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IRS Issues Child and Dependent Care Tax Credit FAQs

The IRS recently updated [frequently-asked-questions](#) (FAQs) to assist families in claiming credits under the American Rescue Plan Act (ARPA).

The child and dependent care credit was enhanced under the ARPA (enacted in March 2021) to assist families with the fallout of the COVID-19 pandemic and recovery underway. The credit has been expanded to provide families with more money and offers options for monthly payments or a deferred lump sum.

CHILD AND DEPENDENT CARE CREDIT OVERVIEW

The child and dependent care credit is a tax credit that may help you pay for the care of eligible children and other dependents (qualifying persons). The credit is calculated based on your income and a percentage of expenses that you incur for the care of qualifying persons to enable you to go to work, look for work or attend school. For 2021, the ARPA made the credit substantially more generous (up to \$4,000 for one qualifying person and \$8,000 for two or more qualifying persons) and potentially refundable—so you might not have to owe taxes to claim the credit (so long as you meet the other requirements). This means that more taxpayers will be eligible for the credit for the first time and that, for many taxpayers, the amount of the credit will be larger than in prior years. However, taxpayers with an adjusted gross income over \$438,000 are not eligible for this credit even though they may have previously been able to claim this credit.

The following FAQs can help you learn if you are eligible and how to calculate your credit. Further information is found below and in [IRS Publication 503, Child and Dependent Care Expenses](#).

FAQS

Q1. AM I ELIGIBLE TO CLAIM THE CREDIT?

You are eligible to claim this credit if you (or your spouse in the case of a joint return) pay someone to care for one or more qualifying persons in order for you to work or look for work, and your income level is within the income limits set for the credit. If you are married, you must file a joint return to claim 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 claim the credit. If you or your spouse was a full-time student, see [Q17](#) and [IRS Publication 503, Child and Dependent Care Expenses](#), for more information on eligibility.

Earned income requirement: You (and your spouse in the case of a joint return) must have earned income during the year to claim the credit. See [Q16](#) and [Q17](#) for more information, including special rules that may apply if you are a student or cannot care for yourself.

Q2. HOW DO I CLAIM THE CREDIT?

To claim the credit, you will need to complete [Form 2441, Child and Dependent Care Expenses](#), and include the form when you file your Federal income tax return. In completing the form to claim the credit, you will need to provide a valid taxpayer identification number (TIN) for each qualifying person. Generally, this is the social security number for the qualifying person.

You should keep records of your work-related expenses. Also, if your dependent or spouse is not able to take care of themselves, 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 in [IRS Publication 503, Child and Dependent Care Expenses](#) and [Q3](#).

For more information about completing the form and claiming the credit, see the [Instructions for Form 2441](#).

Q3. WHAT INFORMATION DO I NEED FROM MY CARE PROVIDER TO CLAIM THE CREDIT?

You must identify all persons or organizations that provided care for your child, dependent or spouse. To identify the care provider, you must give the provider's name, address and TIN. You can use [Form W-10, Dependent Care Provider's Identification and Certification](#), to request this information. 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 information, you can still claim the credit. For guidance on showing due diligence, see [IRS Publication 503, Child and Dependent Care Expenses](#).

You should keep this information with your tax records. For more information on the record-keeping requirements, please see [Publication 503, Child and Dependent Care Expenses](#).

Q4. WHO IS A QUALIFYING PERSON?

A qualifying person is defined in the following ways:

- Your dependent who is under age 13 when the care is provided;
- Your spouse, if your spouse isn't mentally or physically able to care for themselves and lives with you for more than half the year; **and**
- A person who isn't mentally or physically able to care for themselves, lives with you for more than half the year and either:
 - Is your dependent; OR
 - Would have been your dependent except that (i) they receive more than a certain gross income amount (\$4,300 in 2021), (ii) they file a joint return, or (iii) you (or your spouse in the case of a joint return) can be claimed as a dependent on someone else's return.

Q5. WHAT DOES "PHYSICALLY OR MENTALLY NOT ABLE TO CARE FOR ONESELF" MEAN?

Persons who can't dress, clean or feed themselves because of physical or mental problems are considered unable to care for themselves. Persons who must have constant attention to prevent themselves from injuring themselves or others are also considered unable to care for themselves.

Q6. FOR 2021, WHAT PERCENTAGE OF MY WORK-RELATED EXPENSES ARE ALLOWED AS A CREDIT?

The percentage of your work-related expenses allowed as a credit depends on your income (and your spouse's income in the case of a joint return). The maximum percentage of your work-related expenses allowed as a credit for 2021 is 50%. The 2021 [Instructions for Form 2441](#) and [IRS Publication 503, Child and Dependent Care Expenses](#) for 2021 both will contain a chart indicating the percentage of work-related expenses allowed as a credit at each income level. The IRS anticipates that the 2021 Instructions for Form 2441 and the 2021 Publication 503 will be available in January 2022.

Q7. CAN THIS 50% AMOUNT OF WORK-RELATED EXPENSES BE REDUCED?

Yes. The amount of your adjusted gross income determines the percentage of your work-related expenses that you are allowed as a credit. For this purpose, your income is your "adjusted gross income" shown on your Form 1040, 1040-SR or 1040-NR.

For 2021, the 50% amount begins to phase out if your adjusted gross income is more than \$125,000 and completely phases out if your adjusted gross income is more than \$438,000. For more information on the percentage applicable to your income level, please refer to the 2021 [Instructions for Form 2441](#) or [IRS Publication 503, Child and Dependent Care Expenses](#) for 2021. The IRS anticipates that the 2021 Instructions for Form 2441 and the 2021 Pub. 503 will be available in January 2022.

Q8. FOR 2021, IS THERE A LIMIT ON THE AMOUNT OF WORK-RELATED EXPENSES I CAN TAKE INTO ACCOUNT IN CALCULATING THE CREDIT?

Yes. The maximum amount of work-related expenses you can account for purposes of the credit is \$8,000 if you have one qualifying person and \$16,000 if you have two or more qualifying persons. This means that the maximum total amount of the credit is \$4,000 (50% of \$8,000) if you have one qualifying person and \$8,000 (50% of \$16,000) if you have two or more qualifying persons.

Earned income limitation: The amount of work-related expenses that can be taken into account in calculating the credit cannot exceed your earned income. If you are married and filing a joint return, the work-related expenses you can take into account are limited to the lesser of your or your spouse's earned income. See Q16 and Q17 for more information about exceptions to the earned income rule for married joint filers.

Q9. I HAVE TWO QUALIFYING PERSONS. IN 2021, I INCURRED MORE THAN \$16,000 IN WORK-RELATED EXPENSES FOR THE CARE OF ONE OF THEM, AND NONE FOR THE OTHER. AM I SUBJECT TO THE HIGHER \$16,000 WORK-RELATED EXPENSES LIMITATION FOR TWO OR MORE QUALIFYING PERSONS, EVEN THOUGH MY EXPENSES WERE ONLY FOR THE CARE OF ONE QUALIFYING PERSON? OR AM I SUBJECT TO THE LOWER \$8,000 WORK-RELATED EXPENSES LIMITATION FOR ONE QUALIFYING PERSON?

Because you have two or more qualifying persons, you are subject to the higher \$16,000 work-related expense limitation, regardless of how the expenses are allocated among the qualifying persons.

Q10. FOR 2021, CAN I TAKE THE FULL CREDIT EVEN IF MY CREDIT EXCEEDS THE AMOUNT OF TAXES I OWE?

Yes. For 2021, the credit is refundable for eligible taxpayers. This means that even if your credit exceeds the amount of Federal income tax that you owe, you can still claim the full amount of your credit, and the amount of the credit in excess of your tax liability can be refunded to you.

Q11. WHAT DO I NEED TO DO FOR THE CREDIT TO BE REFUNDABLE FOR 2021?

You must pay the work-related expenses incurred in 2021 by Dec. 31, 2021, and meet the special residency requirements for the credit to be refundable for 2021. See [Q12](#) for more information about the residency requirements.

Q12. WHAT ARE THE SPECIAL RESIDENCY REQUIREMENTS FOR THE REFUNDABLE PORTION OF THE CREDIT?

To be eligible for the refundable portion of the credit for 2021, you (or your spouse in the case of a joint return) must have your main home in one of the 50 states or the District of Columbia for more than half of the tax year. Your main home can be any location where you regularly live. Your main home may be your house, apartment, mobile home, shelter, temporary lodging or other location and doesn't need to be the same physical location throughout the taxable year. If you are temporarily away from your main home because of illness, education, business, vacation or military service, you are generally treated as living in your main home during that time.

Special exception for military personnel: For U.S. military personnel stationed outside of the United States, see [Q15](#).

Q13. IF I LIVE IN AMERICAN SAMOA, THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS, GUAM, PUERTO RICO OR THE U.S. VIRGIN ISLANDS IN 2021, CAN I CLAIM THE CREDIT IF I'M OTHERWISE ELIGIBLE?

In many cases, the answer is yes. However, the credit must be claimed from your local territory tax agency and not from the IRS. Furthermore, special rules apply to these five U.S. territories. Please contact your local territory tax agency for information about availability and your eligibility for the credit in 2021.

Q14. FOR MORE THAN HALF OF 2021, I WILL LIVE OVERSEAS, BUT NOT IN ONE OF THE FIVE U.S. TERRITORIES. CAN I CLAIM THE REFUNDABLE CREDIT ON MY 2021 TAX RETURN?

Generally, no. While you can claim the credit to offset your tax liability, the credit is refundable only if you (or your spouse in the case of a joint return) have your main home in one of the 50 states or the District of Columbia for more than half of the tax year. Your main home can be any location where you regularly live. Your main home may be your house, apartment, mobile home, shelter, temporary lodging or other location and doesn't need to be the same physical location or in the same state throughout the taxable year. If you are temporarily away from your main home because of illness, education, business, vacation or military service, you are generally treated as living in your main home.

Special exception for military personnel: For an exception to this answer regarding U.S. military personnel stationed outside of the United States, see [Q15](#).

Q15. MY MAIN HOME IS IN ONE OF THE 50 STATES OR THE DISTRICT OF COLUMBIA, AND I AM IN THE U.S. MILITARY AND STATIONED OUTSIDE THE UNITED STATES FOR AN EXTENDED PERIOD. AM I TREATED AS LIVING IN MY MAIN HOME DURING THAT TIME FOR PURPOSES OF THE CREDIT?

Yes. U.S. military personnel who are stationed outside the United States on extended active duty are considered to have their main home in one of the 50 states or the District of Columbia for purposes of qualifying for the refundable portion of the credit. For this purpose, "extended active duty" means any period of active duty pursuant to a call or order to active duty for a period in excess of 90 days or an indefinite period.

Q16. MY SPOUSE WAS OUT OF WORK DURING THE YEAR. CAN WE STILL CLAIM THIS CREDIT?

Maybe. Your spouse who is out of work during the year must be actively looking for employment, and the work-related expenses must be incurred so that you and your spouse can work or look for work as discussed in [Q18](#). You (and your spouse in the case of a joint return) must have earned income to claim the credit. Earned income includes wages, salaries, tips, other taxable employee compensation and net earnings from self-employment. A net loss from self-employment reduces earned income. Earned income also includes any strike benefits and disability pay you report as wages. Unemployment compensation is not included in earned income.

The amount of work-related expenses that can be taken into account in calculating the credit cannot exceed your earned income. If you are married and filing a joint return, your work-related expenses on your joint return are limited to the lesser of your or your spouse's earned income. See [Q17](#) for special rules that may apply if you are a student or unable to care for yourself.

Q17. MY SPOUSE WAS A STUDENT OR UNABLE TO CARE FOR HERSELF DURING THE YEAR AND DID NOT WORK. CAN WE STILL CLAIM THIS CREDIT?

Maybe. There are special earned income rules for students and those mentally or physically incapable of caring for themselves. If you (or your spouse in the case of a joint return) are a full-time student or are [mentally or physically incapable of caring for yourself](#), you will be treated as having earned income of \$250 if you have one qualifying person (or \$500 for two or more qualifying persons) for any month you are a full-time student or not able to care for yourself.

Important: If in the same month you and your spouse both did not work and were either full-time students or not physically or mentally capable of caring for yourselves, only one of you can be treated as having earned income in that month.

Q18. WHAT QUALIFIES AS A WORK-RELATED EXPENSE?

A work-related expense is an amount you (or your spouse in the case of a joint return) pay for the care of a qualifying person, or for household services if at least part of the services is for the care of a qualifying person, in order for you to work or look for work. Your work can be for others or in your own business or partnership. It can be full or part time. It 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 [Q16](#) and [Q17](#) for more information about the earned income requirement.

Services that may qualify as work-related expenses include nanny-share arrangements, daycare, preschool and day camp for

your qualifying persons, and the care can be provided either at your home or outside your home. See [IRS Publication 503, Child and Dependent Care Expenses](#) for more information.

Q19. I PAY MY MOTHER TO WATCH MY CHILDREN DURING THE DAY. DOES THIS COUNT AS A WORK-RELATED EXPENSE?

Yes, unless you can claim your mother as a dependent.

You can also count some work-related payments you make to other relatives, even if they live in your house. However, don't count any amounts you pay to:

- A person you (or your spouse in the case of a joint return) can claim as a dependent;
- Your child who was under age 19 at the end of the year, even if the child isn't your dependent;
- A person who was your spouse at any time during the year; or
- The parent of your qualifying person if your qualifying person also is your child and under age 13.

Q20. MY CHILD RECEIVES CARE OUTSIDE MY HOME SO THAT I CAN WORK. DOES THIS COUNT AS A WORK-RELATED EXPENSE?

Maybe. To count as a work-related expense, the care must be for your dependent under the age of 13 or any other qualifying person who regularly spends at least 8 hours each day in your home. Care provided outside the taxpayer's home can be in a center or another person's home. If the care is provided by a dependent care center, the center must comply with all state and local regulations that apply to centers. 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. For an exception to this rule, see [Q21](#).

Q21. MY CHILD WILL BE ATTENDING A WEEK OF OVERNIGHT CAMP. DOES THAT CAMP COUNT AS A WORK-RELATED EXPENSE?

No. The cost of an overnight camp does not count as a work-related expense.

Q22. MY CHILD IS ENROLLED IN PRIVATE KINDERGARTEN. ARE THE EXPENSES TO ATTEND THE PRIVATE KINDERGARTEN WORK-RELATED EXPENSES?

No. Expenses to attend kindergarten or a higher-grade level are not expenses for care, and therefore are not work-related expenses.

Q23. I SEND MY CHILD TO AFTER-SCHOOL CARE. ARE THESE EXPENSES WORK-RELATED EXPENSES?

Maybe. Expenses paid for before- or after-school care of a child in kindergarten or a higher-grade level are expenses for care, and therefore are work-related expenses, provided all other conditions are satisfied (for example, the expenses allow you to work or look for work).