

# A FEDERAL COURT HAS ORDERED THAT THE IRS CANNOT 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 November 4, 2020 to receive a payment.

In March 2020, Congress passed the Coronavirus Air, 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 to receive an advance payment by filing a claim form.

If you have access to the internet, you can file a claim at the following URL before November 21, 2020:  
[www.irs.gov/coronavirus/non-filers-enter-payment-info-here](http://www.irs.gov/coronavirus/non-filers-enter-payment-info-here)

Alternatively, you can file a claim using a paper form available from the IRS website or online at [caresactprisoncase.org](http://caresactprisoncase.org). All paper forms must be postmarked on or by November 4, 2020.

## What information do I need to have before filling out a claim?

**You will need:** Full name, mailing address, email address, date of birth, valid Social Security number (unless you have an Individual Taxpayer Identification Number (ITIN) and are married to a military member), bank account and routing number (if you are seeking direct deposit into your own account rather than a check), **AND your department of corrections ("CDCR" or "DOC" or "Prison") number**, to be added to your address line (if claimant is residing inside a correctional facility, to ensure check gets applied to the right person).

## Where do I mail my paper form?

If you live in **AL, AR, DE, GA, IN, IA, KY, ME, MA, MO, NH, NJ, NY, NC, OK, SC, TN, VT, or VA**, use this address:  
Department of the Treasury, Internal Revenue Service, Kansas City, MO 64999-0002

If you live in **AZ, CO, CT, DC, ID, KS, MD, MT, NE, NV, NM, ND, OR, PA, RI, SD, UT, WV, or WY**, use this address:  
Department of the Treasury, Internal Revenue Service, Ogden, UT 84201-0002

If you live in **FL, LA, MS, or TX**, use this address: Department of the Treasury, Internal Revenue Service, Austin, TX 73301-0002

If you live in **AK, CA, HI, IL, MI, MN, OH, WA, or WI**, use this address: Department of the Treasury, Internal Revenue Service, Fresno, CA 93888-0002

## Where can I find more information?

[www.caresactprisoncase.org](http://www.caresactprisoncase.org)