

***Caution: DRAFT FORM***

This is an advance proof copy of an IRS tax form. It is subject to change and OMB approval before it is officially released. You can check the scheduled release date on our web site ([www.irs.gov](http://www.irs.gov)).

If you have any comments on this draft form, you can submit them to us on our web site. Include the word DRAFT in your response. You may make comments anonymously, or you may include your name and e-mail address or phone number. We will be unable to respond to all comments due to the high volume we receive. However, we will carefully consider each suggestion. So that we can properly consider your comments, please send them to us within 30 days from the date the draft was posted.

**Qualified Adoption Expenses**

Department of the Treasury  
Internal Revenue Service

▶ Attach to Form 1040 or 1040A.

▶ See separate instructions.

Attachment  
Sequence No. **38**

Name(s) shown on return

Your social security number

**Before you begin:** You need to understand the following terms. See **Definitions** on page 1 of the instructions.

- **Eligible Child**
- **Employer-Provided Adoption Benefits**
- **Qualified Adoption Expenses**

**Part I Information About Your Eligible Child or Children**—You must complete this part. See page 2 of the instructions for details, including what to do if you need more space.

1	(a) Child's name  First Last		(b) Child's year of birth	Check if child was—			(f) Child's identifying number
				(c) born <b>before</b> 1987 and was disabled	(d) a child with special needs	(e) a foreign child	
Child 1				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	: : : :
Child 2				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	: : : :

**Caution:** If the child was a foreign child, see **Special Rules** in the instructions for line 1, column (e), that begin on page 2, before you complete Part II or Part III. If you received **employer-provided adoption benefits**, complete Part III on the back next.

**Part II Adoption Credit**

	Child 1	Child 2	
2 Maximum credit per child . . . . .	\$10,390	00	\$10,390 00
3 Did you file Form 8839 for a prior year? <input type="checkbox"/> <b>No.</b> Enter -0-. <input type="checkbox"/> <b>Yes.</b> See page 3 of the instructions for the amount to enter. } . . . . .			
4 Subtract line 3 from line 2 . . . . .			
5 Enter your total <b>qualified adoption expenses</b> (see page 3 of the instructions) <b>Caution:</b> Your <i>qualified adoption expenses</i> may not be equal to the <i>adoption expenses</i> you paid in 2004.			
6 Enter the <b>smaller</b> of line 4 or line 5 . . . . .			
7 Add the amounts on line 6. If zero, skip lines 8 through 11 and enter -0- on line 12 . . . . .			<b>7</b>
8 Enter your modified adjusted gross income (see page 4 of the instructions)	<b>8</b>		
9 Is line 8 more than \$155,860? <input type="checkbox"/> <b>No.</b> Skip lines 9 and 10, and enter -0- on line 11. <input type="checkbox"/> <b>Yes.</b> Subtract \$155,860 from line 8 . . . . .		<b>9</b>	
10 Divide line 9 by \$40,000. Enter the result as a decimal (rounded to at least three places). Do not enter more than "1.000" . . . . .			<b>10</b> × .
11 Multiply line 7 by line 10 . . . . .			<b>11</b>
12 Subtract line 11 from line 7 . . . . .			<b>12</b>
13 Credit carryforward from prior years. Enter the amount, if any, from line 23 of your <b>Credit Carryforward Worksheet</b> on page 4 of the <b>2003</b> Form 8839 instructions. . . . .			<b>13</b>
14 Add lines 12 and 13 . . . . .			<b>14</b>
15 Enter the amount from Form 1040, line 45, or Form 1040A, line 28 . . . . .	<b>15</b>		
16 <b>1040 filers:</b> Enter the total of the amounts from Form 1040, lines 46 through 52. <b>1040A filers:</b> Enter the total of the amounts from Form 1040A, lines 29 through 33. } . . . . .		<b>16</b>	
17 Subtract line 16 from line 15 . . . . .			<b>17</b>
18 <b>Adoption credit.</b> Enter the smaller of line 14 or line 17 here and on Form 1040, line 53, or Form 1040A, line 34. If line 17 is smaller than line 14, you may have a credit carryforward (see page 4 of the instructions). . . . .			<b>18</b>

**Part III Employer-Provided Adoption Benefits**

		Child 1		Child 2	
<b>19</b>	Maximum exclusion per child . . . . .	<b>19</b>	\$10,390 00	\$10,390 00	
<b>20</b>	Did you receive <b>employer-provided adoption benefits</b> for a prior year?  <input type="checkbox"/> <b>No.</b> Enter -0-. <input type="checkbox"/> <b>Yes.</b> See page 4 of the instructions for the amount to enter.	<b>20</b>			
<b>21</b>	Subtract line 20 from line 19 . . . . .	<b>21</b>			
<b>22</b>	Enter the total amount of employer-provided adoption benefits you received in 2004. This amount should be shown in box 12 of your 2004 Form(s) W-2 with code <b>T</b> . . . . .	<b>22</b>			
<b>23</b>	Add the amounts on line 22 . . . . .	<b>23</b>			
<b>24</b>	Enter the <b>smaller</b> of line 21 or line 22. But if the child was a child with special needs and the adoption became final in 2004, enter the amount from line 21.	<b>24</b>			
<b>25</b>	Add the amounts on line 24. If zero, skip lines 26 through 29, enter -0- on line 30, and go to line 31 . . . . .	<b>25</b>			
<b>26</b>	Enter your modified adjusted gross income (from the worksheet on page 5 of the instructions). . . . .	<b>26</b>			
<b>27</b>	Is line 26 more than \$155,860? <input type="checkbox"/> <b>No.</b> Skip lines 27 and 28, and enter -0- on line 29. <input type="checkbox"/> <b>Yes.</b> Subtract \$155,860 from line 26 . . . . .	<b>27</b>			
<b>28</b>	Divide line 27 by \$40,000. Enter the result as a decimal (rounded to at least three places). Do not enter more than "1.000" . . . . .	<b>28</b>		×	
<b>29</b>	Multiply line 25 by line 28 . . . . .	<b>29</b>			
<b>30</b>	<b>Excluded benefits.</b> Subtract line 29 from line 25 . . . . .	<b>30</b>			
<b>31</b>	<b>Taxable benefits.</b> Is line 30 more than line 23? <input type="checkbox"/> <b>No.</b> Subtract line 30 from line 23. Also, include this amount, if more than zero, on line 7 of Form 1040 or 1040A. On the line next to line 7, enter "AB." <input type="checkbox"/> <b>Yes.</b> Subtract line 23 from line 30. Enter the result as a negative number. Reduce the total you would enter on line 7 of Form 1040 or 1040A by the amount on Form 8839, line 31, and enter the result on line 7 of Form 1040 or 1040A. On the line next to line 7, enter "SNE."	<b>31</b>			



You may be able to claim the adoption credit in Part II on the front of this form if either of the following apply.

- The total adoption expenses you paid in 2004 were not fully reimbursed by your employer and the adoption became final in 2004 or earlier.
- You adopted a child with special needs and the adoption became final in 2004.