

Assistance program in many communities. Some sites are open year round. Volunteer return preparation programs are provided through partnerships between the IRS and community based organizations. They offer free help in preparing simple tax returns for low-to-moderate-income taxpayers. To find a site near you, visit [www.irs.gov](http://www.irs.gov), or call 1-800-906-9887. Qualified taxpayers (age 60 or older) can also find help at a local Tax Counseling for the Elderly (TCE) site by visiting [www.aarp.org](http://www.aarp.org) or calling 1-888-227-7669.

#### Telephone

Call the IRS Tax Help Line for Individuals, 1-800-829-1040, to get answers to your federal tax questions. To hear pre-recorded messages covering various tax topics or to check the status of your refund, call 1-800-829-4477. To order free forms, instructions and publications, call 1-800-829-3676. TTY/TDD users may call 1-800-829-4059 to ask tax questions or to order forms and publications.

#### Taxpayer Assistance Centers

When you believe your tax issue cannot be handled through electronic communication or by phone and you want face-to-face assistance, you can find help at a local IRS Taxpayer Assistance Center. Locations, business hours and an overview of services are available at [www.irs.gov](http://www.irs.gov). Just go to the Help & Resources tab and click on the “Contact Your Local Office” link.

#### Low Income Taxpayer Clinics

Low Income Taxpayer Clinics (LITCs) serve individuals who need help resolving a tax problem with the IRS and whose income is below a certain level. Publication 4134, *Low Income Taxpayer Clinic List*, provides information on clinics in your area. It is available at [www.irs.gov](http://www.irs.gov), by calling 1-800-TAX-FORM or at your local IRS office.

#### Taxpayer Advocate Service

The Taxpayer Advocate Service (TAS) is your voice at the IRS. We help taxpayers whose problems with the IRS are causing financial difficulties; who have tried but have not been able to resolve their problems with the IRS; and those who believe an IRS system or procedure is not working as it should. If you believe you are eligible for TAS assistance, you can call the TAS toll free number at 1-877-777-4778. For more information, go to [www.irs.gov/uac/Taxpayer-Advocate-Service-6](http://www.irs.gov/uac/Taxpayer-Advocate-Service-6) or look at IRS Publication 1546, *Taxpayer Advocate Service*.

#### Additional Resources

For more information about bankruptcy, please see Pub 908, *Bankruptcy Tax Guide*, available at [www.irs.gov](http://www.irs.gov). If you need more guidance on the bankruptcy or tax laws applicable to your case, you should seek professional advice.



# What You Should Know About Chapter 13 Bankruptcy and Delinquent Tax Returns

#### What is a Chapter 13 bankruptcy?

Chapter 13 is a section of the Bankruptcy Code that allows individuals and small business owners in financial difficulty to repay their creditors.

### What returns are due?

The Bankruptcy Code requires Chapter 13 debtors to file all required tax returns for the years ending within 4 years of the debtor's bankruptcy filing. In addition, as in all bankruptcies, debtors must file all current applicable federal, state and local tax returns that become due after the bankruptcy case commences.

### When must I file?

The federal tax returns for the four preceding years must be filed before the first meeting of creditors (a 120 day extension may be allowed). It is best, however, to file as soon as possible so that all debts are known before the bankruptcy process moves too far along. Also, it may take some time to verify that you have filed all required tax returns.

### What will happen if I don't file?

If you do not file the required tax returns, your Chapter 13 plan may not be confirmed. Your bankruptcy petition may be converted to a liquidating bankruptcy (Chapter 7) or it may be dismissed. Interest and penalties will be charged on returns not filed by the due date under the Internal Revenue Code.

### I have already filed. How can I establish proof of filing?

The bankruptcy trustee may require you to submit copies of transcripts of your tax returns as proof of filing.

You can request free transcripts on the IRS website, [www.irs.gov](http://www.irs.gov). Click

on "Get your Tax Record".

You can also request free transcripts of your federal income tax returns by filing Form 4506-T, *Request for Transcript of Tax Return*, with the IRS or by placing a request on the IRS's free Automated Delivery Service (ADS), available by calling 1-800-908-9946. If you request the transcript through the ADS system, the transcript will be mailed to your most current address according to IRS's records. However, you may request the transcripts be mailed to any address, including to the attention of the trustee in your bankruptcy case.

Transcripts are normally mailed within 10 to 15 days after the IRS receives your request. A transcript contains most of the information on your filed return, but it is not a copy of the return. To request a copy of your filed return, prepare and submit Form 4506, *Request for Copy of Tax Return*. It may take up to 60 days for the IRS to provide copies after receipt of your request, and there is a fee of \$43.00 per tax return for copies of the returns.

### I have not filed. How can I get information to help me file?

If you have not filed any of the required returns, you should prepare those returns using retained copies of information documents you received from your employer and financial institutions. If you do not have this information, you may request wage and income information free of charge from the IRS to assist

you in filing your tax returns. Transcripts can be ordered by filing Form 4506-T (check box 8) with the IRS. The transcript includes data from Form W-2, Form 1098 series, Form 1099 series or Form 5498. If you are self-employed, prepare these returns from your business income and expense records.

If you have an attorney representing you in your bankruptcy case, coordinate your return filing efforts with the attorney.

### How can I get help in preparing and filing the required tax returns?

If you need help in preparing and filing your tax returns, the IRS offers free assistance by computer, telephone and in person. The easiest and fastest way to get free tax help is through the IRS website - [www.irs.gov](http://www.irs.gov). The IRS can also help find free tax preparation sites for those who qualify.

### IRS Website

The IRS website at [www.irs.gov](http://www.irs.gov) is a one-stop shop for a wide array of tax information. You can even prepare and file your federal tax return - free - through Free File, a service offered by IRS and its partners, who offer free tax preparation software and free electronic filing. But, you must go through [www.irs.gov](http://www.irs.gov) to use Free File.

### Community Resources

Free tax preparation is available through the Volunteer Income Tax