



Instructions for Form IT-215 Claim for Earned Income Credit

General information

Who qualifies

To qualify for the New York State earned income credit you must:

- have claimed the federal earned income credit for tax year 2001; **and**
- file (or have filed) a New York State return for 2001.

If you are a resident or part-year resident, you may qualify for a refund of any earned income credit in excess of your New York State tax liability. Nonresidents **do not** qualify for a refund of the New York State earned income credit.

How to claim the credit

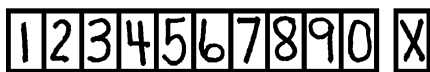
In order to claim the New York State earned income credit you must:

- complete Form IT-215 using the information from your federal return, worksheets, and, if applicable, the federal return's federal earned income credit line instructions; **or**
- if you file the IT-100 return, complete the *Claim for earned income credit for IT-100 filers* on the back of the return.

Filling in your claim form

Form IT-215 for 2001 has been designed to let us use the latest scanning and image-processing equipment. Rectangular boxes and white entry areas have been printed on the form to guide you in making your handwritten entries. This will enable our scanning equipment to read your return more accurately and let us process it more efficiently. Please spend a moment reviewing the method below for making your entries:

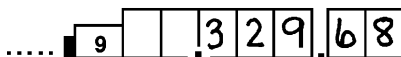
- Please keep your name and address entries within the spaces provided. For example, your first name and middle initial should not go past the vertical line separating them from your last name, and your last name should start to the right of the vertical line. Similarly, your mailing address, ZIP code, etc., should be kept within the boxes provided.
- Please print (using a blue or black ballpoint pen; no pencils, please) or type all "X" marks and money amounts in the boxes or spaces provided.
- Do not use dollar signs, commas, decimal points, dashes or any other punctuation marks or symbols.
- Write your numerals like this:



Carefully enter your money amounts so that the whole **dollar amount** ends in the box immediately to the **left** of the cents decimal and the **cents amount** starts in the box immediately to the **right** of the cents decimal.

- Make your money amount entries in the boxes allowing one numeral for each area.

Example: If your entry for line 9 is \$329.68, your money field entry should look like:



- Leave blank any spaces and boxes that do not apply to you.

Line instructions for all filers

All resident, nonresident, and part-year resident filers complete lines 1 through 18 as applicable. (**Form IT-100 filers** - Do not file Form IT-215 unless you have already filed your Form IT-100 for 2001.)

All part-year resident filers must also complete lines 19 through 27.

Line 1 — You must have claimed the federal earned income credit for 2001 in order to claim the New York State earned income credit.

Line 2 — You cannot claim the New York State earned income credit if your investment income is more than \$2,450. For most people, investment income is the total amount of:

- taxable interest (from line 8a of federal Form 1040 or 1040A);
- tax-exempt interest (from line 8b of federal Form 1040 or 1040A);
- ordinary dividends income (from line 9 of federal Forms 1040 or 1040A); and
- capital gain net income from line 13 of Form 1040 (if more than zero).

For additional information on what qualifies as investment income, see **federal** Publication 596, *Earned Income Credit*.

Line 3 — File Form IT-215 with your original 2001 New York State income tax return. If you have already filed your original return, you may file Form IT-215 by itself. If you haven't previously filed your income tax return for this year, you **must** file one with this claim.

Line 4 — If you filed federal schedule EIC, be sure to list the name, relationship, number of months the child lived with you, social security number and year of birth for the **same** children you claimed on the federal schedule.

Caution: To be eligible to claim the New York State earned income credit, you must provide a correct and valid social security number (SSN) for each child listed on line 4.

If you have applied for a social security number by filing federal Form SS-5 with the Social Security Administration, but you have not received it by April 15, 2002, or if you live in the state of New York (except the city of New York and the counties of Nassau, Rockland, Suffolk, and Westchester), Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, or Vermont, by April 16, 2002, you can either:

- 1) File Form IT-370 requesting an automatic extension of time to file until August 15, 2002. (This extension does not give you any extra time to pay any tax owed. You should pay any New York taxes you expect to owe to avoid interest or penalty charges. For more information, see Form IT-370, *Application for Automatic Extension of Time to File for Individuals.*) **or**
- 2) File your return on time without claiming the earned income credit and do not attach Form IT-215. After receiving the SSN, file Form IT-215 and claim the credit.

Be sure to place an **X** in the box under the heading *Full-time student* if your child was born before 1983 and was a full-time student under 24. Place an **X** in this box **only** if you put a checkmark in the *yes* box on your 2001 federal Schedule EIC, line 4a.

Be sure to place an **X** in the box under the heading *Person with disability* if your child was born before 1983 and was permanently disabled during any part of 2001. Place an **X** in this box **only** if you put a checkmark in the **Yes** box on your 2001 federal schedule EIC, line 4b.

If you have checked the box *Person with disability*, and your qualifying person is 24 years of age or older, you must attach a letter from a doctor stating that the person is disabled. When we receive a letter from your qualifying person's doctor stating that your qualifying person is, by definition, permanently and totally disabled, we will keep that statement on file, and you will not have to provide this information again.

Line 6 — This amount can be found on the appropriate line of the **federal** return you filed.

Line 8 — If you received a taxable scholarship or fellowship that was not reported on a federal Form W-2, or if you were paid an amount as an inmate in a penal institution for work, enter the amount from your federal Form 1040 instructions for lines 61a and 61b, earned income credit computation step 7, item 3 (subtract line.)

Line 9 — *Business income or loss*, applies only to **federal** Form 1040 filers. Enter the amount of business income or loss from your federal Form 1040 instructions, *Earned Income Credit Worksheet B*, line 4a. **Do not use a minus sign or brackets to show a loss.** Check the appropriate box on line 9 to indicate if the amount reported is a profit or a loss. Be sure to enter your employer identification number (EIN) for your business. If you have income or loss from more than one business, enter the EIN representing your primary business activity. If your primary business activity doesn't have an EIN, use your social security number.

Line 10 — If you are filing New York State Form IT-200, IT-201, or IT-203, you must enter your federal modified adjusted gross income (FMAGI) from the line instructions for the earned income credit for the federal form you filed.

- 1040 filers - Form 1040 lines 61a and 61b instructions, *Step 6, Box A*
- 1040A filers - Form 1040A lines 39a and 39b instructions, *Step 6, Box A*
- 1040EZ filers - Form 1040EZ lines 9a and 9b instructions.

If you elected to have the Internal Revenue Service (IRS) figure your federal earned income credit for you, you must figure your federal modified adjusted gross income using either:

- **federal Publication 596, *Earned Income Credit*, or**
- **the *Federal modified adjusted gross income worksheet* provided on the back page of these instructions (even if you are requesting the Tax Department to compute your New York State earned income credit for you).**

Federal modified adjusted gross income for most Form IT-200, IT-201, or IT-203 filers is the same as federal adjusted gross income. Federal adjusted gross income is the amount reported on Form IT-200, line 8, Form IT-201, line 18 or Form IT-203, line 18, *Federal amount* column. But if you had tax exempt interest, a nontaxable distribution from a pension, annuity, or individual retirement arrangement (IRA), unless rolled over into a similar type of plan during the period allowed for rollovers, or you filed federal Schedule(s) C, C-EZ, D, E, or F, you must use the following worksheet to compute your federal modified adjusted gross income.

Federal modified adjusted gross income worksheet

1. Enter your federal adjusted gross income from Form 1040, line 33 or federal Form 1040A, line 19. 1 _____
2. Enter any tax exempt interest from federal Form 1040 or 1040A, line 8b, or Form 1040EZ, line 2 (amount shown left of dollar amount boxes and identified as tax exempt interest "TEI"). 2 _____
3. Enter any nontaxable distributions from a pension, annuity, or IRA, unless rolled into a similar type of plan during the period allowed for rollovers, included in the amount reported on federal Form 1040 lines, 15a and 16a, or federal Form 1040A, lines 11a and 12a. 3 _____
4. Enter any net capital loss claimed on federal Form 1040, Schedule D, line 18. 4 _____
5. Enter any net loss from an estate or trust claimed on federal Form 1040 Schedule E, line 36. 5 _____
6. Enter any royalty loss included on federal Form 1040 Schedule E, line 26. 6 _____
7. Enter any net business loss from federal Form 1040, Schedule C, line 31. 7 _____
8. Enter any net farm loss from federal Form 1040, Schedule F, line 36. 8 _____
9. Enter any loss determined by combining any rental real estate income or loss included in federal Schedule E, line 26, any partnership or S corporation income or loss claimed on federal Schedule E, line 31, and net farm rental income or loss from federal Schedule E, line 39.
Note: Do not take into account items which are attributable to a trade or business which consists of performance of services by the taxpayer as an employee. 9 _____
10. Add lines 7, 8, and 9 10 _____
11. Multiply line 10 by 75% (.75) 11 _____
12. Add lines 1 through 6 and line 11 12 _____

This is your federal modified adjusted gross income. Transfer this amount to Form IT-215, line 10.

Line 11 — This amount can be found on the appropriate line of your federal return. However, if you owe the federal alternative minimum tax, enter the amount of the federal earned income credit, as originally computed in the *EIC Worksheet* in your federal instructions **before** any reduction for the alternative minimum tax.

Line 12 — For 2001, the New York State earned income credit is 25% (.25) of the federal earned income credit reduced by any household credit allowed. The rate has already been filled in for you.

Line 13 — This amount represents your earned income credit **before** it has been reduced by the amount of household credit allowed. **IT-100 filers stop;** the Tax Department will compute your earned income credit for you.

Lines 14 - 16 — Form IT-200 filers, continue with line 14. Form IT-201 or IT-203 filers, complete **Worksheet A** on the back of the form. Then continue with line 14.

Line 17 — If you are attaching this claim to your original 2001 New York State income tax return and you answered *No* at line 3:

For filing status ①, ②, ④, or ⑤

- **Residents** - Transfer the line 17 amount to Form IT-200, line 36, or Form IT-201, line 59.
- **Nonresidents** - Transfer the line 17 amount to Form IT-203, line 41.
- **Part-year residents** - Transfer the line 17 amount to Form IT-203, line 41, **and continue** on line 19.

For filing status ③, Married filing separate return

- The line 17 amount represents both spouses' combined (total) earned income credit. You must complete line 18 and indicate the amount of line 17 that you are claiming.

If you have previously filed your 2001 New York State income tax return and you answered *Yes* at line 3:

For filing status ①, ②, ④, or ⑤

- **Residents, nonresidents, and part-year residents** - mail your completed Form IT-215 to:

STATE PROCESSING CENTER
PO BOX 61000
ALBANY NY 12261-0001

For filing status ③, Married filing separate return

- The line 17 amount represents both spouses' combined (total) earned income credit. You must complete line 18 and indicate the amount of line 17 that you are claiming.

Line 18 — Complete this line **only** if your filing status is ③, *Married filing separate return*.

If you are attaching this claim to your original return and answered *No* at line 3, show the portion of line 17 that you are claiming as your share of the earned income credit, and follow the appropriate instructions below. Remember, while the credit can be split in any manner you and your spouse agree to, the combined amount of both spouses' credits cannot be more than the amount on line 17.

- **Residents** - Transfer the line 18 amount to Form IT-200, line 36, or Form IT-201, line 59.
- **Nonresidents** - Transfer the line 18 amount to Form IT-203, line 41.
- **Part-year residents** - Transfer the line 18 amount to Form IT-203, line 41, **and continue** on line 19.

If you have already filed your 2001 New York State income tax return and answered *Yes* at line 3:

- **Residents, nonresidents, and part-year residents** - Mail your completed Form IT-215 to:

STATE PROCESSING CENTER
PO BOX 61000
ALBANY NY 12261-0001

Part-year residents only

Lines 19 through 27 need to be completed **only** by part-year residents claiming the earned income credit who are filing, or have previously filed, Form IT-203, *Nonresident and Part-Year Resident Income Tax Return*, for this year. The amounts for these lines can be found on the appropriate lines of Form IT-203 or IT-203-B, *Other New York State and City of New York Taxes and Tax Credits*, or their instructions.

The earned income credit must first reduce your tax liability to zero before the remaining excess earned income credit is eligible to be refunded. The amount to be refunded will be based on the ratio of resident period income to the combined income from both the resident and nonresident periods.

Line 26 — Divide line 24 by line 25 and carry the result to four decimal places. (Do not enter more than 100% (1.0000) even if your actual result is more than 100%.) If the result is zero percent (0%), you have no remaining excess earned income credit available to be refunded. Do not complete line 27.

Line 27 — If line 26 is greater than 0%, multiply line 23 by line 26. If you answered *No* at line 3, transfer the line 27 amount to Form IT-203-B, line 50, and attach Form IT-215 to your Form IT-203. This amount represents the refundable portion of your part-year resident earned income credit.

If you have previously filed your 2001 New York State income tax return and you answered *Yes* at line 3, mail your completed Form IT-215 to:

STATE PROCESSING CENTER
PO BOX 61000
ALBANY NY 12261-0001

A paid preparer must also sign your return.

If you pay someone to prepare your return, the paid preparer must also sign and fill in the other blanks in the paid preparer's area of your return. A person who prepares your return and does not charge you should not fill in the paid preparer's area.

Private delivery services

If you choose, you may use a private delivery service, instead of the U.S. Postal Service, to file your return. However, if, at a later date, you need to establish the date you filed your return, you cannot use the date recorded by a private delivery service **unless** you used a delivery service that has been designated by the U.S. Secretary of the Treasury or the Commissioner of Taxation and Finance. (Currently designated delivery services are listed in Publication 55, *Designated Private Delivery Services*. See *Need help?* below for information on ordering forms and publications.)

Need help?

- ☎ Tax information: 1 800 225-5829
- ☎ Forms and publications: 1 800 462-8100
- Refund status: Access our Web site or call 1 800 443-3200; if electronically filed: 1 800 353-0708; direct deposit refunds: 1 800 321-3213
- From outside the U.S. and outside Canada: (518) 485-6800
- Fax-on-demand forms: 1 800 748-3676
- Hearing and speech impaired telecommunications device for the deaf (TDD) callers only: 1 800 634-2110
- 🌐 **Internet access:** www.tax.state.ny.us
- Estimated tax: Access our Web site to check your balance and reconcile your account.