



County Technical Assistance Service

Published on e-Li (<https://eli.ctas.tennessee.edu>)

May 10, 2021

Leave for Birth, Adoption and Foster Care

Dear Reader:

The following document was created from the CTAS electronic library known as e-Li. This online library is maintained daily by CTAS staff and seeks to represent the most current information regarding issues relative to Tennessee county government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other e-Li material.

Sincerely,

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Leave for Birth, Adoption and Foster Care

Reference Number: CTAS-1018

A father, as well as a mother, can take leave for the birth or placement of a child.^[1] This leave must be concluded within the 12-month period beginning with the date of birth or placement of the child. The employer is not required to allow intermittent or reduced leave for the placement of a child unless it is medically necessary.

Pregnancy and Childbirth.^[2] Both the mother and father are entitled to FMLA leave for the birth of the child, and to bond with a healthy infant during the 12-month period beginning on the date of birth. The mother is entitled to FMLA leave for incapacity due to pregnancy, for prenatal care, or for her own serious health condition following the birth. The incapacity due to pregnancy does not have to meet the other requirements for a serious health condition. For example, the employee may be unable to report to work due to severe morning sickness. The husband is entitled to FMLA leave if needed to care for his pregnant spouse who is incapacitated or if needed to care for her during prenatal care, or to care for her following the birth if the spouse has a serious health condition.

Adoption and Foster Care.^[3] For adoption and foster care, leave can begin before the actual placement of a child if it is required for the placement to proceed (for example, required counseling, court appearances and the like). Whether an adoption is through a public or private agency does not matter. The age of the child does not matter. Placement for foster care must involve State action, and does not include informal arrangements.

[1] 29 C.F.R. § 825.112.

[2] 29 C.F.R. § 825.120.

[3] 29 C.F.R. § 825.121.

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