S T A T E O F N E W Y O R K

5583

2009-2010 Regular Sessions

I N A S S E M B L Y

February 13, 2009

Introduced by M. of A. OAKS, ALFANO, BALL, BARRA, HAWLEY, KOLB, WALKER -- Multi-Sponsored by -- M. of A. BACALLES, BARCLAY, BUTLER, CONTE, CROUCH, DUPREY, ERRIGO, FINCH, GIGLIO, JORDAN, McDONOUGH, MILLER, MOLINARO, QUINN, RAIA, SAYWARD, THIELE, TOWNSEND -- read once and referred to the Committee on Ways and Means

AN ACT to amend the tax law, in relation to deductions against personal income tax

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Section 606 of the tax law is amended by adding a new subsection (v) to read as follows:

(V) CHILD CARE TAX DEDUCTION. (1) A TAXPAYER SHALL BE ALLOWED A DEDUCTION AGAINST THE TAX IMPOSED BY THIS ARTICLE. THE AMOUNT OF THE DEDUCTION SHALL BE EQUAL TO THE AMOUNT OF INCOME NOT TO EXCEED TEN THOUSAND DOLLARS EARNED BY AN AT HOME PARENT BY PROVIDING CHILD CARE SERVICES FOR UP TO TWO QUALIFYING CHILDREN.

(2)(A) FOR THE PURPOSES OF THIS SUBSECTION, "AT HOME PARENT" MEANS A PARENT WHO PROVIDES FULL-TIME CARE AT THE PARENT'S RESIDENCE FOR ONE OR MORE OF THE PARENT'S OWN QUALIFYING PRE-SCHOOL CHILDREN AND 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.

(B) FOR THE PURPOSES OF THIS SUBSECTION, "PARENT" MEANS AN INDIVIDUAL WHO:

(I) IS THE BIOLOGICAL MOTHER OR FATHER OF A QUALIFYING CHILD; OR

(II) IS THE STEPFATHER OR STEPMOTHER OF A QUALIFYING CHILD; OR

(III) LEGALLY ADOPTS A QUALIFYING CHILD; OR HAS A QUALIFYING CHILD PLACED IN THE INDIVIDUAL'S HOME BY A CHILD PLACING AGENCY FOR THE PURPOSE OF LEGALLY ADOPTING THE CHILD; OR

(IV) IS A LEGAL GUARDIAN OF A QUALIFYING CHILD.

(C) FOR THE PURPOSES OF THIS SUBSECTION "QUALIFYING CHILD" MEANS A CHILD WHO IS NOT OLDER THAN SIX YEARS OF AGE AND IS YET TO ENROLL IN A

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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CERTIFIED ELEMENTARY SCHOOL PROGRAM OR HAS ENROLLED IN A CERTIFIED ELEMENTARY SCHOOL PROGRAM AT SOME POINT DURING THE TAXABLE YEAR.

S 2. This act shall take effect on the first of January next succeeding the date on which it shall have become a law.