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Should I File a Joint Tax Return with My Separated Spouse?

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When it comes time to file tax returns, those of our clients who are separated but not yet divorced often ask our opinion. As with many issues, there are some benefits to filing a joint return. However, there may also be unexpected consequences. When spouses file jointly, they are each responsible for all of the reported information. Each spouse can be held responsible for tax liability, which can include interest and penalties. One concern, therefore, is whether the other spouse has had adequate withholding or has paid their quarterly tax obligation in full and on time.

We do not recommend a client file jointly if they are concerned their spouse has not been honest about income or deductions.

On the other hand, there are significant benefits of filing jointly, such as lower tax brackets. Filing jointly rather than filing married filing separately can save money. You may qualify for filing as head of household.

You may need guidance from an independent accountant or a competent family law attorney. Concerns may include who can get certain deductions, how to divide resulting tax liability, and how a refund may be divided.