

# 2020 DELAWARE Resident Individual Income Tax Return

**FOR THE FASTEST DELAWARE REFUND, SUBMIT YOUR RETURN ELECTRONICALLY.**

**Advantages of electronic submission:**

- **If we do not need additional information, you may receive your refund in as little as 5 days**
- Direct deposit into checking or savings account, if to a U.S. bank account.
- Convenient, fast, easy and electronic receipt verification.

**For more information regarding electronic and online filing options, visit [revenue.delaware.gov](http://revenue.delaware.gov).**

**NOTE: The average refund time for paper returns and returns that require supporting documentation is 8 weeks.**

### Complete your federal tax return before preparing your state return!

This booklet contains your 2020 State of Delaware individual income tax forms and instructions. Please note the following:

For details regarding organizations to which you may make a contribution, please see the last page of this booklet.

If you itemize your deductions for Delaware purposes, you are now required to complete and attach the Delaware Schedule A.

The Delaware Division of Revenue accepts online payments for personal income tax (estimated, final, extensions and balances due), gross receipts, withholding and licensing. Revenue accepts American Express, Discover, MasterCard and VISA for credit payments up to \$10,000. We also accept direct debit payments (without dollar limitation) from a checking or savings account. Funds cannot come from an account outside the United States.

**Refund Inquiry:** You can check the status of your refund by visiting [revenue.delaware.gov](http://revenue.delaware.gov). Select "Check the Status of Your Refund." You will need your SSN and the requested 'Net Refund' amount to complete your inquiry.

**Reminder:** You will receive a 1099G from the State if last year you a) itemized deductions on your federal return and b) received a Delaware refund, requested a carryover, contributed to one of the Special Funds OR had your refund intercepted.

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# Form 200-01

## RESIDENT INDIVIDUAL INCOME TAX RETURN

## GENERAL INSTRUCTIONS

### Who Must File

- If you are a **Full-Year Resident** of the State, you must file a tax return for 2020 if, based on your Age/Status, your individual adjusted Delaware gross income (AGI) exceeds the amount shown below.

AGE/STATUS	Filing Status			Claimed as a dependent on another person's return
	1&5	2	3&4	
	Filing Status	Married filing joint	Married filing separate	
Under 60	\$9,400	\$15,450	\$9,400	\$5,250
60 to 64**	\$12,200	\$17,950	\$12,200	\$5,250
65 and over <b>OR BLIND**</b>	\$14,700	\$20,450	\$14,700	\$7,750
65 and over <b>AND BLIND**</b>	\$17,200	\$22,950	\$17,200	\$10,250

\*This dollar amount represents your individual Adjusted Gross Income, NOT a total combined with anyone else.

\*\*Assumes only one spouse meets age or blindness criteria.

- If you were a **Part-Year Resident**, you must file a Delaware tax return:
  - If you had income from any source while a resident of Delaware, or
  - If you had income from a Delaware source while you were a non-resident of Delaware.

**Part-year residents may elect to file either a resident or non-resident return. You may wish to prepare both. File only the return which is more advantageous for you.**

Part-Year Residents electing to file a **resident return** – this option may be advantageous if, during the period of non-residency, you had no income from sources in other states and/or your only income was from Delaware.

Part-Year Residents electing to file a **non-resident return** – This option may be advantageous if, during the period of non-residency, you had any income from other states or sources outside of Delaware. Please refer to the instructions for Form 200-02 to review this option.

**Note: Volunteer Firefighter, Child Care and Earned Income Tax Credits cannot be taken on the non-resident return (Form 200-02).**

- If you are a **Non-Resident** who had gross income in 2020 from sources in Delaware, you must file a Delaware Tax return.

### What Form to File

	200-01 R	200-02 NR
Full-year residents	✓	
Part-year residents	✓ or...	✓
Non-residents		✓

### Who is a Resident

A resident is an individual who either:

- Is domiciled in this State for any part of the taxable year; or
- Maintains a place of abode in this State and spends more than

183 days of the taxable year in this State.

A domicile is the place an individual intends to be his permanent home; a place to which he intends to return whenever he may be absent. An individual can have only one domicile. A domicile, once established, continues until the individual moves to a new location and exhibits a bona fide intention of making it his or her permanent home.

**Full-Time Students** with a legal residence in another state remain legal residents of that state unless they exhibit intentions to make Delaware their permanent residence.

**NOTE\*: Foreign Travelers** – If you were out of the United States for at least 495 days in the last 18 consecutive months and (at the same time) you did not maintain a permanent place of abode in this State at which you, your spouse, your children or your parents were present for more than 45 days, you are not considered a resident of this State.

\*The above NOTE does not apply to members of the Armed Forces, employees of the United States, its agencies, or instrumentalities.

### Minors - Disabled - Deceased Taxpayers

If an individual is unable to file a return because he is a minor or is disabled, the return shall be filed by his authorized agent, guardian, fiduciary or the person charged with the care of the person or property of such individual. See the federal Form 1040 instructions for those authorized to sign. If an individual is deceased, his final return shall be filed by his executor, administrator or other person responsible for the property of the decedent. Please see Deceased on Page 12 for further instructions on deceased taxpayers.

### When to File

**Individual income tax returns are due on or before May 17, 2021, for all taxpayers filing on a calendar year basis.** All others must file by the last day of the fourth month following the close of their taxable year.

### Extension of Time to File a Return

#### CAUTION:

**THERE IS NO EXTENSION OF TIME FOR PAYMENT OF TAX**  
An extension of time to file your tax return is granted when the **Application for Automatic Extension (Form 200EX)** is filed prior to the due date of your return. Interest accrues on any unpaid tax at a rate of ½% per month, or fraction of a month, from the return's original due date until paid.

**To extend your due date** for submitting your completed income tax return (from May 17, 2021 to October 15, 2021) submit the following to the Division of Revenue no later than May 17, 2021:

- The completed copy of Form 200EX; and
- Your payment of any balance of tax liability estimated to be due for tax year 2020.

**The application for an automatic extension, Form 200EX, may be filed on-line at our website at [revenue.delaware.gov](http://revenue.delaware.gov). If you owe tax with your extension for 2020 and file on-line, you may use a direct debit from your checking or savings account or pay by credit card.**

If you are paying by direct debit you may specify a later payment date, up to the due date. Payments by direct debit must not come from an account outside the U.S. and may be made in any amount without dollar limitation. Payments up to \$10,000 can be made by credit card. If you choose not to file online, a blank copy of Form 200EX is available from the Division of Revenue or from our website.

**Blanket requests for extensions will not be granted. YOU MUST submit a separate extension request for each return.**

### Steps for Preparing Your Return

#### Step 1

Complete your federal income tax return and any other state return(s). They will be used in preparing your Delaware return.

#### Step 2

Fill in the top boxes on the front of the form (name, address, filing status). See page 5 of this booklet.

**Step 3**

Using the line-by-line instructions, first complete all lines relevant to your return in Sections A, B, and C **on the back of the form**; then complete the front of the return.

**Step 4**

When you are finished, attach the appropriate documents to your Delaware return. See "What Documents to Attach" on this page.

**Step 5**

**Sign, date, enter your phone number, and send Form 200-01 along with all required attachments to the applicable address listed below.** If the return is prepared by a paid preparer, the paid preparer must also sign the return.

**NOTES:**

- The return is not complete unless it is signed and dated.
- If filing a joint return or a married combined separate return, both spouses must sign the return.
- In order to aid in timely processing of your return, please include a telephone number where you can be reached during normal working hours.
- Each preparer is responsible for including all relevant items about which he/she has information.
- **Separate filers MUST submit their returns in separate envelopes. Please DO NOT include duplicate copies of a spouse's return.**

**What Documents to Attach**

Attach the following documents to your Delaware return:

1. DE Schedule I, II and III, if completed.
2. W-2 Form(s) issued by your employer and all 1099R forms to receive credit for Delaware tax withheld.
3. A copy of Page 1 and Page 2 of your Federal Form 1040 and supporting 1040 schedules (1,2,3,4, etc.)
4. A copy of all federal schedules you are required to file with your federal return (for example, Schedule C, D, E, F, etc.).
5. A copy of Federal Schedule EIC – Earned Income Credit.
6. Delaware Schedule A (PIT RSA), if you claim itemized deductions.
7. A signed copy of other state's income tax return(s) if you claim a credit for taxes paid to another State. Do NOT use the amount from your W-2 form(s).
8. A copy of Federal Form 2441, if you claim a credit for Child and Dependent Care expenses.
9. A copy of Form 1100S, Schedule A-1, if you claim a credit for taxes paid by an S Corporation.
10. Form DE2210, pages 1 and 2, if you completed Part 3 of the DE2210 or if the calculated estimated tax penalty is greater than zero.
11. Form 700, Delaware Income Tax Credit Schedule and Form 1801AC and/or Form 2001AC, if applicable. See Pages 7 and 8 for a description of the Form 700 Credits.
12. A copy of Form 5403, Real Estate Tax Return, if you declared and paid estimated taxes on the sale of real estate owned in Delaware.

**NOTE: Failure to attach the above required documentation may delay the processing of your return.**

**Members of Armed Forces**

While you are stationed in Delaware, your military and non-military pay is subject to Delaware state income tax as follows:

Members of the Armed Forces			
Are you a Legal Resident of Delaware?	Delaware Filing Required		
	Military Active Duty Income	Other Income Earned in DE	Other Income Earned in Other States
Yes	Yes*	Yes*	Yes*
No	No	Yes*	No

\*Whether you are stationed in Delaware or not.

**Your state of legal residence** is the same as it was when you entered the Armed Forces unless you voluntarily changed it while in the Armed Forces. For example, if you were a legal resident of Delaware when you entered the Armed Forces, you remain a legal resident of Delaware for Delaware state income tax purposes unless you voluntarily abandoned your Delaware residency and established a new legal domicile in another state.

**If you change your legal residence**, in the year you change, you are a part-year resident of both states. A change in legal residence is documented by filing DD Form 2058 and DD Form 2058-1 with your military personnel office.

**The following examples illustrate this:**

1. Airman John Green, who is a legal resident of Delaware (domiciled in Delaware), was ordered to duty in, and moved his family to, New Jersey. The family has no income other than Green's military pay. Airman Green will file a federal and Delaware Resident tax return only. A New Jersey state tax return is not required.
2. Sergeant Paul Smith, whose domicile is Ohio, to which he is liable for income taxes, has been on active duty in Delaware for 12 months. Sergeant Smith is single and has non-military income from Delaware. Sergeant Smith will file as a non-resident of Delaware (using Form 200-02 NR) reporting all his income in Column A. He will deduct his military compensation from his Delaware Non-Resident Return as a federal adjustment to gross income. (Column A, Line 16.) Sergeant Smith should contact Ohio for his filing requirements for Ohio.

**Military Spouses**

**All income of a non-military spouse** is taxed in the state of their legal residence. **The following examples illustrate this:**

1. Airman Dan Brown and his spouse are legal residents of Delaware (domiciled in Delaware). Airman Brown was ordered to duty in, and moved with his spouse to, New Jersey. Besides Airman Brown's military pay, his spouse has New Jersey source wages. Airman Brown and his spouse will file both a federal and Delaware Resident tax return reporting both military and nonmilitary income. A New Jersey state tax return is not required.
2. Sergeant Michael Jones, whose domicile is not Delaware, has been on active duty in Delaware for 12 months. Sergeant Jones is married and his spouse has non-military income from Delaware. If Sergeant Jones' spouse maintains a legal residence in a state

If Enclosing Payment w/Balance Due (from Line 27):	State of Delaware, Division of Revenue, P.O. Box 508, Wilmington, DE 19899-508
If Refund Due on Line 28:	State of Delaware, Division of Revenue, P.O. Box 8710, Wilmington, DE 19899-8710
Zero Due returns or returns without payment:	State of Delaware, Division of Revenue, P.O. Box 8711, Wilmington, DE 19899-8711

**Persons 60 or Over Checklist**

**If you were 60 years of age or older on 12/31, please review the following items before filing your return:**

You are entitled to an additional personal credit of \$110.	Line 9b, Page 6
You may be eligible for the pension exclusion.	Line 35, Page 9
Social Security and Railroad retirement benefits are excluded from Delaware taxable income.	Line 37, Page 10
You may be eligible for an exclusion if your earned income was less than \$2,500.	Line 40, Page 10
If you were 65 years of age or older on 12/31, you are eligible for an additional standard deduction of \$2,500, if you did not itemize.	Line 3, Page 5

other than Delaware, a Delaware state tax return will not be required. Sergeant Jones and his spouse should contact their state of legal residence for their filing requirements.

**A military spouse claiming an exemption from Delaware's income Tax withholding requirements must complete an Annual Withholding Tax Exemption Certification Form, Form W-4DE, and provide it to their employer. This form is also available on our website at [revenue.delaware.gov](http://revenue.delaware.gov). A military spouse claiming an exemption must meet the conditions set forth under the Service Members Civil Relief Act, as amended by the Military Spouses Residency Relief Act.**

### Requirement to File Estimated Taxes

Every person who is either a resident of Delaware or has income from Delaware sources may be required to file quarterly Declarations of Estimated Tax to the Delaware Division of Revenue **if the Delaware tax liability less payments and credits can reasonably be expected to exceed \$800.** (See worksheet on this page.)

You may be required to make estimated tax payments **if you receive unemployment compensation, a lump sum distribution, or a large bonus at the end of the year.**

You may also be required to make estimated tax payments if you are a Delaware resident and:

- Your employer does not withhold Delaware tax or
- You work in another state whose tax withholding rate is lower than Delaware's.

The estimated tax instructions contain the worksheet for computing your estimated tax liability and will be available after January 15, 2021. If you need estimated tax coupons, you may find them on our website at [revenue.delaware.gov/personal-income-tax-forms/](http://revenue.delaware.gov/personal-income-tax-forms/), leave a message on the forms voice mailbox at (302) 577-8588 to request them, or call toll free 1-800-292-7826 (Delaware only).

**Estimated tax payments may be made on-line at [de.gov/estimated](http://de.gov/estimated) by direct debit from your checking or savings account or by credit card.** If you are paying by direct debit you may specify a later payment date, up to the due date. Payments by direct debit may not come from an account outside the U.S. and may be made in any amount without dollar limitation. Payments up to \$10,000 can be made by credit card. If you want to pay by check, you must use the paper form 200-ES available on our website at [revenue.delaware.gov](http://revenue.delaware.gov).

### When to Make Your Estimated Tax Payment

For estimated tax purposes, the year is divided into four payment periods. Each period has a specific payment due date as indicated below:

For the Period:	The payment due date is:
1/1/21 through 3/31/21	April 30, 2021
4/1/21 through 5/31/21	June 15, 2021
6/1/21 through 8/31/21	September 15, 2021
9/1/21 through 12/31/21	January 17, 2022

For more information concerning estimated taxes or to access the payment voucher and worksheet, visit [de.gov/estimated](http://de.gov/estimated), or call (302) 577-8200.

### Estimated Tax Penalty

You may owe this penalty if the amount you owe (Line 22, Balance Due) is more than 10% of the tax shown on your return (Line 16, Balance).

### Exceptions to the Penalty

You will not owe the penalty if your 2020 tax return was for a period of 12 full months AND ONE of the following applies:

1. You had no tax liability for 2019 (Line 16), or
2. The total of Line 15 (Total Non-Refundable Credits) and Line 21 (Total Refundable Credits) on your 2020 return equals at least 100% of the tax liability shown on your 2019 return and estimated tax payments for 2020 were made on time. Use 110% of your 2019 tax liability if your 2019 Delaware AGI exceeded \$150,000, or if you are filing status 3 and your 2019 Delaware AGI exceeded \$75,000.
3. For Special Rules regarding Farmers and Fishermen and for waivers of the penalty, please see the separate instructions for Form 200-ES and/or Form DE2210.

### Penalties and Interest

1. **Interest – Underpayment or late payment**  
The Delaware Code provides that interest on any underpayment or late payment of income taxes due shall accrue at the rate of ½% per month, from the date prescribed for payments to the date paid.
2. **Penalty – Late-filing of balance due return**  
The law imposes substantial penalties for failure to file a timely return. Late-filed returns with a balance due are subject to a penalty of 5% per month of the balance due.
3. **Penalty – Negligence/fraud/substantial understatement**  
The law also provides severe penalties for filing a false or fraudulent return, or for a false certification. The mere fact that the figures you report on your Delaware return are taken from your Federal return will not relieve you from the imposition of penalties for negligence or for filing a false or fraudulent return.
4. **Penalty – Failure to pay**  
The law provides a penalty of 1% per month (not to exceed 25%) of the net tax liabilities for failure to pay the tax liability due on a timely filed or late-filed return. This penalty is in addition to the interest charged for late payment.

### 5. Penalty – Failure to File/Pay Estimated Taxes

The law provides a penalty of 1½% per month of the computed tax payment for failure to file/pay estimated taxes due. This penalty is in addition to those penalties and interest listed above. The penalty is also assessed if an estimated payment is filed late.

### Federal Privacy Act Information

Social Security Numbers must be included on your income tax return. The mandatory disclosure of your Social Security Number is authorized by Section 306, Title 30 of the Delaware Code. Such numbers are used primarily to administer and enforce all tax laws, both civil and criminal, for which the Division of Revenue has statutory responsibility.

### Amended Returns

**If any changes made to your federal return affect your state income tax liability, you are required to report the change to the**

### Who Must File Estimated Taxes for 2021

To determine if you must pay estimated income tax payments complete the following:

- |   |         |   |
|---|---------|---|
| 1. Enter the amount of your total estimated tax liability for 2021 (See the tax table or tax rate schedule.)  | _____   | 1 |
| 2. Enter the amount of your estimated Delaware withholding taxes and other credits for 2021.  | – _____ | 2 |
| 3. Enter the balance due (Line 1 minus Line 2).   | = _____ | 3 |
| 4. <b>You DO NOT have to file estimated taxes if:</b>   |         |   |
| • <b>Line 3 is less than \$800, or</b>  |         |   |
| • <b>Line 2 is at least 90% of Line 1, or</b>   |         |   |
| • <b>Line 2 is at least equal to 100% of your total tax liability for 2020. If your 2020 Delaware AGI exceeded \$150,000, or if you are filing status 3 and your 2020 Delaware AGI exceeded \$75,000, line 2 must at least equal 110% of your 2020 tax liability.</b> |         |   |

**Delaware Division of Revenue within ninety (90) days after the final determination of such a change and indicate your agreement with the determination or the grounds of your disagreement.** Use Form 200-01-X to change an income tax return you have already filed, and attach a copy of any federal adjustments.

### Rounding Off Dollars

Dollar amounts on your return must be rounded off to the nearest whole dollar. This means that amounts from 50 to 99 cents are increased to the next dollar. For example, \$1.50 becomes \$2.00 and \$1.49 becomes \$1.00.

### Address Change

If you move after you file your return, you should notify the Division of Revenue of your address change in writing. Please be sure to include your and your spouse's Social Security Number(s) in any correspondence with the Division of Revenue.

## FRONT OF FORM 200-01

### Name, Address and Social Security Number

Print your name(s), address, and social security number(s) in the space provided. If you are married, give names and social security numbers for both you and your spouse whether you file joint or separate returns. If you are a Jr., Sr., II, III, etc., please indicate it in the Jr., Sr., III, box.

**If either the primary taxpayer or spouse is deceased, the surviving spouse information should be entered first under "Your Social Security No. and Your Last Name". The deceased person's data should be entered under "Spouse's Social Security No. and Spouse's Last Name". Also, write DECD after their first name. For an example, please see Page 12.**

### Filing Status

Please indicate your filing status by marking the appropriate box.

#### FILING STATUS 1 – SINGLE TAXPAYER

If you were single on December 31, 2020, consider yourself Single for the whole year and use Filing Status 1.

#### FILING STATUS 2, 3, AND 4 – MARRIED TAXPAYERS

You may file Joint, Separate, or Combined Separate Delaware returns. If you use Filing Status 4, you are in fact filing two separate returns which have been combined on the same form for convenience.

**NOTE: Generally, separate returns (filing status 3 or 4) will be advantageous if both spouses have Delaware adjusted gross income in excess of \$9,400.**

**If you elect to use Filing Status 3 or 4, both you and your spouse must compute your taxable income the same way. This means if one itemizes deductions, the other must itemize. If one takes the standard deduction, the other must take the standard deduction in computing taxable income.**

**If you elect to use Filing Status 3, you must include your spouse's name and social security number on your return.**

**For Filing Status 3 or 4, you must each report your own income, personal credits, deductions, and one-half of the income derived from securities, bank accounts, real estate, etc., which are titled or registered in joint names.**

#### FILING STATUS 5 – HEAD OF HOUSEHOLD

If you filed as Head of Household on your federal return or qualify as certain married persons living apart, you may file as Head of Household on your Delaware return.

#### PART-YEAR RESIDENTS

If you were a part-year resident of Delaware in 2020 electing to file as a full-year resident, indicate the dates of your Delaware residency.

your return if you have calculated the underpayment of estimated taxes **and an estimated penalty is due OR if you completed Part 3.** Use Form DE2210 to determine if you owe a penalty for the underpayment of estimated tax and to calculate the amount of the penalty.

**To obtain Form DE2210, please contact our offices or visit the Division of Revenue website at [revenue.delaware.gov](http://revenue.delaware.gov). Do NOT check this box if a completed DE2210 (Pages 1 and 2) is not being sent with your return. Do NOT submit a Federal Form 2210 instead of a DE2210. Do not submit computer worksheets in lieu of Form DE2210.**

### Line-by-Line Instructions

Next, complete the back of the form beginning with Line 29. **Instructions begin on Page 9.** Once the back is completed, return to the front and use the following instructions.

**NOTE:** If you have no Delaware modifications and do not elect to itemize your deductions, you may begin on Line 1 of the Delaware return by entering your Federal Adjusted Gross Income from Federal Form 1040.

#### DE 2210 Indicator

Check the "Form DE2210 Attached" box and attach a copy of DE2210 to

#### 1 Delaware Adjusted Gross Income

Enter the amount from Line 42 on the back of your Delaware return.

#### 2a Standard Deduction

The law allows you to take a standard deduction in lieu of itemizing your deductions. If you elect to take the Delaware STANDARD DEDUCTION, **be sure to check the box on Line 2a** and enter the appropriate amount as listed below:

Delaware Filing Status	Standard Deduction	Enter on Line 2
1	\$3,250	Column B
2	\$6,500	Column B
3	\$3,250	Column B
4	\$3,250	Columns A & B
5	\$3,250	Column B

**NOTE: If you claimed a standard deduction on your federal return, you may still elect to itemize your deductions on the Delaware return. In this case, complete and attached Delaware Schedule A.**

**NOTE: If one spouse elects the standard deduction, the other spouse must also take the standard deduction.**

#### 2b Itemized Deductions

If you elect to itemize deductions:

- Check the box on Line 2b.**
- Complete Section C, Lines 43 through 48 on the back of your Delaware return. (See page 10-11 of these instructions.)
- Enter the amount from Line 48 on Line 2.
- Attach a copy of Delaware Schedule A.

#### 3 Additional Standard Deduction

The additional standard deduction is allowable only for those persons 65 and over OR blind, electing to use the Delaware standard deduction (Line 2a).

**NOTE: If you elect to itemize your deductions, you do not qualify for the additional standard deduction even though you may be 65 years of age or older and/or blind. If you itemize deductions, do not check the "65 or over" box.**

If you qualify for the additional standard deduction:

1. Be sure you checked the box on Line 2a to indicate you are using the standard deduction.
2. Check the appropriate box(es) relating to age and/or blindness on Line 3.
3. Multiply the number of boxes checked on Line 3 by \$2,500 and determine the total (a maximum of \$5,000 per individual).
4. If you are filing a combined separate return, enter the amount pertaining to each spouse (boxes checked x \$2,500) in the spouses' respective columns (\$5,000 per spouse age 65 or over **and** blind; \$2,500 per spouse age 65 and over **or** blind).
5. All other filing statuses should enter the total for both individuals in Column B.

**6 Tax Liability**

If Line 5 is less than \$60,000, use the tax table to compute your tax liability. If line 5 is \$60,000 or greater, use the tax schedule at the end of the tax table to compute your tax liability. Enter your tax liability on Line 6.

**7 Lump Sum Distribution**

A qualified lump sum distribution is the payment of the entire balance from a qualified plan (for example, pension, profit-sharing or stock bonus plans). The payments must all be received in the same tax year.

This form applies, in the case of someone who is not self-employed, only when the distribution (defined above) was made:

- Due to the participant's death;
- Due to the participant's separation from employment; or
- After the participant had attained age 59½.

In the case of a self-employed person, this form applies only when the distribution (defined above) was made:

- Due to the participant's death;
- After the participant had attained age 59 ½; or
- The participant was previously disabled.

Delaware does not impose a penalty for early withdrawal from IRAs and Pension Plans. The law provides for separate tax treatment of lump sum distributions received from qualified pension plans, profit sharing or stock bonus plans. The law provides for ten-year averaging of the distribution designated to be taxed as ordinary income. Under this provision, lump sum distributions will be taxed separately as ordinary income in the year of receipt. However, the federal "rollover" provisions apply to this income, so recipients have sixty days in which to invest the proceeds of the lump sum distributions into an IRA or other qualified pension plan without being subjected to tax. Persons receiving a lump sum distribution in 2020 must complete Delaware Form 329 to compute the tax liability on this income. The amount of tax (from Line 16, Form 329) should be placed on Line 7 of the Delaware return. You must attach Form 329 to your return. If you received a lump sum distribution, but did not qualify for or did not elect lump sum averaging on your federal return, you can still use Form 329 for Delaware purposes. See instructions for Line 37 (page 10) to exclude your lump sum distribution from your Delaware Adjusted Gross Income.

**9a Personal Credits**

Enter the total number of dependents listed on your federal return, multiply by \$110 and enter the total on Line 9a. If you are married and filing a combined separate return (Filing Status 4), split the total between Columns A and B in increments of \$110. You are still eligible for this credit even though you do not recognize personal exemptions on your federal return.

**If you are married and filing separate returns (Filing Status 3), allocate dependents to each return and multiply by \$110, entering the total for each return in Column B. Please see example below. All other filing statuses place the total in Column B.**

If you were not required to file a federal return, enter \$110 for each spouse reporting income plus \$110 for each person who could have been listed as a dependent had you been required to file a federal return. Allocate the total personal credits for your filing status as described in the paragraph above.

**NOTE:** You are not entitled to a Delaware Personal Credit if you are listed as a dependent on another individual's Federal return. Enter "0" in the space provided on Line 9a.

Example: If you filed your federal return as married filing jointly and have no dependents, enter \$220

- \$110 in each column if Filing Status 4
- \$110 per return in Column B if Filing Status 3, or
- \$220 in Column B if Filing Status 2.

Please ensure that the number of personal credits listed on the Delaware return does not exceed the number of dependents reflected on your Federal return. This data will be verified with the IRS.

**9b Additional Personal Credits**

If you and/or your spouse were 60 years of age or over on December 31, 2020, check the appropriate box(es), multiply the number of boxes checked by \$110, and enter the total on Line 9b.

If you are filing a combined separate return (Filing Status 4), enter \$110 in the column(s) that correspond to the checked box(es).

**10 Other State Tax Credit**

If you are a resident of Delaware (or elect to be taxed as one) and pay income taxes to another State on income earned in the other State which is also included in your Delaware taxable income, the law allows you a tax credit against your Delaware income tax. **Do not include city wage taxes or county taxes paid directly to the county. (See Worksheet below.) If you claim a credit for taxes paid to another state, you must attach a signed copy of the income tax return filed with the other state(s). In addition, your Delaware return information will be shared with the other state(s) for which you claimed the credit.**

If you are claiming a credit for taxes paid to more than one State, you must complete DE Schedule I and attach it to your Resident return. Example: You claim a credit for taxes paid to Pennsylvania AND New Jersey on your Delaware return. **On DE Schedule I, enter the names of the other States and amount of credit claimed in HIGHEST to LOWEST credit amount order.** If claiming the credit from only one state, then enter the state and amount on the front of the return.

**LINE 10 WORKSHEET  
CREDIT FOR TAXES PAID TO ANOTHER STATE**

	Column A	Column B	
1. Enter adjusted gross income from the other state return.	_____	_____	1
2. Delaware adjusted gross income (Line 1 of return).	_____	_____	2
3. <b>If Line 1 is less than Line 2:</b> divide Line 1 by Line 2 and enter. <b>If Line 1 is greater than Line 2: enter 100%.</b>	_____	_____	3
4. Enter amount from Line 6, Form 200-01.	_____	_____	4
5. Multiply Line 3 by Line 4.	_____	_____	5
6. Enter taxes paid to other states (net of credits). (Exclude city wage and county taxes paid directly to county).	_____	_____	6
7. Your credit allowance for this state is the smaller of Line 5 or 6. Enter this amount here and on Line 10 of Form 200-01.	_____	_____	7

With regard to any credit claimed for taxes paid to another state, the credit is limited to the smallest of the following:

- a. The Delaware tax liability;
- b. The tax liability due and paid, after the application of all credits (for example, tax forgiveness credit, earned income credit, poverty level credit), to the other state. The amount due and paid **is not the amount on your W-2**; or
- c. The amount computed by multiplying the Delaware tax by a fraction, the numerator of which is your adjusted gross income from sources in the other state and the denominator of which is your Delaware Adjusted Gross Income (Line 1).

**NOTE:** If you file using filing status 4 – married filing combined separate – enter the credit in the column for the person who actually worked or was taxed by the other state.

**NOTE:** Taxes paid to a political subdivision of a state cannot be claimed as a credit. The District of Columbia is classified as a “State” for the purpose of this credit and, therefore, taxes paid to the District of Columbia can be claimed as a credit on Line 10.

### 11 Volunteer Firefighter Credit

Enter on Line 11 the total of the following credit(s) to which you are entitled:

The law allows a credit of \$400 against the income tax liability of Delaware residents who are **active** firefighters, or members of fire company auxiliaries or rescue squads. To qualify for the credit, you must be an active volunteer firefighter on call to fight fires on a regular basis, a member of a fire company auxiliary or active member of an organized rescue squad in a Delaware volunteer company. **Active status of the members is verified annually by the Division of Revenue with the volunteer fire companies.**

You must enter the Fire Company number where you volunteer on Line 11, Column A and/or Column B, to qualify for the credit. Enter the amount of this credit on Line 11, Column A and/or B. Only one \$400 credit may be claimed by each spouse. **If you file using Filing Status 2 – Joint – Do Not enter \$400 in Column A.**

### 12 Other Non-Refundable Credits

#### Form 700 Credits

**Taxpayers claiming any of the following credits must complete and attach Form 700 to their return. (Form 700 is available from the Delaware Division of Revenue or [revenue.delaware.gov](http://revenue.delaware.gov).)**

**Economic Development Credits** are available to certain businesses engaged in a qualified business activity who meet the minimum capital investment and new hiring requirements. Only taxpayers approved by the Division of Revenue may claim these credits.

**Green Industry Credits** are available for reducing waste release,

use of recycled materials, processing of waste materials and collection and distribution of recycled materials. Only those taxpayers whose eligibility is certified by the Delaware Department of Natural Resources and Environmental Control and the Delaware Division of Small Business, Development and Tourism may claim these credits.

**Brownfield Tax Credits** are available for promoting the rehabilitation of contaminated industrial and commercial sites. Only those Taxpayers whose eligibility is certified by the Delaware Department of Natural Resources and Environmental Control may claim these credits.

**Research and Development Tax Credit.** A business or individual may take an income tax credit for Delaware qualified research and development expenses. A Division of Revenue approval letter must be attached to your Delaware return.

**Land and Historic Resource Tax Credit.** A business or individual may take an income tax credit for permanent gifts of land or an interest in land to public agencies and qualified private non-profit charitable organizations. A Division of Revenue approval letter must be attached to your Delaware Return.

**Historic Preservation Tax Credits** are available to Resident Curators and to those persons who work to promote community revitalization and restoration, and the rehabilitation of historic properties. Only those taxpayers whose eligibility is certified by the Delaware State Historic Preservation Office may claim these credits.

**Neighborhood Assistance Tax Credit.** Certain taxpayers are eligible for an income tax credit for contributing to a neighborhood organization, community development corporation, or community based development organization; or for providing neighborhood assistance, job training, or education to an impoverished area or for low and moderate-income families. Only those taxpayers whose eligibility is certified by the Delaware State Housing Authority and the Delaware Tax Appeal Board may claim these credits.

**Automatic External Defibrillators Tax Credit.** Any business that places an automatic external Defibrillator in service at a business location in the State is entitled to a credit equal to \$100 per unit.

### 13 Child Care Credit

A resident individual is allowed a credit against his/her individual tax in the amount of fifty percent (50%) of the child and dependent care credit allowable for federal income tax purposes. Use the worksheet provided below to compute the amount of the deduction. **The Child Care Credit should not be confused with the Child Tax Credit, which is not an allowable credit on the Delaware return.**

**In the case of spouses who file a joint federal return, but who elect to file separate or combined separate returns for Delaware, the credit may only be applied against the tax imposed on the spouse with the lower taxable income reported on Line 5.**

**NOTE:** You must attach a copy of Federal Form 2441 to your Delaware return.

#### LINE 13 WORKSHEET - CHILD CARE CREDIT

Enter the total amount from Line 11 of Federal Form 2441 (Federal form must be attached) and multiply by 50% (.50).

\_\_\_\_\_ x .50 = \$ \_\_\_\_\_

Enter result on Line 13 of your return.

**Do not enter an amount in excess of \$1,050.**

### 14 Earned Income Tax Credit (EITC)

A Resident individual is allowed a **nonrefundable credit** against his or her individual tax in the amount of twenty percent (20%) of the federal earned income credit allowed. Complete DE Schedule II to determine the amount of the credit.

**In the case of spouses who file a joint federal return, but who elect to file separate or combined separate returns for Delaware, the credit may only be applied against the tax imposed on the spouse with the higher taxable income reported on Line 5.**

**DE Schedule II:** For each child you claimed the Earned Income Credit for on your federal return, provide the following information:

- Line 7 - Enter the first name and last name of each child.
- Line 8 - Enter the social security number (SSN) of each child.
- Line 9 - Enter the year of birth of each child. (Example: 2009).
- Line 10 - Please indicate by checking the appropriate box(es) if the child was under age 24 at the end of 2020, a student, or younger than you (or your spouse, if filing jointly).
- Line 11 - Check the appropriate box(es) relating to disability.
- Line 12 - Enter the Delaware State Income Tax from Line 8. If you use filing status 4, enter the higher tax amount from Line 8, Column A or B.
- Line 13 - Enter the Federal Earned Income Credit from Federal Form 1040, Line 17a.
- Line 15 - Multiply Line 13 by Line 14 on DE Schedule II.
- Line 16 - Enter the smaller of line 12 or line 15. This is your Delaware Earned Income Tax Credit and should be entered on line 14 of Form 200-01.

**DO NOT complete DE Schedule II if you have not taken an Earned Income Credit on your federal return.**

**NOTE: The following forms must be attached to your Delaware return if you claim the Earned Income Tax Credit:**

- DE Schedule II
- Federal Form 1040, Pages 1 and 2
- Federal Form EIC.

**Failure to attach the above documentation may delay the processing of your return.**

#### 15 Total Non-Refundable Credits

The total of all non-refundable credits (Lines 9a through 14) is limited to the amount of your Delaware tax liability on Line 8.

#### 17 Delaware Tax Withheld

Enter the Delaware income tax withheld as shown on your W-2 and/or 1099R Forms in Column A and/or B. **DO NOT INCLUDE CITY WAGE TAX. DO NOT INCLUDE S CORPORATION PAYMENTS.**

#### 18 Estimated Tax Payments and Payments with Extensions

Enter on Line 18, Column A and/or B, the total quarterly estimated tax payments for 2020 including any credit carryover from your 2019 return. In order to receive proper credit for fourth quarter estimated tax payments, they must be made by January 15, 2021. Also, enter the amount paid with Form 200ES (1027) (Automatic Extension) on this line. **DO NOT INCLUDE S CORPORATION PAYMENTS.**

**If you file a combined separate return (Filing Status 4), you may allocate the estimated tax payments in any manner you wish. All other filing statuses must claim the estimated tax payments under the Social Security Number for which the payments were made.**

#### 19 S Corporation Payments

Enter on Line 19, Column A and/or B the Delaware estimated tax payment made on your behalf by an S Corporation. **Attach a copy of the Delaware Form 1100S, Schedule A-1 reflecting the payment.**

#### Refundable Business Credits

**Business Finder's Fee Tax Credit.** This credit is available to encourage Delaware businesses to bring non-Delaware businesses into the state. Only those taxpayers whose eligibility is certified by the Delaware Division of Small Business, Development and Tourism may claim this credit.

**New Economy Jobs Program Credit.** A credit available to qualified employers pursuant to the New Economy Jobs Program whose purpose is to encourage the creation of high wage, knowledge-based jobs in this state. To apply for certification as a qualified employer, submit Form 2080DE (available from the Division of Revenue or at [revenue.delaware.gov](http://revenue.delaware.gov)) with the Secretary of Finance with a copy to the Director of the Delaware Division of Small Business, Development and Tourism.

**Any taxpayer claiming refundable credits must complete Form 700 (available at [revenue.delaware.gov](http://revenue.delaware.gov) or from the Division of Revenue) and submit it with their Delaware return.**

#### 20 Real Estate Capital Gains Tax Payments Credit

Enter on Line 20, Column A and/or B, the total of all estimated income tax payments at the time of sale of Delaware real estate. If you file combined separate (Filing Status 4), you may allocate these payments in any manner. All other filing statuses must claim these payments under the Social Security Number for which the payments were made. **NOTE: Please submit copies of all Forms 5403.**

#### 24 Contribution to Special Funds

You and/or your spouse may wish to contribute to any or all of the worthwhile funds listed on the last page of this booklet. You must

complete DE Schedule III. Enter the amount of your donation on the line provided next to the designated fund(s) of your choice. **Enter the total amount donated on Line 24.** The minimum amount for a donation is \$1.

If you are not due a refund and you wish to make a contribution, you may do so. Include the total amount of your donation with the balance due.

#### 25 Carryover to 2020 Estimated Taxes

If you are using Filing Status 1, 2, 3 or 5, and wish to apply a portion of your overpayment to your 2021 Estimated Taxes, enter on Line 25 the portion of your overpayment (Line 23) to be applied. If you use Filing Status 4, enter on Line 25 the portion of your net overpayment (Line 23, Column A and B, less Line 22, Column A and B) to be applied.

**NOTE: Any amount entered on Line 25 will reduce the amount of overpayment to be refunded to you.**

#### 26 Penalties and Interest Due

You may compute the amount of penalties and interest due or you may leave Line 26 blank and the Division of Revenue will calculate the amount for you and send you a bill. Penalties may be assessed for filing a balance due return late, failure to pay the tax liability due, fraud, negligence and failure to pay estimated taxes. (See Page 5 for a description of penalties and interest.)

**If you have calculated the underpayment of estimated taxes using Form DE2210 and an estimated penalty is due OR if you completed Part 3, check the "Form DE2210 Attached" box at the top of your return and submit pages 1 and 2 of the form with your return. Do not submit computer worksheets in lieu of Form DE2210. Checking the box without including a Form DE2210 will delay the processing of your return. If you submit a DE2210, it will not be processed unless the box is checked.**

#### 27 Net Balance Due

If you are using Filing Status 1, 2, 3 or 5, enter the amount of the net balance due (Line 22 plus Lines 24 and 26) and pay in full. If you are married using Filing Status 4, enter the total balance due (Line 22, Columns A and B, less Line 23, Columns A and B, plus Lines 24 and 26) and pay in full. Make check payable to: DE Division of Revenue.

Please visit our website at [www.revenue.delaware.gov](http://www.revenue.delaware.gov), or call to discuss payment difficulties. Our representatives are available 8:00AM to 4:15PM, Monday through Friday to explain the payment options available.

New Castle County: 1-302-577-8208  
Kent and Sussex County: 1-800-292-7826  
Outside Delaware: 1-302-577-8208

#### 28 Net Refund

If you are using Filing Status 1, 2, 3 or 5, enter the amount of the total refund (Line 23 less amounts on Lines 24, 25, and 26) to be refunded to you. If you are using Filing Status 4, enter the total net refund (Line 23, Column A and B, less Line 22, Column A and B, less amounts on Line 24 and/or Line 25 and Line 26) to be refunded to you. If you do not have a balance due or a refund due, enter "0" on Line 28.

### BACK OF FORM 200-01

#### 29 Federal Adjusted Gross Income

If you are using filing status 1, 2 or 5, enter your Federal Adjusted Gross Income from Federal Form 1040, Line 7 into Column B. If you were not required to file a federal return, complete Federal Form 1040 to determine your federal adjusted gross income. If you are using Filing Status 3 or 4, use the worksheet on this page to assist in separating income, losses and deductions between spouses. You must each report your own income, losses, and deductions, and one-half of income derived from securities, bank accounts, real estate, etc., which are titled or registered in joint names.



**30 Interest on State and Local Obligations other than Delaware**

Interest you received from any obligations of States other than Delaware or their political subdivisions is taxable and must be added on Line 30.

Examples of **interest that is taxable**:

- Interest received on Pennsylvania Turnpike Bonds.
- Mutual fund dividends not included on Line 29 that are attributable to interest on state or local obligations (minus those attributable to the State of Delaware and its authorities and political subdivisions – provided the mutual fund reports that amount to you in writing).

**31 Fiduciary Adjustments, Oil Percentage Depletion**

**Fiduciary Adjustments**

Net additions from fiduciary adjustments derived from income received from an estate or trust as shown on Federal Form K-1, Beneficiary's Share of Federal Income and Deductions, should be included on Line 31.

**Oil Percentage Depletion**

The law provides for the disallowance of any percentage depletion deduction allowable under federal law, to the extent it is in excess of cost depletion. Add the excess to the amount of fiduciary adjustments and enter the total on Line 31.

**34 U.S. Obligations**

Interest received on obligations of the United States included on your federal tax return is exempt from Delaware tax and should be entered on Line 34. Failure to identify the payor on Federal Schedule B will result in the disallowance of the deduction.

Interest received on obligations for which the United States is NOT the primary obligor or which are NOT guaranteed by the full faith and credit of the United States is not exempt from tax and may not be entered on Line 34. (Examples are shown in the table below.)

**35 Pension Exclusion**

Amounts received as pensions from employers (including pensions of a deceased taxpayer) may qualify for an exclusion from Delaware taxable income, subject to the limitations described below.

**An early distribution from an IRA or pension fund for emergency reasons or following a separation from employment does not qualify for the pension exclusion. If the distribution code listed in Box 7 of your 1099 R is a 1 (one), or if you were assessed an early withdrawal penalty on Federal 1040, Line 59 for the distribution, then that distribution DOES NOT qualify for the pension exclusion.**

LINE 34 EXAMPLES. INTEREST RECEIVED ON U.S. OBLIGATIONS	
Examples of INTEREST THAT IS EXEMPT	Examples of INTEREST THAT IS NOT EXEMPT
U.S. Treasury Bill, Bonds (Series E, F, G, H), Certificates, Notes	Federal National Mortgage Association (Fannie Mae)
Export Import Bank	Federal Home Loan Mortgage Corp.
Federal Deposit Insurance Corp.	Government National Mortgage Association (Ginnie Mae)
Federal Farm Credit Bank	International Bank of Reconstruction and Development
Federal Intermediate Credit Banks	
Federal Land Banks	
Tennessee Valley Authority	Student Loan Marketing Association (Sallie Maes)
Mutual Fund Dividends (Dollar amount or percentage directly attributed to a U.S. obligation, provided the Mutual Fund reports that amount to you.)	

**LINE 29 WORKSHEET**

**ALLOCATION OF FEDERAL ADJUSTED GROSS INCOME BETWEEN SPOUSES (Filing Status 3 and 4 Only)**

		Federal/Pro forma	Spouse	Yourself	
1. Wages, salaries, tips, etc.....	1.	00	00	00	1.
2. Interest.....	2.	00	00	00	2.
3. Dividends.....	3.	00	00	00	3.
4. Taxable refunds, credits or offsets of state and local income taxes.....	4.	00	00	00	4.
5. Alimony received.....	5.	00	00	00	5.
6. Business income or (loss).....	6.	00	00	00	6.
7a. Capital gain or (loss).....	7a.	00	00	00	7a.
7b. Other gains (or losses).....	7b.	00	00	00	7b.
8. IRA distributions.....	8.	00	00	00	8.
9. Taxable pensions and annuities.....	9.	00	00	00	9.
10. Rents, royalties, partnerships, s-corps, estates, trusts, etc.....	10.	00	00	00	10.
11. Farm income (or loss).....	11.	00	00	00	11.
12. Unemployment compensation (insurance).....	12.	00	00	00	12.
13. Taxable social security benefits.....	13.	00	00	00	13.
14. Other income.....	14.	00	00	00	14.
15. Total income. Add Lines 1 through 14.....	15.	00	00	00	15.
16. Total Federal Adjustments (Federal Schedules)	16.	00	00	00	16.
17. Federal Adjusted Gross Income. Subtract Line 16 from Line 15. Enter on page 2, Line 29, columns A and B of your Delaware return.....	17.	00	00	00	17.

**NOTE:** Each taxpayer may receive ONLY ONE pension exclusion, even if he or she is receiving more than one pension or other retirement distribution. Spouses who each receive pensions are entitled to one exclusion each.

**IF YOU WERE UNDER 60 on December 31, 2020, your exclusion equals \$2,000 or the amount of your pension, whichever is less.**

**IF YOU WERE 60 OR OVER** on December 31, 2020, your exclusion is determined as follows:

1. Amount of pension.....\$ \_\_\_\_\_
2. Amount of "eligible retirement income" (See definition below).....\$ \_\_\_\_\_
3. Total (add lines 1 and 2).....\$ \_\_\_\_\_
4. Enter Line 3 or \$12,500, whichever is less here and on Line 35.....\$ \_\_\_\_\_

**Eligible retirement income** includes dividends, capital gains net of capital losses, interest, net rental income from real property and qualified retirement plans (IRC Sec. 4974), such as IRA, 401(k), Keogh plans, and government deferred compensation plans (IRC Sec. 457).

**Disability pension income paid by your employer is reported as wages on the federal return, until you reach the minimum retirement age. Minimum retirement age generally is the age at which you can first receive a pension or annuity if you are not disabled. Therefore, disability pension income would not qualify for the pension exclusion.**

**Pension Exclusion Example:** The primary taxpayer received \$10,000 in pension income. The secondary taxpayer received no pension income. The taxpayers had joint bank accounts and mutual fund accounts. They earned \$5,000 in interest from the bank, \$1,000 in dividends and \$3,000 in capital gains. The income from these joint accounts would be split equally between the two taxpayers.

Both taxpayers, in this example, are over 60 years old. The primary taxpayer has \$14,500 of eligible retirement income (10,000+2,500+500+1,500=14,500), so the pension exclusion for the primary taxpayer is \$12,500, the maximum exclusion. The eligible retirement income of the secondary taxpayer is \$4,500 (2,500+500+1,500=4,500), so the secondary taxpayer is entitled to a pension exclusion of \$4,500. The secondary taxpayer cannot include in the pension exclusion calculation the amount by which the primary taxpayer exceeded the \$12,500 maximum exclusion. When filing a joint return, the combined exclusion for the primary and secondary taxpayer would be \$17,000 (12,500+4,500).

**Please remember to enclose the 1099R forms and other supporting schedules to support your pension exclusion.**

**36 Delaware State Tax Refund**

If some or all of your Delaware state tax refund was included in federal adjusted gross income, include the amount on line 36 to reduce your Delaware AGI.

**Fiduciary Adjustment**

Net subtractions from fiduciary adjustments derived from income received from an estate or trust, as shown on your Federal Form K-1, Beneficiary's Share of Income and Deductions, should be included on Line 36.

**Work Opportunity Credit**

The law allows a deduction for the portion of wages paid but disallowed as a deduction for federal tax purposes by reason of claiming the work opportunity credit on the federal return. That portion of the deduction for wages, which is disallowed for federal purposes, should be entered on Line 36. In order to claim this modification, you must attach Federal Form 5884.

**Delaware Net Operating Loss Carryovers**

Taxpayers who were prevented in previous years from carrying back federal net operating losses to their Delaware returns (because of Delaware's \$30,000 limit on net operating loss carrybacks) are permitted to carry these additional losses forward on their Delaware return in years following the loss year.

**Unemployment Benefits**

Taxpayers are permitted to exclude unemployment compensation from adjusted gross income in Delaware for the 2020 tax year. Include the amount of unemployment compensation included in Federal adjusted gross income on line 36 to reduce your Delaware AGI.

**37 Social Security/Railroad Retirement Benefits**

Social Security and Railroad Retirement benefits are not taxable in Delaware and, therefore, should not be included in taxable income. Enter on Line 37 the total of any taxable payments included on Line 29.

**Higher Education**

Distributions received from qualified retirement plans (IRC Sec. 4974, including IRAs), deferred arrangements (such as 401(k) plans) and government deferred compensation plans (IRC Sec. 457) may be excluded from Delaware adjusted gross income to the extent they are used in the same tax year to pay for books, tuition or fees at an institution of higher education attended by the taxpayer or by his or her dependents who have NOT attained the age of 26 by December 31, 2020, as long as such amounts have been included in federal adjusted gross income. Please include a copy of all 1098T forms and proof of payment(s) with your return to support your deduction.

**Certain Lump Sum Distributions**

Enter on Line 37 the amount, if any, of lump sum distributions included in federal adjusted gross income for which you used Form 329 to calculate the tax on Line 7.

**39 Subtotal**

This line is used to calculate the 60 or Over or Disabled credit.

**40 Persons 60 or Over or Disabled**

The law provides for exclusions from gross income to persons meeting certain qualifications. Please refer to the Line 40 Worksheet below.

LINE 40 WORKSHEET, PERSONS 60 OR OVER OR DISABLED					
Single, married filing separate returns.	Y	N	Married filing joint returns.	Y	N
Were you at least 60 years old or totally and permanently disabled on 12/31/2020?			Were <b>both</b> spouses at least 60 years old or totally and permanently disabled on 12/31/2020?		
Did your earned income (i.e., wages, tips, farm or business income) total less than \$2,500?			Is combined earned income (i.e., wages, tips, farm or business income) less than \$5,000?		
Is Line 39 \$10,000 or less?			Is Line 39 \$20,000 or less?		

If you answered YES to all, Enter \$2,000 on Line 40

If you answered YES to all, Enter \$4,000 on Line 40

**NOTE:** If you are filing a joint return and only one spouse qualifies for this exclusion, you should consider filing separate returns (Filing Status 3 or 4).

**Itemized Deductions**

If you elect to itemize deductions, complete Section C, Lines 43-48, to determine the amount of itemized deductions that you may claim on your Delaware return; otherwise, skip this section.

**NOTE:** If you claimed a standard deduction on your federal return, you may still elect to itemize your deductions on the Delaware return. In this case, complete and attached Delaware Schedule

**NOTE:** Do not enter motor vehicle title, realty transfer tax fees or transfer fees as other taxes. They do not qualify.

#### 43 Itemized Deductions From Schedule A

Enter the total amount of itemized deductions shown on Delaware Schedule A. All federal limitations apply to the calculation of Delaware itemized deductions. See Instructions on page 12.

If you are unable to specifically allocate deductions between spouses, prorate the deductions based on the ratio of each spouse's separate income to the total joint income. For example, if one spouse earns 60% of the household income, allocate 60% of the itemized deductions to that spouse and the other 40% of the itemized deductions to the spouse earning 40% of the household income. Enter the allocated itemized deductions on line 17b in the respective columns.

#### 44 Foreign Taxes Paid

If you elected the Foreign Tax Credit on your federal return, you may add the amount of foreign taxes that were actually paid to your Federal itemized deductions to calculate your allowable Delaware itemized deductions. Foreign taxes accrued, but not paid, are not allowed as an addition. On Line 44, enter the amount of foreign tax paid included on Federal Form 1116, or if you were not required to file Federal Form 1116, enter the amount of foreign tax paid.

#### 45 Charitable Mileage Deduction

If you used your automobile to perform a voluntary service for a charitable organization, you may increase your itemized deductions as follows:

Miles driven 1/1/20–12/31/20 \_\_\_\_\_ x .26 = \$ \_\_\_\_\_  
(Enter this amount on Line 45).

#### 47 Form 700 Tax Credits

Enter the amount of the charitable contribution claimed in your federal itemized deductions for **permanent gifts of land, or interest in land, to public agencies and qualified private nonprofit charitable organizations** and any investment in Neighborhood Assistance for which you claimed a tax credit for Form 700 on Line 12 of your Delaware return. **Form 1801AC and/or Form 2001AC and the Division of Revenue approval letter must be attached to your return.**

#### 48 Total Itemized Deductions

Subtract Line 47 from Line 46 and enter the results on Line 48 and on Line 2 of your Delaware return. Make sure you have checked the box on Line 2b to indicate that you are electing to itemize your deductions. **Return to Page 5 of these instructions, and continue to complete Page 1 of your return.**

Always compare the results of Line 48 to the standard deduction; you may benefit from using the standard deduction and from any allowable additional standard deductions.

### Section D

#### Direct Deposit or Refund

Complete Section D if you want us to directly deposit the amount shown on Line 28, Form 200-01 into your bank account. Refunds may not be direct deposited to a bank account outside the U.S.

#### Why Use Direct Deposit?

- You get your refund fast – even faster if you file online.
- Payment is more secure – there is no check to get lost.
- More convenient. No trip to the bank to deposit your check.

Check with your financial institution to make sure your deposit will be accepted and to get the correct routing and account numbers.

#### Delaware College Investment Plan (529 Plan)

Individuals can deposit their State income tax refund directly into a 529 Plan account. To obtain information on Delaware's Plan or how to contribute go to [savingforcollege.com](http://savingforcollege.com) and select the State of Delaware in the US map area. For routing and account number information, please contact the financial institution that administers your 529 Plan.

#### Line a – Routing Number

The routing number must be nine digits. The first two digits must be 01 through 12 or 21 through 32. Otherwise, the direct deposit will be rejected and a check sent instead. On the sample check on the next page, the routing number is 031100000.

Your check may state that it is payable through a bank different from the financial institution at which you have your checking account. If so, do not use the routing number on that check. Instead, contact your financial institution for the correct routing number to enter on this line.

#### Line b – Type

Please check the type of account: checking or savings.

#### Line c – Account Number

The account number can be up to 17 characters (both numbers and letters). Include hyphens but omit spaces and special symbols. Enter the number from left to right and leave any unused boxes blank. On the sample check on the next page, the account number is 12340818. Be sure not to include the check number.

#### Line d – Bank

In order to comply with new federal banking rules, you must declare whether your refund will go to a bank account outside the United States. If the answer is yes, do not enter your account information. We will instead mail your refund by check.

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**NOTE:** Some financial institutions will not deposit joint refunds into an individual account. The Delaware Division of Revenue is not responsible if a financial institution refuses a direct deposit.

**NOTE: If your refund is adjusted by \$100.00 or more, a paper check will be issued and mailed to the address on your return.**

#### Deceased Taxpayers

When filing a return for a decedent, write DECD after the decedent's first name on Page 1. If there is a surviving spouse, the surviving spouse information should be entered FIRST under "Your Social Security No. and Your Last Name." The deceased person's data should be entered under a "Spouse's Social Security No. and Spouse's Last Name."

Decedent example: John and Mary Jones have been married for 30 years and file jointly (Filing Status 2). John Jones passed away on June 30, 2019. Mary, as the surviving spouse, will enter her data in "Your Social Security No., Your Last Name, First Name and Middle Initial." The data for John, the decedent, will be entered in "Spouse's Social Security No., Spouse's Last Name and Spouse's First Name." DECD will also be written after "John" under "Spouse's First Name."

#### Signature

Please review your tax return before you sign it. Complete the return to the bottom of Page 1 to ensure you receive all credits and exclusions.

#### Paid Preparer

Please complete all the fields in the Paid Preparer section. You must also sign the return.

**SAMPLE CHECK:**

JOHN J. MARTIN  
JANE A. MARTIN  
428 Spring Street  
Our Town, DE 19000

Pay to the Order of \_\_\_\_\_ \$ \_\_\_\_\_ Dollars

First Bank of Delaware  
Our Town, DE 19000

031 100000 1234 081 8 0621

Do not include Check number

0621  
15-0000350000  
2017

**SCHEDULE A INSTRUCTIONS**

**For additional information regarding deductible expenses, please see the instructions for the Federal Schedule A.**

**Medical and Dental Expenses**

You are permitted to deduct medical and dental expenses paid, after reimbursement, to the extent that they exceed 10% of your adjusted gross income. To calculate the amount that may be deducted, please follow the line by line instructions.

- Line 1. Enter the total of your medical and dental expenses, after you reduce these expenses by any payments received from insurance or other sources.
- Line 2. Enter the amount from Federal Form 1040, Line 7.
- Line 3. Multiply Line 1 by Line 2.
- Line 4. Subtract line 3 from Line 1. If line 3 is greater than Line 1, enter zero.

**State and Local Taxes**

You are entitled to include certain taxes paid as an itemized deduction for Delaware purposes. You may include either state and local income taxes or sales taxes, but not both. You may also deduct real estate taxes and personal property taxes paid. However, the deduction you are permitted for state and local taxes paid may not exceed \$10,000 for taxpayers filing as single, head of household, or jointly, or \$5,000 for a married individual filing a separate return. The Tax Cuts and Jobs Act limited itemized deductions for taxes paid. The limitation does not apply to taxes paid or accrued in carrying on a trade or business or activity engaged in the production of income, which should not be included on Schedule A.

Line 5a. Enter any non-Delaware state or local income taxes that are not otherwise claimed as a credit on Form 200-01.

**DO NOT INCLUDE any Delaware tax paid, whether or not claimed as a credit on Form 200-01.**

**DO NOT INCLUDE the taxes paid that generated the credit you receive for taxes paid to another state on Line 10 of the Form 200-01.**

Line 5b. Enter any state or local sales taxes paid.

**You may deduct income taxes or sales taxes, but not both. Do not enter anything on Line 5b if you have claimed income taxes on Line 5a.**

Line 5c. Enter any state and local real estate taxes paid.

Line 5d. Enter any state and local personal property taxes paid.

Line 5e. Add Lines 5a through 5d.

Line 5f. Enter the smaller of Line 5e or \$10,000 (\$5,000 if married filing a separate return).

**Example 1:** If you paid \$11,000 of real property taxes, \$2,000 of local income taxes, and \$5,000 of Delaware state income taxes then your deduction on Line 5f would be limited to \$10,000.

**Example 2:** If you paid \$7,000 of real property taxes, \$1,000 of local income taxes, and \$5,000 of Delaware state income taxes withheld that were included on Line 17 of the Form 200-01, your deduction on Line 5f of would be \$8,000.

**Example 3:** If you paid \$2,000 of real property taxes, \$1,000 of local income taxes, and \$5,000 of Pennsylvania state income taxes for which you did **not** claim a credit on Line 10 of the Form 200-01, your deduction on Line 5f would be \$8,000.

**Interest You Paid**

You are entitled to deduct certain interest paid, subject to the limitations imposed pursuant to Federal law.

- Line 8a. Enter home mortgage interest and points reported on a Federal Form 1098.
- Line 8b. Enter home mortgage interest NOT reported on a Federal Form 1098.
- Line 8c. Enter points not reported on a Form 1098.
- Line 8d. Add Lines 8a through 8d.
- Line 9. Enter investment interest paid. Attach Federal Form 4952.

**Gifts to Charity**

You may deduct certain gifts to charity, subject to the same limitations imposed by Federal law.

- Line 11. Enter gifts by cash or check, reduced by the amount claimed on Line 10b of your Federal return if you did not itemize for federal purposes.
- Line 12. Enter gifts by other than cash or check. If the value of any gift exceeded \$250, please see the instructions for the Federal Schedule A. You must attach Federal Form 8283, if you made non-cash contributions in excess of \$500.
- Line 13. Enter any carryover from a prior year.
- Line 14. Add Lines 11 through Line 13.

**Casualty and Theft Losses**

You may deduct certain casualty and theft losses, as permitted under Federal law. Enter the amount of these losses on Line 15.

**Other Itemized Deductions**

You may deduct certain other itemized deductions, as permitted under Federal law. Enter the amount of these deductions on Line 16, with an explanation. See the Instructions for Federal Schedule A for more information.

**Total Itemized Deductions**

Line 17. Add the amounts on Lines 4, 7, 10, 14, 15, and 16. If using filing status 1, 2, 3 or 5, enter this amount on Line 17a. If you are filing status 4, Married Filing Combined Separate, allocate the itemized deductions between the spouses and enter the amount attributable to each spouse on Line 17b. Enter these amounts in Line 43 of the Form 200-01.

Line 18. Check this box if you elect to itemize even though the standard deduction would be greater than your itemized deductions.

## SPECIAL FUNDS

- **DELAWARE'S NONGAME WILDLIFE, ENDANGERED SPECIES AND NATURAL AREAS PRESERVATION FUND:** Helping Delaware face the challenges of managing and protecting native plants and animals, restoring wildlife habitat, and maintaining the natural beauty of the state. Please give a tax-deductible "Wild Gift" on Line 17A, Resident Schedule III.
- **BEAU BIDEN FOUNDATION:** The foundation believes that child abuse can be prevented through effectively educating adults and children, developing the next generation of child welfare professionals, and strengthening child protection laws around the country. Please help by making a donation on line 17B, Resident Schedule III. Please visit our website at [www.beaubidenfoundation.org](http://www.beaubidenfoundation.org).
- **EMERGENCY HOUSING ASSISTANCE FUND:** The homeless population in Delaware continues to increase. Crisis situations such as unemployment, family conflicts, displacement, evictions, fire, or utility failures force people to seek emergency housing. You can help by making a contribution on Line 17C, Resident Schedule III.
- **DELAWARE BREAST CANCER COALITION, INC.:** Providing outreach, education and support services throughout Delaware and the surrounding communities to encourage the early detection and treatment of breast cancer. Your contribution on Line 17D, Resident Schedule III, will help the nearly 750 women facing breast cancer in Delaware each year.
- **ORGAN AND TISSUE DONATION AWARENESS TRUST FUND:** One organ and tissue donor can save or enhance the lives of 50 people. Make a contribution on Line 17E, Resident Schedule III, to help increase the number of organ and tissue donors in Delaware. Register as an organ and tissue donor at [www.donatelife-de.org](http://www.donatelife-de.org).
- **DELAWARE DIABETES EDUCATION FUND:** Administered by the American Diabetes Association (ADA), our mission is to prevent and cure diabetes, and to improve the lives of those affected by diabetes. For more information, please call 1-800-DIABETES or visit [www.diabetes.org](http://www.diabetes.org). Help 85,000 Delawareans with diabetes by making a contribution on Line 17F, Resident Schedule III.
- **DELAWARE VETERANS HOME FUND:** Show your support by making a contribution on Line 17G, Resident Schedule III. Your tax contribution will assist the Delaware Commission of Veterans Affairs in maintaining a facility that provides much-needed services to our aging veteran population. Please honor our heroes with a Veterans Home contribution. Thank you for your support!
- **DELAWARE NATIONAL GUARD AND RESERVE EMERGENCY ASSISTANCE FUND:** Supporting members of the Delaware National Guard and members of other Reserve Components (Army, Navy, Air Force, Marine Corps, Coast Guard). Please show your support by making a contribution on Line 17H, Resident Schedule III.
- **DELAWARE JUVENILE DIABETES RESEARCH FOUNDATION INTERNATIONAL:** The leading charitable funder and advocate for research on type 1 diabetes, JDRF is associated with major breakthroughs in type 1 diabetes research, such as the Artificial Pancreas, beta cell regeneration and the treatment of complications. Your tax-deductible donation to JDRF may be made on Line 17I, Resident Schedule III.
- **DELAWARE CHAPTER OF THE NATIONAL MULTIPLE SCLEROSIS SOCIETY:** Funding programs, services, and financial assistance needed by Delawareans with MS, plus important research into the cause of MS, the development of more effective treatments, and — eventually — the cure. Please help by making a contribution on Line 17J, Resident Schedule III.
- **DELAWARE OVARIAN CANCER FOUNDATION FUND AT THE DELAWARE COMMUNITY FOUNDATION:** Our mission is to increase awareness and education, to facilitate research for an early detection test, and to support women affected by ovarian cancer. Please show your support by making a contribution on Line 17K, Resident Schedule III.
- **21st CENTURY FUND FOR DELAWARE'S CHILDREN, INC.:** Addressing the needs of Delaware's at-risk children under the age of 21 who are receiving services from state agencies or community organizations. Grants provide experiences to define strengths, improve self-esteem, and build hope for the future. Please help by contributing on Line 17L, Resident Schedule III.
- **WHITE CLAY CREEK WILD AND SCENIC RIVER PRESERVATION FUND:** Working to improve water quality, conserve open space, woodlands, wetlands, and geological features, protect rare native plant and animal species, and aid in the preservation of cultural, historical and archaeological sites. Please help by making a contribution on Line 17M, Resident Schedule III.
- **THE HOME OF THE BRAVE FOUNDATION, INC.:** Established to furnish food, shelter and counseling to veterans of the Armed Forces of the USA without regard to sex, race, color, or creed and provide positive, supportive assistance to transition out of homelessness. Please help by contributing on Line 17N, Resident Schedule III. For more information, visit [www.homeofthebravefdn.org](http://www.homeofthebravefdn.org).
- **SENIOR TRUST FUND:** Administered by the Director of the Division of Services for Aging and Adults with Physical Disabilities, to provide assistance and programs for seniors and support the aging services of community-based organizations. Please help by contributing on Line 17O, Resident Schedule III.
- **DELAWARE VETERANS TRUST FUND:** Provides financial assistance to eligible veterans, making a difference for veterans who need assistance with reintegration on their return home, those with disabilities awaiting benefits, or those who have met with a financial hardship. Show your support for veterans with a contribution on Line 17P, Resident Schedule III.
- **PROTECTING DELAWARE'S CHILDREN FUND:** Supports an annual public education campaign during Child Abuse Prevention and Awareness Month, to educate the public about the signs of child abuse and the duty to report. Your contribution on Line 17Q, Resident Schedule III will make certain that the public knows and understands their role in keeping children safe.
- **FOOD BANK OF DELAWARE:** Our Mission is to provide nutritious foods to Delawareans in need, and facilitate long-term solutions to the problems of hunger and poverty through community education and advocacy. You can help by making a contribution on Line 17R, Resident Schedule III.
- **DELAWARE HABITAT FOR HUMANITY:** Habitat for Humanity organizations in New Castle County, Kent County, and Sussex County bring people together to build homes, communities and hope. You can help by making a contribution on Line 17S, Resident Schedule III. Your contribution will be directed to the Habitat for Humanity in the county in which you live.
- **B+ CHILDHOOD CANCER:** The B+ Foundation is helping kids fight cancer by providing financial and emotional support to families of children with cancer nationwide. The B+ Foundation also funds critical, cutting-edge childhood cancer research. For more information, please visit our website at [www.bepositive.org](http://www.bepositive.org). You can help by making a contribution on Line 17T Resident Schedule III.