

House Ways & Means Committee: “Hearing Legislative Proposals for Paid Family and Medical Leave”



ZERO TO THREE
Early connections last a lifetime

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Statement for the Record of Myra Jones-Taylor, Chief Policy Officer, ZERO TO THREE

Chairman Neal, Ranking Member Brady, and Members of the Committee:

Thank you holding this legislative hearing on paid family and medical leave. The need for comprehensive paid family and medical leave is a critically important benefit that will improve lives and lessen burdens on all American families.

I am Myra Jones-Taylor, Chief Policy Officer of ZERO TO THREE, a national nonprofit organization, located in Washington, DC, whose mission is to ensure that all babies and toddlers have a strong start in life. I thank the Committee for bringing attention to this critical issue of family support. For babies, the precious time paid family leave allows them with their parents begins laying the foundations for all learning and relationships. For parents, paid leave reduces anxiety over making ends meet by providing job security and consistent income during a time when focusing on their new families should be paramount. State paid leave programs show such policies garner support from employers, who realize the benefit of a more stable workforce. And our nation takes the first steps toward building the strong workers, innovators, and citizens that our country will need to secure a vibrant future.

At ZERO TO THREE, we translate the science of early childhood development into useful knowledge and strategies for parents, practitioners, and policymakers. We work to ensure that babies and toddlers benefit from the family and community connections critical to their wellbeing and healthy development. And the science tells us that nothing is more important to who we become in life than the early close relationships we form from birth.

The current focus on paid family leave among policymakers is indeed welcome. At ZERO TO THREE, we are passionate about advocating for the needs of babies and their parents. But I underscore that while forming or augmenting a family by welcoming a new baby is an important and joyful event, parents also need paid medical leave when other situations require family caregiving. For example, if their children suffer from chronic illnesses or need surgery to correct congenital issues; one parent contracts a disease such as cancer requiring ongoing treatment; or an elderly parent needs care following a health event; caregiving falls on family members. As a caring society, where the family is the core unit, we should support families' ability to care for each other throughout life.

Additionally, we often hear that we should take incremental steps in enacting such a far-reaching policy that could potentially benefit every family in America. I submit that we have already taken that step, with the Family and Medical Leave Act (FMLA) twenty-seven years ago. I think American families do an incredible job in weaving the fabric of our society, but they are stressed to the limit and need more than another baby step forward. They cannot afford to wait another generation to have supports that enable them to nurture their families *and* be productive workers. So, I welcome the opportunity to discuss the critical importance of a comprehensive paid family and medical leave social insurance program for our nation's youngest families, those with newborn or newly adopted babies, infants, and toddlers, and for all families.

The importance of unhurried time in the first year of life

Science has significantly enhanced what we know about the needs of infants and toddlers, underscoring the fact that experiences and relationships in the earliest years of life play a critical role in a child's ability to grow up healthy and ready to learn. We know that infancy and toddlerhood are times of intense intellectual engagement.ⁱ A baby's brain produces one million new neural connections every second, influenced most significantly by the everyday moments they experience with parents and caregivers.ⁱⁱ During this time – a remarkable 36 months – the brain undergoes its most dramatic development, and children acquire the ability to think, speak, learn, and reason. The early years establish the foundation upon which later learning and development are built. If experiences in those early years are harmful, stressful, or traumatic, the effects of such experiences become more difficult, not to mention more expensive, to remediate over time if they are not addressed early in life.

Most critical for the issue at hand, research demonstrates that forming secure attachments to a few caring and responsive adults is a primary developmental milestone for babies in the first year of life. During the earliest days and months, children learn about the world through their own actions and their caregivers' reactions. They are learning about who they are, how to feel about themselves, and what they can expect from those who care for them. Such basic capacities as the ability to feel trust and to experience intimacy and cooperation with others develop from the earliest moments of life.

Just seven years after FMLA's passage, the landmark from the National Academies of Science, *From Neurons to Neighborhoods: The Science of Early Childhood Development*, brought national attention to the science that shows a young child's parents structure the experience and shape the environment within which early development unfolds.ⁱⁱⁱ Early relationships are important for all infants and toddlers, but they play a particularly important function for those living in lower-income families because they can help serve as a buffer against the multiple risk factors these children may face. These early attachments are critical because a positive early relationship, especially with a parent, reduces a young child's fear in novel or challenging situations, thereby enabling her to explore with confidence and to manage stress, while at the same time, strengthening a young child's sense of competence and efficacy.^{iv} Early attachments also set the stage for other relationships and play an important role in shaping the systems that underlie children's reactivity to stressful situations.^v

All infants need ample time with their parents at the very beginning of their lives to form these critical relationships. It takes several months of focused attention to become a responsive caregiver to a young child, establishing a pattern that will influence the child's long-term cognitive, social, and emotional development.^{vi} The better parents know their children, the more readily they will recognize even the most subtle cues that indicate what the children need to promote their healthy growth and development. For example, early on infants are learning to regulate their eating and sleeping patterns and their emotions. If parents can recognize and respond to their baby's cues, they will be able to soothe the baby, respond to her cues, and make the baby feel safe and secure in his or her new world. Trust and emotional security enable a baby to explore with confidence and communicate with others – critical characteristics that impact early learning and later school readiness.

In addition to building secure and healthy early attachments, unhurried time at home with a newborn allows parents the time they need to facilitate breastfeeding, attend well-child medical visits, and ensure that their children receive the immunizations necessary to lower infant mortality and reduce the occurrence and length of childhood illnesses.^{vii, viii, ix} The capacity to recognize a caregiver's voice, smell,

and face develops around three months of age.^x Paid time to care gives parents and babies important time to foster these connections. Parents and caregivers may also need time with a new baby to identify and intervene in a variety of developmental difficulties. This is especially important for caregivers of infants who are considered at high risk, such as babies born preterm or at low birth weights and those who have illnesses or birth defects.^{xi}

Studies of two-parent, opposite-sex households show a number of positive outcomes when fathers take leave. Fathers who take two or more weeks off after the birth of a child are more involved in that child's direct care nine months after birth than fathers who take no leave.^{xii} Involved fathers also promote children's educational attainment and emotional stability.^{xiii} And, a father's involvement in a newborn's care in the first six months can mean both mother and baby sleep better.^{xiv}

Paid leave also reduces economic uncertainty by providing job security and consistent income during a time in which it is essential for parents to focus on their new families rather than worrying about how to make ends meet. Time at home also benefits employers by reducing staff turnover and the subsequent training and hiring costs associated with new staff.^{xv}

Family and medical leave

The 1993 Family and Medical Leave Act (FMLA) allows employees to take up to twelve weeks of unpaid, job-protected leave to care for newborns, newly adopted and foster children, and seriously ill family members, including themselves. I again want to emphasize the lifelong nature of family caregiving needs, not just the occasion of the birth or adoption of a child. Of the more than 100 million Americans who have taken time off from work under the FMLA since it was enacted twenty-six years ago,^{xvi} only 21 percent did so to take care of a new child.^{xvii} Although FMLA has had great success, far too many workers are still unable to take leave. Nearly half of eligible employees (46 percent) reported that they could not afford to take the leave that they needed because it was unpaid.^{xviii} Furthermore, a full 40 percent of the workforce is currently not covered by the federal law because they work for smaller employers, work part time, or have not been on the job long enough to qualify.^{xix} That is a lot of families, both newly-forming and established, without the ability to tend to the caregiving that falls to them.

I would like to emphasize one other very important fact about FMLA: it was a bipartisan effort, the result of dedicated lawmakers from both sides of the aisle having respectful discussions that involved real give and take. I firmly believe such fruitful conversations and negotiations can occur again, with the wellbeing of both families and our economy as the goal.

Twenty-six years after the passage of the FMLA, the research about paid and unpaid leave is clear: unpaid leave is not enough. A strong body of evidence shows that paid family and medical leave strengthens families and supports public health and child development. This is not surprising—as I noted above, the science about early nurturing and brain development burst into the public consciousness just a few years after FMLA's passage. Research also shows that paid leave helps employers recruit and retain valued employees, benefitting businesses and our economy.^{xx} Data from states with paid leave policies in place show health and economic benefits and strong levels of support from employers.^{xxi}

Given that caregiving needs affect many families, it is not surprising that eighty-two percent of 2016 voters – across party lines – say it is important for the President and Congress to consider a paid family and medical leave law.^{xxii} But currently where you live largely determines what guarantees you have, as

states and communities lead the way. Five states and the District of Columbia have all passed state paid leave laws, providing a strong body of evidence upon which to build a robust federal policy. Data from states with paid leave show health and economic benefits, as well as strong levels of support from employers.^{xxiii}

Twenty-seven years is too long to wait to fulfill the promise of the FMLA. It is time for Congress to stand up for hard-working families, businesses, and the economy by supporting a comprehensive, inclusive paid family and medical leave program.

What a real paid family and medical leave program looks like

We need a strong, inclusive national paid family and medical leave insurance program and to set a nationwide paid leave baseline. It is well past time for the United States to adopt a national standard, but policy details matter tremendously. Disparities in people's access to paid leave, changing demographics, and the realities working families face today require that any national plan:

- Be comprehensive of working people's needs as reflected in the FMLA, such as for their own serious health conditions, including pregnancy and childbirth recovery; to bond with and care for a newborn or newly adopted child; care for a parent, child, spouse, or domestic partner with a serious health condition; and/or for particular military caregiving and leave purposes.
- Be inclusive of all working people across the United States, covering workers in all companies, no matter their size. Younger, part-time, lower-wage, contingent, and self-employed workers would all be eligible for benefits.
- Provide a meaningful duration of leave, at least 12 weeks, and wage replacement rate to make taking leave financially possible for all working people – ensuring low-and middle-wage workers have a higher share of their wages replaced.
- Be affordable, cost-effective, and sustainably funded with new revenue – not funded by cutting or reducing benefits from programs people rely on.
- Make it illegal to fire or discriminate against an individual who has applied, intends to apply for, or who uses family and medical leave insurance benefits.

Any plan that fails to meet these standards is unacceptable. These key elements create crucial job and financial security so employees can take the time they need to heal, provide the nurturing their babies need to get off to a strong start, and get back to work more focused and confident.

In all, investing in a paid family and medical leave policy means a stronger likelihood of getting kids off to a healthy start, keeping parents in the workforce, and keeping the economy strong. There are several proposals that have gained traction in the Senate that, while they seem commonsense, are fundamentally flawed and will ultimately hurt working families.

To this end I implore the committee approach the legislation proposed here today with five basic questions that will provide significant clarity about value a policy will have to workers and families:

1. Does this policy provide direct wage replacement?
2. Is this policy a paid family and medical leave benefit or is it a loan?
3. Does this policy protect workers jobs in the case they use the benefit?
4. Does this policy cover medical leave?
5. Do all Americans have access to this benefit?

Loans Are Not A Paid Family Leave Policy

Tax credits are often touted as a solution to paid family leave. Tax credits can play an important role in ensuring families have access to more financial resources when they have a young child, however they are not a magic solution to all costs associated with infants.

Recently Reps. Allred and Stefanik introduced H.R. 5296, the Advancing Support for Working Families Act, with companion legislation in the Senate. Under this proposal, qualified workers that become new parents, could receive \$5,000 in the year following their child's birth or adoption. This money would then be paid back by the family in the form of a \$500 per year cut to their Child Tax Credit (CTC) over the following ten years. If a family earns too little to qualify for the full CTC, the legislation would provide twelve weeks of full-wage replacement, up to \$5,000, which would be repaid through future cuts to the family's CTC over the following fifteen years.

The early costs of associated with having a baby represent a new normal for that family, and the first ten years of a child's life are among the most expensive. In the 2017 tax law, congress saw fit to double the CTC because it recognized that families need this financial support *every year*. H.R. 5296 fundamentally undermines congressional intent in the tax law by effectively reducing what families will receive every year from their CTC. It also undermines the developmental needs of infants and toddlers who live in families with very low incomes. The timing of poverty matters for early development, and very young children are most impacted. An increase in income of \$3,000 a year for several years can make a difference in early development and later outcomes in life.^{xxiv}

Further, the CTC increase in the 2017 tax law was not equally beneficial to all families. Nearly 11.5 million children live in low-income families that only saw a \$0-75 increase in their CTC.^{xxv} Similarly, middle-income families that did receive a meaningful increase into their CTC, also saw reductions in other child-related tax credits. As a result, these families only saw an average of a \$320 increase in their CTC, which is less than families would be required to pay back under the Advancing Support for Working Families scheme. This legislation, while an interesting thought experiment, provides no new support to families and is not a tax credit at all, it is a loan.

Finally, this loan program is not a comprehensive benefit. The FMLA allows for workers to take unpaid leave to care for a family member that is not their child. In fact, 75 percent of workers that use the FMLA do so to care for someone other than their newborn.^{xxvi} To this end, this not a family leave policy, more accurately it is just a loan for new parents. What is more, this legislation does not offer any legal protections to parents that use the \$5,000 to offset unpaid leave. Not all employers are subject to the FMLA and for this reason nearly 40 percent of workers are not protected by it.^{xxvii} This means that workers can still be deterred or stopped from taking time to bond with their children and that they, under this bill if enacted, would have no legal recourse to address it.

Mortgaging Your Social Security is Not A Paid Family Leave Policy

Another proposal originally put forth by the Independent Women’s Forum (IWF) and embraced by Senators Rubio, Ernst, and Lee, is S. 920, the New Parents Act. The legislation would amend the Social Security Act to provide for up to three months of paid family leave. Parents would receive this benefit by borrowing against their future retirement insurance. Parents that received money under this scheme would be responsible for repaying that money through regular deductions from their future social security payments or by delaying their earliest eligible retirement date.

Parents should not be faced with the false choice between caring for a newborn or adopted baby and cutting their social security retirement or disability benefits later. In effect, parents are being penalized for undertaking an endeavor—taking on raising a child—that benefits all of society, especially if they have the time to get that child’s development off to a good start. People can and should be able to have paid family and medical leave while they’re working and safe and secure benefits for retirement.

New moms and dads should not have to jeopardize their retirement by using Social Security to fund their parental leave. Workers shouldn’t be asked to pay for paid leave today by rolling the dice on their future needs for Social Security retirement benefits later. Research consistently finds that it is difficult to estimate financial needs in retirement, and workers often underestimate.^{xxviii} According to the Urban Institute, under the IWF proposal, parents who participate in the program would have to delay collecting Social Security retirement benefits for about twice as many weeks as they collected leave. Participants who take 12 weeks of paid leave would experience a 3 percent decline in lifetime Social Security retirement benefits, but losses would be significantly higher for people with larger families who take multiple leaves.^{xxix} Asking workers in their prime reproductive years to make decisions based in part on their prediction of future Social Security retirement benefit needs is an unnecessary and unwise gamble. This does not take into account scenarios where parents may become disabled and need their Social Security benefits to make ends meet.

Any plan that leaves behind people caring for family members or dealing with their own serious health issue does not address the needs of America’s working families. Creating a plan that covers only parental leave excludes the vast majority of workers who need time to care. Three-quarters of people using FMLA had to care for their own health or that of a seriously ill family member. Any U.S. paid leave plan should reflect the well-established reasons set out in the FMLA, which are parental leave, family care leave, personal medical leave and military caregiving leave. Parental-only leave would also lead to stark inequities within the workplace, even for people with young children: A parent of a newborn would have access to paid time away from work for bonding, but a coworker whose six-month-old is critically ill or whose spouse needs postpartum care would have no guarantee of time or income support.

The proposed program design – providing parental leave only, and with benefits that are too small a share of most workers’ typical wages – will reinforce rather than help to equalize caregiving disparities between women and men and will not meet the needs of lower-wage workers. Data from California’s and New Jersey’s paid family leave programs show that low wage-replacement rates and low benefit caps lessen the likelihood of men taking leave and reduce the ability of lower-wage workers to take leave. That’s why California recently raised wage replacement rates to 70 percent for lower-wage workers and 60 percent for all other workers^{xxx}, and why New Jersey lawmakers last year passed a bill that would have provided both wage-replacement rate increases and updates to New Jersey’s low benefits cap.^{xxxi}

A program that only covers new parents and offers low wage replacement rates will be used primarily by lower-wage women who have given birth and have no other option and a significant need. Indeed, one reason the FMLA was designed to cover family caregiving leave and personal medical leave was to minimize the potential for employment discrimination.^{xxxii} While fathers increasingly want to, and do, provide care for their families,^{xxxiii} norms and stereotypes about gender, work and caregiving mean that some employers perceive mothers and young women as less committed workers. A paid leave program that is only accessible to parents, especially one with low wage replacement and low maximum benefits, could exacerbate implicit bias and discrimination, undermining the potential of gender-equal leave to help create workplace equity and foster women's employment opportunities.

At a time where the country is facing a falling birth rate, we should enact public policies that support America's working families. Recently, the New York Times investigated this phenomenon in the article, *Americans Are Having Fewer Babies. They Told Us Why*. The top reason young adults reported they had or expected to have fewer children than they considered ideal, was that childcare is too expensive. Another of the most-cited reasons was lack of or not enough paid family leave.^{xxxiv} Forcing parents to risk their future economic security for a low-wage replacement paid leave plan during their childbearing years is not a viable policy solution to a critical problem for today's families.

Paid maternity and/or paternity leave by itself is not sufficient for working families. It covers only one life event and may not even be the only time an infant or toddler needs her parents' constant presence. For example, the rates of childhood cancer have been increasing over the past 20 years. Almost half of all pediatric cancer occurs during early childhood, with the peak incidence of invasive childhood cancer occurring during infancy. Unquestionably, all children and particularly very young ones need the reassuring presence of their parents at such times. Families who care for a child with cancer incur considerable costs during the diagnostic, treatment, and follow-up care phases of the disease. Four major factors contribute to these expenses: necessary travel; loss of income because of a reduction or termination of parental employment; out-of-pocket treatment expenses; and inability to draw on assistance programs to supplement or replace lost income.^{xxxv} As with most caregiving duties, the majority falls on the mother and therefore her career and financial stability is most at risk. Typically, the mother is the one who terminated or reduced work hours, which affects the entire family's financial well-being. This economic burden can have long-term effects on the financial security, quality of life, and future well-being of the entire family, including the siblings of the affected child. Paid family and medical leave would help to alleviate the financial burden and eliminate the fear of retaliation when returning to work after caring for a chronically ill child.

The reality is that workers need both a comprehensive paid family and medical leave plan *and* Social Security. The U.S. can create a paid leave plan affordably and responsibly without reducing workers' Social Security or forcing them to delay retirement. Policymakers should reject this proposal and instead consider a paid leave plan that is responsibly and sustainably funded, guarantees leave for the full range of family and medical needs covered in the FMLA and offers adequate benefits that enable all working people to take the leave they need.

Conclusion

Congress has the opportunity to meaningfully lead on family policy by creating a benefit that starts the day you are born and that you will enjoy for the rest of your life. The needs of babies, their parents, and those that care for others are too important to be dealt with using a patchwork of public policies or half-

measures. Twenty-seven years after the enactment of FMLA it is time that we implemented a national, comprehensive, family *and* medical leave benefit that will allow for a great diversity of families to address their individual and specialized needs.

ZERO TO THREE is please that Congress has taken the time to address the importance of paid family and medical leave policy and we stand ready as a resource to inform and advance these important policies.

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