



The Honorable Derek Kilmer
U.S. House of Representatives
1429 Longworth House Office Building
Washington, DC 20515

August 13, 2014

Dear Representative Kilmer,

On behalf of First Focus, a bipartisan advocacy organization dedicated to making children and families the priority in federal policy and budget decisions, I would like to express support for the Tribal Adoption Parity Act (HR 2332). As an organization that works to ensure that every child has a permanent family, we understand how critical it is to support adoptive families, especially those who adopt some of the most vulnerable children from the foster care system.

As of fiscal year 2011, over 100,000 children were waiting to be adopted in the United States. Congress sought to decrease the number of children in foster care and ease the upfront financial burden of adoption by offering an adoption tax credit to adoptive families. This adoption tax credit allows adoptive parents to claim a tax credit of up to \$10,000 by submitting documentation of qualified upfront adoption expenses, such as legal fees. To incentivize the adoption of the most vulnerable foster children, Congress also created an additional tax credit for parents who adopt children with “special needs”. Under section 23a of the Internal Revenue Code, families do not have to provide proof of their expenses when they adopt a child who has been adjudicated “special needs” by a court with jurisdiction over child welfare proceedings.

Under current tax code, states are the only entity that can make the determination that a child has “special needs” for purposes of the adoptive tax incentive. This creates a barrier for adoptions sanctioned through the tribal child welfare system as current law does not grant tribal governments the ability to designate children as “special needs”. As a result, adoptive parents of Native American children are denied benefits and equity that could undoubtedly ease the financial burden of caring for a special needs child.

The Tribal Adoption Parity Act would correct this by recognizing the authority of tribal government to determine child in their child welfare system as “special needs” for the purpose of the adoption tax credit. By doing so, the IRS would treat a Tribe’s determination of “special needs” the same way it respects a state’s determination, thus ensuring Native children are treated fairly under our nation’s tax code.

We thank you for your leadership in correcting this oversight to allow adoptive parents of Native American children to receive the same benefits as other adoptive parents. We look forward to working with you to improve the health and well-being of all our nation’s children.

Sincerely,

Bruce Lesley
President