

# STATE OF NEW YORK

7382

## IN SENATE

January 11, 2018

Introduced by Sen. GOLDEN -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations

AN ACT to amend the tax law, in relation to allowing a tax credit for the adoption of special needs children

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

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

3 (iii) Adoption of special needs children tax credit. (1) A resident  
4 taxpayer shall be allowed a credit against the tax imposed by this arti-  
5 cle in an amount equaling thirty percent of the qualified adoption  
6 expenses paid during the taxable year in conjunction with the taxpayer's  
7 adoption of a handicapped child or a hard to place child or five thou-  
8 sand dollars, whichever is less. If the amount of the credit allowable  
9 under this subsection for any taxable year shall exceed the taxpayer's  
10 tax for such year, the excess shall be treated as an overpayment of tax  
11 to be credited or refunded in accordance with the provisions of section  
12 six hundred eighty-six of this article, provided, however, that no  
13 interest shall be paid thereon.

14 (2) The following terms shall have the following meanings: (A) "Hand-  
15 icapped child" and "hard to place child" shall have the same meaning as  
16 in section four hundred fifty-one of the social services law and the  
17 regulations promulgated thereunder.

18 (B) "Qualified adoption expenses" shall mean the reasonable and neces-  
19 sary adoption fees, court costs, attorneys' fees, and other expenses  
20 that are directly related to the legal adoption of a handicapped child  
21 or hard to place child by the taxpayer for which the taxpayer has not  
22 received a subsidy, reimbursement or federal tax credit under the inter-  
23 nal revenue code, provided, however, that such costs shall not include  
24 any costs associated with litigation.

25 § 2. This act shall take effect immediately and shall apply to taxable  
26 years beginning on and after January 1, 2018.

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

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