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Why Separate Tax Returns For Married Couples Are Worth Considering

A close-up photograph of a tax form, likely a U.S. Individual Income Tax Return (Form 1040). The focus is on the 'Filing Status' section, which includes a heading 'Check here if you, or your spouse, are filing jointly' and three numbered options: 1 Single, 2 Married filing jointly (with a checkbox), and 3 Married filing separately (with a checkbox). Below this, there is a section for 'Exemptions' with a heading 'Check only one box.' and options for '6a Yourself. If some' and 'b Spouse'. The form is slightly blurred, emphasizing the filing status options.

Most married couples file joint income tax returns, and tax return preparers assume that's what you want. Yet that simple step makes each spouse liable for everything on the return—and anything that might *not* be on the return. Joint filing can be more convenient and usually saves you money compared to separate filings. However, a joint tax return means that both spouses are on the hook for any mistakes, which is worth considering. Computing your taxes both ways—the total due under joint and under separate—is worth doing to compare.

Innocent Spouse?

If you get into hot water over something your spouse did—perhaps you didn't know your spouse was gambling or hiding income—you can claim [innocent spouse relief](#). However, there are numerous hurdles and limitations, and getting innocent spouse relief is often fraught with problems and risks. You can avoid the issue entirely by filing taxes separately. Although separate tax filings and separate finances do not always go hand in hand, they work best in concert.

Why File Separately?

What if you learn that your spouse had unreported income? If you filed jointly, you are on the hook too, and for 100%, not just for half. Couples with sizable assets may consider separate filings, especially where one or both face business or tax risks. Plus, there is always that looming “you never told me” kind of problem. If one spouse has current or past legal, tax or credit problems, separate filings can save you headaches.

That's true with couples having separate property too. If one spouse comes into the marriage with many assets and with a prenuptial agreement, separate

tax filings help keep things separate. If divorce is on the horizon, it can be another good reason to file separately. Newly married couples who have an opportunity to file jointly for the first time may want to consider if it is best for their situation.

Other Filing Choices

There are actually [five filing statuses](#): Single, Married Filing Jointly, Married Filing Separately, Head of Household and Qualifying Widow(er) with Dependent Child. Head of Household status may be the one most often claimed in error. Head of Household status generally applies to taxpayers who are unmarried. You must also have paid more than half the cost of maintaining a home for yourself and a qualifying person.

If more than one filing status applies, you can pick the one giving you the lowest tax. You and your spouse may pay lower taxes by filing married filing jointly. But sometimes even if you would pay less that way, it is worth considering filing separately.

Divorce

What about an impending divorce? Your marital status on the last day of the year determines your marital status for the entire year. So to be eligible to file a married filing joint return, you must be married on December 31st. If you are legally separated under state law you can generally file single. Of course, if you are legally divorced you can also file single. But if you are still married on December 31st and not legally separated, you'll need to file married (presumably filing separate), not single.

Bottom Line

Most people do not devote any thought to their filing status, which can be a mistake. You may want to run the numbers both ways and consider if joint or separate returns are better for you. Even if you'll pay less by filing jointly, weigh the pros and cons. It can be worthwhile to keep returns separate, especially if one spouse has past credit, tax or legal problems or if any of these problems seem likely in the future. Separate filings help keep assets from being co-mingled too, which can make divorce less consequential. Avoid the automatic joint filing reaction, and think through what is best for you.