

A FEDERAL COURT HAS ORDERED THAT THE IRS MAY NOT DENY CARES ACT ECONOMIC IMPACT PAYMENTS TO ANYONE SOLELY BECAUSE THEY ARE INCARCERATED

If you are or were incarcerated at some point since March 27, 2020, you may need to take action by October 15, 2020 to receive a payment.

In March 2020, Congress passed the Coronavirus Aid, Relief, and Economic Security Act ("CARES Act"). The Act provides emergency relief to eligible individuals in the form of a tax credit for 2020. The Act instructs the IRS to issue advance refunds to eligible individuals as rapidly as possible.

The IRS previously took the position that people who are incarcerated are not eligible for advance refunds. On September 24, 2020, a federal court ruled that the IRS's position was likely unlawful. The case is Scholl v. Mnuchin, No. 4:20-cv-5309-PJH (N.D. Cal.). The court ordered the IRS to stop denying payments to people solely because they are incarcerated, and ordered the IRS to make payments to people who were previously denied one because they were incarcerated within 30 days.

Who is eligible for an Economic Impact Payment?

You are eligible if all of the following are true:

You are a U.S. Citizen or Legal Permanent Resident;

You were not claimed as a dependent on another person's tax return; and,

If you are married or if you have qualifying children, your spouse and your children have a valid Social Security Number. This restriction does not apply if you or your spouse served in the Armed Forces in 2019.

If I am eligible, how much will my payment be?

If you meet the criteria above, your payment will be up to \$1,200 if you filed individually or \$2,400 if you filed jointly with a spouse, plus \$500 per qualifying child. Your payment will be reduced by 5% of income you received in 2019 above: \$150,000 for joint filers, \$112,500 for a head of household, and \$75,000 in all other cases.

What do I need to do to receive a payment?

It depends:

If you filed a 2018 or 2019 tax return, or if you receive Social Security Benefits or Railroad Retirement Benefits, you do not need to take any action. You should receive an automatic payment in the mail.

If you did not file a 2018 or 2019 tax return and your income was below \$12,200 (or \$24,400 if filing jointly), but you are an eligible individual as defined above, you must take action by October 15 to receive an advance payment. If you have access to the Internet, you can file a claim at the following URL:

www.irs.gov/coronavirus/non-filers-enter-payment-info-her

Alternatively, you can file a claim using the enclosed paper form, by mail postmarked on or by October 15.

Where can I find more information?

www.lieffcabraser.com/cares-act-relief

EQUAL JUSTICE SOCIETY

SAN FRANCISCO
NEW YORK
NASHVILLE
MUNICH
lieffcabraser.com

**Lieff
Cabrer
Heimann &
Bernstein**
Attorneys at Law