When parents welcome a new child into the family by working with a surrogate, both the surrogate and the intended parents have protections under California law. A surrogate is a person who agrees to carry and birth a child for another person or family. The intended parents will be the legal parents of the child when they are born. The state of California has a specific law that regulates surrogacy agreements and establishing of parental rights for the intended parents. For more information about parental rights, please consult with an attorney who is familiar with surrogacy agreements.

**Taking Time off from Work**

Pregnancy disability leave provides time off from work to a person who is physically disabled by pregnancy, childbirth or related conditions. This means that a surrogate would be able to take time off from work to recover from childbirth under pregnancy disability leave. See *Six Key Laws for Working Parents* page 12 for more information about pregnancy disability leave.

Once the intended parents establish legal parental rights for their child, the intended parents qualify to take time off from work to care for a child under a number of laws. FMLA/CFRA provides job-protected leave so that parents can take job-protected leave to care for their child after their child is born. The California Paid Family Leave program provides wage replacement for parents who need to take FMLA/CFRA leave. Parents are also able to take sick leave to care for a child. The Family School Partnership Act provides that parents can take job-protected leave from work in order to attend school events.

See *Six Key Laws for Working Parents* on page 12 for more information about these laws.

**Breastfeeding and Lactation**

In a surrogacy situation, the intended parent may choose to induce lactation and breastfeed their baby or the surrogate may choose to pump breast milk for the baby. An intended 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.