

**As Introduced**

**132nd General Assembly  
Regular Session  
2017-2018**

**H. B. No. 304**

**Representative Young**

**A BILL**

To amend section 5747.37 of the Revised Code to  
extend a personal income tax credit available  
for the adoption of a minor child to include a  
disabled adult adopted by the adult's  
stepparent.

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That section 5747.37 of the Revised Code be  
amended to read as follows:

**Sec. 5747.37.** (A) As used in this section:

(1) ~~"Minor child" means a person under eighteen years of  
age.~~

~~(2) "Qualifying adoptee" means one of the following:~~

~~(a) An individual under eighteen years of age;~~

~~(b) An individual eighteen years of age or older who is  
permanently or totally disabled or is determined to be a person  
with an intellectual disability.~~

~~(2) "Qualifying adoptive parent" means a taxpayer who  
legally adopts a qualifying adoptee and to which one of the~~

following applies: 18

(a) In the case of a qualifying adoptee described in 19  
division (A)(1)(a) of this section, the adoptive parent is not 20  
the adoptee's stepparent; 21

(b) In the case of a qualifying adoptee described in 22  
division (A)(1)(b) of this section, the adoptive parent is the 23  
adoptee's stepparent. 24

(3) "Legally adopt" means to adopt a ~~minor child-~~ 25  
qualifying adoptee pursuant to Chapter 3107. of the Revised 26  
Code, or pursuant to the laws of any other state or nation if 27  
such an adoption is recognizable under section 3107.18 of the 28  
Revised Code. For the purposes of this section, a ~~minor child-~~ 29  
qualifying adoptee is legally adopted when the final decree or 30  
order of adoption is issued by the proper court under the laws 31  
of the state or nation under which the ~~child-adoptee~~ is adopted, 32  
or, in the case of an interlocutory order of adoption, when the 33  
order becomes final under the laws of the state or nation. 34  
~~"Legally adopt" does not include the adoption of a minor child-~~ 35  
~~by the child's stepparent.~~ 36

(B) There is hereby granted a credit against a ~~taxpayer's-~~ 37  
qualifying adoptive parent's aggregate tax liability under 38  
section 5747.02 of the Revised Code for the legal adoption by a- 39  
~~taxpayer~~ the adoptive parent of a ~~minor child~~qualifying adoptee. 40  
The amount of the credit for each ~~minor child-qualifying adoptee~~ 41  
legally adopted by the ~~taxpayer-qualifying adoptive parent~~ shall 42  
equal the greater of the following: 43

(1) One thousand five hundred dollars; 44

(2) The amount of expenses incurred by the ~~taxpayer-~~ 45  
qualifying adoptive parent and the ~~taxpayer's-~~ parent's spouse to 46

legally adopt the ~~child-qualifying adoptee~~, not to exceed ten 47  
thousand dollars. For the purposes of this division, expenses 48  
incurred to legally adopt a ~~child-a qualifying adoptee~~ include 49  
expenses described in division (C) of section 3107.055 of the 50  
Revised Code. 51

The ~~taxpayer-qualifying adoptive parent~~ shall claim the 52  
credit for each ~~child-qualifying adoptee~~ beginning with the 53  
taxable year in which the ~~child-adoptee~~ was legally adopted. If 54  
the sum of the credit to which the ~~taxpayer-qualifying adoptive~~  
~~parent~~ would otherwise be entitled under this section is greater 55  
than the total tax due under section 5747.02 of the Revised Code 56  
for that taxable year after allowing for any other credits that 57  
precede the credit under this section in the order required 58  
under section 5747.98 of the Revised Code, such excess shall be 59  
allowed as a credit in each of the ensuing five taxable years, 60  
but the amount of any excess credit allowed in any such taxable 61  
year shall be deducted from the balance carried forward to the 62  
ensuing taxable year. The credit shall be claimed in the order 63  
required under section 5747.98 of the Revised Code. For the 64  
purposes of making tax payments under this chapter, taxes equal 65  
to the amount of the credit shall be considered to be paid to 66  
this state on the first day of the taxable year. 67  
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The ~~taxpayer-qualifying adoptive parent~~ shall provide to 69  
the tax commissioner any receipts or other documentation of the 70  
expenses incurred to legally adopt the ~~child-qualifying adoptee~~ 71  
upon the request of the tax commissioner for the purpose of 72  
division (B) (2) of this section. 73

**Section 2.** That existing section 5747.37 of the Revised 74  
Code is hereby repealed. 75

**Section 3.** The amendment by this act of section 5747.37 of 76

the Revised Code applies to adoptions occurring on or after 77  
January 1, 2016. A qualifying adoptive parent who adopts a 78  
qualifying adoptee described in division (A)(1)(b) of that 79  
section on or after January 1, 2016, and before January 1, 2018, 80  
may claim the credit under that section on the taxpayer's return 81  
filed under section 5747.08 of the Revised Code for the 82  
taxpayer's taxable year beginning in 2017. The taxpayer may 83  
carry forward any unused balance of the credit claimed for five 84  
taxable years after that taxable year as provided in section 85  
5747.37 of the Revised Code. The credit for adoptions occurring 86  
on or after January 1, 2018, shall be claimed for the taxpayer's 87  
taxable year in which the adoption occurs and unused balances 88  
may be carried forward as provided in that section. 89

**Section 4.** Pursuant to division (G) of section 5703.95 of 90  
the Revised Code, which states that any bill introduced in the 91  
House of Representatives or the Senate that proposes to enact or 92  
modify one or more tax expenditures should include a statement 93  
explaining the objectives of the tax expenditure or its 94  
modification and the sponsor's intent in proposing the tax 95  
expenditure or its modification: 96

The purpose of this bill is to help disabled adults to 97  
have a strong support system and to encourage stepparents to 98  
play a supportive role in disabled adults' care by defraying the 99  
costs of adopting disabled adults. 100