

# Your Deceased Loved One Received a Stimulus Check

*HOW, WHY and most importantly, WHAT NOW?*

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On March 27, 2020, President Trump signed a \$2 trillion stimulus bill called the *Coronavirus Aid, Relief, and Economic Security Act (CARES Act)*. By late March, the Treasury Department and the Internal Revenue Service announced that \$290 billion dollars of Economic Impact Payments (EIPs) would automatically start going out within weeks. Folks were told that no action would be required for most to receive the check (*if you read on, you will see how that probably contributed to the problem*).

So far, thankfully, millions of Americans have received their EIPs. For most, that check has allowed them to put food on the table and pay the bills. It is a lifesaver.

But as the Internal Revenue Service (IRS) continues to calculate and automatically send EIPs to “eligible” individuals, we are finding, oddly enough, that some of our dearly beloved who no longer with us, and are certainly not “eligible”, are receiving EIPs checks. That makes no sense, so how could it happen?

Well, the answer is pretty simple really. The IRS decided to determine in individual’s eligibility and check amount based on their 2019 tax return. If the 2019 return had not yet been filed, then the IRS looked to the 2018 tax return. This was the process used to decide if an individual was “eligible”.

So, after much consternation, general lack of information and possible heart ache for those who have had a wound reopened, the IRS has finally issued definitive guidance on what to do with that EIP.

First and foremost, the IRS has clarified that no, an individual who has passed is not “eligible” for an EIP.

Second, the IRS definitively stated that the check must be returned.

Third, and finally, on May 6, 2020 the IRS provided the process by which the EIP should be

returned. The following directions are from the IRS website:

<https://www.irs.gov/coronavirus/economic-impact-payment-information-center#more>

***If the payment was a paper check:***

- 1. Write "Void" in the endorsement section on the back of the check.*
- 2. Mail the voided Treasury check immediately to the appropriate IRS location listed below.*

**For Residents of Pennsylvania, the return address is:**

**Philadelphia Refund Inquiry Unit  
2970 Market St  
DP 3-L08-151  
Philadelphia, PA 19104**

- 3. Don't staple, bend, or paper clip the check.*
- 4. Include a note stating the reason for returning the check.*

***If the payment was a paper check and you have cashed it, or if the payment was a direct deposit:***

- 1. Submit a personal check, money order, etc., immediately to the appropriate IRS location listed below.*
- 2. Write on the check/money order made payable to "U.S. Treasury" and write 2020EIP, and the taxpayer identification number (social security number, or individual taxpayer identification number) of the recipient of the check.*
- 3. Include a brief explanation of the reason for returning the EIP.*

Although we cannot relieve the heartache you may have felt when you learned of the payment to a loved one you lost, we hope this information makes your life a little easier. If you have any other questions about the EIP, SSI, Medical Assistance, Estate or Special Needs or Elder Law planning, please let us know!