



# Nonobligated Spouse Allocation

This is a scannable form; please file this original with the Tax Department.

**Who qualifies** — You qualify as a nonobligated spouse if you have income (e.g., wages, interest, etc.) and prepaid taxes (e.g., withholding or estimated tax payments) that are to be reported on a joint return or you are going to file a joint return for any refundable credit(s) and (1) you want to disclaim

your spouse's past-due legally enforceable debt to a New York State agency and (2) you do not want to apply your part of the joint refund or refundable credit to a debt owed solely by your spouse.

## Part I — Information about the joint return for which this claim is filed

Enter the following information exactly as it is shown on the tax return for which you are filing this claim. The spouse's name and social security number shown first on that tax return must also be shown first below.

First name, middle initial, and last name shown first on the return	Social security number shown first	If nonobligated spouse, check, here <input type="checkbox"/>
First name, middle initial, and last name shown second on the return	Social security number shown second	If nonobligated spouse, check, here <input type="checkbox"/>

Did you receive a *Notice of Claim Against Your Income Tax Refund*?  Yes  No  
If Yes, please attach a copy to this form. Include copies of all New York State IT-2102 forms and all federal W-2 forms of both spouses.

## Part II — Allocation of items on the joint tax return between spouses

Allocated items	(a) Allocated to nonobligated spouse	(b) Allocated to other spouse	(c) Amount shown on joint return
<b>1</b> Income. Allocate separate income to the spouse who earned it. Allocate joint income, such as interest earned on a joint bank account, as you determine. Be sure to allocate all income shown on the joint return. <i>(Form IT-100 - see instructions)</i>			
<b>a</b> Wages <i>(Forms IT-200, IT-201 and IT-203, line 1)</i> .....			
<b>b</b> All other income. Identify the type and amount <i>(Form IT-200, lines 2 through 5; Form IT-201, lines 2 through 15; Form IT-203, lines 2 through 15, Federal amount column) ▶</i> ..... ..... .....			
<b>c</b> Total income <i>(add lines 1a and 1b)</i> .....			
<b>2</b> Federal adjustments to income. Allocate separate adjustments, such as an IRA deduction, to the spouse to whom they belong <i>(Form IT-200 - line 7; Form IT-201 - line 17; Form IT-203 - line 17, Federal amount column.)</i> .....			
<b>3</b> Total New York State/City of New York/City of Yonkers taxes <i>(Form IT-200 - add lines 21 and 28; Form IT-201 - add lines 42 and 54; Form IT-203 - add lines 48 and 53)</i> .....			
<b>4 a</b> Income tax withheld. Allocate New York State/City of New York/City of Yonkers income tax withheld to each spouse as shown on New York State Forms IT-2102 or federal Forms W-2. Be sure to attach copies of these forms to your tax return, or to Form IT-280 if you are filing it by itself .....			
<b>b</b> Estimated tax payments and amount paid with extension Form IT-370. Allocate joint estimated tax payments <i>(Form IT-201 - line 65; Form IT-203 - line 61)</i> .....			
<b>c</b> Total prepayments <i>(add lines 4a and 4b)</i> .....			

**Part III — Signature**

Under penalties of perjury, I declare that I have examined this form and any accompanying schedules or statements and to the best of my knowledge and belief, they are true, correct and complete. Declaration of preparer (other than taxpayer) is based on all information of which preparer has any knowledge.

Keep a copy of this form for your records	Nonobligated spouse's signature	Date	Telephone number (optional) ( )
<b>Paid preparer's use only</b>	Preparer's signature ▶	Date	Check if self-employed <input type="checkbox"/> Preparer's SSN or PTIN
	Firm's name (or yours if self-employed) and address ▶		EIN
			ZIP code

**Instructions**

**How to file** — Attach the completed Form IT-280 to the front of your original Form IT-200, IT-201, IT-203, IT-214 or Form NYC-210. We need the information on it to process your refund as quickly as possible. An IT-280 can be electronically filed with any electronically filed returns. Once you have filed your return, you cannot file an amended return solely to disclaim your spouse's defaulted student loan, past-due support liability, or past-due legally enforceable debt owed to a state agency. However, you will be notified if your refund is applied against your spouse's defaulted student loan, past-due support, or past-due legally enforceable debt owed to a state agency and you did not attach Form IT-280 to your return. You will then have ten days from the date of notification to file Form IT-280.

Complete Parts I and II of this form and sign Part III in the space provided. If you are filing Form IT-214 or Form NYC-210 and do not have to file an income tax return, fill in only your name and the social security number of both spouses and sign this form.

If you are filing any one of the following credit forms alone (because you did not claim the credit(s) when you filed your return on Form IT-200, IT-201, or IT-203), you must file Form IT-280 with the credit forms:

- IT-215, *Claim for Earned Income Credit*,
- IT-216, *Claim for Child and Dependent Care Credit*,
- IT-217, *Claim for Farmers' School Tax Credit*

**Form IT-100** — You cannot file Form IT-280 with Form IT-100. However, if you originally filed Form IT-100, and you are notified that your refund has been applied against your spouse's defaulted student loan, past-due support, or past-due legally enforceable debt owed to a state agency, you will have ten days from the date of notification to file Form IT-280. Complete Parts I and II of this form and sign Part III in the space provided. Enter your total federal income on line 1. Your total federal income on Form IT-100 is the total of lines 2, 3, 5, and 6. Enter your federal adjustment(s) to income on line 2. Your federal adjustment to income on Form IT-100 is the line 7 amount.

**Note: New York Form IT-280 is used only to protect your portion of a joint refund from being applied against a debt owed solely by your spouse.** This form should not be used to request innocent spouse relief.

You may qualify for relief from liability for tax on a joint return if (1) there is an understatement of tax because your spouse omitted income or claimed false deductions or credits, (2) you are divorced, separated, or no longer living with your spouse, or (3) given all the facts and circumstances, it would be unfair to hold you liable for the tax. See new Form IT-285, *Request for Innocent Spouse Relief*, for more information.

**Need help?**

**Telephone assistance** is available from 8:30 a.m. to 4:25 p.m. (eastern time), Monday through Friday.

Tax information: 1 800 225-5829

Forms and publications: 1 800 462-8100

Refund status: Access our website or call 1 800 443-3200;

if electronically filed 1 800 353-0708; direct deposit refunds: 1 800 321-3213

Automated service for refund status is available 24 hours a day, seven days a week.

From outside the U.S. and outside Canada: (518) 485-6800

Fax-on-demand forms (available 24 hours a day, seven days a week): 1 800 748-3676

Internet access: <http://www.tax.state.ny.us>

Hearing and speech impaired (telecommunications device for the deaf (TDD) callers only): 1 800 634-2110 (8:30 a.m. to 4:25 p.m., eastern time)



**Persons with disabilities:** In compliance with the Americans with Disabilities Act, we will ensure that our lobbies, offices, meeting rooms, and other facilities are accessible to persons with disabilities. If you have questions about special accommodations for persons with disabilities, please call 1 800 225-5829.



**If you need to write**, address your letter to: NYS Tax Department, Taxpayer Assistance Bureau, Taxpayer Correspondence, W A Harriman Campus, Albany NY 12227.

**Privacy notification**

The right of the Commissioner of Taxation and Finance and the Department of Taxation and Finance to collect and maintain personal information, including mandatory disclosure of social security numbers in the manner required by tax regulations, instructions, and forms, is found in Articles 22, 26, 26-A, 26-B, 30, 30-A, and 30-B of the Tax Law; Article 2-E of the General City Law; and 42 USC 405(c)(2)(C)(i).

The Tax Department uses this information primarily to determine and administer tax liabilities due the state and city of New York and the city of Yonkers. We also use this information for certain tax offset and exchange of tax information programs authorized by law, and for any other purpose authorized by law.

Information concerning quarterly wages paid to employees and identified by unique random identifying code numbers to preserve the privacy of the employees' names and social security numbers is provided to certain state agencies, for research purposes to evaluate the effectiveness of certain employment and training programs.

Failure to provide the required information may subject you to civil or criminal penalties, or both, under the Tax Law.

This information is maintained by the Director of the Registration and Data Services Bureau, NYS Tax Department, Building 8 Room 924, W A Harriman Campus, Albany NY 12227; telephone 1 800 225-5829. From areas outside the U.S. and outside Canada, call (518) 485-6800.

