) Tax Withholding Table

(See Circular E for income tax withholding tables.) Use this table to figure the amount of social security and Medicare taxes to withhold from each wage payment. For example, on a wage payment of \$180, the employee social security tax is \$11.16 (\$6.20 tax on \$100 plus \$4.96 on \$80 wages). The employee Medicare tax is \$2.61 (\$1.45 tax on \$100 plus \$1.16 on \$80 wages).

If wage payment is:	security tax to	The Medicare tax to be withheld is:	If wage payment is:	The social security tax to be withheld is:	The Medicare tax to be withheld is:
3 1.00 2.00	\$.06 .12	\$.01 .03	\$ 51.00	\$ 3.16 3.22	\$.74 .75
3.00	.19	.04	53.00	3.29	.77
4.00	.25	.06	54.00	3.35	.78
5.00	.31	.07	55.00	3.41	.80
6.00	.37	.09	56.00	3.47	.81
7.00	.43	.10	57.00	3.53	.83
8.00	.50	.12	58.00	3.60	.84
9.00	.56	.13	59.00	3.66	.86
10.00	.62	.15	60.00	3.72	.87
11.00	.68	.16	61.00	3.78	.88
12.00	.74	.17	62.00	3.84	.90
13.00	.81	.19	63.00	3.91	.91
14.00	.87	.20	64.00	3.97	.93
15.00	.93	.22	65.00	4.03	.94
16.00	.99	.23	66.00	4.09	.96
17.00	1.05	.25	67.00	4.15	.97
18.00	1.12	.26	68.00	4.22	.99
19.00	1.18	.28	69.00	4.28	1.00
20.00	1.24	.29	70.00	4.34	1.02
21.00	1.30	.30	71.00	4.40	1.03
22.00	1.36	.32	72.00	4.46	1.04
23.00	1.43	.33	73.00	4.53	1.06
24.00	1.49	.35	74.00	4.59	1.07
25.00	1.55	.36	75.00	4.65	1.09
26.00	1.61	.38	76.00	4.71	1.10
27.00	1.67	.39	77.00	4.77	1.12
28.00	1.74	.41	78.00	4.84	1.13
29.00	1.80 1.86	.42 .44	79.00	4.90 4.96	1.15 1.16
31.00	1.92	.45	81.00	5.02	1.17
32.00	1.98 2.05	.46 .48	82.00	5.08 5.15	1.19 1.20
	2.05	.40 .49	83.00	5.21	1.20
34.00 35.00	2.17	.51	85.00	5.27	1.23
36.00	2.23	.52	86.00	5.33	1.25
37.00	2.29	.54	87.00	5.39	1.26
38.00	2.36 2.42	.55 .57	88.00	5.46 5.52	1.28 1.29
39.00 40.00	2.42	.57	89.00 · · · · · · · · · · · · · · · · · ·	5.52 5.58	1.29
41.00	2.54 2.60	.59 .61	91.00	5.64 5.70	1.32 1.33
	2.60	.61		5.70	1.33
11.00	2.67	.62	04.00	5.83	1.35
45.00	2.79	.65	95.00	5.89	1.38
46.00	2.85	.67	96.00	5.95	1.39
47.00	2.91	.68	97.00	6.01 6.08	1.41
48.00	2.98 3.04	.70 .71	98.00	6.08 6.14	1.42 1.44
49.00	3.10	.71	99.00	6.20	1.44
	5.10	.15	100.00	0.20	1.40

To help us develop a more useful index, please let us know if you have ideas for index entries.
 See "Comments and Suggestions" in the "Introduction" for the ways you can reach us.

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- Your Federal Income Tax (For 17 Individuals)
- 334 Tax Guide for Small Business (For Individuals Who Use Schedule C or C-EZ
- 509 Tax Calendars for 2004
- 553 Highlights of 2003 Tax Changes
- 910 Guide to Free Tax Services
- Specialized Publications
 - 3 Armed Forces' Tax Guide
 - 54 Tax Guide for U.S. Citizens and **Residents Aliens Abroad**
 - 225 Farmer's Tax Guide
 - 378 Fuel Tax Credits and Refunds
 - 463 Travel, Entertainment, Gift, and Car
 - Expenses 501 Exemptions, Standard Deduction, and Filing Information
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 - 503 Child and Dependent Care Expenses
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 - 514 Foreign Tax Credit for Individuals
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 - 517 Social Security and Other Information for Members of the Clergy and **Religious Workers**
 - 519 U.S. Tax Guide for Aliens
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- Tax Guide for Individuals With Income 570 From U.S. Possessions
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- 575 Pension and Annuity Income
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- 1542 Per Diem Rates
- Reporting Cash Payments of Over 1544 \$10,000 (Received in a Trade or Business)
- 1546 The Taxpayer Advocate Service of the IRS

Spanish Language Publications

1SP	Derechos del Contribuyente
579SP	Cómo Preparar la Declaración de Impuesto Federal
594SP	Comprendiendo el Proceso de Cobro
596SP	Crédito por Ingreso del Trabajo
850	English-Spanish Glossary of Words and Phrases Used in Publications Issued by the Internal Revenue Service
1544SP	Informe de Pagos en Efectivo en Exceso de \$10,000 (Recibidos en una Ocupación o Negocio)

See How To Get Tax Help for a variety of ways to get forms, including by computer, fax, phone, and mail. For fax orders only, use the catalog number when ordering.

Form Number and Title	Catalog Number	Form Number and Title	Catalog Number
1040 U.S. Individual Income Tax Return	11320	2106 Employee Business Expenses	11700
Sch A&B Itemized Deductions & Interest and Ordinary Dividends	11330	2106-EZ Unreimbursed Employee Business Expenses	20604
Sch C Profit or Loss From Business	11334	2210 Underpayment of Estimated Tax by	11744
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