

**Application for Tax Exemptions Based on Age, Student Status, and Family Relationship**

State: **West Virginia**

Program: **TBI Personal Options**

Participant Name: \_\_\_\_\_ Employer Name: \_\_\_\_\_

Employee Name: \_\_\_\_\_ Employee Date of Birth: \_\_\_ / \_\_\_ / \_\_\_\_\_

Employees providing domestic services such as personal assistance may be exempt from paying certain federal and state taxes based on the employee's age, student status or family relationship to the employer. In some cases, the employer may also be exempt from paying certain taxes based on the employee's status. These exemptions are not optional. If you and your employer qualify for these exemptions you must take them. Public Partnerships will determine the tax exemptions that apply to you and to your employer (see attached). **IMPORTANT: You must notify Public Partnerships if your student status or family relationship changes.**

Employee: Answer the following questions based on your age, student status, and relationship to the employer.

1. **Are you a non-resident alien temporarily in the United States on an F-1, J-1, M-1, or Q-1 visa admitted to the US for the purpose of providing domestic services?**  
\_\_\_ Yes, that description fits my status. \_\_\_ No, that description does not fit my status.
  
2. **Are you the child of the employer?**  
\_\_\_ Yes, my employer is my parent (mother or father). \_\_\_ No, my employer is not my parent.
  
3. **Are you the parent of the employer?**  
\_\_\_ Yes, my employer is my child (son or daughter). \_\_\_ No, my employer is not my child.
  
4. **If you answered "Yes" to Question 3, answer these questions. If you answered "No" skip this section.**  
  
\_\_\_ Yes, I also provide care for my grandchild or step-grandchild in my child's home.  
  
\_\_\_ Yes, my grandchild or step-grandchild is under age 18, or has a physical or mental condition that requires personal care of an adult for at least four continuous weeks during the calendar quarter in which services are performed.  
  
\_\_\_ Yes, my child (son or daughter) is widowed or divorced and not remarried, or living with a spouse who has a mental or physical condition which prohibits the spouse from caring for my grandchild for at least four continuous weeks during the calendar quarter in which services are performed.

**Employee Signature:** \_\_\_\_\_

**Date:** \_\_\_ / \_\_\_ / \_\_\_\_\_

## **Guide to Tax Exemptions Based on Age, Student Status, and Family Relationship**

For employee to keep for future reference

Employees providing domestic services such as personal assistance may be exempt from paying certain federal and state taxes based on the employee's age, student status or family relationship to the employer. In some cases, the employer may also be exempt from paying certain taxes based on the employee's status.

### **IMPORTANT:**

- These exemptions are not optional. If the employee and employer qualify for these tax exemptions they must be taken.
- If the employee's earnings are exempt from these taxes, the employee may not qualify for the related benefits, such as retirement benefits and unemployment compensation.
- The questions regarding family relationship refer to the relationship between the employee and the employer of record. In some cases, the program participant is the employer of record. In other cases, the employer of record may be someone other than the program participant. Check program rules.
- Public Partnerships will determine the tax exemptions that apply to the employee and employer based on the information provided by the employee. Public Partnerships cannot provide tax advice.

### Tax Exemptions for a Non-Resident Student

For a non-resident student in the United States on an F-1, J-1, M-1, or Q-1 visa admitted to the US for the purpose of providing domestic services, the employer and employee are exempt from paying FICA (Social Security and Medicare taxes) and the employer is exempt from paying FUTA (Federal Unemployment Tax) on wages paid to this employee. The employer may also be exempt from paying State Unemployment Insurance, depending on the rules in the state.

### Tax Exemptions for Child Employed by his/her Parent

For a child under 21 employed by his or her parent, the employer and employee are exempt from paying FICA (Social Security and Medicare taxes) and the employer is exempt from paying FUTA (Federal Unemployment Tax) on wages paid to this employee until the child (employee) turns 21 years of age. The employer may also be exempt from paying State Unemployment Insurance, depending on the rules in the state.

### Tax Exemptions for Parent Employed by his/her Child

For a parent employed by his or her child and answering "No" to any of the additional questions regarding caring for a grandchild or step grandchild, the employer and employee are exempt from paying FICA (Social Security and Medicare taxes) and the employer is exempt from paying FUTA (Federal Unemployment Tax) on wages paid to this employee. The employer may also be exempt from paying State Unemployment Insurance, depending on the rules in the state.

For a parent employed by his or her child and answering "Yes" to all of the additional questions regarding caring for a grandchild or step grandchild, the employer is exempt from paying FUTA

(Federal Unemployment Tax) on wages paid to this employee. The employer may also be exempt from paying State Unemployment Insurance, depending on the rules in the state.

**Tax Exemptions Schedule Based on Age, Student Status, and Family Relationship**

<b>Category of Employee</b>	<b>Exempt from paying Social Security and Medicare Taxes (FICA)</b>	<b>Exempt from paying Federal Unemployment Tax Act Contributions (FUTA)</b>	<b>Exempt from paying State Unemployment Insurance (SUI)</b>
Foreign Student on VISA in US for Purpose of Providing Domestic Service	✓	✓	
Child Under 21 Employed by Parent	✓	✓	
Parent Employed by Child and Not Also Caring for Grandchild	✓	✓	✓
Parent Employed by Child and Also Caring for Grandchild		✓	✓

**Please consult IRS Publication #926, IRS website article “Foreign Student Liability for Social Security and Medicare Taxes”, or applicable state employment law if you have questions or need more information.**