



## Virtual Summer Day Camps and Dependent Care FSAs

### What is the Employee Benefit?

A Dependent Care FSA allows employees to set aside pretax dollars to pay for work-related custodial care for a child under 13 years of age or a dependent over 13 who is mentally and physically incapable of self-care. This account usually covers summer day camps, but the pandemic brings additional questions around virtual camps.

### Things to Know:

- **Requirements**

Qualifying dependent care expenses must satisfy a three-part test.

1. The camp must be provided to a dependent.
2. The expense must be incurred to allow you and your spouse (if filing jointly), to work or look for work.
3. The expense must be incurred for providing care of a dependent.

**Please note:** The term “care” is for the primary purpose of maintaining “well-being and protection” of a dependent. School tuition is not a qualifying dependent care expense because its primary purpose is education but a reading tutor within a daycare program could be.

- **Consideration of Care Provider**

When dependents are home and parents are working from home – the parent is providing care. When the parent pays to enroll a dependent in day camp, the parent is having someone else watch over the child’s activities. If the expense is for the primary purpose of maintaining the child’s well-being and protection and would otherwise the other two tests – then it is an eligible expense. Additionally, the situation does not change if this vigilance is provided via an online platform with mutual audio and visual functions.

The facts and circumstances of each situation determine whether the expense is eligible. A parent submitting a reimbursement in a Dependent Care FSA attests the expense meets all three of these tests.

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