

OVERVIEW: Taking Leave from Work for Foster Parents in California

Most foster parents in California, including relatives, have the right to take leave from work with partial pay to bond with and care for their foster child. This handout covers how to protect your job when you need to take time off to care for your child, as well as how to get paid for some of that time. All of the rights described below apply regardless of immigration status. Be sure to check your employee handbook and/or collective bargaining agreement to learn what protections you may have beyond what is listed below.

For more in depth information, see Legal Aid at Work and the Youth Law Center's Fact Sheet: [Taking Leave from Work to Care for a Foster Child in California](#) (2023).

Time Off From Work

The California Family Rights Act (CFRA) gives foster parents the right to take **12 weeks** off from work to bond with or care for their foster child. Your employer must continue your health insurance benefits during CFRA leave, and you have the right to return to your same or comparable job after your leave. You qualify if you:

- have worked for your employer for at least **one year** before your leave,
- have worked at least **1250 hours** (about 25 hours per week) in the year before your leave, and
- work for an employer with at least **5 employees**.



Pay While You Are On Leave

California Paid Family Leave (PFL) provides 60-70% of your pay during **8 weeks** of your leave if you have earned wages and paid into the State Disability Insurance (SDI) fund at any time during your base period (in the last 5-18 months before your claim). You can confirm you paid into the SDI fund by checking your paystub for a deduction for "CASDI" or "SDI." In 2025, PFL will provide up to 90% of your regular income for most low- and middle-income workers.

For what reasons may I take leave to care for a foster child?

Under the CFRA, you can take a total of 12 weeks of job-protected leave:

- **to bond** with your child *within one year* of the child’s placement in your home (bonding leave); or
- **to care** for a foster child with a serious health condition (caregiving leave).
 - o A serious health condition is a mental or physical impairment that involves either continuing treatment by a health care provider or an overnight stay in a hospital or other health facility. For example, you can take intermittent job-protected leave of two hours per week to take your foster child to weekly therapy appointments, or you can take two weeks to care for them while they recover from surgery.
 - o Up to 12 weeks of caregiving leave can be taken *each year*.



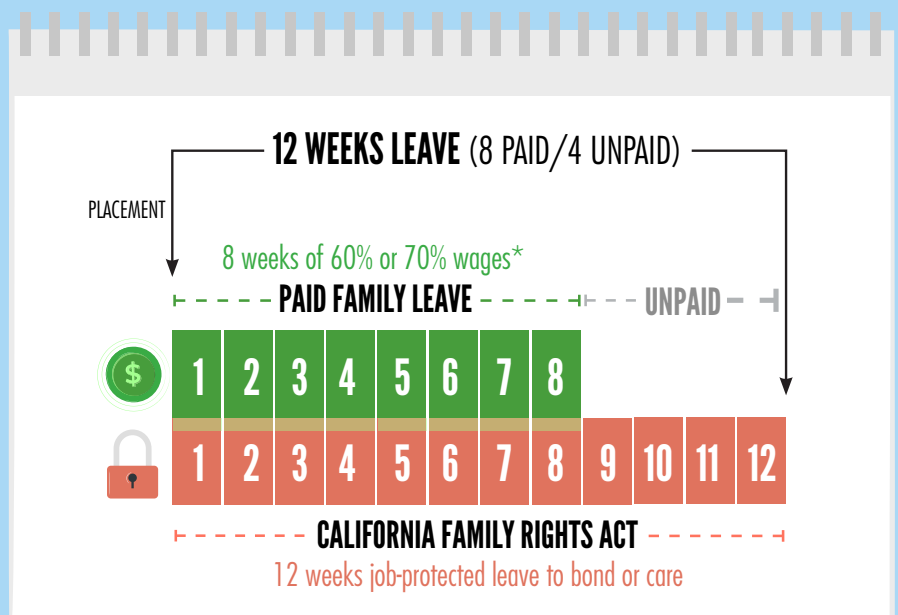
The PFL program gives foster parents the right to receive 8 weeks of partial pay each year *for the same reasons you can take job-protected leave under CFRA*.

In two-parent homes, both parents can take bonding leave, either at the same time or at different times.

How do job-protected CFRA leave and PFL work together?

If you are eligible for both CFRA leave and PFL, they will run at the same time, not separately. This chart shows how job-protected CFRA leave and PFL wage replacement benefits work together when taken to bond with or care for a foster child. CFRA will protect your job, and PFL will provide you with income.

HOW IT ALL FITS TOGETHER: Job-Protection & Wage Replacement for Foster Parents



*beginning in 2025, this will increase to 90% of income for most workers

How do I apply for leave and wage replacement?

Job-Protected Leave (CFRA): Ask your employer and follow their policy for requesting leave. Give your employer 30 days' notice if possible, and put your request in writing.

For bonding leave, tell your employer you need leave due to the placement of your foster child. Employers may ask for verification, such as a statement from you or a letter from the county confirming that the child has been placed with you.

For caregiving leave for your child's serious health condition, you don't need to disclose their diagnosis, but should say you need leave to care for your child's serious health condition. Employers may request certification from a qualified healthcare provider. The certification must include (1) the date (if known) the serious health condition began, (2) the probable duration of the condition, (3) the estimated amount of time

that the health care provider believes the employee needs to provide care, and (4) a statement that the serious health condition warrants the participation of employee to provide care.

Paid Family Leave (PFL): You can apply with a paper form or online through the Employment Development Department (EDD), using [SDI Online](#). You can apply on (but not before) the first day of your leave up until 41 calendar days after your leave begins (or even later if you have a good reason for the delay).

For bonding claims, you will need to provide to the EDD a proof of relationship document, such as a letter from a child welfare agency, the juvenile court, or other external evidence of the relationship between you and the child. You should ensure that the document does not violate the confidentiality rules about sharing foster youth's information and records. Getting a letter from the juvenile court would be the safest way to ensure you've been given permission to share the needed information. The EDD currently requires that the proof of relationship document contains the:

- Child's name;
- Child's date of birth;
- Child's gender;
- Date of placement;
- Name of parents with whom the child is placed;
- Dated non-electronic signature of the social worker, probation officer, child welfare director, or authorized designee.

For caregiving claims, you will need to submit a **certification** from a qualified healthcare provider to EDD.

What do I do if my employer denies my leave or EDD denies my PFL benefits?

Job-Protected Leave (CFRA): If your employer denies or interferes with your right to job-protected leave, or discriminates or retaliates against you for taking or asking for leave, you must **file a complaint** with the California Civil Rights Department within three years of the wrongful denial or adverse action in order to be able to pursue your claim in court.

Paid Family Leave: If the EDD denies your PFL claim, you should automatically receive an appeal form in the mail. You may appeal the decision electronically or in writing within 30 days of the notice of your denial. See the **EDD's PFL Appeals page**.



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