Form **8867**

Paid Preparer's Earned Income Credit Checklist

► To be completed by preparer and filed with Form 1040, 1040A, or 1040EZ.

▶ Information about Form 8867 and its separate instructions is at www.irs.gov/form8867.

OMB No. 1545-1629

2013

Attachment Sequence No. 177

Department of the Treasury
Internal Revenue Service

Taxpayer name(s) shown on return

Taxpayer's social security number

01 111	• Investment Income • Qualifying Child • Earned Income • Full-	time Studer	nt
Part	All Taxpayers		
1	Enter preparer's name and PTIN ▶		
2	Is the taxpayer's filing status married filing separately?	☐ Yes	□ No
	▶ If you checked "Yes" on line 2, stop; the taxpayer cannot take the EIC. Otherwise, continue.		
3	Does the taxpayer (and the taxpayer's spouse if filing jointly) have a social security number (SSN) that allows him or her to work or is valid for EIC purposes? See the instructions before answering	☐ Yes	□ No
	▶ If you checked "No" on line 3, stop; the taxpayer cannot take the EIC. Otherwise, continue.		
4	Is the taxpayer (or the taxpayer's spouse if filing jointly) filing Form 2555 or 2555-EZ (relating to the exclusion of foreign earned income)?	☐ Yes	□ No
	▶ If you checked "Yes" on line 4, stop; the taxpayer cannot take the EIC. Otherwise, continue.		
5а	Was the taxpayer (or the taxpayer's spouse) a nonresident alien for any part of 2013?	☐ Yes	□ No
b	Is the taxpayer's filing status married filing jointly?	☐ Yes	□No
6	Is the taxpayer's investment income more than \$3,300? See Rule 6 in Pub. 596 before answering ► If you checked "Yes" on line 6, stop; the taxpayer cannot take the EIC. Otherwise, continue.	☐ Yes	□No
7	Could the taxpayer be a qualifying child of another person for 2013? If the taxpayer's filing status is married filing jointly, check "No." Otherwise, see Rule 10 (Rule 13 if the taxpayer does not have a qualifying child) in Pub. 596 before answering	☐ Yes	□ No
	▶ If you checked "Yes" on line 7, stop; the taxpayer cannot take the EIC. Otherwise, go to Part II or Part III, whichever applies.		0007

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Part				
	Caution. If there is more than one child, complete lines 8 through 14 for one child before going to the next column.	Child 1	Child 2	Child 3
8 9	Child's name	☐ Yes ☐ No	□Yes □No	☐Yes ☐No
10	Was the child unmarried at the end of 2013? If the child was married at the end of 2013, see the instructions before answering	☐ Yes ☐ No	□Yes □No	☐ Yes ☐ No
11	Did the child live with the taxpayer in the United States for over half of 2013? See the instructions before answering	☐Yes ☐ No	☐Yes ☐No	☐Yes ☐No
12	Was the child (at the end of 2013)— • Under age 19 and younger than the taxpayer (or the taxpayer's spouse, if the taxpayer files jointly),			
	• Under age 24, a full-time student, and younger than the taxpayer (or the taxpayer's spouse, if the taxpayer files jointly), or			
	 Any age and permanently and totally disabled?	☐ Yes ☐ No	□Yes □No	☐ Yes ☐ No
13a	Do you or the taxpayer know of another person who could check "Yes" on lines 9, 10, 11, and 12 for the child? (If the only other person is the taxpayer's spouse, see the instructions before answering.) If you checked "No" on line 13a, go to line 14. Otherwise, go to	□Yes □No	□Yes □No	□Yes □No
b c	line 13b. Enter the child's relationship to the other person(s)	☐Yes ☐ No ☐Don't know	☐Yes ☐No ☐Don't know	☐Yes ☐No ☐Don't know
	▶ If you checked "Yes" on line 13c, go to line 14. If you checked "No," the taxpayer cannot take the EIC based on this child and cannot take the EIC for taxpayers who do not have a qualifying child. If there is more than one child, see the Note at the bottom of this page. If you checked "Don't know," explain to the taxpayer that, under the tiebreaker rules, the taxpayer's EIC and other tax benefits may be disallowed. Then, if the taxpayer wants to take the EIC based on this child, complete lines 14 and 15. If not, and there are no other qualifying children, the taxpayer cannot take the EIC, including the EIC for taxpayers without a qualifying child; do not complete Part III. If there is more than one child, see the Note at the bottom of this page.			
14	Does the qualifying child have an SSN that allows him or her to work or is valid for EIC purposes? See the instructions before answering	☐Yes ☐ No	☐Yes ☐No	☐Yes ☐No
	▶ If you checked "No" on line 14, the taxpayer cannot take the EIC based on this child and cannot take the EIC available to taxpayers without a qualifying child. If there is more than one child, see the Note at the bottom of this page. If you checked "Yes" on line 14, continue.			
15	Are the taxpayer's earned income and adjusted gross income each less than the limit that applies to the taxpayer for 2013? See Pub. 596 for the limit			□Yes □No
	▶ If you checked "No" on line 15, stop; the taxpayer cannot take the EIC. If you checked "Yes" on line 15, the taxpayer can take the EIC. Complete Schedule EIC and attach it to the taxpayer's return. If there are two or three qualifying children with valid SSNs, list them on Schedule EIC in the same order as they are listed here. If the taxpayer's EIC was reduced or disallowed for a year after 1996, see Pub. 596 to see if Form 8862 must be filed. Go to line 20.			
	Note. If you checked " No " on line 13c or 14 but there is more than one child, complete lines 8 through 14 for the other child(ren) (but for no more than three qualifying children). Also do this if you checked " Don't know " on line 13c and the taxpayer is not taking the EIC based on this child.			

Form 8867 (2013) Page 3 Part III **Taxpayers Without a Qualifying Child** Was the taxpayer's main home, and the main home of the taxpayer's spouse if filing jointly, in the United States for more than half the year? (Military personnel on extended active duty outside the United States are considered to be living in the United States during that duty period. See Pub. 596.) ☐ Yes □ No ▶ If you checked "No" on line 16, stop; the taxpayer cannot take the EIC. Otherwise, continue. Was the taxpayer, or the taxpayer's spouse if filing jointly, at least age 25 but under age 65 at the 17 end of 2013? See the instructions before answering ☐ Yes □ No ▶ If you checked "No" on line 17, stop; the taxpayer cannot take the EIC. Otherwise, continue. 18 Is the taxpayer eligible to be claimed as a dependent on anyone else's federal income tax return for ☐ Yes □ No ▶ If you checked "Yes" on line 18, stop; the taxpayer cannot take the EIC. Otherwise, continue. 19 Are the taxpayer's earned income and adjusted gross income each less than the limit that ☐ Yes ☐ No ▶ If you checked "No" on line 19. stop: the taxpayer cannot take the EIC. If you checked "Yes" on line 19, the taxpayer can take the EIC. If the taxpayer's EIC was reduced or disallowed for a year after 1996, see Pub. 596 to find out if Form 8862 must be filed. Go to line 20. **Due Diligence Requirements** Part IV Did you complete Form 8867 based on current information provided by the taxpayer or reasonably ☐ Yes □ No Did you complete the EIC worksheet found in the Form 1040, 1040A, or 1040EZ instructions (or your 21 ☐ Yes own worksheet that provides the same information as the 1040, 1040A, or 1040EZ worksheet)? . . . ■ No 22 If any qualifying child was not the taxpayer's son or daughter, do you know or did you ask why the Yes No ■ Does not apply 23 If the answer to question 13a is "Yes" (indicating that the child lived for more than half the year with someone else who could claim the child for the EIC), did you explain the tiebreaker rules and ☐ Yes No possible consequences of another person claiming your client's qualifying child? ■ Does not apply Did you ask this taxpayer any additional questions that are necessary to meet your knowledge 24 Yes No ■ Does not apply To comply with the EIC knowledge requirement, you must not know or have reason to know that any information you used to determine the taxpayer's eligibility for, and the amount of, the EIC is incorrect. You may not ignore the implications of information furnished to you or known by you, and you must make reasonable inquiries if the information furnished to you appears to be incorrect, inconsistent, or incomplete. At the time you make these inquiries, you must document in your files the inquiries you made and the taxpayer's responses. Did you document (a) the taxpayer's answer to question 22 (if applicable), (b) whether you explained 25 the tiebreaker rules to the taxpayer and any additional information you got from the taxpayer as a Yes No result, and (c) any additional questions you asked and the taxpayer's answers? □ Does not apply ➤ You have complied with all the due diligence requirements if you: 1. Completed the actions described on lines 20 and 21 and checked "Yes" on those lines, 2. Completed the actions described on lines 22, 23, 24, and 25 (if they apply) and checked "Yes" (or "Does not apply") on those lines, 3. Submit Form 8867 in the manner required, and 4. Keep all five of the following records for 3 years from the latest of the dates specified in the instructions under Document Retention: a. Form 8867, Paid Preparer's Earned Income Credit Checklist, b. The EIC worksheet(s) or your own worksheet(s), c. Copies of any taxpayer documents you relied on to determine eligibility for or amount of EIC, d. A record of how, when, and from whom the information used to prepare the form and worksheet(s) was obtained, and

e. A record of any additional questions you asked and your client's answers.

23, 24, or 25. You may have to pay a \$500 penalty for each failure to comply.

You have not complied with all the due diligence requirements if you checked "No" on line 20, 21, 22,

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Par	t V Documents Provided to You	i age -					
26		to you and that you relied on to determine the taxpayer's EIC uments you relied on. See the instructions before answering. If there child, check box o.					
Residency of Qualifying Child(ren)							
	a No qualifying child	☐ i Place of worship statement					
	□ b School records or statement	☐ j Indian tribal official statement					
	C Landlord or property management statement	☐ k Employer statement					
	☐ d Health care provider statement	☐ I Other (specify) ▼					
	☐ e Medical records						
	☐ f Child care provider records						
	Placement agency statement						
		☐ m Did not rely on any documents, but made notes in file					
	D. 100	n Did not rely on any documents					
		Qualifying Child(ren)					
	No disabled child	☐ s Other (specify) ▼					
	p Doctor statement						
	☐ q Other health care provider statement						
	☐ r Social services agency or program statement	☐ t Did not rely on any documents, but made notes in file					
		☐ u Did not rely on any documents					
27	on to prepare the Schedule C. Check all that apply. Keep a copy of any documents you relied on. See the instructions before answering. If there is no Schedule C, check box a.						
		r Other Information					
	a No Schedule C	h Bank statements					
	b Business license	☐ i Reconstruction of income and expenses					
	C Forms 1099	☐ J Other (specify) ▼					
	d Records of gross receipts provided by taxpayer						
	Taxpayer summary of income	Dk Bidastaskas sandasansata katas 1 2 2 2					
	f Records of expenses provided by taxpayer	□ k Did not rely on any documents, but made notes in file					
	☐ 9 Taxpayer summary of expenses	Did not rely on any documents					

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