

2025 Regular Session

HOUSE BILL NO. 238

BY REPRESENTATIVES MCFARLAND, ADAMS, AMEDEE, BACALA, BILLINGS, WILFORD CARTER, CHASSION, CHENEVERT, DEWITT, EDMONSTON, EGAN, FISHER, GLORIOSO, GREEN, HORTON, HUGHES, JACKSON, KNOX, MELERINE, NEWELL, OWEN, SCHAMERHORN, SCHLEGEL, TARVER, TAYLOR, THOMPSON, WALTERS, WYBLE, YOUNG, AND ZERINGUE

TAX/INCOME TAX: Provides relative to tax benefits for adoption of children from foster care and donations to foster care charitable organizations

1 AN ACT

2 To amend and reenact R.S. 47:297.20(C) and 6042(B)(introductory paragraph) and (1), (D),
3 and (F)(4), relative to income tax; to provide for tax benefits for adoption of children
4 from foster care and donations to certain foster care charitable organizations; to
5 provide for a tax deduction for adoption of children from foster care; to provide for
6 a tax credit for donations to foster care charitable organizations; to provide for
7 administration of the tax deduction and tax credit by the Department of Revenue; to
8 provide for definitions; to provide for applicability; to provide for an effective date;
9 and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 47:297.20(C) and 6042(B)(introductory paragraph) and (1), (D), and
12 (F)(4) are hereby amended and reenacted to read as follows:

13 §297.20. Tax deduction; adoption from foster care

14 * * *

15 C.(1) The secretary of the Department of Revenue may promulgate rules in
16 accordance with the Administrative Procedure Act to implement the provisions of
17 this Section, including rules related to the submission of documentation when
18 claiming the deduction.

1 (2) If the rules promulgated pursuant to this Subsection require the
 2 submission of a deduction eligibility certification letter and the secretary of the
 3 Department of Revenue determines that the process of obtaining that letter is an
 4 impediment to, or causes an undue burden for, claiming of the deduction provided
 5 for in this Section, then the secretary may amend such rules to provide for an
 6 alternative process for certification of eligibility for the deduction. The process may
 7 include certification on a standardized form promulgated by the secretary in rule.

* * *

9 §6042. Credits; qualifying foster care charitable organizations

10 * * *

11 B. An organization other than a nonprofit foster care organization licensed
 12 by this state that seeks to become a qualifying foster care charitable organization
 13 shall apply to the department and provide the following:

14 (1) A statement, signed by an officer of the organization under penalty of
 15 perjury, that the organization meets all of the criteria provided in ~~Paragraph (F)(4)~~
 16 Subparagraph (F)(4)(b) of this Section.

17 * * *

18 D.(1) A ~~qualified~~ qualifying foster care charitable organization shall issue
 19 a ~~receipt~~ to each person from whom the ~~foster care~~ organization receives a donation
 20 a receipt that meets the requirements of Paragraph (2) of this Subsection. ~~The receipt~~
 21 ~~shall indicate the actual amount of the donation that was used by the foster care~~
 22 ~~organization to provide services to qualified individuals.~~ A taxpayer shall provide
 23 a copy of the receipt to the department when claiming the credit authorized by this
 24 Section.

25 (2) ~~The department shall provide a standardized format for the receipt~~
 26 ~~required pursuant to this Subsection.~~ The receipt required by this Subsection shall
 27 contain all of the following information:

28 (a) The name of the organization.

Present law requires that, when claiming the credit, a taxpayer shall provide a copy of a receipt for the donation to a qualifying foster care charitable organization. Requires DOR to provide a standardized format for the receipt.

Proposed law repeals the requirement that DOR establish the format for these receipts and provides instead for required content of the receipts (content which matches that required for charitable donation receipts for federal income tax purposes).

Proposed law applies to taxable periods beginning on or after Jan. 1, 2025.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 47:297.20(C) and 6042(B)(intro. para.) and (1), (D), and (F)(4))

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Revise specifications for receipts for donations to qualifying foster care charitable organizations.