Taking time off from work

Adoptive and foster parents qualify under several California and Federal laws to take time off from work to care for a child. Adoptive parents qualify for FMLA\(^74\) and CFRA job-protected leave after the placement or adoption of a child. FMLA can also be used prior to placement if the parent needs to “attend counseling sessions, appear in court, consult with their attorney or the birth parent’s representative, submit to a physical examination, or travel to another country to complete an adoption before the actual date of placement.”\(^75\) California’s paid family leave program\(^76\) provides wage replacement for adoptive and foster parents while they take FMLA/CFRA leave. Adoptive and foster parents are also able to use sick leave to take time off from work to care for their children.\(^77\) The Family-School Partnership Act allows adoptive and foster parents to take time off from work to attend school events.\(^78\)

The birth parent would be able to take Pregnancy Disability leave in order to recover from childbirth. Pregnancy disability leave provides time off from work to a person who is physically disabled by pregnancy, childbirth or related conditions.\(^18\)

See Six Key Laws for Working Parents on page 12 for more information.

Breastfeeding and Lactation Rights

An adoptive parent may choose to induce lactation in order to breastfeed an adopted child. An adoptive parent should work with their healthcare provider and a lactation professional when inducing lactation. Inducing lactation can mean either that a parent who previously breastfed stimulates lactation in order to produce breast milk again, or that a parent who has not breastfed stimulates lactation for the first time. The American Academy of Family Physicians position statement on human milk supports inducing lactation.\(^77\)

If the birth parent chooses to express breast milk for the infant after the infant is placed for adoption, then the birth parent is entitled to lactation accommodations and protections.

At this time there are no clear legal guidelines for a foster parent who wants to breastfeed. The La Leche League blog featured one foster parent’s experience in December of 2016.\(^79\)