



January 25, 2019

Recent Federal Change Affecting Civilian Spouses of Military Servicemembers for Tax Year 2018 and Forward

The Veterans Benefits and Transition Act of 2018 made changes affecting civilian spouses of military servicemembers. Effective for tax years 2018 and forward, a civilian spouse can elect to have the same state of legal residence as the servicemember for state income tax purposes. This includes the tax year in which the couple was married, as well as any subsequent tax year during the marriage.

The civilian spouse makes this election with Ohio simply by filing the Ohio IT 1040 or IT 10 and reporting the same state of residence as the servicemember. Absent this election, a servicemember’s civilian spouse can use the following Department of Taxation resources to determine his/her residency status:

- Page 9 of the 2018 Individual and School District income tax [instructions](#)
- [Military frequently asked questions](#)
- [Information Release IT 2008-02](#) — “Ohio Taxable Income and Deductions for Servicemembers and Civilian Spouses” (updated January 23, 2019).

Regardless of how residency is determined, the civilian spouse is still taxed as follows:

1)	If the spouse is a:	Resident of Ohio		Nonresident of Ohio			
2)	And the spouse and servicemember:	N/A (Skip to #3)		<u>The same state of legal residence</u>		<u>Different states of legal residence</u>	
3)	And the income is earned:	In Ohio	Outside of Ohio	In Ohio	Outside of Ohio	In Ohio	Outside of Ohio
4)	Then the income is:	Taxed in Ohio	Eligible for the Resident Credit	Deductible on Schedule A, line 27	Eligible for the Nonresident Credit	Taxed in Ohio	Eligible for the Nonresident Credit

Please note: The Veterans Benefits and Transition Act of 2018 did not change the residency or tax provisions pertaining to servicemembers.

For more information on this change, see federal Senate Bill 2248 or 50 U.S.C. §4001(a).

Individuals with additional questions regarding this subject may contact the Department by e-mail at Military-Info@tax.state.oh.us, or by calling 1-800-282-1780 (1-800-750-0750 for the hearing impaired).