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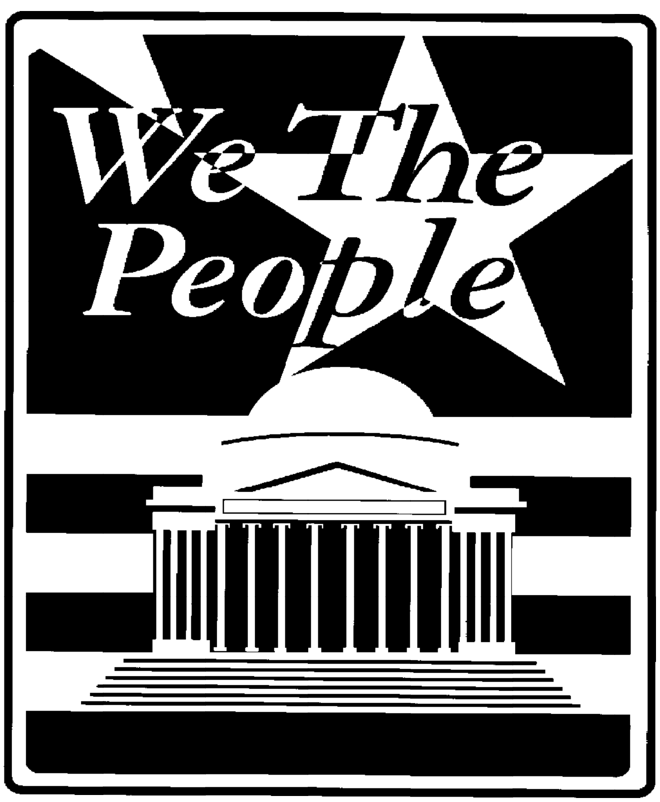
Child and Dependent Care Expenses

For use in preparing

1994 Returns



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Important Reminder

Provider identification. You must provide certain information on all persons or organizations that care for your child or dependent. For information on this identification, see *Provider Information Test,* later.

Introduction

This publication explains the tests you must meet to claim the credit for child and dependent care expenses. It also explains how to figure the credit and how to claim it.

If you pay someone to care for your dependent under age 13, or your spouse or dependent who is not capable of self-care, you may be able to get a credit of up to 30% of your expenses. To qualify, you must pay these expenses so you can work or look for work.

You may have to pay employment taxes. If you pay someone to come to your home and care for your dependent or spouse, you may be a household employer who has to pay employment taxes. Usually, you are ***not*** a household employer if the person who cares for your child or dependent does so at his or her home or place of business.

If a placement agency sets the fee and exercises control over a babysitter or companion who works in your home, that person is not your employee. This control could include providing rules of conduct and appearance and requiring regular reports. In this case, you do not have to pay employment taxes. But, if an agency merely gives you a list of sitters and you hire one from that list, the sitter may be your employee.

For more information on a household employer's tax responsibilities, see Publication 926, *Employment Taxes for Household Employers,* and Form 942, *Employer's Quarterly Tax Return for Household Employees.*

Useful Items

You may want to see:

Publication

- ❑ **501** Exemptions, Standard Deduction, and Filing Information
- ❑ **926** Employment Taxes for Household Employers

Form (and Instructions)

- ❑ **W–10** Dependent Care Provider's Identification and Certification
- ❑ **940** Employer's Annual Federal Unemployment (FUTA) Tax Return
- ❑ **940–EZ** Employer's Annual Federal Unemployment (FUTA) Tax Return
- ❑ **942** Employer's Quarterly Tax Return for Household Employees
- ❑ **2441** Child and Dependent Care Expenses
- ❑ **6251** Alternative Minimum Tax—Individuals
- ❑ **Schedule 2 (Form 1040A)** Child and Dependent Care Expenses for Form 1040A Filers

Ordering publications and forms. To order free publications and forms, call our toll-free telephone number 1–800–TAX–FORM (1–800–829–3676). If you have access to TDD equipment, you can call 1–800–829–4059. See your tax package for the hours of operation. You can also write to the IRS Forms Distribution Center nearest you. Check your income tax package for the address.

Asking tax questions. You can call the IRS with your tax question Monday through Friday during regular business hours. Check your telephone book or your tax package for the local number or you can call toll-free 1–800–829–1040 (1–800–829–4059 for TDD users).

Tests to Claim the Credit

To be able to claim the credit for child and dependent care expenses, you must meet **all** the following tests. These tests are presented in *Figure A* and are also explained in detail in this publication. You must file Form 1040 or Form 1040A, not Form 1040EZ.

1) The care must be for one or more qualifying persons. (See *Qualifying Person Test,* later.)
2) You (and your spouse if you are married) must keep up a home that you live in with the qualifying person or persons. (See *Keeping Up a Home Test,* later.)
3) You (and your spouse if you are married) must have earned income during the year. (However, under *Earned Income Test,* later, see *Rule for a student-spouse or a spouse not capable of self-care.*)
4) You must pay child and dependent care expenses so you (and your spouse if you are married) can work or look for work. See *Work-Related Expense Test,* later, for more information.
5) Your filing status is single, head of household, qualifying widow(er) with dependent child, or married filing jointly. You must file a joint return if you are married, unless an exception discussed later under *Joint Return Test* applies to you.
6) You must identify the care provider on your tax return. (See *Provider Identification Test,* later.)
7) You must make payments for child and dependent care to someone you (or your spouse) cannot claim as a dependent. If you make payments to your child, he or she cannot be your dependent and must be age 19 or older by the end of the year. (See *Payments to Relatives,* later.)
8) You exclude less than $2,400 (less than $4,800 if two or more qualifying persons were cared for) of dependent care assistance benefits. (See *Reduced Dollar Limit,* later.)

Qualifying Person Test

Your child and dependent care expenses must be for the care of one or more members of your home who are qualifying persons. A qualifying person is:

1) Your dependent who was under age 13 when the care was provided and for whom you can claim an exemption,
2) Your spouse who was physically or mentally unable to care for himself or herself, or
3) Your dependent who was physically or mentally unable to care for himself or herself and for whom you can claim an exemption (or could claim an exemption except the person had $2,450 or more of gross income).

If you are divorced or separated, see *Child of Divorced or Separated Parents* to determine which parent may treat the child as a qualifying person.

For information on claiming an exemption, see Publication 501.

Physically or mentally unable to care for oneself. Persons who are not able to dress, clean, or feed themselves because of physical or mental problems are considered not capable of self-care. Also, persons who require constant attention to prevent them from injuring themselves or others are considered not capable of self-care.

Person qualifying for part of year. You determine a person's qualifying status each day. For example, if the person you pay child and dependent care expenses for no longer qualifies on September 16, count only those expenses through September 15. Also see *Dollar Limit,* later.

Child of Divorced or Separated Parents

To be a qualifying person, your child usually must be your dependent for whom you can claim an exemption. But an exception may apply if you are divorced or separated. Under the exception, if you are the custodial parent, you can treat your child as a qualifying person even if you cannot claim the child's exemption. If you are the noncustodial parent, you cannot treat your child as a qualifying person even if you can claim the child's exemption.

This exception applies if:

1) One or both parents had custody of the child for more than half of the year,
2) One or both parents provided more than half of the child's support for the year, and
3) Either—
   a) The custodial parent signed Form 8332, *Release of Claim to Exemption for Child of Divorced or Separated Parents,* or a similar statement, agreeing not to claim the child's exemption for the year, or
   b) The noncustodial parent provided at least $600 for the child's support and can claim the child's exemption under a pre-1985 decree of divorce or separate maintenance, or written agreement.

You can use *Figure B* to see whether this exception applies to you. If it applies, only the custodial parent can treat the child as a qualifying person. If the exception does not apply, follow the regular rules for a qualifying person under *Qualifying Person Test,* earlier.

If you can take the credit because of this exception, enter your child's name in the space to the left of line 3, Form 2441 or Schedule 2 (Form 1040A).

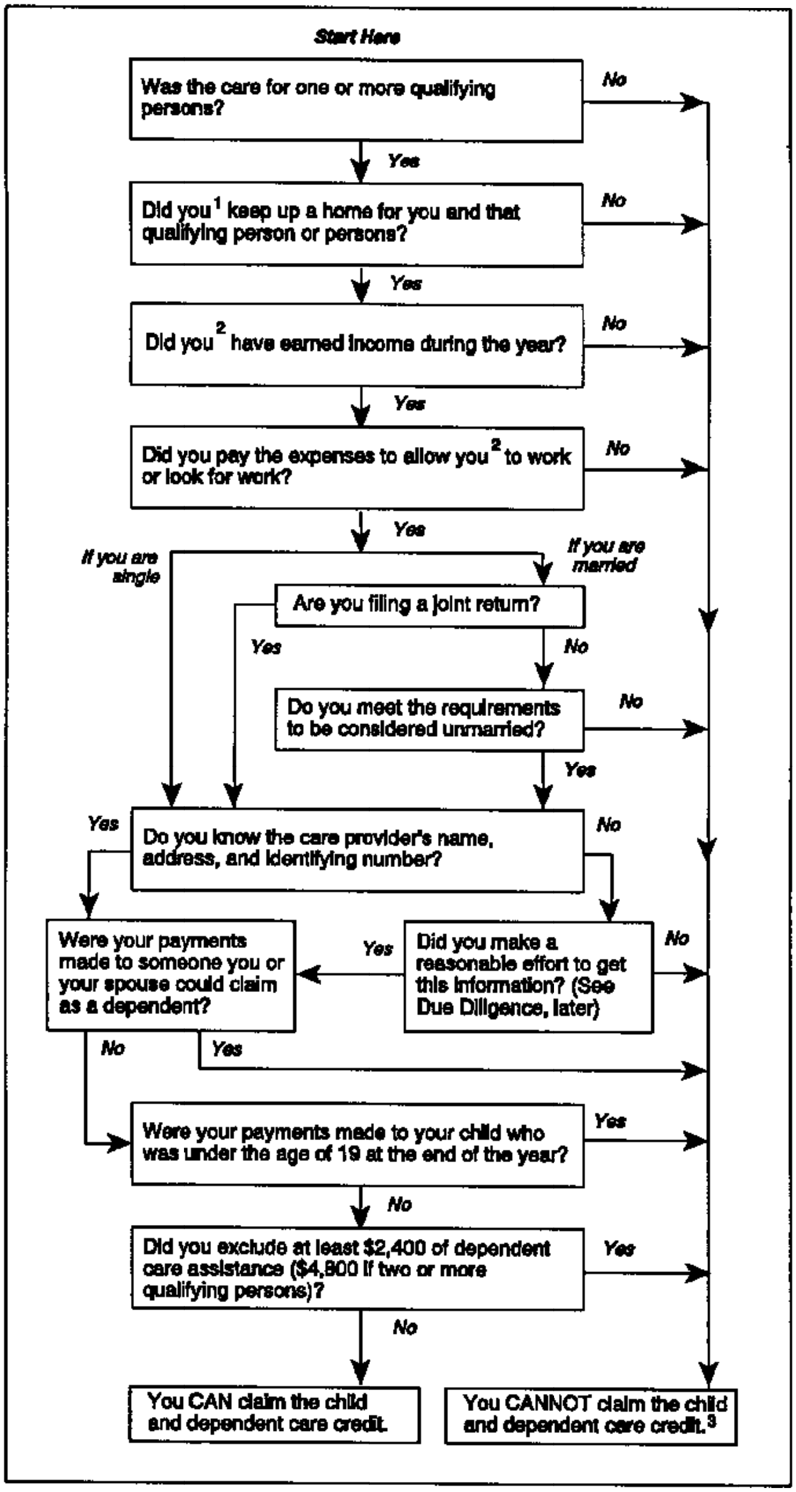
Example. You are divorced and have custody of your 8-year-old child. You sign Form 8332 to allow your ex-spouse to claim the exemption. You pay child care expenses so you can work. Your child is a qualifying person and you, the custodial parent, can claim the credit for those expenses, even though your ex-spouse claims an exemption for the child.

Custodial parent. You are the custodial parent if, during the year, you have custody of your child longer than your child's other parent has custody.

Divorced or separated. For purposes of determining whether your child is a qualifying person, you are considered divorced or separated if either of the following apply.

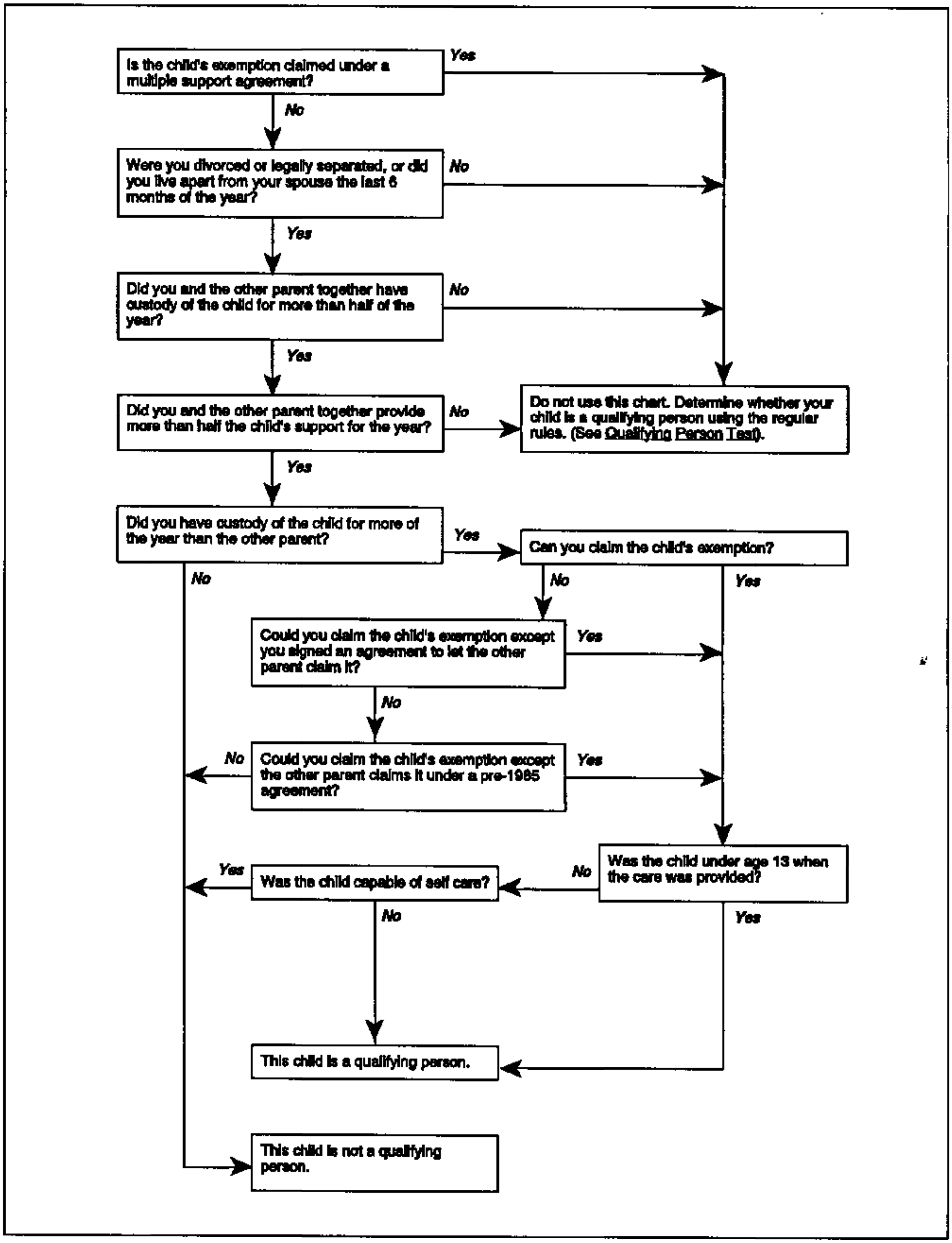
1) You are divorced or separated under a decree of divorce or separate maintenance or a written separation agreement, or
2) You lived apart from your spouse for all of the last 6 months of the year.

Figure A. **Can You Claim the Credit?**



1. You and your spouse if you were married.
2. This also applies to your spouse, unless your spouse was disabled or a full-time student.
3. If you had expenses that met the requirements for 1993, except that you did not pay them until 1994, you may be able to claim those expenses in 1994. See *Expenses not paid until the following year*, later.

Figure B. Is a Child of Divorced or Separated Parents a Qualifying Person?



Keeping Up a Home Test

To claim the credit, you (and your spouse if you are married) must keep up a home that you live in with one or more qualifying persons.

You are keeping up a home if you pay more than half the cost of running it for the year. If you live in your home with a qualifying person for less than a full year, see *Cost determined monthly,* later.

Home. The term ''home'' means the main home for both you and the qualifying person. Your home can be the main home even if the qualifying person does not live there all year because of his or her:

1) Birth,
2) Death, or
3) Temporary absence due to:
   a) Sickness,
   b) School,
   c) Business,
   d) Vacation,
   e) Military service, or
   f) Custody agreement.

Costs of keeping up home. The costs of keeping up a home normally include property taxes, mortgage interest, rent, utility charges, home repairs, insurance on the home, and food eaten at home.

The costs of keeping up a home do not include payments for clothing, education, medical treatment, vacations, life insurance, transportation, and mortgage principal. They also do not include the purchase, permanent improvement, or replacement of property. For example, you cannot include the cost of replacing a water heater. However, you can include the cost of repairing a water heater.

Aid to families with dependent children (AFDC). Payments you receive from a state that you use to keep up your home are provided by the state, not by you. You must provide more than half the cost of keeping up your home ***from your own funds*** to claim the credit for child and dependent care expenses.

Families living together. If you and your family share living space with another family, your family and the other family are treated as separate households. (This rule applies only for purposes of the credit for child and dependent care expenses.) If you provide more than half the cost of running your household, you are keeping up a home.

Cost determined monthly. If a qualified person lived with you for less than a full year, figure the cost of keeping up your home for that period. To do this, divide your cost for the year by 12 and multiply the result by the number of months the person lived with you. Count any partial month as a full month.

Example. Joe lives in his home all year, but his son, who is a qualifying person, lives in it only from June 20 to December 31. The cost of keeping up his home for the full year is $6,600. To meet the requirement of keeping up a home, Joe must pay more than half the cost of keeping up the home from June 1 to December 31. He figures this as follows.

Cost of keeping up the home for the full year	$6,600
Divided by the number of months in a year	÷ 12
Monthly cost of keeping up the home	$ 550
Multiplied by number of months the qualifying person lived in the home	× 7
Cost of keeping up the home while the qualifying person lived there	$3,850
Multiplied by one-half	× .50
Half the cost of keeping up the home while the qualifying person lived there	$1,925

To meet the test of keeping up a home, Joe must pay more than $1,925 to keep up his home from June 1 to December 31.

Earned Income Test

To claim the credit, you (and your spouse if you are married) must have earned income during the year.

Earned income includes wages, salaries, tips, other employee compensation, and net earnings from self-employment. Earned income also includes strike benefits and any disability pay you report as wages. Earned income is reduced by any net loss from self-employment.

Approved Form 4361 and Form 4029. This section is for persons who have an approved:

- Form 4361, *Application for Exemption From Self-Employment Tax for Use by Ministers, Members of Religious Orders and Christian Science Practitioners,* or
- Form 4029, *Application for Exemption From Social Security and Medicare Taxes and Waiver of Benefits,* for use by members of recognized religious groups.

Each approved form exempts certain income from the self-employment tax. Each form is discussed in this section in terms of what is or is not earned income for purposes of the child and dependent care credit. For information on the use of these forms, see Publication 517, *Social Security and Other Information for Members of the Clergy and Religious Workers.*

Form 4361. If you have an approved Form 4361, amounts you received for performing ministerial duties as an employee are earned income. This includes wages, salaries, tips, and other employee compensation. Other employee compensation includes compensation that is not taxable such as housing allowances or the rental value of a parsonage that you receive as part of your pay for services as an employee.

Amounts you received for ministerial duties, but not as an employee, are not net earnings from self-employment. Examples include fees for performing marriages and honoraria for delivering speeches. Any income or loss from such activity is not taken into account in figuring earned income.

Any compensation you received that is unrelated to your ministerial duties is earned income.

Form 4029. If you have an approved Form 4029, all wages, salaries, tips, and other employee compensation are earned income. Amounts you received as a self-employed individual are not net earnings from self-employment. Any income or loss from such activity is not taken into account in figuring earned income.

Earned income does not include pensions or annuities, social security payments, workers' compensation, interest, dividends, or unemployment compensation. It also does not include scholarship or fellowship grants, except amounts paid to you for teaching, research, or other services.

Rule for a student-spouse or a spouse not capable of self-care. Your spouse is treated as having earned income for any month that he or she is:

1) A full-time student, or
2) Physically or mentally not capable of self-care.

Figure the earned income as shown under *Earned Income Limit,* later.

This rule applies to only one spouse for any one month. If, in the same month, both you and your spouse do not work and are either full-time students or physically or mentally not capable of self-care, only one of you can be treated as having earned income in that month.

Full-time student. You are a full-time student if you are enrolled at and attend a school for the number of hours or classes that the school considers full time. You must have been a student for some part of each of 5 calendar months during the year. (The months need not be consecutive.) If you attend school only at night, you are not a full-time student. However, as part of your full-time course of study, you may attend some night classes.

The term ''school'' includes elementary schools, junior and senior high schools, colleges, universities, and technical, trade, and mechanical schools. It does not include on-the-job training courses, correspondence schools, and night schools.

Work-Related Expense Test

Child and dependent care expenses must be work related to qualify for the credit. Expenses are considered work related only if:

- They allow you (and your spouse if you are married) to work or look for work, and
- They are for a qualifying person's care.

Working or Looking for Work

To be work related, your expenses must allow you to work or look for work. If you are married, generally both you and your spouse must work or look for work. Your spouse is treated as working during any month he or she is a full-time student or is physically or mentally not capable of self-care.

Whether your expenses allow you to work or look for work depends on the facts. For example, the cost of a babysitter while you and your spouse go out to eat is not normally a work-related expense. Also, expenses are not considered work related merely because you had them while you were working.

Your work can be for others or in your own business or partnership. It can be either full time or part time. Work also includes actively looking for work. However, if you do not find a job and have no earned income for the year, you cannot take this credit. See *Earned Income Test,* earlier. Unpaid volunteer work or volunteer work for a nominal salary does not qualify.

Work for part of year. If you work or actively look for work during only part of the period covered by the expenses, then you must figure your expenses for each day. For example, if you work all year and pay care expenses of $120 a month ($1,440 for the year), all the expenses are work related. However, if you work or look for work for only 2 months and 15 days during the year and pay expenses of $120 a month, your work-related expenses are limited to $300 (2½ months × $120).

Payments while you are out sick. Do not count as work-related expenses amounts you pay for child and dependent care while you are off work because of illness. These amounts are not paid to allow you to work. This applies even if you get sick pay and are still considered an employee.

Care of a Qualifying Person

To be work related, your expenses must be to provide care for a qualifying person. You do not have to choose the least expensive way of providing the care.

Expenses for household services qualify if part of the services is for the care of qualifying persons. See *Household Services,* later.

Expenses are for the care of a qualifying person only if their main purpose is the person's well-being and protection. Expenses for care do not include amounts you pay for food, clothing, and entertainment. However, if these amounts are incident to and cannot be separated from the cost of caring for the qualifying person, you can count the total cost.

Schooling. You can count the total cost of sending your child to school if:

1) Your child is not in the first grade or a higher grade, ***and***
2) The amount you pay for schooling is incident to and cannot be separated from the cost of care.

You can use the total cost of schooling below first grade only if the cost of schooling cannot be separated from the cost of the child's care. If your child is in the first grade or higher, or if the cost of schooling can be separated, you must divide the total cost between the cost of care and the cost of schooling. You can count only the cost of care in figuring your credit.

Example 1. You take your 3-year-old child to a nursery school that provides lunch and educational activities as a part of its pre-school child care service. You can count the total cost in figuring the credit.

Example 2. Your 5-year-old child goes to kindergarten in the morning. In the afternoon, she attends an after-school day care program at the same school. Your total cost for sending her to the school is $3,000, of which $1,800 is for the after-school program. Only the $1,800 qualifies for figuring the credit.

Example 3. You place your 10-year-old child in a boarding school so you can work full time. Only the part of the boarding school expense that is for the care of your child is a work-related expense. You cannot count any part of the amount you pay the school for your child's education.

Care outside your home. You can count the cost of care provided outside your home if the care is for your dependent under age 13, or any other qualifying person who regularly spends at least 8 hours each day in your household.

Dependent care center. You can count care provided outside your home by a dependent care center if the center complies with all applicable state and local regulations. A dependent care center is a place that provides care for more than six persons (other than persons who live there) and receives a fee, payment, or grant for providing services for any of those persons, even if the center is not run for profit.

Camp. The cost of sending your child to an overnight camp is ***not*** considered a work-related expense.

Expenses partly work related. If part of an expense is work related and part is not, count only the part that is work related. For an example, see *Expenses partly work related* under *Household Services.*

Transportation. The cost of getting a qualifying person from your home to the care location and back, or from the care location to school and back, is ***not*** considered a work-related expense. This includes the costs of bus, subway, taxi, or private car. Also, if you pay the transportation cost for the care provider to come to your home, you cannot count this cost as a work-related expense.

Household Services

Expenses you pay for household services meet the work-related expense test if they are at least partly for the well-being and protection of a qualifying person.

Household services are ordinary and usual services done in and around your home that are necessary to run your home. They include the services of a housekeeper, maid, or cook. However, they do not include the services of a chauffeur, bartender, or gardener.

Expenses partly work related. If part of an expense is work related (for either household services or the care of a qualifying person) and part is for other purposes, you have to divide the expense. To figure your credit, count only the part that is work related. However, you do not have to divide the expense if only a small part is for other purposes.

Example. You pay a housekeeper to care for your 9-year-old and 15-year-old children so you can work. The housekeeper spends most of the time doing normal household work and spends 30 minutes a day driving you to and from work. You can treat the entire expense of the housekeeper as work related because the time spent driving is minimal. You do not have to divide the expenses between the two children because the household expense is partly for the care of your 9-year-old child, who is a qualifying person.

Meals and lodging provided for housekeeper. If you have expenses for food that your housekeeper eats in your home, count these as work-related expenses. If you have extra expenses for your housekeeper's lodging, count these as work-related expenses also.

Example. You move to an apartment with an extra bedroom for a housekeeper. You can count the extra rent and utility expenses for this bedroom as work related. If your housekeeper moves into an existing bedroom in your home, you can count the extra utility expenses as work related.

Taxes paid on wages. If you pay wages for household help, you may have to pay the employer's portion and withhold the employee's portion of the social security and Medicare taxes. You may also have to pay federal unemployment (FUTA) tax and similar state taxes. The taxes you pay on wages for qualifying child and dependent care services are work-related expenses. For more information on a household employer's tax responsibilities, see Publication 926.

Payments to Relatives

You can count work-related expenses you pay to relatives who are not your dependents, even if they live in your home. However, do not count any amounts you pay to:

1) A dependent for whom you (or your spouse if you are married) can claim an exemption, or
2) Your child who is under age 19 at the end of the year, even if he or she is not your dependent.

Joint Return Test

Generally, married couples must file a joint return to take the credit. However, if you are legally separated or living apart from your spouse, you may be able to file a separate return and still take the credit.

Legally separated. You are not considered married if you are legally separated from your spouse under a decree of divorce or separate maintenance. You are eligible to take the credit on a separate return.

Married and living apart. You are not considered married and are eligible to take the credit if **all** the following apply:

1) You file a separate return.
2) Your home is the home of a qualifying person for more than half the year.
3) You pay more than half the cost of keeping up your home for the year.
4) Your spouse does not live in your home for the last 6 months of the year.

Death of spouse. If your spouse died during the year and you do not remarry before the end of the year, you generally must file a joint return to take the credit. If you do remarry before the end of the year, the credit can be claimed on your deceased spouse's separate return.

Provider Identification Test

You must identify all persons or organizations that provide care for your child or dependent. Do this on the same form you use to claim the credit. If you file Form 1040, use Part I of Form 2441, to report the required information. If you file Form 1040A, use Part I of Schedule 2.

Information required. To identify the care provider, you must give the provider's:

1) Name,
2) Address, and
3) Taxpayer identification number.

If the care provider is an individual, the taxpayer identification number is his or her social security number. If the care provider is an organization, then it is the employer identification number (EIN).

The taxpayer identification number is not required if the care provider is one of certain tax-exempt organizations (such as a church or school). In this case, write ''Tax-Exempt'' in the space where the tax form calls for the number.

If you cannot provide all of the information required, or the information is incorrect, you must be able to show that you used due diligence (discussed later) in trying to furnish the required information.

Getting the information. You can use Form W–10, to request the required information from the care provider. If you do not use Form W–10, you can get the required information from:

1) A copy of the provider's social security card,
2) A copy of the provider's driver's license (in a state where the license includes the social security number),
3) A copy of the provider's completed Form W–4 if he or she is your household employee,
4) A copy of the statement furnished by your employer if the provider is your employer's dependent care assistance program, or
5) A letter or invoice from the provider if it shows the required information.

You should keep the required information about the care provider with your tax records. Do not send Form W–10 (or other document containing this information) to the Internal Revenue Service.

Due diligence. If the care provider information you give is incorrect or incomplete, your credit may not be allowed. However, if you can show that you used due diligence in trying to supply the required information, you can still claim the credit.

You can show due diligence by getting and keeping the provider's completed Form W–10 or one of the other sources of information listed earlier. Care providers can be penalized if they do not provide this information to you or if they provide incorrect information.

Provider refusal. If the provider refuses to give you the required information, you should report whatever information you have (such as the name and address) on the form you use to claim the credit. Write ''See Page 2'' in the columns calling for the information you do not have. On the bottom of page 2, explain that you requested the information from the care provider, but the provider did not give you the information. This statement will show that you used due diligence in trying to furnish the required information.

How to Figure the Credit

Your credit is a percentage of your work-related expenses. Your expenses are subject to the earned income limit and the dollar limit. The percentage is based on your adjusted gross income.

Figuring Total Work-Related Expenses

To figure the credit for 1994 work-related expenses, count only those you paid by December 31, 1994.

Expenses prepaid in an earlier year. If you pay for services before they are provided, you can count the prepaid expenses only in the year the care is received. Fill out your Form 2441 or Schedule 2 (Form 1040A) for the later year as if the prepaid expense was actually paid in the later year.

Expenses not paid until the following year. Do ***not*** count 1993 expenses that you paid in 1994 as work-related expenses for 1994. You may be able to claim an additional credit for them on your 1994 return, but you must figure it separately. See *Payments for previous year's expenses* under *Amount of Credit,* later.

If you had expenses in 1994 that you did not pay until 1995, you cannot count them when figuring your 1994 credit. You may be able to claim a credit for them on your 1995 return.

Expenses reimbursed. If a state social services agency pays you a nontaxable amount to reimburse you for some of your child and dependent care expenses, you cannot count the expenses that are reimbursed as work-related expenses.

Example. You paid work-related expenses of $3,000. You are reimbursed $2,000 by a state social services agency. You can use only $1,000 to figure your credit.

Employer's dependent care assistance plan. Do ***not*** count as work-related expenses any child and dependent care benefits provided by your employer that you do not include in your income. You can exclude benefits from your income only if they are paid under a qualified plan. Your employer can tell you whether your benefit plan qualifies. If it does, you must complete Part III of either Form 2441 or Schedule 2 (Form 1040A) to claim the exclusion.

The amount you can exclude cannot be more than the smallest of:

1) Your earned income,
2) Your spouse's earned income, or
3) $5,000 ($2,500 if married filing separately).

Statement for employee. Your employer must give you a Form W–2, *Wage and Tax Statement* (or similar statement), showing in box 10 the total amount of dependent care assistance benefits provided to you during the year.

Forfeitures. Forfeitures are amounts credited to your dependent care assistance account and included in the amount shown in box 10 of your Form W–2, but which you did not receive because you did not incur the expense. You must subtract any forfeitures from the total dependent care benefits reported by your employer. To do this, enter the forfeited amount on line 12 of Form 2441 or Schedule 2 (Form 1040A). Forfeitures do not include amounts that you expect to receive in the future.

Medical expenses. Some expenses for the care of a qualifying person who is not capable of self-care may qualify as work-related expenses and also as medical expenses. You can use them either way, but you cannot use the same expenses to claim both a credit and a medical expense deduction.

If you use these expenses to figure the credit and they are more than the earned income limit or the dollar limit, discussed later, you can add the excess to your medical expenses. However, if you use your total expenses to figure your medical expense deduction, you cannot use any part of them to figure your credit. For information on medical expenses, see Publication 502, *Medical and Dental Expenses.*

Note. Amounts excluded from your income under your employer's dependent care assistance plan ***cannot*** be used to claim a medical expense deduction.

Earned Income Limit

The amount of work-related expenses you use to figure your credit cannot be more than:

1) Your earned income for the year, if you are ***single*** at the end of the year, or
2) The smaller of your or your spouse's earned income for the year, if you are ***married*** at the end of the year.

Earned income is defined under *Earned Income Test,* earlier.

For purposes of item (2) use your spouse's earned income for the entire year, even if you were married for only part of the year.

Example. You remarried on December 1, 1994. Your earned income for 1994 was $18,000. Your new spouse's earned income for 1994 was $2,000. You paid work-related expenses of $3,000 for the care of your 5-year-old child and qualify to claim the credit. The amount of expenses you use to figure your credit cannot be more than $2,000 (the smaller of your earned income or that of your spouse).

Separated spouse. If you are legally separated or married and living apart from your spouse (as described under *Joint Return Test,* earlier), you are not considered married for purposes of the earned income limit. Use only your income in figuring the earned income limit.

Surviving spouse. If your spouse died during 1994 and you file a joint return as a surviving spouse, you are not considered married for purposes of the earned income limit. Use only your income in figuring the earned income limit.

Community property laws. You should disregard community property laws when you figure earned income for this credit.

Self-employment. If you are self-employed, include your net earnings in earned income. For purposes of the child and dependent care credit, net earnings from self-employment generally means the amount from line 3 of Schedule SE (either Section A or Section B) ***minus*** any deduction for self-employment tax on line 25 of Form 1040. Include your self-employment earnings in earned income, even if they are less than $400 and you did not file Schedule SE. If you filed Schedule C or C–EZ to report income as a statutory employee, also include as earned income the amount from line 1 of that Schedule C or C–EZ.

You must reduce your earned income by any net loss from self-employment.

Optional method. If your net earnings from self-employment are low or you have a net loss, you may be able to figure your net earnings by using an optional method, instead of the regular method. Get Publication 533, *Self-Employment Tax,* for details. If you use an optional method to figure net earnings for self-employment tax purposes, include those net earnings in your earned income for this credit. In this case, subtract any deduction you claimed on Form 1040, line 25, from the total of the amounts on Schedule SE, Section B, lines 3 and 4b, to figure your net earnings.

Student-spouse or spouse not capable of self-care. Your spouse who is either a full-time student or not capable of self-care is treated as having earned income. His or her earned income for each month is considered to be at least $200 if there is one qualifying person in your home, or at least $400 if there are two or more. If your spouse works during that month, use the higher of $200 (or $400) or his or her actual earned income for that month. If your spouse is a full-time student or not capable of self-care for only part of a month, the full $200 (or $400) still applies.

If, in the same month, both you and your spouse are either full-time students or not capable of self-care, only one spouse can be considered to have this earned income of $200 (or $400) for that month.

Example. You are married. You work and keep up a home for yourself and your spouse. Because of an accident, your spouse is not capable of self-care for 11 months during the tax year.

During the 11 months, you pay $2,750 of work-related expenses for the care of your spouse. These expenses also qualify as medical expenses. Your adjusted gross income is $29,000 and the entire amount is earned income.

Your earned income limit is the smallest of the following amounts:

1) Work-related expenses you paid	$ 2,750
2) Your earned income	$29,000
3) Income considered earned by your spouse (11 × $200)	$ 2,200

You use $2,200 to figure the credit. You can treat the balance of $550 ($2,750 – $2,200) as a medical expense. However, if you use the $2,750 first as medical expenses, you cannot use any part of that amount to figure your credit.

Dollar Limit

There is a dollar limit on the amount of your work-related expenses you can use to figure the credit. This limit is $2,400 for one qualifying person, or $4,800 for two or more qualifying persons.

If you paid work-related expenses for the care of two or more qualifying persons, the $4,800 limit does not need to be divided equally among them. For example, if your work-related expenses for the care of one qualifying person are $2,000 and your work-related expenses for another qualifying person are $2,800, you can use the total, $4,800, when figuring the credit.

Yearly limit. The dollar limit is a yearly limit. The amount of the limit remains the same no matter how long you have a qualifying person in your household. Use the $2,400 limit if you paid work-related expenses for the care of one qualifying person at any time during the year. Use $4,800 if you paid work-related expenses for the care of more than one qualifying person at any time during the year.

Reduced Dollar Limit

If you received child and dependent care benefits from your employer that you exclude from your income, you must subtract that amount from the dollar limit that applies to you. See *Employer's dependent care assistance plan,* under *Figuring Total Work-Related Expenses,* earlier, for information on excluding these benefits.

Example. You are a widower with one child and earn $20,000 a year at work. You pay work-related expenses of $1,600 for your 4-year-old child and qualify to claim the credit for child and dependent care expenses. Your employer pays an additional $1,000 under a qualified dependent care assistance plan. This $1,000 is excluded from your income. The dollar limit for your work-related expenses is $2,400 (one qualifying person). However, your credit is figured on only $1,400 of the $1,600 work-related expenses you paid because the dollar limit is reduced to $1,400 by the excludable benefits as follows:

Dollar limit: Maximum allowable expenses for one qualifying person	$2,400
Minus: Dependent care benefits you can exclude from income	1,000
Reduced limit on expenses you can use for the credit	$1,400

Amount of Credit

To determine the amount of your credit, multiply your work-related expenses (after applying the earned income and dollar limits) by a percentage. This percentage depends on your adjusted gross income shown on line 32 of Form 1040 or line 17 of Form 1040A. The following table shows the percentage to use based on adjusted gross income.

Adjusted Gross Income Over		But not over	Applicable Percentage
$ 0	—	$10,000	30%
10,000	—	12,000	29%
12,000	—	14,000	28%
14,000	—	16,000	27%
16,000	—	18,000	26%
18,000	—	20,000	25%
20,000	—	22,000	24%
22,000	—	24,000	23%
24,000	—	26,000	22%
26,000	—	28,000	21%
28,000	—	No limit	20%

Payments for previous year's expenses. If you had work-related expenses in 1993 that you paid in 1994, you may be able to increase the credit on your 1994 return. Attach a statement to your form showing how you figured the additional amount from 1993. Then write

"PYE" and the amount to the left of line 10, Form 2441 or Schedule 2 (Form 1040A).

Use the following worksheet to figure the credit you may claim for 1993 expenses paid in 1994.

1)	Enter your 1993 qualified expenses paid in 1993	______
2)	Enter your 1993 qualified expenses paid in 1994	______
3)	Add the amounts on lines 1 and 2	______
4)	Enter $2,400 if care was for one qualifying person ($4,800 if for two or more)	______
5)	Enter any dependent care benefits received for 1993 and excluded from your income (from line 19 of 1993 Form 2441, or Schedule 2 (Form 1040A))	______
6)	Subtract amount on line 5 from amount on line 4 and enter the result	______
7)	Compare your earned income for 1993 and your spouse's earned income for 1993 and enter the smaller amount	______
8)	Compare the amounts on lines 3, 6, and 7 and enter the smallest amount	______
9)	Enter the amount on which you figured the credit for 1993 (from line 7 of 1993 Form 2441 or Schedule 2 (Form 1040A))	______
10)	Subtract amount on line 9 from amount on line 8 and enter the result	______
11)	Enter your 1993 adjusted gross income (from line 32 of your 1993 Form 1040, or line 17 of your 1993 Form 1040A)	______
12)	Go to the table shown below line 9 of your 1994 Form 2441 or Schedule 2 (Form 1040A). Find your 1993 adjusted gross income in the table and enter the corresponding decimal amount here	______
13)	Multiply line 10 by line 12. Add this amount to your 1994 credit and enter the total on line 10 of your 1994 Form 2441 or Schedule 2 (Form 1040A). Write "PYE" and the amount of this credit to the left of line 10.	______

Example. In 1993, you had child care expenses of $2,600 for your 12-year-old child. Of the $2,600, you paid $2,000 in 1993 and $600 in 1994. Your adjusted gross income for 1993 was $30,000. Your spouse's earned income of $14,000 was less than your earned income. A credit for your 1993 expenses paid in 1994 is not allowed in 1993. It is allowed for the 1994 tax year, but you must use your adjusted gross income for 1993 to compute the amount.

You figure this credit as follows:

1)	Enter your 1993 qualified expenses paid in 1993	$ 2,000
2)	Enter your 1993 qualified expenses paid in 1994	600
3)	Add the amounts on lines 1 and 2	$ 2,600
4)	Enter $2,400 if care was for one qualifying person ($4,800 if for two or more)	$ 2,400
5)	Enter any dependent care benefits received for 1993 and excluded from your income (from line 19 of 1993 Form 2441 or Schedule 2 (Form 1040A))	0
6)	Subtract amount on line 5 from amount on line 4 and enter the result	$ 2,400
7)	Compare your earned income for 1993 and your spouse's earned income for 1993 and enter the smaller amount	$14,000
8)	Compare the amounts on lines 3, 6, and 7 and enter the smallest amount	$ 2,400
9)	Enter the amount on which you figured the credit for 1993 (from line 7 of 1993 Form 2441 or Schedule 2 (Form 1040A))	2,000
10)	Subtract amount on line 9 from amount on line 8 and enter the result	400
11)	Enter your 1993 adjusted gross income (from line 32 of your 1993 Form 1040, or line 17 of your 1993 Form 1040A)	$30,000
12)	Go to the table shown below line 9 of your 1994 Form 2441 or Schedule 2 (Form 1040A). Find your 1993 adjusted gross income in the table and enter the corresponding decimal amount here	.20
13)	Multiply line 10 by line 12. Add this amount to your 1994 credit and enter the total on line 10 of your 1994 Form 2441 or Schedule 2 (Form 1040A). Write "PYE" and the amount of this credit to the left of line 10.	$ 80

Add the $80 from line 13 of this worksheet to your 1994 credit and enter the total on line 10 of Form 2441 or Schedule 2 (Form 1040A). For example, if the 1994 credit is $400, the total amount you show on line 10 of Form 2441 or Schedule 2 is $480.

Alternative minimum tax limit. Your credit may be limited because of the alternative minimum tax. See the instructions for Form 1040A or Form 1040 to determine if you need to figure the limit.

How to Claim the Credit

To claim the credit, you can file Form 1040 or Form 1040A. You cannot claim the credit on Form 1040EZ.

Form 1040. You must complete Form 2441 and attach it to your Form 1040. Enter the credit on line 41 of your Form 1040.

Form 1040A. You must complete Schedule 2 (Form 1040A) and attach it to your Form 1040A. Enter the credit on line 24a of your Form 1040A.

Tax credit not refundable. Your credit for child and dependent care expenses cannot be more than the amount of your tax liability. This means that you cannot get a refund for any part of the credit that is more than your tax.

Records. You should keep records of your work-related expenses. Also, if your dependent or spouse is not capable of self-care, your records should show both the nature and length of the disability. Other records you should keep to support your claim for the credit are described earlier under *Provider Identification Test.*

Examples

The following examples show how to figure the credit. A filled-in page 1 of Schedule 2 (Form 1040A) that illustrates Example 1 and a filled-in Form 2441 (Form 1040) that illustrates Example 2 are shown after the examples.

Example 1: Child Care—Two Children

Ann and Jerry Jones are married and keep up a home for their two preschool children, ages 2 and 4. They claim their children as dependents and file a joint return using Form 1040A. Their adjusted gross income (line 17) is $22,500. Ann earned $12,500 and Jerry earned $10,000.

During the year they pay work-related expenses of $3,000 for child care at a neighbor's home and $2,200 for child care at Pine Street Nursery School.

They figure their credit on Schedule 2 as follows:

Child care by neighbor	$3,000
Child care by nursery school	2,200
Total work-related expenses	$5,200
Dollar limit	$4,800
Amount of credit (23% of $4,800)	$1,104

Example 2: Dependent Care Assistance Benefits

Joan Thomas is divorced and has two children, ages 3 and 9. She works at ACME Computers. Her adjusted gross income is $29,000, and the entire amount is earned income.

Joan's younger child stays at her employer's on-site child care center while she works. The benefits from this child care center qualify to be excluded from her income. Her employer reports the value of this service as $3,000 for the year. This $3,000 is shown in box 10 of her Form W–2, but is not included in taxable wages in box 1.

A neighbor cares for Joan's older child after school, on holidays, and during the summer. She pays her neighbor $2,400 for this care.

Joan figures her credit on Form 2441 as follows:

Work-related expenses Joan paid	$2,400
Dollar limit	$4,800
Minus: Dependent care benefits excluded from income	3,000
Reduced dollar limit	$1,800
Amount of credit (20% of $1,800)	$ 360

Note. The dollar limit for two or more qualifying persons ($4,800) is reduced by the amount of excluded benefits as discussed earlier under *Reduced Dollar Limit.*

Schedule 2 (Form 1040A)

Department of the Treasury—Internal Revenue Service

Child and Dependent Care Expenses for Form 1040A Filers (T) 1994

OMB No. 1545-0085

Name(s) shown on Form 1040A: Ann Jones and Jerry Jones

Your social security number: 246 00 2468

You need to understand the following terms to complete this schedule: **Qualifying person(s), Dependent care benefits, Qualified expenses,** and **Earned income.** See **Important terms** on page 70.

Part I

Persons or organizations who provided the care

You MUST complete this part.

1 (a) Care provider's name	(b) Address (number, street, apt. no., city, state, and ZIP code)	(c) Identifying number (SSN or EIN)	(d) Amount paid (see page 72)
Sue Smith	413 Maple St. Anytown, PA 18605	132-00-5467	3,000
Pine Street Nursery School	706 Pine St. Anytown, PA 18605	10-6754321	2,200

(If you need more space, use the bottom of page 2.)

2 Add the amounts in column (d) of line 1. ..... 2 5,200

3 Enter the number of **qualifying persons** cared for in 1994 . . . . ▶ 2

Did you receive **dependent care benefits?**
- NO ——▶ Complete only Part II below.
- YES ——▶ Complete Part III on the back now.

Part II

Credit for child and dependent care expenses

4 Enter the amount of **qualified expenses** you incurred and paid in 1994. DO NOT enter more than $2,400 for one qualifying person or $4,800 for two or more persons. If you completed Part III, enter the amount from line 25. ..... 4 4,800

5 Enter YOUR **earned income.** 5 12,500

6 If married filing a joint return, enter YOUR SPOUSE'S earned income (if student or disabled, see page 73); **all others,** enter the amount from line 5. ..... 6 10,000

7 Enter the **smallest** of line 4, 5, or 6. ..... 7 4,800

8 Enter the amount from Form 1040A, line 17. ..... 8 22,500

9 Enter on line 9 the decimal amount shown below that applies to the amount on line 8.

If line 8 is— Over	But not over	Decimal amount is	If line 8 is— Over	But not over	Decimal amount is
$0	10,000	.30	$20,000	22,000	.24
10,000	12,000	.29	22,000	24,000	.23
12,000	14,000	.28	24,000	26,000	.22
14,000	16,000	.27	26,000	28,000	.21
16,000	18,000	.26	28,000	No limit	.20
18,000	20,000	.25			

9 × .23

10 Multiply **line 7** by the decimal amount on line 9. Enter the result. Then, see page 73 for the amount of credit to enter on Form 1040A, line 24a. ..... 10 = 1,104

Caution: *If you paid $50 or more in a calendar quarter to a person who worked in your home, you must file an employment tax return. Get* ***Form 942*** *for details.*

Form **2441**

Department of the Treasury
Internal Revenue Service (T)

Child and Dependent Care Expenses

▶ Attach to Form 1040.

▶ See separate instructions.

OMB No. 1545-0068

1994

Attachment
Sequence No. **21**

Name(s) shown on Form 1040: Joan Thomas

Your social security number: 559-00-3436

You need to understand the following terms to complete this form: **Qualifying Person(s), Dependent Care Benefits, Qualified Expenses,** and **Earned Income.** See **Important Terms** on page 1 of the Form 2441 instructions.

Part I **Persons or Organizations Who Provided the Care**—You **must** complete this part.
(If you need more space, use the bottom of page 2.)

1 (a) Care provider's name	(b) Address (number, street, apt. no., city, state, and ZIP code)	(c) Identifying number (SSN or EIN)	(d) Amount paid (see instructions)
Pat Green	12 Ash Avenue Hometown, TX 75240	240-00-3811	2,400
ACME Computers	(See W-2)		

2 Add the amounts in column (d) of line 1 . . . . . **2** 2,400

3 Enter the number of **qualifying persons** cared for in 1994 . . . . . ▶ 2

Did you receive **dependent care benefits?**
NO ──▶ Complete only Part II below.
YES ──▶ Complete Part III on the back now.

Part II **Credit for Child and Dependent Care Expenses**

4 Enter the amount of **qualified expenses** you incurred and paid in 1994. DO NOT enter more than $2,400 for one qualifying person or $4,800 for two or more persons. If you completed Part III, enter the amount from line 25 . . . . . **4** 1,800

5 Enter YOUR **earned income** **5** 29,000

6 If married filing a joint return, enter YOUR SPOUSE'S earned income (if student or disabled, see the instructions); **all others,** enter the amount from line 5 . . . . . **6** 29,000

7 Enter the **smallest** of line 4, 5, or 6 . . . . . **7** 1,800

8 Enter the amount from Form 1040, line 32 . . . . . **8** 29,000

9 Enter on line 9 the decimal amount shown below that applies to the amount on line 8

If line 8 is— Over—But not over	Decimal amount is	If line 8 is— Over—But not over	Decimal amount is
$0—10,000	.30	$20,000—22,000	.24
10,000—12,000	.29	22,000—24,000	.23
12,000—14,000	.28	24,000—26,000	.22
14,000—16,000	.27	26,000—28,000	.21
16,000—18,000	.26	28,000—No limit	.20
18,000—20,000	.25		

9 × .20

10 Multiply **line 7** by the decimal amount on line 9. Enter the result. Then, see the instructions for the amount of credit to enter on Form 1040, line 41 . . . . . **10** 360

Caution: *If you paid $50 or more in a calendar quarter to a person who worked in your home, you must file an employment tax return. Get* **Form 942** *for details.*

For Paperwork Reduction Act Notice, see separate instructions. Cat. No. 11862M Form **2441** (1994)

Part III **Dependent Care Benefits**—Complete this part **only** if you received these benefits.

11	Enter the total amount of **dependent care benefits** you received for 1994. This amount should be shown in box 10 of your W-2 form(s). DO NOT include amounts that were reported to you as wages in box 1 of Form(s) W-2		11	3,000
12	Enter the amount forfeited, if any. See the instructions		12	
13	Subtract line 12 from line 11		13	3,000
14	Enter the total amount of **qualified expenses** incurred in 1994 for the care of the qualifying person(s)	14 5,400		
15	Enter the **smaller** of line 13 or 14	15 3,000		
16	Enter YOUR **earned income**	16 29,000		
17	If married filing a joint return, enter YOUR SPOUSE'S earned income (if student or disabled, see the line 6 instructions); if married filing a separate return, see the instructions for the amount to enter; **all others,** enter the amount from line 16	17 29,000		
18	Enter the **smallest** of line 15, 16, or 17	18 3,000		
19	**Excluded benefits.** Enter here the **smaller** of the following: • The amount from line 18, or • $5,000 ($2,500 if married filing a separate return **and** you were required to enter your spouse's earned income on line 17).		19	3,000
20	**Taxable benefits.** Subtract line 19 from line 13. Also, include this amount on Form 1040, line 7. On the dotted line next to line 7, write "DCB"		20	-0-

To claim the child and dependent care credit, complete lines 21–25 below, and lines 4–10 on the front of this form.

21	Enter the amount of qualified expenses you incurred and paid in 1994. DO NOT include on this line any excluded benefits shown on line 19		21	2,400
22	Enter $2,400 ($4,800 if two or more qualifying persons)	22 4,800		
23	Enter the amount from line 19	23 3,000		
24	Subtract line 23 from line 22. **If zero or less, STOP.** You cannot take the credit. **Exception.** If you paid 1993 expenses in 1994, see the line 10 instructions		24	1,800
25	Enter the **smaller** of line 21 or 24 here **and** on line 4 on the front of this form		25	1,800

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