



movement advancement project ▶

Relationship & Parental Recognition: State Family Leave Laws – Child

Note: Under the federal Family and Medical Leave Act, employees may take leave to care for a legal spouse or a child, including a child with whom the employee acts *in loco parentis*.

No updates required since June 2, 2022

Alabama

- State lacks leave law.

Alaska

- State lacks leave law.

Arizona

- State lacks leave law.

Arkansas

- State lacks leave law.

California

- Law grants workers leave to care for a child, regardless of legal or biological relationship
 - See [CA Ch 7 Paid Family Leave 3302\(c\)](#): “‘Child’ means a biological, adopted, or foster son or daughter, a stepson or stepdaughter, a legal ward, a son or daughter of a domestic partner, or the person to whom the employee stands *in loco parentis*.”
- **Paid leave** (temporary disability insurance) available, [enacted 2002 and effective 2004](#). Benefits expanded by [AB 908](#) (2016).

Colorado

- Law grants workers leave to care for a child, regardless of legal or biological relationship
 - Originally required legal or biological relationship. See [Family Care Act](#) (2013): “...if the person (a) is related to the employee by blood, adoption, legal custody, marriage, or civil union; or (b) resides with and is in a committed relationship with the employee.”
 - Definition expanded by [Proposition 118](#) (2020): “...or any other individual with whom the covered individual has a significant personal bond that is or is like a family relationship, regardless of biological or legal relationship.”
- **Paid leave** enacted through statewide ballot initiative [Proposition 118](#) (2020). Benefits will become available January 1, 2024.



Connecticut

- Law grants workers leave to care for a child, regardless of legal or biological relationship
- **Paid leave** permitted to care for biological, adopted, or foster child stepchild, legal ward, or child of a person standing *in loco parentis*. [Sec. 31-51kk. Family and medical leave](#), and [S.B. 1](#) (2019).

Delaware

- Law grants workers leave to care for a child, regardless of legal or biological relationship
 - [SB1](#) (2022) defines child using the [federal FMLA](#) definition: “...a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is—(A) under 18 years of age; or (B) 18 years of age or older and incapable of self-care because of a mental or physical disability.”
- **Paid leave** created by [SB1](#) (2022).

District of Columbia

- Law grants workers leave to care for a child, regardless of legal or biological relationship
- **Paid leave** created by [B21-415](#) (2017, effective 2020). Learn more at DC’s official [paid leave site](#).

Florida

- State lacks leave law.

Georgia

- State lacks leave law.

Hawai`i

- Law grants workers leave to care for a child, but only if a legal or biological relationship exists
- See [Hawai`i Family Leave Act](#).

Idaho

- State lacks leave law.

Illinois

- State lacks leave law.

Indiana

- State lacks leave law.

Iowa

- State lacks leave law.

Kansas

- State lacks leave law.



Kentucky

- Law grants workers leave to care for a child, but only if a legal or biological relationship exists
 - [Sec. 337.015](#) (1982: Leave permitted for a newly adoptive child under the age of seven.

Louisiana

- State lacks leave law.

Maine

- Law grants workers leave to care for a child, regardless of legal or biological relationship
 - [Maine Law 26.7.6-A](#): Leave permitted to care for a child or domestic partner's child, with domestic partner defined without requirements for a legally recognized relationship

Maryland

- Law grants workers leave to care for a child, regardless of legal or biological relationship.
 - Formerly, law granted workers leave to care for a child, but only if a legal or biological relationship exists. See [Maryland Parental Leave Act](#) (2014): Leave permitted for birth or adoption of a child.
 - Definition expanded by [SB275](#) (2022).
- **Paid leave** enacted 2022, effective 2023/2025 depending on the benefit. See [SB275](#) (2022).

Massachusetts

- Law grants workers leave to care for a child, regardless of legal or biological relationship
 - Formerly, [Maternity Leave Act](#) / [Parental Leave Act](#) permitted (unpaid) leave only for the birth or adoption of a child (i.e., child with a legal or biological relationship).
 - Definition expanded by [MA H4640](#) (2018): " 'Child,' a biological, adopted or foster child, a stepchild or legal ward, a child to whom the covered individual stands in loco parentis, or a person to whom the covered individual stood in loco parentis when the person was a minor child."
- **Paid leave** created by [MA H4640](#) (2018, effective 2021).

Michigan

- State lacks leave law.

Minnesota

- Law grants workers leave to care for a child, but only if a legal or biological relationship exists
 - [Pregnancy and Parental Leave Act](#): Leave permitted to care for biological or adoptive child in conjunction with birth or adoption.

Mississippi

- State lacks leave law.

Missouri

- State lacks leave law.



Montana

- State lacks leave law.

Nebraska

- State lacks leave law.

Nevada

- State lacks leave law.

New Hampshire

- State lacks leave law.

New Jersey

- Law grants workers leave to care for a child, regardless of legal or biological relationship
 - [A.3975](#) (2019) expanded both paid leave benefits and definition of family member to include “any other individual related by blood to the employee, and any other individual that the employee shows to have a close association with the employee which is the equivalent of a family relationship.”
- **Paid leave** (family leave insurance) first [enacted 2008, effective 2009](#); expanded by [A3975](#) (2019).

New Mexico

- State lacks leave law.

New York

- Law grants workers leave to care for a child, regardless of legal or biological relationship
- **Paid leave** permitted for “biological, adopted or foster child, a step-child, a legal ward, or a child of a person who stands in parental relationship to the child.” [S3004-A](#) (2016; effective 2018).

North Carolina

- State lacks leave law.

North Dakota

- State lacks leave law.

Ohio

- State lacks leave law.

Oklahoma

- State lacks leave law.



Oregon

- Law grants workers leave to care for a child, regardless of legal or biological relationship
- **Paid leave** permitted for biological, adopted, foster or stepchild, the child of an employee's same-gender domestic partner or a child with whom the employee is or was in a relationship of *in loco parentis*. See [HB 2005](#) (2019).

Pennsylvania

- State lacks leave law.

Rhode Island

- Law grants workers leave to care for a child, but only if a legal or biological relationship exists
 - [Parental and Family Medical Leave Act](#): Leave permitted for “birth of a child of an employee” or adoption-related placement with the employee of a child 16 years of age or less.
- **Paid leave** (temporary disability insurance) [created 2013, effective 2014](#).

South Carolina

- State lacks leave law.

South Dakota

- State lacks leave law.

Tennessee

- Law grants workers leave to care for a child, but only if a legal or biological relationship exists
 - [Maternity Leave, 4-21-408](#): Leave permitted for “adoption, pregnancy, childbirth, and nursing an infant.”

Texas

- State lacks leave law.

Utah

- State lacks leave law.

Vermont

- Law grants workers leave to care for a child, but only if a legal or biological relationship exists
 - [21 V.S.A. Sec. 472](#): Leave permitted for “birth of employee’s child” or child placed with employee for the purpose of adoption (parental leave); “child, stepchild or ward of the employee who lives with the employee, or foster child” (family leave);

Virginia

- State lacks leave law.



Washington

- Law grants workers leave to care for a child, regardless of legal or biological relationship
- **Paid leave** permitted for “biological, adopted, or foster child, a stepchild, or a child to whom the employee stands in loco parentis, is a legal guardian, or is a de facto parent, regardless of age or dependency status.”; [Family Leave Act \(2017\)](#).

West Virginia

- State lacks leave law.

Wisconsin

- Law grants workers leave to care for a child, but only if a legal or biological relationship exists
 - [Family and Medical Leave Act 103.10](#): Leave permitted for “natural, adopted, or foster child, a stepchild, or a legal ward”

Wyoming

- State lacks leave law.

U.S. Territories

The federal Family and Medical Leave Act (FMLA) applies to employers and employees in the five territories. Several territories have their own family or medical leave laws that cover more employees, offer more time, or include paid time off.

American Samoa

- Territory lacks leave law.

Commonwealth of the Northern Mariana Islands

- Territory lacks leave law.

Guam

- [Guam Family and Medical Leave Act](#) (2016) applies to employers with fewer employees than federal law and recognizes *in loco parentis* for children but requires legal connection for spouse.

Puerto Rico

- [Act No. 3](#) (1942) provides **paid maternity leave** for a pregnant employee for the birth of a child. Updated in 2000 to provide paid maternity leave for adopting mothers of pre-school minors or minors having five years of age or less who are not enrolled in school.
- [Law No. 251](#) (2016) allows employees to use accrued paid sick days to care for a legally connected family member, though this is not the same as a distinct family leave law (which creates leave in addition to a worker’s existing sick or vacation days).

U.S. Virgin Islands

- Territory lacks leave law.