

NOTICE OF INTENT

Department of Revenue Tax Policy and Planning Division

Donations to Qualifying Foster Care Charitable Organization Credit (LAC 61:I.1925)

Under the authority of R.S. 47:1511 and 6042 and in accordance with the provisions of the Administrative Procedures Act, R.S. 49:950 et seq., the Department of Revenue, Tax Policy and Planning Division proposes to amend LAC 61:I.1925 relative to the Donation to Qualifying Foster Care Charitable Organization credit.

The purpose of this Rule is to update or repeal provisions that duplicate or are inconsistent with the statutory provisions providing for the Donations to Qualifying Foster Care Charitable Organization Credit.

Title 61 REVENUE AND TAXATION

Part I. Miscellaneous Tax Exemptions, Credits and Deductions

Chapter 19.

§1925. Donations to Qualifying Foster Care Charitable Organization Credit

A.-A.1. ...

2. ~~QFCCOs are certified by the Department to receive contributions eligible for the tax credit. This certification only pertains to the Donation to Qualifying Foster Care Charitable Organization Credit. This program does not apply to general licensing, operations, or the deductibility of donations to charitable organizations.~~

3-4 ...

B.

Department the Department of Revenue.

Qualified Individual a child in a foster care placement program established by the Department of Children and Family Services.

Qualified Services cash assistance, medical care, child care, food, clothing, shelter, job placement, and job training services or any other assistance reasonably necessary to meet immediate basic needs that are provided to a qualified individual and used in Louisiana.

Qualifying Foster Care Charitable Organization an organization that meets all of the following criteria:

- a. is exempt from federal income tax pursuant to section 501(c)(3) of the Internal Revenue Code;
- b. provides services to at least 25 qualified individuals each operating year;
- c. spends at least 75 percent of its total budget on providing services to qualified individuals or spends at least 75 percent of its funds budgeted for Louisiana on providing services to qualified individuals and the organization certifies to the department that 100 percent of the donations it receives from Louisiana residents will be spent on providing services to qualified individuals;
- d. is approved by the department

Taxpayer a person who is required to file a Louisiana income tax return.

C. – E.1. ...

2. ~~All returns received on the same business day shall be treated as received at the same time, and if the aggregate amount of requests received on the same business day exceeds the total amount of the available credits:~~

- ~~a. tax credits shall be approved on a pro rata basis; and~~
- ~~b. the excess shall be treated as having been applied for on the first day of the subsequent year.~~

F. ~~Other Tax Benefits Disallowed~~

1. ~~A taxpayer shall not receive any other state tax credit, exemption, exclusion, deduction, rebate, or any other state tax benefit for a donation for which the taxpayer has received a tax credit pursuant to R.S. 17:6042.~~

2. ~~The credit may be used in addition to any federal tax credits earned for the same donation.~~

G. ~~Application for Certification as a Qualifying Foster Care Charitable Organization.~~

1. ~~An organization that seeks to become a QFCCO may apply for certification at any time during the year and must submit the following to the Department:~~

a. ~~Completed Form R 68010, Application for Certification as a Qualifying Foster Care Charitable Organization.~~

b. ~~A copy of the Internal Revenue Service ruling establishing the organization is exempt from federal income tax pursuant to Section 501(e)(3) of the Internal Revenue Code.~~

c. ~~A copy of the organization's operating budget for the prior operating year and a schedule detailing the amount of the budget spent on providing qualified services to qualified individuals.~~

d. ~~A copy of Federal Form 990 and 990 T and all attachments filed by the organization for the last tax year filed.~~

e. ~~A copy of the financial statements and detailed schedule of expenses for the QFCCO from the prior year.~~

f. ~~A schedule detailing how the organization calculated the percentage of its budget spent on providing services to qualified individuals.~~

g. ~~A statement that the organization intends to continue spending at least seventy-five percent of its total~~

~~budget on providing services to qualified individuals or intends to continue spending at least seventy-five percent of its funds budgeted for Louisiana on providing services to qualified individuals and that one hundred percent of the donations it receives from Louisiana residents will be spent on providing services to qualified individuals.~~

2. ~~Within two months of receipt of an *Application for Certification as a Qualifying Foster Care Charitable Organization*, the department shall notify the applicant of their status by way of approval notated on the application to the mailing address designated on the application. Certification is valid beginning January 1 of the year that an organization is approved.~~

3. ~~If the application is denied, the department will inform the applicant of its grounds for denial and allow 15 business days from date on the status letter for the applicant to correct any defects. Ground for denials include, but are not limited to:~~

a. ~~failure of the applicant to submit any information required by the application;~~

b. ~~failure of the applicant to submit any additional information requested by the Department.~~

H. QFCCO Reporting

1. A QFCCO must electronically submit file a report by email to TaxCreditRegistry@la.gov, which is prepared by an independent certified public accountant not related to a donor or affiliated with the QFCCO, and which includes all information required by R.S. 47:6042(C)(2), with the department no later than January 31 of each year. When all donations received by a QFCCO in the prior calendar year are used to provide services to qualified individuals, the report may include the total amount of donations received and a statement that to that effect in lieu of the requirements in R.S. 47:6042(C)(2)(c) and (d). to the below address:

Louisiana Department of Revenue

P.O. Box 44098

Baton Rouge, LA 70804

2. This annual report shall contain the following information:

a. a certification that the QFCCO continues to meet the requirements set forth by R.S. 47:6042;

b. a certification that the QFCCO spent 100 percent of the donations received from Louisiana residents on providing qualified services to qualified individuals;

c. a listing of all donations made that includes:

i. the name, social security number, or Louisiana Revenue Account Number, and federal taxpayer identification numbers of each taxpayer who donated to the QFCCO during the prior calendar year;

ii. the amount of each donation received during the prior calendar year;

iii. the amount of each donation utilized during the prior calendar year to provide qualified services to qualified individuals and the services provided;

d. notification to the department of changes that may affect certification eligibility.

I. Forms

a. Form R 68009, Receipt for Donation to Qualifying Foster Care Charitable Organization Credit, shall require information including, but not limited to: the taxpayer's name, mailing address, Louisiana revenue account number or last four digits of the taxpayer's Social Security number, the date the donation was made, the name of the QFCCO and amount of the donation used by the QFCCO to provide services to qualified individuals.

b. Form R 68010, Application for Certification as a Qualifying Foster Care Charitable Organization, shall require information including, but not limited to: the QFCCOs name, address, Louisiana revenue account number (if applicable), federal employer identification number, contact individual's e-mail address and telephone number, and certification that the QFCCO meets certain criteria under R.S. 47:6042(F)(4).

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1511 and 6042.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 48:2988 (December 2022), amended by the Department of Revenue, Tax Policy and Planning Division, 52:

Family Impact Statement

The proposed amendments should not have any known or foreseeable impact on any family as defined by R.S. 49:972(D) or on family formation, stability and autonomy. Specifically, the implementation of this proposed Rule will have no known or foreseeable effect on:

1. The stability of the family.
2. The authority and rights of parents regarding the education and supervision of their children.

3. The functioning of the family.
4. Family earnings and family budget.
5. The behavior and personal responsibility of children.
6. The ability of the family or a local government to perform this function.

Poverty Statement

These proposed amendments will have no impact on poverty as described in R.S. 49:973.

Small Business Analysis

These proposed amendments are not anticipated to have a significant adverse impact on small businesses as defined in the Regulatory Flexibility Act. The agency, consistent with health, safety, environmental and economic factors has considered and, where possible, utilized regulatory methods in drafting this proposed amendment to accomplish the objectives of applicable statutes while minimizing any anticipated adverse impact on small businesses.

Provider Impact Statement

These proposed amendments will have no known or foreseeable effect on:

1. The staffing levels requirements or qualifications required to provide the same level of service.
2. The total direct and indirect effect on the cost to the provider to provide the same level of service.
3. The overall effect on the ability of the provider to provide the same level of service.

Public Comments

Any interested person may submit written data, views, arguments or comments regarding these proposed amendments to Morgan Newton, Attorney, Tax Policy and Planning Division, via email to morgan.newton@la.gov and reference Donations to Qualifying Foster Care Charitable Organizations. All comments must be received no later than 4:00 p.m., Monday, January 26, 2026.

Public Hearing

Interested persons may submit a written request for a public hearing no later than January 10, 2026, at 4:30 p.m. Requests may be submitted via email to morgan.newton@la.gov and reference Donations to Qualifying Foster Care Charitable Organizations. Pursuant to R.S. 49:961(B)(1), a public hearing will be held only if the statutory requirements are satisfied. If those requirements are met, the hearing will take place on Tuesday, January 27, 2026, at 10:00 a.m. in the River Room, on the seventh floor of the LaSalle Building, 617 North Third Street, Baton Rouge, LA 70802. Should individuals with a disability need an accommodation in order to participate, contact Morgan Newton at the address given above in the Public Comments section, by email at LDRadarequests@la.gov, or by phone at (225) 219-2780.

Richard Nelson
Secretary, Department of Revenue