

# Child Tax Credit for Pregnant Moms Act of 2018

## Sen. Steve Daines (R-MT) / Rep. Mark Meadows (R-NC)

### Legislative Text

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Child Tax Credit for Pregnant Moms Act”.

#### SEC. 2. CHILD TAX CREDIT ALLOWED WITH RESPECT TO UNBORN CHILDREN.

(a) IN GENERAL.—Subsection (c) of section 24 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(3) CREDIT ALLOWED WITH RESPECT TO UNBORN CHILDREN.—

“(A) IN GENERAL.—The term ‘qualifying child’ includes an unborn child for any taxable year if such child is born and issued a social security number before the due date for the return of tax (without regard to extensions) for the taxable year. For purposes of the preceding sentence, the term ‘social security number’ means a social security number issued to an individual by the Social Security Administration, but only if the social security number is issued to a citizen of the United States or is issued pursuant to subclause (I) (or that portion of subclause (III) that relates to subclause (I)) of section 205(c)(2)(B)(i) of the Social Security Act.

“(B) DOUBLE CREDIT IN CASE OF CHILDREN UNABLE TO CLAIM CREDIT.—

In the case of any child who is not taken into account under subparagraph (A) for the taxable year immediately preceding the taxable year in which the child is born, the amount of the credit determined under this section with respect to such child for the taxable year of the child’s birth shall be increased by 100 percent.

“(C) UNBORN CHILD.—For purposes of this paragraph—

“(i) UNBORN CHILD.—The term ‘unborn child’ means a child in utero.

“(ii) CHILD IN UTERO.—The term ‘child in utero’ means a member of the species homo sapiens, at any stage of development, who is carried in the womb.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2017.

### Explanation

- **Qualifying Child Includes an Unborn Child** - This bill expands the Child Tax Credit’s (CTC) definition of a “qualifying child” to include an unborn child, if such child is born and issued a social security number before the due date of tax filing.
- **Definition of an Unborn Child** – The bill’s definition of “unborn child” uses the definition from the bipartisan *Unborn Victims of Violence Act of 2004* (18 USC 1841(d)): “the term ‘unborn child’ means a child in utero, and the term ‘child in utero’ or ‘child, who is in utero’ means a member of the species homo sapiens, at any stage of development, who is carried in the womb.”
- **Mechanism of Delivery** - The CTC for an unborn child could be claimed in one of two ways:
  - A single CTC for an unborn child is allowed for the taxable year prior to the year of birth in the case of a child who is both born and issued a Social Security Number (SSN) before the due date of filing in the calendar year immediately following the taxable year. In effect, this means the

single CTC for an unborn child is only allowed for a child who is both born and issued a SSN between January 1 and April 14.

- A double CTC is allowed for the taxable year in which birth occurs, in the case of a child who could not or did not receive the single CTC for an unborn child in the taxable year prior to birth. In effect, this means the double CTC is allowed for children who are born between April 15 and December 31 (or were born in April, but received a SSN too late).
- **No IRS “Pregnancy Verification”** – Under this bill, the IRS will never have to investigate or verify whether a woman was pregnant, when she conceived, or if the child died before birth (whether due to miscarriage or abortion). This is the case because to claim either the single CTC for an unborn child or the double CTC, the parent must have a SSN for a born child by the date of filing. Moreover, eligibility for a single CTC for an unborn child or a double CTC depends solely on when birth/issuance of a SSN occurs, without regard for the date of conception.

## **Examples**

### **Example 1.**

You became pregnant with your daughter in Spring 2018. Your daughter is born on January 1, 2019, and is issued a SSN on January 15, 2019. When you file your taxes in 2019 for the 2018 tax year, you may claim a single CTC for your daughter for the 2018 tax year, the taxable year prior to that of birth, in which she was an unborn child. Your daughter will be eligible for the CTC for 17 more taxable years, through the 2035 tax year.

### **Example 2.**

You became pregnant with your daughter in Summer 2018. Your daughter is born on March 1, 2018, and is issued a SSN on March 15, 2019. When you file your taxes in 2019 for the 2018 tax year, you may claim a single CTC for your daughter for the 2018 tax year, the taxable year prior to that of birth, in which she was an unborn child. Your daughter will be eligible for the CTC for 17 more taxable years, through the 2035 tax year.

### **Example 3.**

You became pregnant with your son in Spring 2018. Your son is born on December 31, 2019. He is issued a SSN on January 14, 2019. When you file your taxes in 2019 for the 2018 tax year, you may claim a double CTC for your son because he was not allowed a single CTC as an unborn child for the 2017 tax year, the taxable year prior to that of birth. Your son will be eligible for the CTC for 16 more taxable years, through the 2034 tax year.

### **Example 4.**

You became pregnant with your son in Fall 2017. When you file your taxes in 2018 for the 2017 tax year, although you are pregnant with your son who is an unborn child, you may not claim a credit for him for the 2017 tax year because the child was not born and issued a SSN before April 15, 2018, the filing due date for the 2017 tax year. Subsequently, your son is born on August 3, 2018, and receives a SSN on August 17, 2018. When you file your taxes in 2019 for the 2018 tax year, you may claim a double CTC for your son because he was not allowed a single CTC as an unborn child for the 2017 tax

year, the taxable year prior to that of birth. Your son will be eligible for the CTC for 16 more taxable years, through the 2034 tax year.

**Example 5.**

You became pregnant with your daughter in late Spring 2018. Your daughter is born on April 5, 2019, and receives a SSN on April 16, 2019. When you file your taxes in 2019 for the 2018 tax year, although your daughter was an unborn child in the 2018 tax year, you may not claim a single CTC for her as an unborn child for the 2018 tax year because she was not issued a SSN before April 15, 2019, the filing due date for the 2018 tax year. Instead, when you file your taxes in 2020 for the 2019 tax year, you may claim a double CTC for your daughter because she was not allowed a single CTC as an unborn child for the 2017 tax year, the taxable year prior to that of birth. Your daughter will be eligible for the CTC for 16 more taxable years, through the 2035 tax year.

**Example 6.**

If you experience a miscarriage or stillbirth of your unborn child, you may not claim a CTC for that child pursuant to IRS policy and the law, since the child was not born alive and no SSN was issued for that child.

**Example 7.**

You became pregnant with your daughter in Spring 2018. Your daughter is born on December 31, 2018, but dies on her day of birth, before a SSN is issued for her. Under IRS policy, you may claim a CTC for your daughter who was born-alive and then dies before getting a SSN by entering "DIED" in column 2 of line 6c of the Form 1040 or Form 1040A, U.S. Individual Income Tax Return, and then attaching a copy of the child's birth certificate or a hospital record showing a live birth. When you file your taxes in 2019 for the 2018 tax year, you may claim a double CTC for your daughter who was unborn and born alive in the 2018 tax year, because she was not allowed a single CTC as an unborn child for the 2017 tax year, the taxable year prior to that of birth.

**Example 8.**

You became pregnant with your daughter in Spring 2018. Your daughter is born on January 1, 2019, but dies on her day of birth, before a SSN is issued for her. Under IRS policy, you may claim a CTC for your daughter who was born-alive and then died before getting a SSN by using the same documentation described in Example 6. You may claim a single CTC for both the 2018 and 2019 tax years for your daughter, since she was unborn in the 2018 tax year and born alive on January 1 of the 2019 tax year.