



COVID-19 Town Hall Q&A

Presented by:

Andrea Bopp Stark, Staff Attorney, **National Consumer Law Center**

Jamie Andree, Volunteer Attorney, **Low Income Taxpayer Clinic, Indiana Legal Services**

Katie VonDeLinde, CSAJ Expert Advisor & Faculty at Washington University School of
Social Work

Laura Russell, Director of Family/Domestic Violence Unit, **Legal Aid Society**

Allison Randall, Vice President for Policy and Emerging Issues, **National Network to End**

Domestic Violence

Joanna Ain, Associate Director, Policy, **Prosperity Now**

Emanuel Nieves, Associate Director, Policy, **Prosperity Now**

Questions and Answers From the Town Hall (May 14, 2020)

Is there anything in the works to allow for an EIP (Economic Impact Payment) to go to a child born in the United States who has a Social Security Number but whose parents do not qualify for the EIP due to being undocumented immigrants?

Answer:

First, it is important to address who qualifies and who does not qualify for an EIP. You can qualify for a stimulus check if you are a US citizen or a US resident alien, are not a dependent of another taxpayer, are eligible for a social security number that would allow you to work, and your income is below a certain level. Parents who meet these criteria can receive an EIP for a dependent under age 17. An individual who is undocumented because of their immigration status, cannot receive the EIP for themselves or for their dependent children.

This project is supported in part by Grant No. 2018-TA-AX-K010 and in part by Grant No. 2017-TA-AX-K065 awarded by the Office on Violence Against Women, U.S. Department of Justice. The opinions, findings, conclusions, and recommendations expressed in the publication/program/exhibition are those of the author(s) and do not necessarily reflect the views of the Department of Justice, Office on Violence Against Women.

Our mailing address is:

WeWork, Wonderbread Factory
641 S Street NW, 3rd Floor
Washington, DC 20001

In May 2020, a [lawsuit](#) was filed in a Maryland federal court on behalf of children who are US citizens but are unable to receive an economic stimulus payment because their parents are undocumented. The lawsuit alleges that the children are victims of discrimination.¹ In addition, there are advocacy organizations that have the power to lobby and are pushing Congress to remedy the situation with regards to these children.

What are ways that courts are responding to the immediate economic needs of survivors?

Answer

In New York, the courts are responding poorly to the immediate needs of survivors. Many courts are closed, and the virtual court system is limited to essential filings. The courts do not see financial issues as urgent thus any economic distress is not going to be seen by the court as essential. They are slowly beginning to look at issues of support, but currently they are only allowing cases to be filed, not decided.

It is recommended for one to link anything financial to a protection or protective order/restraining order that is the most likely way you can get into the court system. It is also very important to give the court enough information regarding your clients financial needs. It is better to throw everything in there, and let the court decide what is essential.

In addition, bankruptcy courts are running virtually, they are holding creditors meetings. They are not forgiving with technology, so you have to set your client up with technologies peculiar to the court system. They are accepting petitions. However, many states have stopped collections and are not garnishing wages or levying bank accounts. And because it is possible clients' debts are going to get higher, it is not the best time to file. You may want to advise your client to wait until this is over and see what new debts are accrued.

A lot of people are wondering what to do post-COVID. How can we use the pandemic as an opportunity to advance economic policies? Joanna, earlier you said the phrase “turn the tax code upside down,” can you say more about that and what

¹ The complaint was filed on behalf of seven U.S. citizen children and with the support of [CASA](#), a D.C.-area immigration non-profit organization. The complaint explains that the CARES Act, which was signed into law on March 29, 2020, provides a financial lifeline to millions of people by distributing through the tax system immediate economic impact payments of up to \$1,200 per adult and up to \$500 for each of the adult's children under age 17. However, the CARES Act provides payments solely to taxpayers who file their taxes using a Social Security Number – meaning U.S. citizens and immigrants with work authorization – thereby denying payments to U.S. citizen children of undocumented immigrants who pay their taxes using an individual taxpayer identification number (ITIN).

advocates/attorneys and others can do when they may face restrictions around engaging in policy advocacy?

Answer:

Prosperity Now is thinking about how we can help people start saving for the future and saving for emergencies again. How employers can help their employees to be stable, whether through retirement or emergency savings. Although it is difficult to have these conversations now, we are making sure that they are working on things to be put in place in case such crises arise again.

In addition, we have to ensure that we have good government that is effective, and we are asking families to save income for rainy days. In addition, many states have low exemptions for wages, bank accounts, car, homes and personal property. States are taking the lead to take state exemptions higher. Getting exemptions raised and using this as leverage. This is a way to change things².

As many of us already know, this pandemic has had a unique impact on rural and tribal communities. Since many service providers have had to switch to virtual contact with survivors, do any of you have suggestions on secure and confidential ways to have conversations with survivors? To facilitate support groups? To address consumer needs of low income and/or immigrant clients in a remote setting?

Answer:

There are resources [on NNEDV's website](#) that show what kinds of software are safer to use. Zoom is not properly encrypted but there are multiple other software platforms which are free, that are fully encrypted, and would comply with Violence Against Women Act and Family Violence Prevention and Services Act requirements. The resources include links to software providers which are relatively safe to use.

One of the biggest barriers is lack of access to broadband internet and other technology for survivors. Some domestic violence programs are trying to provide phones to survivors to meet their needs. Another suggestion is that domestic violence programs can use federal funding, within appropriate guidelines, to make upgrades and increase broadband or increase software technology in order to provide digital services. But most importantly, it is our duty to let survivors know that the perpetrators

² Prosperity Now; [State Policy Brief: The Earned Income Tax Credit: A Powerful Tool for Making Our Tax Systems More Equitable.](#)

might be looking at the internet history and let them know how they can communicate safely.

With regard to meeting the needs of low incomes clients or immigrant clients in a remote setting, it is important to reach out to your clients to understand what kind of services are available in their area. However, this is an ongoing issue and we need more access to flexible emergency funds. And it is painful as an advocate not to have the resources to provide for our clients. We should connect people as much as we can.

Think about WHO you can reach out to: tax providers, consumer lawyers, immigrant organizations. The important thing is that we increase economic advocacy tool belts so that advocates can do this work very well.³

Some people have questions about organizations and programs. For example, what steps will agencies take to keep staff and clients safe? Do you have any examples of the ways agencies are implementing procedures for safety upon re-opening?

Answer:

In New York, the courts have been talking about having temperature scanners so every time you walk into court, your temperature is taken. Masks are also important, but if you are telling clients that they cannot come into the office without a face mask, then you have to provide them with one. If the court tells someone they cannot come in for a court date, then they have to have a mechanism to get that information to the judge so that they are not defaulted. So everything that we talk about that we want, we need to think about the flip side and how it is going to affect our clients and how we can protect our clients through all this and how we can make sure that the court system recognizes that not everyone walks into court with a lawyer who can run up to the judge and say, "This is what's going on, your honor, don't default my client," not everyone understands a language that a court officer is going to speak when they tell someone that they are not allowed to go into the courthouse.

We began our discussion with some information about stimulus checks. I'm wondering if you can say more because the stimulus check issue is a massive one: some individuals have not received their checks because they were not distributed yet, others were not eligible, still others would have received their checks, but an abuser took over a bank account, made the address to pick up the check unsafe, or otherwise stole the money. What would you advise people who have not yet received a stimulus check? What

³ CSAJ, [Building Partnerships to Enhance Consumer Rights for Domestic Violence Survivors; Advocacy Brief: Survivor Centered Economic Advocacy: A Multilevel Approach](#).

would you advise people who had their check taken by an abuser? Is there anything the courts can do about lost or stolen stimulus money?

Answer:

First, let's address, in general, what you have to do to get a stimulus check and it really depends upon your circumstances. So, for example, if you are an individual who receives social security benefits or SSI, Railroad Retirement Board benefits or a VA compensation and pension benefits, and you do not have any dependents and you do not have a spouse, then you do not need to do anything to get your stimulus check. It will be deposited directly into the account where you receive your benefits or be mailed to you, if you get your benefits via mail.

If you filed a 2018 or 2019 tax return, you should receive the stimulus payment in one form or another. If you filed in 2018, and it had an account for direct deposit of a refund, then the stimulus payment should have been deposited into that account assuming that it was still open. If you did not provide bank account information, then for a while, although it has now ended, the IRS had a tool on its website called [Get My Payment](#) tool to input bank account information. That tool was taken down on May 13, 2020, but you can still use [it](#) to find out the status of your stimulus payment if you have not yet received it.

If you did not file a 2018 or 2019 tax return and you have a filing requirement based upon your filing status, you will need to file a 2018 or 2019 return to get a stimulus payment. If you did not have a filing requirement, you can use a tool on the IRS website called "[non-filers enter payment information here.](#)" You will be prompted to provide your name, SSN, dependent information and other information to receive a stimulus payment by mail.

Taxpayers who do not get a stimulus check this year, or who have not gotten payments for their dependents can still request a payment when they file their 2020 tax return in 2021. The Economic Impact Payments are a refundable credit for your 2020 tax return.

The IRS does not have any procedures in place to assist a survivor who has filed a joint return with an abusive spouse and is unable to get their share of the stimulus payment from the abusive spouse. A survivor in this situation can seek free tax help from a Low Income Taxpayer Clinic. Survivors can search for the closest clinic by using the search

tool on the IRS website. Clinics are able to help survivors with a wide range of tax problems, including those related to stimulus payments.

Could you speak more to the issue of debt prioritization? You mentioned some great NCLC resources. A lot of folks are concerned about survival, access to necessities. Are there national organizations helping out with food/medical care? Is there a way to find food banks in my area? What about a free clinic? Is there a number that survivors can call if they have immediate needs?

Answer:

I always recommend the [surviving debt book](#). It is very helpful in determining where the money should go. With regards to debt priority, it is important to first establish what survivors' top economic needs and values are. Then, look at the full debts a client has to pay and make payments according to the level of the debts and consequences of non-payments of those debts. Remember, during Covid-19, priorities may be drastically different than usual. There are ways to help your clients fend off [debt collectors](#).

Look for a new Consumer Rights Newsletter on this - coming this summer! Here's an oldie but goodie resource on [Budgeting & Debt Prioritization](#).

Important Resources

- National Network to End Domestic Violence (NNEDV) Resources on the Response to the Coronavirus (COVID-19):
<https://nnedv.org/coronavirus>
- NNEDV's digital services and other technology information:
<https://www.techsafety.org/>
- NNEDV's plain language legal email helpline:
<https://www.womenslaw.org/>
- Tech Safety Resources:
<https://www.techsafety.org/>

<https://www.techsafety.org/blog/2020/3/27/whats-new-changes-and-details-with-communication-platforms>

- National Consumer Law Center (NCLC) Covid-19 & Consumer Protections: <https://www.nclc.org/special-projects/covid-19-consumer-protections.html>
- NCLC Surviving Debt Ebook: <https://library.nclc.org/sd/0102>
- CSAJ Covid-19 Survey: https://msu.co1.qualtrics.com/jfe/form/SV_cFR136uekjDdvMx
- CSAJ ACCESS Institute June Webinar Series <https://www.surveymonkey.com/r/CVZVXMT>
- CSAJ's Guidebook on Consumer and Economic Advocacy for Survivors, which includes a chapter on how to make arguments for economic relief in protection orders: <https://csaj.org/Guidebook>
- Safe Housing Partnerships webinars on Covid-19 and housing resources for DV survivors: <https://safehousingpartnerships.org/news>
- National Low Income Housing Coalition COVID resources: <https://nlihc.org/coronavirus-and-housing-homelessness>
- National Immigrant Women's Advocacy Project's interactive map of available public benefits based on immigration status: <http://map.niwap.org/>
- HUD Homelessness and COVID resources: <https://www.hudexchange.info/homelessness-assistance/diseases/#covid-19-key-resources>
- National Housing Law Project's Tenant Rights of DV survivors during COVID - <https://www.nhlp.org/wp-content/uploads/VAWA-Housing-Protections-COVID-19.pdf>
- Resource Sharing Project's Tips for Mobile Advocacy: <http://www.resourcesharingproject.org/tips-and-resources-mobile-advocacy>

- Apply for the federal Lifeline phone and broadband program for free or discounted voice and data service. To determine eligibility and to apply go to: <https://www.lifelinesupport.org/>
- Low Income Taxpayer Clinics <https://taxpayeradvocate.irs.gov/about/litc>
- IRS | Coronavirus Tax Relief and Economic Impact Payments <https://www.irs.gov/coronavirus-tax-relief-and-economic-impact-payments>

Additional Information on Economic Impact Payments (Stimulus Checks) and 2019/2020 Refunds

- **If a client and abuser filed taxes jointly, where will the stimulus payments for the spouses and the children they claimed be deposited?**

If the spouses listed one account on their tax return for direct deposit of their refund, the entire economic stimulus payment will be deposited into that account. However, many joint filers choose to have their refund split and deposited into more than one account. Those taxpayers use IRS Form 8888 to designate the portion of the refund that will be deposited into up to 3 listed accounts. Although the IRS will deposit the refund as specified on Form 8888, IRS will deposit the entire stimulus check into just the first account listed on Form 8888.

Is there a remedy for a survivor who was forced to file a joint tax return with their abusive spouse?_

In general, a joint tax return is not valid if one spouse forced the other to file jointly. The IRS has a procedure that a survivor can use to ask the IRS to invalidate a return that was filed under duress. However, the decision to seek a determination invalidating a joint return is complicated and can have significant economic consequences to the survivor. It is critical that survivors obtain tax advice before seeking to invalidate a joint return. Survivors who cannot afford tax help may be able to get assistance from a Low Income Taxpayer Clinic or from the IRS Taxpayer Advocate Service.

One spouse cannot claim the other spouse as a dependent.

While it is possible to claim an **unrelated person** as a **dependent** if they meet certain tests, **you cannot claim your spouse.**

What happens if spouse A actually claims spouse B as a dependent, despite not being able to legally do so? If the IRS hasn't seen a previous return showing the spouses as married, IRS might not realize it that dependent B is actually a spouse. However, when IRS is up and running at its usual capacity, it might audit the return to see if B meets the criteria for being claimed as a dependent.

.....

Name change

The most important issue with names is that **the name on the taxpayer's tax return must match the taxpayer's Social Security records.** See <https://www.irs.gov/newsroom/name-change-how-it-impacts-taxes>

Have you legally changed your name? (Court Procedure)

YES

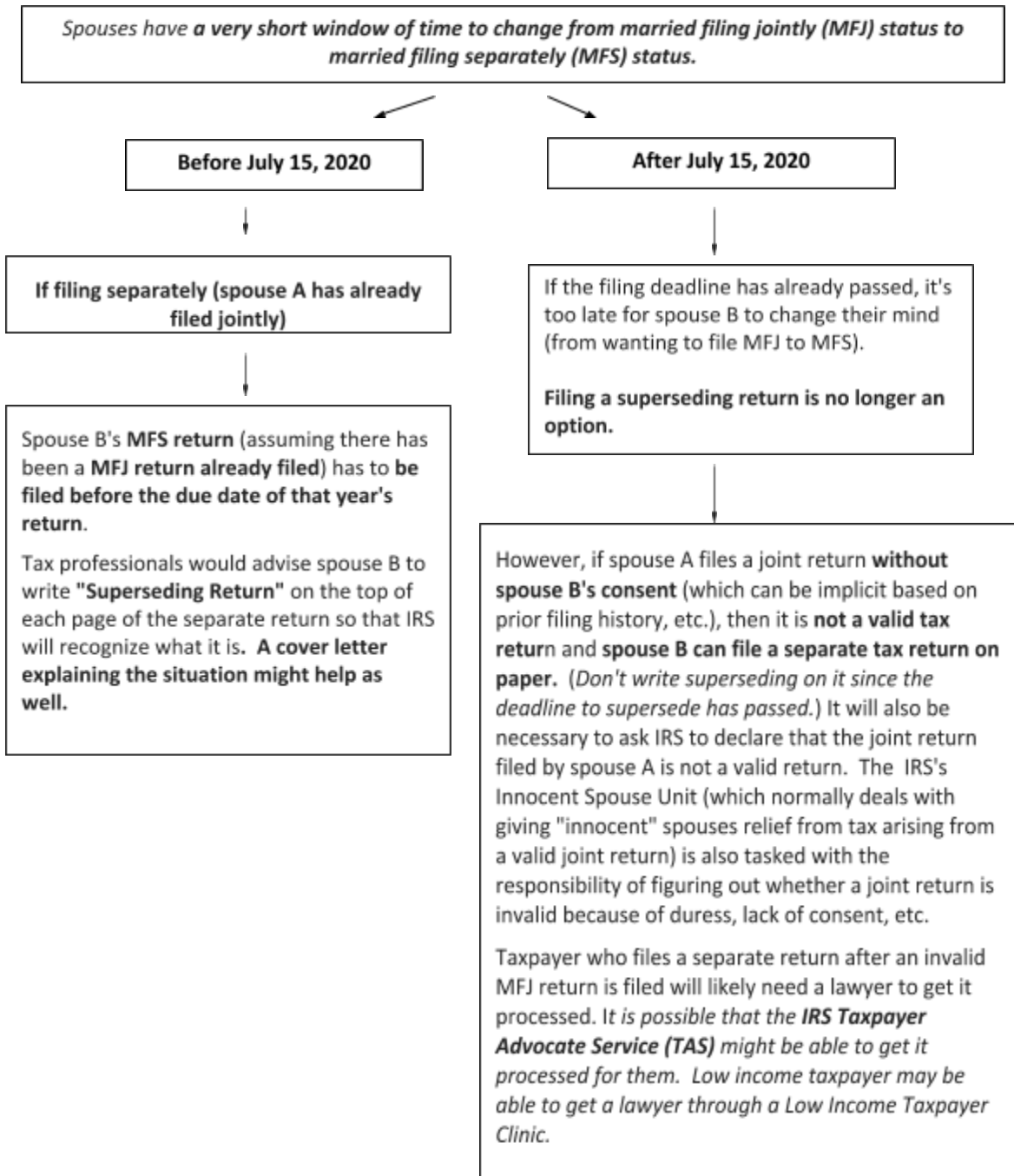
NO

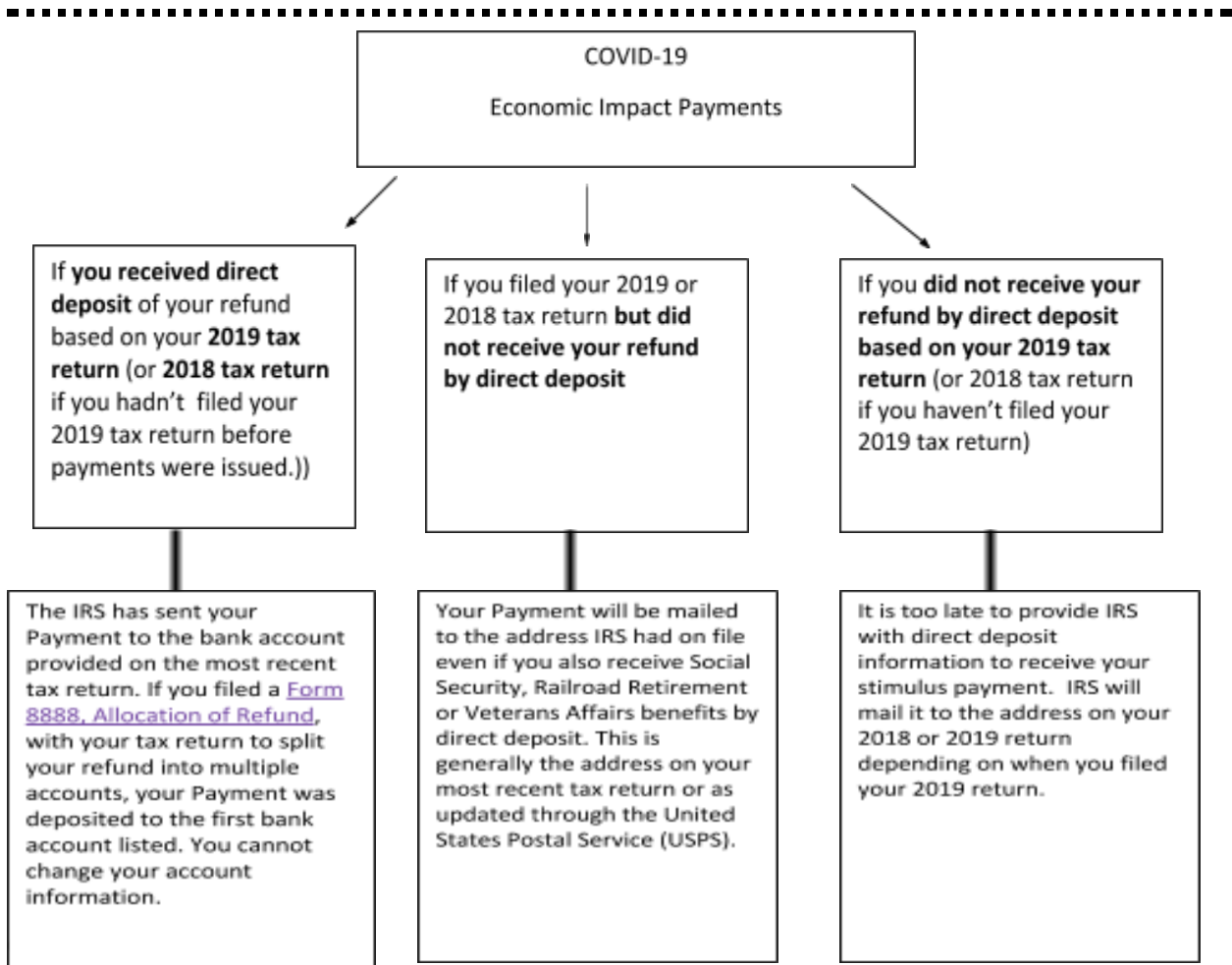
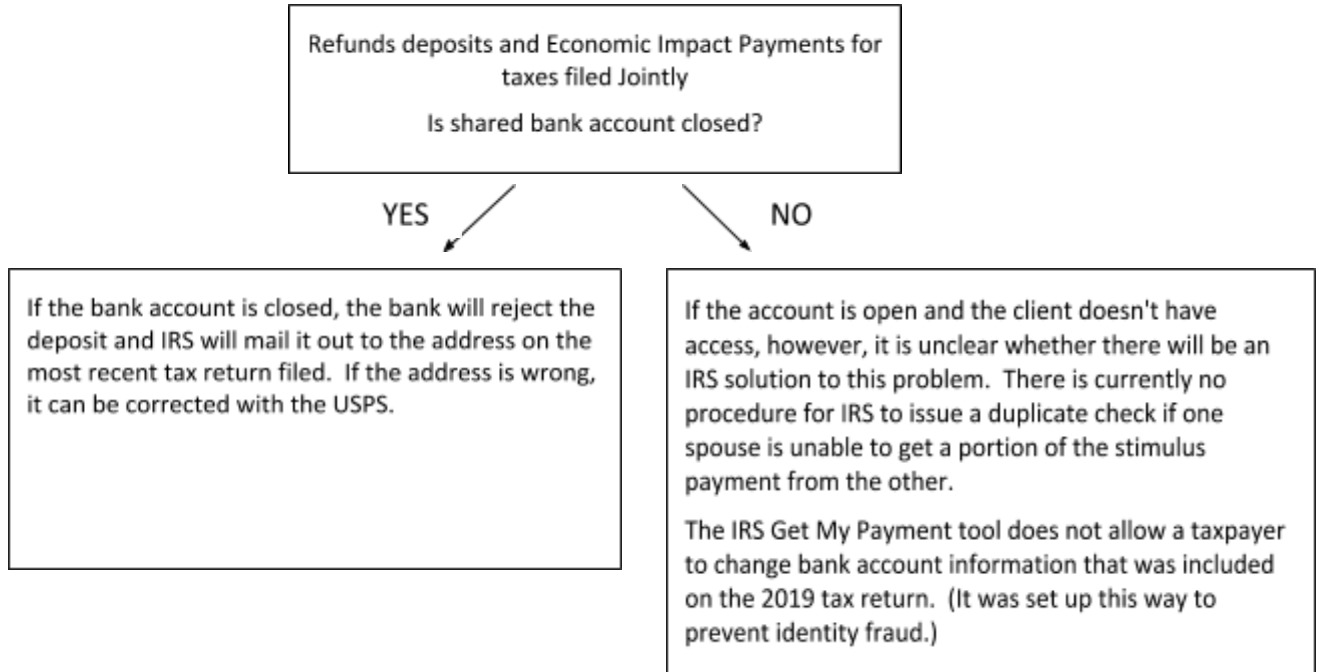
If you've gone through a court procedure to change your name, **you need to notify Social Security of your name change before you file your tax return using your new name.**

If you have not yet notified Social Security (and are not able to do so before you want to file your tax return), it should be fine **to use your prior name** to file your tax return **despite the legal name change.**

If you **haven't legally changed your name yet**, you should **file using the name that currently matches your Social Security records.**

Can one spouse file taxes by mail separately, even if the other spouse has already filed 2019 taxes jointly?





How do I check the status of my Economic Impact Payment?

1. Go to the "Get My Payment page" on the IRS website:
<https://www.irs.gov/coronavirus/get-my-payment>
2. Click the blue Get My Payment button.

Check on the status of your Economic Impact Payment

This application will let you:

- Get your payment status
- See your payment type
- Provide your bank account information (in certain cases)



You May Need:

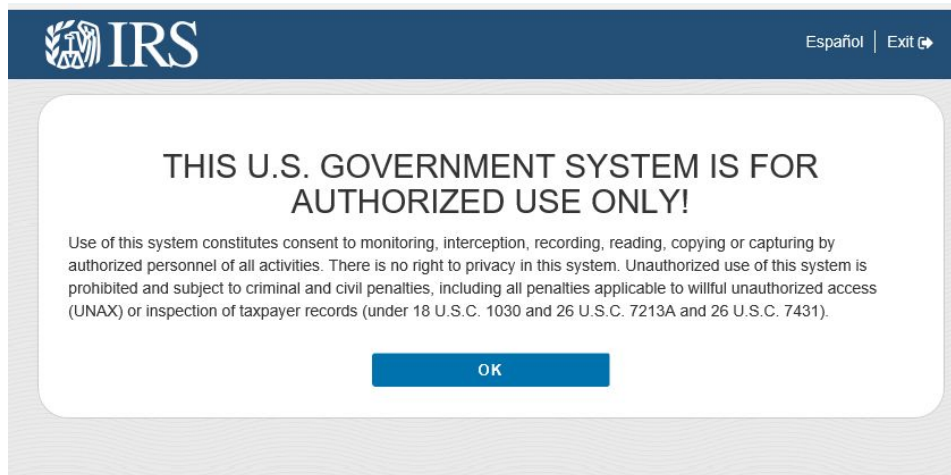
- Your 2019 return, if filed, and
- Your 2018 return

Data is updated once per day overnight, so there's no need to check back more than once per day.

Note: If you receive SSI or VA benefits and did not file a 2018 or 2019 tax return, your information is not yet available in this application.

Get My Payment

3. Click "OK."



4. Enter your Social Security number or Individual Taxpayer Identification number, your date of birth, street address and your ZIP code and tap "Continue."

The screenshot shows the IRS 'Get My Payment' form. At the top left is the IRS logo, and at the top right are the links 'Español' and 'Exit'. The main heading is 'Get My Payment'. Below it, there is a link to 'Frequently Asked Questions' and a note that all fields marked with an asterisk are required. The form contains five input fields: 'Social Security Number (SSN) or Individual Tax ID Number (ITIN)', 'Date of Birth' (with a calendar icon), 'Street Address', 'ZIP or Postal Code' (with a note that it's required except for countries without ZIP or postal codes), and a blue 'CONTINUE' button at the bottom.

5. Review payment status to see whether your Economic Impact Payment ("EIP") has been scheduled. At this point you can set up or update direct deposit. **What should I do if I was not required to file a tax return?**
 - Those who were not required to file a tax return in 2019 or 2018, the IRS will use information on the Form-SSA-1099 or Form RBR-1099 to generate Economic Impact Payments. Non-filers with an income less than \$12,200 (individual) or less than \$24,400 (joint) or who have no income in 2019 should go to

<https://www.irs.gov/coronavirus/non-filers-enter-payment-info-here> to provide information to get the payment. Information includes:

- o Full name, current mailing address and an email address
- o Date of birth and valid Social Security number
- o Bank account number, type and routing number, if you have one
- o Identity Protection Personal Identification Number (IP PIN) you received from the IRS earlier this year, if you have one
- o Driver's license or state-issued ID, if you have one
- o For each qualifying child during 2019: name, Social Security number or Adoption Taxpayer Identification Number and their relationship to you or your spouse

How do I change my bank account information?

- The IRS recommends⁴ filing your 2019 tax return and states that the IRS will update its records with the address and direct deposit information on the return.
- If the IRS does not have direct deposit information, the Treasury has set up a web-based portal for individuals to provide banking information so that checks do not have to be mailed. Filers should go to <https://www.irs.gov/coronavirus/get-my-payment> to check status of the EIP, see payment type and, if there is no bank account information on file, provide bank account information.

How do I change my mailing address?

- The "Get My Payment" Tool currently only allows you to change your direct deposit information. You can change your address by filing your 2019 tax return.
 - o It can take 4-6 weeks for a change of address request to be fully processed and the change must be processed before the IRS schedules payment.
- If your 2019 tax return has already been filed, the IRS recommends notifying the post office that services the old address. The official USPS Change-of-Address form is available on the USPS website. See

⁴ <https://www.irs.gov/taxtopics/tc157>. See also <https://www.irs.gov/coronavirus/economic-impact-payment-information-center>, Q. 38.

<https://moversguide.usps.com/mgo-m/disclaimer?referral=UMOVE> To complete the form, a valid email address and a valid credit or debit card is required. The Post Office charges \$1.05 for this service.

- o Note, changing your address will result in *all* mail addressed to the person initiating the change to be forwarded to a new address.
- o The IRS cautions that not all post offices forward government checks and thus, the IRS also recommends notifying the IRS "By Form" or "In Writing." This should still be done, but it currently changes to address "By Form" and "In Writing" are not currently being processed.⁵

What should I do if I don't get my payment?

- Check the status of your payment frequently to determine whether it has been sent.
- The IRS thus far has not provided clarity for how it will handle lost stimulus payments.
- The IRS will mail a letter about the economic impact payment to the taxpayer's last known address within 15 days after the payment is paid. The letter will provide information on how the payment was made and how to report any failure to receive the payment. However, if you are unsure if the letter is legitimate, you should visit IRS.gov first to make sure it is not a scam.

What happens if my Economic Impact Payment debit card is lost or destroyed?

- The IRS has been delivering Economic Impact Payments by direct deposit, mailed checks, and by mailed debit cards. Unfortunately, some taxpayers have lost or destroyed the debit cards, assuming they were scams or junk mail. The IRS now has a phone number which a taxpayer can call to report a lost or destroyed EIP debit card. The number is **800-240-8100, option #2** or you can visit their [website](#).

What happens if my ex and I share a joint bank account?

- If the same account from your last tax return (2018/2019) is still open (even if it is inactive) and you were still married at the time you filed your last tax return (and filed jointly), the joint EIP may be deposited into that account. A joint bank account is owned equally by two or more account holders and both account

⁵ <https://www.irs.gov/taxtopics/tc157>

holders have the right to deposit or withdraw money and each has equal ownership over the funds in the joint account.

- If you are getting a divorce, determine whether there is an Automatic Temporary Restraining Order or other court order in place that prohibits either spouse from clearing bank accounts. If not, put a restraining order in place to protect joint assets.
 - File a motion to split the EIP in connection with the divorce proceeding.
- If you were never married, update your information with the IRS using the “Get Your Payment” tool and provide new bank account information and a new address.
 - If the IRS has already processed your EIP, watch the joint account closely and remove the funds when they land.
 - If your ex has already taken your funds out of the joint account, you can consider filing a report with the bank or with the police. However, note that both account holders have joint ownership over the funds.
- If you are getting divorced or are already divorced and you filed taxes separately, update your information with the IRS using the “Get Your Payment” tool and provide new bank account information and a new address.
- If the account is now closed, the bank will likely reject the payment. If updated account information has not been provided to the IRS, a physical check will be sent to the address on your 2018/2019 tax return. If you filed jointly, the check in both names will be sent.

What happens if the address on file is my ex’s address?

Use the “Get my Payment” Tool on the IRS website <https://www.irs.gov/coronavirus/get-my-payment> to track the status of your payment.⁶ File your 2019 taxes with your new address and, as recommended above set up mail forwarding with the US Post Office.

- If you are getting divorced and your ex-spouse and you believe your ex has deposited the check (whether in the other spouses name or jointly), file joint

⁶ For more information, see <https://www.irs.gov/newsroom/how-to-use-the-tools-on-irsgov-to-get-your-economic-impact-payment>.

motions to compel the ex-spouse's account information and to compel that the EIP be split.

- o If the check is in your name only and you believe your name was forged, consider filing a police report
- o Proceed with caution before cashing any joint assets in the context of a divorce proceeding.
- If you were never married and you believe your ex has withheld or forged your signature to cash your EIP check, report the theft to the IRS.
 - o File a police report; and/or
 - o File a report to the postal inspector for mail theft.
<https://www.uspis.gov/report/> and/or
 - o File an identity theft report at <https://identitytheft.gov/>. Click on "Get started" and then, in response to Which statement best describes our situation?" Click the line that says, "Someone filed a Federal tax return – or claimed an economic stimulus payment – using my information."⁷

⁷ <https://www.consumer.ftc.gov/blog/2020/05/did-id-thief-steal-your-stimulus-payment-report-it-us>