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Title 22@ Social Security

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Division 1@ Employment Development Department

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Subdivision 1@ Director of Employment Development

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Division 1@ Unemployment and Disability Compensation

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Part 2@ Disability Compensation

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Chapter 7@ Family Temporary Disability Insurance

## **3303-1 Family Temporary Disability Insurance Benefits for Bonding with a New Child**

Section 3303-1@ Family Temporary Disability Insurance Benefits for Bonding with a New Child

### **Bonding with a New Child**

#### **(a)**

An individual may be eligible for Family Temporary Disability Insurance benefits for bonding on any day in which he or she is unable to perform his or her regular or customary work because of one or more of the following: (1) the birth of a child of the individual or the individual's registered domestic partner. (2) the placement, through adoption or foster care, of a minor child with the individual or the individual's registered domestic partner.

#### **(1)**

the birth of a child of the individual or the individual's registered domestic partner.

#### **(2)**

the placement, through adoption or foster care, of a minor child with the individual or the individual's registered domestic partner.

#### **(b)**

Eligibility for benefits under this section for the birth or placement of a minor child expires at the end of the 12-month period that begins on the child's date of birth or placement. **EXAMPLE 1.** Claimant A gives birth on May 25, 2020, and does not establish a claim for either State Disability Insurance or Family Temporary Disability Insurance benefits before returning to work in January 2021. After working through March 20, 2021, Claimant A establishes a claim for Family

Temporary Disability Insurance benefits beginning March 21, 2021 to bond with her new child. Claimant A may receive eight weeks of Family Temporary Disability Insurance benefits from March 21 through May 15, 2021, if otherwise eligible, because the period claimed is within the 12-month period from the new child's birth. EXAMPLE 2. Claimant B gives birth on May 25, 2020, and receives State Disability Insurance benefits through June 19, 2020 for her pregnancy claim. She does not establish a Family Temporary Disability Insurance claim for bonding before returning to work in January 2021. After working through March 20, 2021, Claimant B establishes a claim for Family Temporary Disability Insurance benefits beginning March 21, 2021 to bond with her new child. Claimant B may receive up to eight weeks of Family Temporary Disability Insurance benefits from March 21, 2021 through May 15, 2021, if otherwise eligible. EXAMPLE 3. Claimant C adopts a child on August 4, 2020. He receives five weeks of Family Temporary Disability Insurance benefits to bond with his new child from August 4 through September 7, 2020. Claimant C returns to work on September 8, 2020. After working through July 31, 2021, Claimant C re-establishes a claim for Family Temporary Disability Insurance benefits to bond with his new child commencing August 1, 2021. Claimant C receives benefits August 1, 2021 through August 3, 2021. A disqualification effective August 4, 2021 is issued because more than 12 months have elapsed since the child was adopted and therefore Claimant C is no longer eligible for benefits.

**(c)**

Eligibility for benefits under this section for the birth or placement of a minor child requires being in the physical presence of the child. EXAMPLE 1. Claimant A's wife gives birth to twins on August 29, 2020. The twins are seven weeks premature and remain in the neonatal care unit through October 9, 2020. Claimant A

establishes a bonding claim on August 29, 2020, and claims benefits through October 23, 2020. Claimant A visits his children daily from six o'clock in the morning until eight o'clock in the evening and suffers a wage loss due to missing work. Claimant A may receive eight weeks of benefits from August 29 through October 23, 2020, if otherwise eligible. Claimant A is eligible for benefits to bond even though the bonding takes place in the hospital and not at the claimant's residence. EXAMPLE 2. Claimant B establishes a claim to bond with his new child. Claimant B indicates that he bonds with his new child via live remote camera. However, he does not spend time in the physical presence of his new child. Claimant B is not eligible for benefits because his remote video arrangement does not constitute bonding within the context of the Family Temporary Disability Insurance program.