

**✦ Paid Family Leave  
FACT SHEET #3  
WELCOMING A NEW BABY OR CHILD**

Workers who participate in the State Disability Insurance (SDI) Program are entitled to a maximum of six weeks of partial pay each year while taking time off from work to bond with a newborn baby, newly adopted or foster child, or to care for a seriously ill parent, child, spouse or registered domestic partner.

**Birth of a Child**

**1. Can I receive Paid Family Leave benefits after taking Pregnancy Disability Leave (PDL)?**

Yes, even if you received SDI payments during your pregnancy disability leave, you can receive PFL benefits while you are bonding with your new child. In addition, the seven-day waiting period required for SDI when taking PDL counts towards the seven-day waiting period for PFL. You are not required to wait an extra seven days before receiving PFL benefits.

**2. Do I have to apply for Paid Family Leave benefits immediately after my baby is born, or can I receive benefits when I take leave later?**

You can receive PFL benefits when you take leave any time within one year of your child's birth.

**3. Can my spouse/registered domestic partner and I both receive PFL benefits to bond with our new baby?**

Yes, both parents can receive PFL benefits when taking leave to bond with a new child.

**4. My registered domestic partner is having a baby. Can I receive PFL benefits when I take time to bond with the baby if she is still at home on Pregnancy Disability Leave?**

Yes, you can receive PFL benefits when you take leave to bond with your new child any time within the first year of the child's birth, regardless of whether your partner is on leave.

**5. If I take leave when my baby is born, can my spouse/registered domestic partner take leave and receive PFL benefits at a later date?**

Yes, both parents do not have to take leave or apply for PFL benefits to bond with a new child at the same time. In fact, many parents choose to take leave and apply for benefits during different periods, so that at least one of them is home to bond with the new child.

**6. Must I take all six weeks to bond with my baby at the same time?**

No, you do not have to take all six weeks of leave at the same time. In addition, once you have served the seven-day waiting period, you do not have to serve a second seven-day waiting period, if you are taking leave for the same reason.

**7. Do I have to submit any documentation other than the claim form to receive benefits while I bond with my newborn baby?**

Yes. You must provide a photocopy of a birth certificate or a letter from the hospital indicating the baby's name, gender, date of birth, name of mother, name of father, if known, or registered domestic partner.

**PAID FAMILY LEAVE COLLABORATIVE**  
[www.paidfamilyleave.org](http://www.paidfamilyleave.org)

Asian Law Caucus ✦ California Women's Law Center ✦ Equal Rights Advocates  
Labor Project for Working Families ✦ The Legal Aid Society-Employment Law Center

**8. If I receive six weeks of Paid Family Leave benefits to bond with my newborn baby and then one of my parents becomes seriously ill later in the year, will I be able to receive another six weeks of Paid Family Leave benefits?**

No. You are limited to six weeks of benefits within a 12-month period, regardless of the reason for the leave.

**9. Is my employer required to continue my health benefits while I am on Paid Family Leave?**

The PFL law does not require your employer to provide health benefits while you are receiving PFL benefits. However, other laws, such as the Family and Medical Leave Act, the California Family Rights Act, and the Pregnancy Disability Leave law may require your employer to continue your health benefits while you are on leave. Consult with an attorney or legal advocate to learn more about your rights.

**10. My employer says he cannot hold my job for me if I take Paid Family Leave. What can I do?**

Your job may be protected pursuant to the Family and Medical Leave Act and the California Family Rights Act, which are federal and state leave laws. These and other laws also protect workers from discrimination and retaliation for exercising their rights. Consult with an attorney or legal advocate to learn more about your rights under these laws. You can also contact one of the organizations listed at the end of this fact sheet.

### **Adoption of a Child / Foster Child Placement**

**11. I am adopting a child. Does Paid Family Leave start when the adopted child enters the home? What if I adopt from outside the country and must travel to get the child?**

As defined by the regulations, “bonding” means to develop a psychological and emotional attachment between a child and his or her primary care giver(s). This involves being in one another’s physical presence. Thus, you will be eligible for PFL benefits for time away from work while in the physical presence of your newly adopted child or newly placed foster child.

**12. Can my spouse/registered domestic partner and I both apply for Paid Family Leave benefits to bond with our newly adopted or foster child?**

Yes, both parents can receive PFL benefits to bond with a newly adopted or foster child.

**13. Can I take leave now, while my spouse/registered domestic partner takes leave at a later date?**

Yes, both parents do not have to take leave or apply for benefits to bond with a new child at the same time. In fact, many parents choose to take leave and apply for benefits during different periods, so that at least one of them is home to bond with the new child.

**14. I am adopting a child. Do I have to take the six weeks of bonding leave immediately?**

No, you can receive PFL benefits when you take leave any time up until the first anniversary of when the child entered the home.

**15. I have a new foster child who is 13. Can I still take Paid Family Leave to bond with my child?**

You can receive PFL benefits when taking leave to bond with a newly adopted or foster child up to the age of 18.

**16. Do I have to submit any documentation other than the claim form to receive benefits while I bond with my newly adopted or foster child?**

Yes. You must provide documentation of the adoption or foster care indicating the child's name, date of birth, gender, date of placement, name of parents, custodial parent(s) and/or registered domestic partner.

**17. I am not a U.S. citizen. Can I still apply for Paid Family Leave?**

You are eligible to receive PFL benefits if you pay into the SDI program. You do not have to be a U.S. citizen.

**18. Is my employer required to continue my health benefits while I am on Paid Family Leave?**

The PFL law does not require your employer to provide health benefits while you are on PFL. However, other laws, such as the Family and Medical Leave Act, the California Family Rights Act, and the Pregnancy Disability Leave Law may require your employer to continue your health benefits while you are on leave. Consult with an attorney or legal advocate to learn more about your rights.

**19. My employer says he cannot hold my job for me if I take Paid Family Leave. What can I do?**

Your job may be protected pursuant to the Family and Medical Leave Act and the California Family Rights Act, which are federal and state leave laws. These and other laws also protect workers from discrimination and retaliation for exercising their rights. Consult with an attorney or legal advocate to learn more about your rights under these laws. You can also contact one of the following organizations:



**Questions?**

**Asian Law Caucus 415-896-1701**

**California Women's Law Center 213-637-9900**

**Equal Rights Advocates 800-839-4372**

**The Legal Aid Society—Employment Law Center 800-880-8047**

**Outside California 415-593-0033**

*This fact sheet is intended to provide accurate, general information about Paid Family Leave. Because laws and legal procedures are subject to frequent change and differing interpretations, the Paid Family Leave Collaborative cannot ensure that the information in this fact sheet is current, nor be responsible for any use to which it is put. People who have legal questions should consult an attorney or the appropriate administrative agency. Do not rely on this information without consulting an attorney or the appropriate agency about your rights.*