



Rep. Dave Severin

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10300HB3685ham001

LRB103 28570 HLH 58909 a

1 AMENDMENT TO HOUSE BILL 3685

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3685 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Income Tax Act is amended by  
5 adding Section 234 as follows:

6 (35 ILCS 5/234 new)

7 Sec. 234. Foster care credit.

8 (a) For taxable years beginning on or after January 1,  
9 2023, there shall be allowed a credit against the tax imposed  
10 by subsections (a) and (b) of Section 201 of this Act in an  
11 amount equal to the foster care expenses paid or incurred, not  
12 to exceed \$1,000 in any taxable year, for each qualifying  
13 dependent child legally cared for by the foster care parent in  
14 Illinois. The tax credit under this Section may be claimed for  
15 the taxable year in which the foster care parent becomes the  
16 legal guardian of a foster child. The taxpayer must be under

1 contract with the Department of Children and Family Services  
2 and providing care to the qualifying dependent child for at  
3 least 6 months during the taxable year to receive the full  
4 credit. If the taxpayer is under contract with the Department  
5 of Children and Family Services and providing care to the  
6 qualifying dependent child for less than 6 months during the  
7 taxable year, then the taxpayer is entitled to a credit in an  
8 amount equal to: the lesser of (i) the foster care expenses  
9 paid or incurred by the taxpayer or (ii) \$1,000; multiplied by  
10 a fraction the numerator of which is the number of days during  
11 the taxable year during which the taxpayer is under contract  
12 with the Department of Children and Family Services and  
13 providing care to the qualifying dependent child and the  
14 denominator of which is 365.

15 (b) In no event shall a credit under this Section reduce a  
16 taxpayer's liability to less than zero. If the taxpayer has a  
17 federal adjusted gross income for the taxable year that does  
18 not exceed \$50,000, then the excess credit amount shall be  
19 refunded to the taxpayer. The amount of the refund shall not be  
20 included in the taxpayer's income or resources for the  
21 purposes of determining the taxpayer's eligibility or benefit  
22 level for any means-tested benefit program administered by a  
23 governmental entity unless required by federal law. If the  
24 taxpayer has a federal adjusted gross income for the taxable  
25 year that is \$50,000 or more, then the excess credit amount  
26 shall be carried forward and applied to the tax liability for

1 the 5 taxable years following the excess credit year. The tax  
2 credit shall be applied to the earliest year for which there is  
3 a tax liability. If there are credits for more than one year  
4 that are available to offset liability, the earlier credit  
5 shall be applied first.

6 (c) The Department of Children and Family Services, in  
7 collaboration with the Department of Revenue, shall adopt any  
8 necessary rules to implement this Section.

9 (d) As used in this Section, "qualifying dependent child"  
10 means a person who is an Illinois resident in the custody of  
11 the Department of Children and Family Services who is the  
12 foster child of the taxpayer seeking a credit under this  
13 Section.

14 (e) This Section is exempt from the provisions of Section  
15 250.

16 Section 99. Effective date. This Act takes effect upon  
17 becoming law."