

Effective 7/1/2016

59-10-1005 Tax credit for at-home parent.

- (1) As used in this section:
 - (a) "At-home parent" means a parent:
 - (i) who provides full-time care at the parent's residence for one or more of the parent's own qualifying children;
 - (ii) who claims the qualifying child as a dependent on the parent's individual income tax return for the taxable year for which the parent claims the credit; and
 - (iii) if the sum of the following amounts are \$3,000 or less for the taxable year for which the parent claims the credit:
 - (A) the total wages, tips, and other compensation listed on all of the parent's federal Forms W-2; and
 - (B) the gross income listed on the parent's federal Form 1040 Schedule C, Profit or Loss From Business.
 - (b) "Parent" means an individual who:
 - (i) is the biological mother or father of a qualifying child;
 - (ii) is the stepfather or stepmother of a qualifying child;
 - (iii)
 - (A) legally adopts a qualifying child; or
 - (B) has a qualifying child placed in the individual's home:
 - (I) by a child placing agency as defined in Section 62A-4a-601; and
 - (II) for the purpose of legally adopting the child;
 - (iv) is a foster parent of a qualifying child; or
 - (v) is a legal guardian of a qualifying child.
 - (c) "Qualifying child" means a child who is no more than 12 months of age on the last day of the taxable year for which the tax credit is claimed.
- (2) For a taxable year beginning on or after January 1, 2000, a claimant may claim on the claimant's individual income tax return a nonrefundable tax credit of \$100 for each qualifying child if:
 - (a) the claimant or another claimant filing a joint individual income tax return with the claimant is an at-home parent; and
 - (b) the adjusted gross income of all of the claimants filing the individual income tax return is less than or equal to \$50,000.
- (3) A claimant may not carry forward or carry back a tax credit authorized by this section.
- (4)
 - (a) In accordance with any rules prescribed by the commission under Subsection (4)(b), the Division of Finance shall transfer at least annually from the General Fund into the Education Fund the aggregate amount of all tax credits claimed under this section.
 - (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission may make rules for making a transfer from the General Fund into the Education Fund as required by Subsection (4)(a).

Amended by Chapter 375, 2016 General Session