

Heard it on the HOTLINE



I have an employee who wants to be with her daughter when she has her baby. Can I let her use FMLA?

ERA: That is a good question. FMLA absences for adult children are eligible but only on a very limited basis. According to the regulations ([§825.102](#)), son or daughter means “a biological, adopted or foster child, stepchild, a legal ward or a child of a person standing in loco parentis, who is either under age 18 or older and “incapable of self-care because of a mental or physical disability” at the time that the leave is to commence.

Incapable of self-care means that the individual requires active assistance or supervision to provide daily self-care in several of the “activities of daily living” (ADLs) or “instrumental activities of daily living” (IADLs).

There may be some very limited situations in which an adult child may be deemed temporarily disabled by their physician. If you have questions or would like to discuss your situation in greater depth, give us a call on the Hotline!