



Massachusetts Department of Revenue

Form 84

Application for Relief from Joint Income Tax Liability

Names should appear as they did on the joint return for the tax year in question. The Department of Revenue (DOR) is required by law to notify the spouse noted below that you requested this relief. That person will have the opportunity to participate in the process by completing a questionnaire about the tax years you entered below. It is important to enter the correct year; for example, if DOR used your 2017 income tax refund to pay a 2015 joint tax liability enter tax year 2015, not tax year 2017. DOR will not disclose your address, phone numbers, or employer.

Tax year(s) for which relief is being requested (mm/dd/yyyy)

Name of applicant Social Security number Phone number

Street address

City/Town State Zip E-mail address

Name of spouse Social Security number

Street address

City/Town State Zip

Questionnaire. Answer all questions. Attach a statement describing the facts and circumstances demonstrating that you qualify for relief from liability for a substantial understatement of tax on a joint return under MGL ch 62C, § 84.

- 1 Fill in if you have applied for relief from federal tax liability as an innocent spouse
2 Fill in if a Notice of Intent to Assess (NIA) has been issued for the tax year for which you are requesting relief
3 Fill in if a Notice of Assessment (NOA) has been issued for the tax year for which you are requesting relief
4 Indicate the reason and amount of your application.

Declaration

Pursuant to MGL ch 62C, § 84, the applicant named herein requests relief from joint income tax liability as an innocent spouse. Under penalties of perjury, I declare that I have examined this form and any accompanying statements and documents and to the best of my knowledge and belief the facts and statements as represented therein are true, correct and complete.

Signature of applicant Date

Preparer's signature and attestation. I attest that I prepared this Form 84 and that I personally know/do not know (strike out one) that the statements contained in this Form 84 are true and correct.

Signature of preparer (attach Form M-2848, Power of Attorney, if representing applicant) Title Date

# Form 84 Instructions

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## **General Information**

Generally, both you and your spouse are responsible, jointly and individually, for paying tax, interest, or penalties from your joint return. If you believe your current or former spouse should be solely responsible for an erroneous item or underpayment of tax from your joint return, you may be eligible for innocent spouse relief.

## **Application for Relief**

An applicant wishing to apply for relief must submit this form within the time prescribed for challenging an assessment or a proposed assessment under MGL ch 62C §§ 26, 37, and 84. Applicants should attach copies of any federal claim for relief, the federal determination, and the federal tax return. If federal relief was not claimed, please attach a completed U.S. Form 8857. Applicants should also submit any documents or exhibits substantiating this application. The filing of this form will not stay the collection of tax unless or until this application is approved.

## **Application Prior to Assessment**

If an applicant has received a Notice of Intent to Assess (NIA), this application must be received within 30 days following the issuance of the NIA. The applicant is entitled to a conference if one is requested within this 30-day period. If a conference is requested, this application must be attached to the written request. Mail the completed Form 84, the NIA and all attachments to the return address as shown on the NIA.

## **Application After Assessment**

If an applicant has received a Notice of Assessment, this application must be made by filing an Application for Abatement (Form ABT). The applicant must attach this application to Form ABT and write "see attached Form 84" in line 6 of Form ABT. The applicant is entitled to a hearing if one is requested on either Form ABT or separately in writing. Form ABT is available online at [mass.gov/dor](http://mass.gov/dor). Mail the completed Form 84, Form ABT and all attachments to **Massachusetts Department of Revenue, PO Box 7058, Boston, MA 02204**.

## **Notice of Determination**

A written notice of determination will be issued to the applicant. A grant of relief will only apply to the extent specified in the written determination. The applicant remains jointly and severally liable for any amounts where relief is not granted. Also, the applicant's spouse remains liable for the entire tax determined to be due. If the grant of relief was obtained by false or fraudulent means, the grant of relief is void.