

Frequently asked questions about the COVID-19 stimulus payment for families going through divorce or custody disputes

What is the “stimulus payment,” and do I have to pay it back?

The stimulus payment, also called an economic impact payment, is a one-time cash payment from the federal government under the CARES Act that does not need to be paid back. Individuals who qualify for the stimulus payment will also receive additional stimulus payments for each of their qualifying children.

The stimulus payment is not considered income. This means it does not need to be reported for public benefits. It does not need to be “spent down” within a year; after a year any of the money that has not been spent will be counted as a “resource.” You do not have to report this money on your 2020 taxes.

For more information on eligibility for the stimulus payment, how much you will receive, how to receive the payment, and important considerations for immigrant families, [click here](#).¹

2018 tax return, or, if no bank account was listed, mailed to the address listed on your 2018 tax return.

If neither you nor your spouse have received a stimulus payment, you should file your 2019 taxes as soon as possible. This will ensure the IRS has your current bank account information and address, and notify the government that your marital status has changed. If you provide your bank information, you will receive your payment through direct deposit. If you do not provide your bank information, you will receive your payment in the mail.

If your spouse already received the stimulus payment for you, you can paper file a tax return to make sure you receive your portion of the stimulus payment. If you are the parent entitled to claim any dependent children, you can claim those children on your paper return as well. It may take time, but you will eventually receive your stimulus check directly from the IRS without the need to communicate with your former spouse.

If it is safe to do so, you can try to coordinate with your former spouse to get your portion of the stimulus payment. If you received the payment, you should give your former spouse their portion of the stimulus payment.

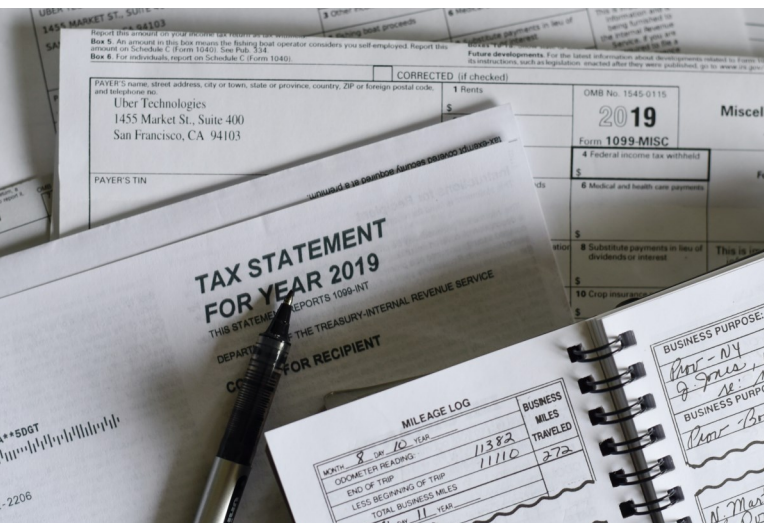
If you cannot agree on how to divide the money or your spouse refuses to give you the money, you will need a court order to divide the funds appropriately. However, there is no guarantee your former spouse will comply with a future court order so, this should be done in addition to filing a paper tax return.

I filed joint taxes with my spouse last year, but now we are separated. How will I receive my stimulus payment?

If you filed your 2018 taxes with your spouse, and have not filed 2019 taxes yet, the stimulus payment will be direct deposited into the bank account listed on the

My child’s father/mother and I are no longer together. Who gets to claim the additional stimulus payment for our children?

The parent entitled to the additional stimulus payment for their children is the parent who has the right to claim the children as dependents on their federal taxes.



Generally, you only have the right to claim your children as dependents if they reside in your home for more than half the year. For more information on determining whether you are entitled to claim your children as dependents, [click here](#).²

My spouse and I are separated and plan to file our 2019 taxes as “married, filing separately.” Who gets the additional stimulus payment for our children if we file separate taxes?

Same answer as last question. The parent entitled to the additional stimulus payments for their children, even in situations where you are still married and file separate tax returns, is the parent who has the right to claim the children as dependents on their federal taxes.

I do not file federal taxes and am separated from my children’s father/mother. Is there any harm to letting my children’s father/mother claim the children on their 2019 taxes this year?

That depends. If you already received the stimulus payment for you and your children, in other words, you have that money already in hand, then there may be no harm in letting the other parent claim the children on their 2019 taxes. However, you should consult a tax professional before allowing the non-custodial parent to claim your children as there are additional tax forms that will need to be provided to the other parent to include with their tax return.

In addition, if you earned any income during 2019, you should speak with a tax professional. Even if you earned a very small amount of income and are not required to file taxes, you may want to consider filing, as you may be eligible for the Earned Income Tax Credit.

If neither you nor the other parent has received the stimulus payment yet, and you let the other parent claim your children on their 2019 taxes, they will get the stimulus payment for your children, assuming the children qualify.

How do I claim the stimulus payment for my children if I am not required to file taxes?

If you are not required to file taxes and do not receive disability benefits (SSI or SSDI) or retirement benefits, you should go online to the [IRS non-filer website](#) to enter your information and claim your stimulus payment for you and your children.³

If you do not file taxes because you receive disability benefits (SSI or SSDI) or retirement benefits, you were required to go online before the end of April to use the IRS Non-filer tool to claim your children. If you missed this deadline, you cannot use the online portal at this time. However, you can still file a tax return and receive a stimulus payment for your children.



If you wish to receive an advance payment of your stimulus money, you have until December 31, 2020 to file a tax return and receive a stimulus check. This stimulus payment will be made by paper check and mailed to you at the address you list on your tax return. If you do not file by December 31, 2020, you will not receive a separate payment. Instead, you will receive it as along with your tax refund when you file your 2020 tax return, assuming you and your children still qualify in the 2020 tax year. Contact a tax professional if you have questions about this.

I believe my former partner has already claimed our children on their 2019 tax return even though they do not have the right to claim the children as dependents, what should I do?

If you believe you are entitled to claim your children as dependents on your federal taxes, but your former

partner has already claimed the children, you can file a separate tax return for 2019 and claim the children. You will need to file a paper return to do this. When two parents claim the same children on their tax return, your tax returns will be reviewed by the IRS. The IRS will determine which parent is entitled to claim the children.



I believe my former partner/spouse may have received my stimulus payment, what should I do?

If your spouse already received the stimulus payment for you, you can paper file a tax return to make sure you receive your portion of the stimulus payment. If you are the parent entitled to claim any dependent children, you can claim those children on your paper return as well. It may take time, but you will eventually receive your stimulus check directly from the IRS without the need to communicate with your former spouse.

If it is safe, contact your former partner and ask them to give you your share of the stimulus payment.

If it is not safe to contact your former partner or if they will not agree to hand over your stimulus, you will need to get a court order requiring them to do so. You should contact an attorney for assistance. However, there is no guarantee your former spouse will comply with a future court order. So, this should be done in addition to filing a paper tax return.

It has been a long time, and I have not received my stimulus money. What can I do?

Be aware the processing times for receiving the stimulus money vary. However, if you receive a letter from a government organization stating that you will not receive your stimulus money because it is being garnished, contact a lawyer immediately.

You can check the status of the stimulus money on the [IRS website](#).⁴

Additional resources

- **Low-cost banks.** If you do not have your own bank account, you can find a list of low or no-cost potential banking options [here](#).⁵
- **Protecting stimulus payment from creditors.** Information about protecting your stimulus payment from being taken by creditors can be found [here](#).⁶
- **Tax filing status.** To determine your filing requirements, you may find your filing status [here](#).⁷
- **Free legal assistance with stimulus payments and tax issues.** If you have not received your stimulus payment or have concerns about receiving your stimulus payment, contact Legal Aid Services of Oregon's Low Income Taxpayer Clinic at 1-888-610-8764.

Note: This section is part of a larger document "[Resources for families experiencing divorce, separation, or domestic violence during COVID-19](#)." That resource includes an appendix of the full website addresses for each of the referenced websites.