Social Security Caregiver Credits: Supplemental Material

Capita Family Policy Lab | July 2026

Model Legislation

To amend title II of the Social Security Act to credit individuals serving as caregivers of dependent children under the age of 6 with deemed wages for up to five years of such service.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Short title.

This Act may be cited as the "Social Security Caregiver Credit Act of [X]".

SEC. 2. Deemed wages for caregivers of dependent children.

(a) In general.—Title II of the Social Security Act is amended by adding after section 234 (42 U.S.C. 434) the following new section:

"Deemed wages for caregivers of dependent children.

"Sec. 235. (a) Definitions.—For purposes of this section—

"(1) (A) Subject to subparagraph (B), the term 'qualifying month' means, in connection with an individual, any month during which such individual was engaged for not less than 80 hours in providing child care during business hours to a dependent child who had not yet attained the age of 6.

"(B) The term 'qualifying month' does not include any month ending after the date on which such individual attains retirement age (as defined in section 216(l)).

"(2) The term 'dependent child' means, in connection with an individual, a child who has not yet attained the age of 6 for whom the individual is a biological parent or legal guardian.

"(b) Deemed Wages of Caregiver.— (1) (A) For purposes of determining entitlement to and the amount of any monthly benefit for any month after December 2026, or entitlement to and the amount of any lump-sum death payment in the case of a death after such month, payable under this title on the basis of the wages and self-employment income of any individual, and for purposes of section 216(i)(3), such individual shall be deemed to have been paid during each qualifying month (in addition to wages or self-employment income actually paid to or derived by such individual during such month) at an amount per month equal to—

"(i) in the case of a qualifying month during which no wages or self-employment income were actually paid to or derived by such individual, 50 percent of the national average wage index (as defined in section 209(k)(1)) for the second calendar year preceding the calendar year in which such month occurs; and

"(ii) in the case of any other qualifying month, the excess of the amount determined under clause (i) over 1/2 of the wages or self-employment income actually paid to or derived by such individual during such month.

"(B) In any case in which there are more than 60 qualifying months for an individual, only the last 60 of such months shall be taken into account for purposes of this section.

"(C) Any increase in Social Security benefits attributable to caregiver credits under this provision shall be disregarded for purposes of determining Supplemental Security Income eligibility and benefit amounts.

"(2) Paragraph (1) shall not be applicable in the case of any monthly benefit or lump-sum death payment if a larger such benefit or payment, as the case may be, would be payable without its application.

"(c) Rules and regulations.—

"(1) Not later than 1 year after the date of the enactment of this section, the Commissioner of Social Security shall promulgate such regulations as are necessary to carry out this section, maximize uptake by eligible individuals, and to prevent fraud and abuse with respect to the benefits under this section, including regulations establishing procedures for the application and certification requirements described in paragraph (2).

"(2) A qualifying month shall not be taken into account under this section with respect to an individual unless—

"(A) the individual submits to the Commissioner of Social Security an application for benefits under this section that includes—

"(i) the name and identifying information of the dependent child with respect to whom the individual was engaged in providing care during such month;

"(iii) such other information as the Commissioner may require to verify the status of the dependent relative; and

"(B) for every qualifying month or period of up to 12 consecutive qualifying months that occurs after the first period of 12 consecutive qualifying months, the individual certifies or there is alternative certification, in such form and manner as the Commissioner shall require, that the information provided in the individual's application for benefits under this section has not changed.".

(3) An individual may submit copies of individual tax forms accepted by the Internal Revenue Service in order to satisfy the requirements in this section, provided the forms include the information necessary to make a qualifying determination.

(4) The Commissioner of Social Security and the Commissioner of the IRS shall, within 12 months of the enactment of this Act, submit to the relevant committees of jurisdiction a report on the feasibility of automating deemed wages of caregivers under this Act, based on tax filings.

(5) The regulations promulgated under paragraph (1) shall establish rules governing the interaction between benefits under this section and benefits received under any State or Federal paid family or medical leave program. Such rules shall ensure that an individual's receipt of benefits under such a program does not reduce, and is not counted against, the individual's eligibility for or amount of benefits under this section, except to the extent necessary to prevent crediting the same period of caregiving as both covered earnings and credited earnings under this section.

(b) CONFORMING AMENDMENT.—Section 209(k)(1) of such Act (42 U.S.C. 409(k)(1)) is amended—

(1) by striking "and" before "230(b)(2)" the first time it appears; and

(2) by inserting "and 235(b)(1)(A)(i)," after "1977),".