

The 2019 gift tax return deadline is coming up

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If you made large gifts to your children, grandchildren or other heirs last year, it's important to determine whether you're required to file a 2019 gift tax return. And in some cases, even if it's not required to file one, it may be beneficial to do so anyway.

Who must file?

Generally, you must file a gift tax return for 2019 if, during the tax year, you made gifts:

- That exceeded the \$15,000-per-recipient gift tax annual exclusion (other than to your U.S. citizen spouse);
- That you wish to split with your spouse to take advantage of your combined \$30,000 annual exclusion;
- That exceeded the \$155,000 annual exclusion for gifts to a noncitizen spouse;
- To a Section 529 college savings plan and wish to accelerate up to five years' worth of annual exclusions (\$75,000) into 2019;
- Of *future* interests — such as remainder interests in a trust — regardless of the amount; or
- Of jointly held or community property.

Remember, you'll owe gift tax only to the extent that an exclusion doesn't apply and you've used up your lifetime gift and estate tax exemption (\$11.4 million for 2019). As you can see, some transfers require a return even if you don't owe tax.

Who might *want* to file?

No gift tax return is required if your gifts for 2019 consisted solely of gifts that are tax-free because they qualify as:

- Annual exclusion gifts;
- Present interest gifts to a U.S. citizen spouse;
- Educational or medical expenses paid *directly* to a school or health care provider; or
- Political or charitable contributions.

But if you transferred hard-to-value property, such as artwork or interests in a family-owned business, you should consider filing a gift tax return even if you're not required to. Adequate disclosure of the transfer in a return triggers the statute of limitations, generally preventing the IRS from challenging your valuation more than three years after you file.

April 15 deadline

The gift tax return deadline is the same as the income tax filing deadline. For 2019 returns, it's April 15, 2020 — or October 15, 2020, if you file for an extension. But if you owe gift tax, the payment deadline is April 15, regardless of whether you file for an extension. If you're not sure whether you must (or should) file a 2019 gift tax return, please contact us.

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