1997

Department of the Treasury
Internal Revenue Service

Instructions for Form 2441

Child and Dependent Care Expenses

A Change To Note

If you are claiming the credit for child and dependent care expenses, you must complete new line 2 for each qualifying person (defined below). If you do not enter the information requested, we may reduce or disallow your credit.

Purpose of Form

If you paid someone to care for your child or other qualifying person so you (and your spouse if filing a joint return) could work or look for work in 1997, you may be able to take the credit for child and dependent care expenses. But you must have had earned income to do so. If you can take the credit, use Form 2441 to figure the amount of your credit.

If you received **any dependent care benefits** for 1997, you **MUST** use Form 2441 to figure the amount, if any, of the benefits you may exclude from your income on Form 1040, line 7. You must complete Part III of Form 2441 before you can figure the credit, if any, in Part II.

Definitions

Dependent Care Benefits

These include amounts your employer paid directly to either you or your care provider for the care of your qualifying person(s) while you worked. These benefits also include the fair market value of care in a day-care facility provided or sponsored by your employer. Your salary may have been reduced to pay for these benefits. If you received dependent care benefits, they should be shown in box 10 of your 1997 W-2 form(s).

Qualifying Person(s)

A qualifying person is:

- Any child **under age 13** whom you can claim as a dependent (but see **Exception for Children of Divorced or Separated Parents** on this page). If the child turned 13 during the year, the child is a qualifying person for the part of the year he or she was under age 13.
- Your disabled spouse who is not able to care for himself or herself.
- Any disabled person not able to care for himself or herself whom you can claim as a dependent (or could claim as a dependent except that the person had gross income of $2,650 or more). But if this person is your child, see **Exception for Children of Divorced or Separated Parents** on this page.

To find out who is a dependent, see **Pub. 501,** Exemptions, Standard Deduction, and Filing Information.

Caution: *To be a qualifying person, the person **must** have shared the same home with you in 1997.*

Exception for Children of Divorced or Separated Parents. If you were divorced, legally separated, or lived apart from your spouse during the last 6 months of 1997, you may be able to take the credit or the exclusion even if your child is not your dependent. If your child is not your dependent, he or she is a qualifying person only if **all five** of the following apply.

ÿÿ **1.** You had custody of the child for a longer time in 1997 than the other parent. See Pub. 501 for the definition of custody.

ÿÿ **2.** One or both of the parents provided over half of the child's support in 1997.

ÿÿ **3.** One or both of the parents had custody of the child for more than half of 1997.

ÿÿ **4.** The child was under age 13 or was disabled and could not care for himself or herself.

ÿÿ **5.** The other parent claims the child as a dependent because—

- As the custodial parent, you signed **Form 8332** or a similar statement agreeing not to claim the child's exemption for 1997, or
- Your divorce decree or written agreement went into effect before 1985 and it states that the other parent can claim the child as a dependent, and the other parent gave at least $600 for the child's support in 1997. But this rule does not apply if your decree or agreement was changed after 1984 to say that the other parent cannot claim the child as a dependent.

If this exception applies, the other parent cannot treat the child as a qualifying person even though the other parent claims the child as a dependent.

Qualified Expenses

These include amounts paid for household services and care of the qualifying person while you worked or looked for work. Child support payments are **not** qualified expenses. Also, expenses reimbursed by a state social service agency are **not** qualified expenses unless you included the reimbursement in your income.

Household Services. These are services needed to care for the qualifying person as well as to run the home. They include, for example, the services of a cook, maid, babysitter, housekeeper, or cleaning person if the services were partly for the care of the qualifying person. Do not include services of a chauffeur or gardener.

You may also include your share of the employment taxes paid on wages for qualifying child and dependent care services.

Care of the Qualifying Person. Care includes the cost of services for the qualifying person's well-being and protection. It does not include the cost of clothing or entertainment.

You may include the cost of care provided outside your home for your dependent under age 13 or any other qualifying person who regularly spends at least 8 hours a day in your home. If the care was provided by a dependent care center, the center must meet 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.

You may include amounts paid for items other than the care of your child (such as food and schooling) **only** if the items are incidental to the care of the child and cannot be separated from the total cost. But **do not** include the cost of schooling for a child in the first grade or above. Also, **do not** include any expenses for sending your child to an overnight camp.

Medical Expenses. Some disabled spouse and dependent care expenses may qualify as medical expenses if you itemize deductions on **Schedule A.** See **Pub. 503,** Child and Dependent Care Expenses, and **Pub. 502,** Medical and Dental Expenses, for details.

Earned Income

Earned income includes the following amounts.

- The amount shown on Form 1040, line 7, minus any amount included for a scholarship or fellowship grant that was not reported to you on a W-2 form. For purposes of Part III of Form 2441, earned income does not include any dependent care benefits shown on line 10 of Form 2441.
- The amount shown on **Schedule SE,** line 3, minus any deduction you claim on Form 1040, line 26. If you use either optional method to figure self-employment tax, subtract any deduction you claim on Form 1040, line 26, from the total of the

amounts shown on Schedule SE, Section B, lines 3 and 4b.

- If you are filing **Schedule C** or **C-EZ** as a statutory employee, the amount shown on line 1 of the schedule.
- Certain nontaxable earned income such as meals and lodging provided for the convenience of your employer. See Pub. 503 for details. However, including this income will only give you a larger credit or exclusion if your (or your spouse's) other earned income is less than the amount entered on Form 2441, line 3 or line 14, whichever applies.

Note: *You must reduce your earned income by any loss from self-employment.*

Special Situations. If you are **filing a joint return,** disregard community property laws. If your spouse died in 1997 and had no earned income, see Pub. 503. If your spouse was a student or disabled in 1997, see the line 5 instructions.

Additional Information

For more details, see Pub. 503.

Who May Take the Credit or Exclude Dependent Care Benefits?

You may take the credit or the exclusion if **all six** of the following apply.

ÿ **1.** Your filing status is Single, Head of household, Qualifying widow(er) with dependent child, or Married filing jointly. But see **Married Persons Filing Separate Returns** below.

ÿ **2.** The care was provided so you (and your spouse if you were married) could work or look for work. However, if you did not find a job and have no earned income for the year, you cannot take the credit or the exclusion. But if your spouse was a student or disabled, see the instructions for line 5.

ÿ **3.** You (and your spouse if you were married) paid over half the cost of keeping up your home. The cost includes rent, mortgage interest, real estate taxes, utilities, home repairs, and food eaten at home.

ÿ **4.** You and the qualifying person(s) lived in the same home.

ÿ **5.** The person who provided the care was not your spouse or a person whom you can claim as a dependent. If your child provided the care, he or she must have been age 19 or older by the end of 1997.

ÿ **6.** You report the required information about the care provider on line 1 and, if taking the credit, the information about the qualifying person on line 2.

Married Persons Filing Separate Returns. If your filing status is married filing separately and **all** of the following apply, you are considered unmarried for purposes of figuring the credit and the exclusion on Form 2441.

- You lived apart from your spouse during the last 6 months of 1997, and
- The qualifying person lived in your home more than half of 1997, and
- You provided over half the cost of keeping up your home.

If you meet **all** the requirements to be treated as unmarried and meet items **2** through **6** listed earlier, you may take the credit or the exclusion. If you do not meet all the requirements to be treated as unmarried, you **cannot** take the credit. However, you may take the exclusion if you meet items **2** through **6**.

Line Instructions

Line 1

Complete columns **(a)** through **(d)** for each person or organization that provided the care. You can use **Form W-10,** Dependent Care Provider's Identification and Certification, or any other source listed in its instructions to get the information from the care provider. If you do not give correct or complete information, your credit (and exclusion, if applicable) may be disallowed unless you can show you used due diligence in trying to get the required information.

Due Diligence. You can show a serious and earnest effort (due diligence) to get the information by keeping in your records a Form W-10 completed by the care provider. Or you may keep one of the other sources of information listed in the instructions for Form W-10. If the provider does not give you the information, complete the entries you can on line 1 of Form 2441. For example, enter the provider's name and address. Write “See Page 2” in the columns for which you do not have the information. Then, on the bottom of page 2, explain that the provider did not give you the information you requested.

Columns (a) and (b). Enter the care provider's name and address. If you were covered by your employer's dependent care plan and your employer furnished the care (either at your workplace or by hiring a care provider), enter your employer's name in column **(a).** Next, write “See W-2” in column **(b).** Then, leave columns **(c)** and **(d)** blank. But if your employer paid a third party (not hired by your employer) on your behalf to provide the care, you must give information on the third party in columns **(a)** through **(d).**

Column (c). If the care provider is an individual, enter his or her social security number (SSN). Otherwise, enter the provider's employer identification number (EIN). If the provider is a tax-exempt organization, write “Tax-Exempt” in column **(c).**

Column (d). Enter the total amount you **actually paid** in 1997 to the care provider. Also, include amounts your employer paid to a third party on your behalf. It does not matter when the expenses were incurred. **Do not** reduce this amount by any reimbursement you received.

Line 2

Complete columns **(a)** through **(c)** for each qualifying person. If you have **more than two** qualifying persons, attach a statement to your return with the required information. Be sure to put your name and social security number (SSN) on the statement. Also, write “See Attached” on the dotted line next to line 3.

Column (a). Enter each qualifying person's name.

Column (b). You **must** enter the qualifying person's SSN unless he or she was born and died in 1997. If you do not enter the correct SSN, at the time we process your return, we may reduce or disallow your credit. If the person was born and died in 1997 and did not have an SSN, write “Died” in column (b) and attach a copy of the person's birth certificate.

To find out how to get an SSN, see **Social Security Number (SSN)** on page 10 of the Form 1040 instructions.

Column (c). Enter the qualified expenses you incurred and paid in 1997 for the person listed in column **(a).** Do not include in column **(c)** qualified expenses—

- You incurred in 1997 but did not pay until 1998. You may be able to use these expenses to increase your 1998 credit.
- You incurred in 1996 but did not pay until 1997. Instead, see **Prior Year's Expenses** on the next page.
- You **prepaid** in 1997 for care to be provided in 1998. These expenses may only be used to figure your 1998 credit.

Line 5

Spouse Who Was a Student or Disabled. Your spouse was a **student** if he or she was enrolled as a full-time student at a school during any 5 months of 1997. A school does not include a night school or correspondence school. Your spouse was **disabled** if he or she was not capable of self-care. Figure your spouse's earned income on a monthly basis.

For each month or part of a month your spouse was a student or was disabled, he or she is considered to have worked and earned income. His or her earned income for each month is considered to be at least $200 ($400 if more than one qualifying person was cared for in 1997). If your spouse also worked during that month, use the higher of $200 (or $400) or his or her actual earned income for that month. If, in the same month, both you and your spouse were either students or disabled, only one of you can be treated as having earned income in that month.

For any month that your spouse was not a student or disabled, use your spouse's actual earned income if he or she worked during the month.

Line 9

If you had qualified expenses for 1996 that you did not pay until 1997, see **Prior Year's Expenses** next. Otherwise, see **Credit Limit** on this page.

Prior Year's Expenses. If you had qualified expenses for 1996 that you did not pay until 1997, you may be able to increase the amount of credit you can take in 1997. For details, see **Amount of Credit** in Pub. 503. If you can take a credit for your 1996 expenses, write "PYE" and the amount of the credit above line 9. Also, write the name and social security number of the person for whom you paid the prior year's expenses to the right of this amount. Then, add the credit to the amount on line 9 and replace the amount on line 9 with that total. Also, attach a statement showing how you figured the credit. See **Credit Limit** next.

Credit Limit. The amount of your credit may be limited. Some people need to complete **Form 6251,** Alternative Minimum Tax—Individuals, because the amount from line 24 of that form is used to figure the limit. Use the worksheet on this page to see if you need to complete Form 6251 and to figure the amount of credit you may claim.

Line 11

If you had a flexible spending account, any amount included on line 10 that you did not receive because you did not incur the expense is considered forfeited. Enter the forfeited amount on line 11. **Do not** include amounts you expect to receive at a future date.

Example. Under your employer's dependent care plan, you chose to have your employer set aside $5,000 to cover your 1997 dependent care expenses. The $5,000 is shown in box 10 of your W-2 form. In 1997, you incurred and were reimbursed for $4,950 of qualified expenses. You would enter $5,000 on line 10 and $50, the amount forfeited, on line 11.

Line 13

Enter the total of all qualified expenses incurred in 1997 for the care of your qualifying person(s). It does not matter when the expenses were paid.

Example. You received $2,000 in cash under your employer's dependent care plan for 1997. The $2,000 is shown in box 10 of your W-2 form. Only $900 of qualified expenses were incurred in 1997 for the care of your 5-year-old dependent child. You would enter $2,000 on line 10 and $900 on line 13.

Line 16

If your filing status is married filing separately, see **Married Persons Filing Separate Returns** on the previous page. If you are considered unmarried under that rule, enter your earned income (from line 15) on line 16. On line 18, enter the smaller of the amount from line 17 or $5,000. If you are **not** considered unmarried under that rule, enter your spouse's earned income on line 16. If your spouse was a student or disabled in 1997, see the line 5 instructions. On line 18, enter the smaller of the amount from line 17 or $2,500.

Paperwork Reduction Act Notice. We ask for the information on this form to carry out the Internal Revenue laws of the United States. You are required to give us the information. We need it to ensure that you are complying with these laws and to allow us to figure and collect the right amount of tax.

You are not required to provide the information requested on a form that is subject to the Paperwork Reduction Act unless the form displays a valid OMB control number. Books or records relating to a form or its instructions must be retained as long as their contents may become material in the administration of any Internal Revenue law. Generally, tax returns and return information are confidential, as required by Internal Revenue Code section 6103.

The time needed to complete and file this form will vary depending on individual circumstances. The estimated average time is: **Recordkeeping,** 40 min.; **Learning about the law or the form,** 25 min.; **Preparing the form,** 58 min.; and **Copying, assembling, and sending the form to the IRS,** 28 min.

If you have comments concerning the accuracy of these time estimates or suggestions for making this form simpler, we would be happy to hear from you. See the Instructions for Form 1040.

Credit Limit Worksheet—Line 9 (keep for your records)

1.	Enter the amount from Form 2441, line 9	**1.** _____
2.	Enter the amount from Form 1040, line 22, plus any net operating loss deduction and tax-exempt interest from private activity bonds issued after August 7, 1986	**2.** _____
	Next: If line 2 is over $150,000 ($112,500 if single or head of household; $75,000 if married filing separately) **OR** you file Schedule C, C-EZ, D, E, or F, complete Form 6251 through line 24. Then, complete only lines 5 and 8-10 below. Otherwise, go to line 3.	
3.	Enter $45,000 ($33,750 if single or head of household; $22,500 if married filing separately)	**3.** _____
4.	Subtract line 3 from line 2. If zero or less, **stop here;** enter on Form 1040, line 40, the amount from line 1 above. Otherwise, go to line 5	**4.** _____
5.	Enter the amount from Form 1040, line 39	**5.** _____
6.	Multiply line 4 by 26% (.26)	**6.** _____
7.	Subtract line 6 from line 5 (if zero or less, enter -0-)	**7.** _____
	Is line 7 equal to or more than line 1?	
	Yes. Stop here; enter the amount from line 1 above on Form 1040, line 40.	
	No. Complete Form 6251 through line 24 and lines 8-10 below.	
8.	Enter the amount from Form 6251, line 24	**8.** _____
9.	Subtract line 8 from line 5 (if zero or less, enter -0-)	**9.** _____
10.	Enter the **smaller** of line 1 or line 9 here and on Form 1040, line 40. If line 9 is the smaller amount, write "AMT" in the left margin next to line 40 and replace the amount on Form 2441, line 9, with that amount	**10.** _____