

Disallowance of Certain Credits



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Form 8862, Information to Claim Certain Credits After Disallowance, must be completed for any taxpayer whose EIC, credit for other dependents (ODC), child tax credit (CTC), refundable child tax credit (RCTC), additional child tax credit (ACTC), or American opportunity tax credit (AOTC), was previously reduced or disallowed and the taxpayer received a letter saying they had to complete and attach Form 8862 to claim the credit(s) the next time.

If the IRS determined a taxpayer claimed the credit(s) due to reckless or intentional disregard of the rules (not due to math or clerical errors) the taxpayer can't claim the credit(s) for 2 tax years. If the error was due to fraud, then the taxpayer can't claim the credit(s) for 10 tax years.

Two situations may require completion of Form 8862

- 1) The IRS advised the taxpayer that form 8862 must be completed for a future tax return.
- 2) A return has been rejected with reject code IND-046-01 – “Incorrect Data: Form 8862 must be present in the return. The e-File database indicates the taxpayer must file Form 8862 to claim Earned Income Credit after disallowance.”

The steps to be followed are:

- Enter 8862 in the forms search box
- Click Begin for “Information to Claim Certain Refundable Credits After Disallowance”
- Click Begin for Credit to be claimed, e.g. “Claim EIC After Disallowance.” (Note: Credits listed will be the ones for which the taxpayer is eligible.)

For EIC disallowance

- Do not click the first box “Check here if the only reason your EIC was reduced or disallowed in the earlier year was because you incorrectly reported your earned income or investment income” unless that is the actual reason the EIC was reduced/eliminated.
- Answer remaining questions and click Continue. Questions must be answered for all children

For CTC/ACTC

- Select “Claim Credit” then Continue

For AOTC

- Select “Form 8863” and confirm entries

Not Eligible for EIC:

If the taxpayer is not eligible for Earned Income Credit for any reason (including a previous year disallowance), click BEGIN on the Not Eligible for EIC line. Select both the check boxes after reading them carefully to determine that the taxpayer agrees to not claim earned income credit on this return.