

EMPLOYMENT DEVELOPMENT DEPARTMENT

**Amendment of Title 22, California Code of Regulations
Section 2708(c)-1**

PAID FAMILY LEAVE ACCEPTABLE DOCUMENTATION

Text of Proposed Amendments

NOTE: Language to be deleted is shown in ~~strikeout~~ format; language to be added is shown in underline format.

AMEND SECTION 2708(c)-1 TO READ:

§ 2708(c)-1. Acceptable Documentation for a Child's Birth, Adoption, or Foster Care Placement.

(a) When filing a claim to bond with a new minor child after birth, adoption, or foster care placement, the claimant shall include a photocopy of a supporting document that provides sufficient information to establish the relationship between the claimant and the new minor child. The department may, at its discretion, accept a supporting document that does not contain all of the information prescribed under this section provided that the department can readily obtain the information through reasonable means or ascertain that there is no intent to defraud.

(1) A supporting document shall include the child's:

(A) name.

(B) date of birth.

(C) gender.

(D) social security account number, if available. Absence of child's social security account number shall not disqualify claimant.

(2) If applicable, a supporting document ~~must~~ shall also include:

(A) the date(s) of placement.

(B) names of the parent(s), custodial parent(s), and/or registered domestic partner.

(C) a dated signature of the social worker, director or authorized designate.

~~(b) For maternal, paternal, and registered domestic partner bonding claims, any of the following documents is acceptable to verify the birth of a child:~~

(b) To verify the birth of a child, supporting documentation shall be provided as follows:

(1) For maternal, paternal, and registered domestic partner bonding claims, any of the following documents is acceptable:

~~(1)~~ (A) a photocopy of the child's certified birth certificate listing the claimant as a parent.

~~(2)~~ (B) a photocopy of the completed hospital or birthing center documents attesting to the birth of the child listing the claimant as a parent.

~~(3)~~ (C) a letter from the birthing center's or hospital's Director of Medical Records or their designate containing all of the following information:

~~(A)~~ (i) child's full name.

~~(B)~~ (ii) child's gender.

~~(C)~~ (iii) child's date of birth.

~~(D)~~ (iv) full name of mother.

~~(E)~~ (v) full name of father, if known, or registered domestic partner.

~~(F)~~ (vi) dated signature of the treating physician or midwife, or Director of Medical Records, or their designate as appropriate.

~~(4)~~ (2) For paternal non-spouse bonding claims where the individual claimant is not named on a document listed in (b) above under paragraph (1) of this subdivision, proof of paternity is required. In California, the acceptable supporting document is a photocopy of California Department of Child Support Services form *Declaration of Paternity*, CS-909 revision 5/02, or its subsequent revision. For proof of paternity outside of California, an equivalent supporting document issued by an authorized county, state or equivalent government entity may be accepted by the department.

EXAMPLE 1. Claimant A, a biological father, submits his wife's post partum hospital discharge orders with his claim to bond with his new child. The discharge orders list the mother's name, the child's name, gender, and date of birth.

This document alone is not sufficient to establish the father's eligibility for benefits to bond because it does not name the father as a parent. Additional documentation that identifies Claimant A as a parent of the child is required to determine eligibility for Family Temporary Disability Insurance benefits.

(c) To verify adoption, a photocopy of any of the following documents, or their subsequent revisions, is acceptable:

(1) Department of Social Services form *Notice of Placement*, AD-907 revision 6/01.

(2) Department of Social Services form *Independent Adoption Placement Agreement*, AD-924 revision 7/02.

(3) a photocopy of a conformed copy of a court order of placement for adoption issued within the United States.

~~(4) a photocopy of the child's passport clearly showing an Immigration and Naturalization Services (INS) stamp I-551.~~

(4) a statement on letterhead from a county, state or equivalent government or private entity that provides adoption placement, stating all of the following:

(A) child's full name.

(B) child's gender.

(C) child's date of birth.

(D) child's social security account number if issued. Absence of child's social security account number shall not disqualify claimant.

(E) residence address where the child is placed.

(F) full name(s) of the adoptive parent(s), including such person's:

(i) social security account number(s). Absence of social security account number of the adoptive parent(s) shall not disqualify claimant.

(ii) residence address.

(iii) date of birth.

(G) the signature block for the social worker, director or designate making the placement shall include all of the following:

(i) a dated signature.

(ii) a typewritten name.

(iii) a direct telephone number.

(H) an official certification, seal or stamp of approval may be accepted by the department, in lieu of the requirements under (4)(G) of this subdivision.

(5) a photocopy of the child's adoption certificate from a foreign country's competent local authority with a notarized English translation.

EXAMPLE 2. Claimant B submits a "Pre-Adoptive Agreement" obtained from a private adoption agency with the Family Temporary Disability Insurance claim. The document is on the agency's letterhead and provides the child's name and date of birth, date of placement, the adoptive parents' names and address, the social worker's name and dated signature.

Subdivision (c) of Section 2708 of the code does not specify that the adoption be final prior to establishing eligibility for benefits; it refers to placement of the child in connection with foster care or adoption. Claimant B may receive Family Temporary Disability Insurance benefits, if otherwise eligible, because the document submitted is acceptable in that it contains the critical elements, i.e., child's name and date of birth, adoptive parents' names and addresses, date of placement and the required adoption agency information.

(d) Any of the following documents is acceptable to verify foster care placement:

(1) photocopy of the Department of Social Services form *Approval of Family Caregiver Home*, SOC-815 revision 11/02, or its subsequent revision.

(2) a statement on letterhead from the ~~County Department of Social Services~~, a county, state, or equivalent government or private entity that provides foster care placement, stating all of the following:

(A) child's full name.

(B) child's gender.

(C) child's date of birth.

(D) child's social security account number if issued. Absence of child's social security account number shall not disqualify claimant.

(E) residence address where the child is placed.

(F) date of foster care placement including the length of time of the placement if a duration has been established.

(G) full name(s) of the person(s) with whom the foster care placement is made, including such person's:

(i) social security account number(s). Absence of social security account number of person(s) with whom the foster care placement is made shall not disqualify claimant.

(ii) residence address.

(iii) date of birth.

(H) the signature block for the social worker, director or designate making the foster care placement shall include all of the following:

(i) a dated signature of the social worker.

(ii) social worker's a typewritten name.

(iii) social worker's a direct telephone number.

(I) an official certification, seal or stamp of approval may be accepted by the department, in lieu of, the requirements under (2)(H) of this subdivision.

EXAMPLE 3. Claimant C submits a "Placement Agreement" obtained from a private foster care agency with her Family Temporary Disability Insurance claim. The document is on the agency's letterhead and provides the child's name and date of birth, date of placement, the foster parents' names and address, the social worker's name and dated signature.

The document submitted is acceptable in that it contains the critical elements, i.e. child's name and date of birth, date of placement, foster parents' names and address, social worker's name and dated signature. The child's gender, foster parents' dates of birth, and the social worker's telephone number can be readily obtained, if necessary, via claimant contact if not listed on the Family Temporary Disability Insurance claim form. This claim is payable, if Claimant C is otherwise eligible.

EXAMPLE 4. Claimant D submits a "Placement Agreement" obtained from a private foster care agency with his Family Temporary Disability Insurance claim. The document is on the agency's letterhead and provides the State of California license number. The document provides the child's name and date of birth, date of placement, foster parents' names and address, social worker's name and contact numbers, and the agency director's dated signature and telephone number.

The document submitted is acceptable in that it contains the critical elements, i.e. child's name and date of birth, date of placement, foster parents' names and address, and the social worker's name and telephone number. The child's gender and foster parents' dates of birth can be readily obtained, if necessary, via claimant contact if not listed on the Family Temporary Disability Insurance claim form. In lieu of the social worker's dated signature, the agency director's dated signature is acceptable. This claim is payable, if the claimant is otherwise eligible.

EXAMPLE 5. Claimant E submits a "Placement Letter" obtained from an out-of-state Human Services Department with her Family Temporary Disability Insurance claim. The document is on the agency's letterhead and provides the child's name, gender, foster parents' names, date of placement, dated signature of the social worker, and the social worker's telephone number.

The child's date of birth, foster parents' address and dates of birth can be readily obtained, if necessary, via claimant contact if not listed on the Family Temporary Disability Insurance claim form. Although the social worker's typewritten name cannot be obtained via telephone contact, her dated signature and telephone number are sufficient for the department to determine eligibility for benefits. This claim is payable, if the claimant is otherwise eligible.

NOTE: Authority cited: Sections 305 and 306, Unemployment Insurance Code.
Reference: Sections 2706 and 2708, Unemployment Insurance Code.
