

# Assembly Bill 1041

## Leave for Chosen Families

Assemblymember Buffy Wicks (AD-15)

### THIS BILL

This bill will expand the definition of “family member” for purposes of family caregiving and sick leave to allow workers to take time off to care for a “designated person.”

### THE ISSUE

Due to cultural, economic and social forces, the overwhelming majority of households today depart from the “nuclear family” model of a married couple and their biological children—instead, they increasingly include close loved ones who aren’t biologically or legally related. An analysis of Census Bureau data in 2020 shows that just 18.4 percent of American households follow the traditional nuclear family structure. Still, California’s family leave laws continue to reflect the outdated nuclear family model and only allow workers time off to care for certain narrowly defined family members.

This policy gap disproportionately affects California’s LGBTQI community. California has the fourth largest LGBTQI population in the U.S.<sup>1</sup> Many LGBTQI adults, especially older adults, do not have accessible relationships with biological relatives.<sup>2</sup> As a result, they are less likely to have biological family or partner support when they need care and often rely on chosen family. Indeed, 42 percent of LGBTQI adults said they would depend on close friends in an

<sup>1</sup> *LGBTQ Data & Demographics: California*, The Williams Institute (Jan. 2019), <https://williamsinstitute.law.ucla.edu/visualization/lgbt-stats/?topic=LGBT&area=6#density>.

<sup>2</sup> <https://www.americanprogress.org/issues/lgbtq-rights/news/2021/02/16/495680/making-case-chosen-family-paid-family-medical-leave-policies/>

emergency, compared to 25 percent of the general population.<sup>3</sup>

California also has a higher percentage of extended families living in multigenerational households. According to a recent US Census Report, “recent immigrants, those experiencing economic distress, and those hit hard by the housing crisis are more likely to live in multigenerational households.”<sup>4</sup> Another study<sup>5</sup> found that the largest concentrations of extended families can be found in New York and Los Angeles, two of the most expensive housing markets in the nation. Thus, it is not uncommon for individuals in California to be living with cousins, aunts, uncles, and other relatives not covered by our leave laws, especially as families weather the COVID-19 pandemic.

Aging adults also rely on a wide network of relationships for caregiving that are not recognized by current law. Many caregivers are partners, neighbors or friends. Among Americans who provide care to an adult age 65 or older, more than 23% provide care for a friend, neighbor, or other unrelated person.<sup>6</sup> This has become even more important during the COVID-19 pandemic when many older adults live alone and have families who live far away.

<sup>3</sup> *Still Out, Still Aging: The MetLife Study of Lesbian, Gay, Bisexual, and Transgender Baby Boomers*, MetLife Mature Market Institute and American Society of Aging (March 2010), p. 17, <https://www.asaging.org/sites/default/files/files/mmi-still-out-still-aging.pdf>.

<sup>4</sup> <https://www.census.gov/library/publications/2012/acs/acsbr11-03.html>

<sup>5</sup> *Housing the Extended Family*, Center for American Progress [https://cdn.americanprogress.org/wp-content/uploads/2016/10/18155730/ExtendedFamilies-report.pdf?\\_ga=2.257896514.811489114.1613586032-1900437192.1610671100](https://cdn.americanprogress.org/wp-content/uploads/2016/10/18155730/ExtendedFamilies-report.pdf?_ga=2.257896514.811489114.1613586032-1900437192.1610671100)

<sup>6</sup> *Unpaid Eldercare in the United States (2017-2018): Data from the American Time Use Survey*, U.S. Department of Labor, Bureau of Labor Statistics (Nov. 22, 2019), <https://www.bls.gov/news.release/pdf/elcare.pdf>.

## **SOLUTION**

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AB 1041 will allow workers to use existing time off to care for a “designated person,” of their choosing, thereby creating equitable access to job protected family caregiving and sick leave for all of California’s working families.

There is significant precedent for an inclusive understanding of family relationships in state and local law. Family and medical leave laws in Oregon, Connecticut, New Jersey, and Colorado cover chosen family, and eight localities (including Los Angeles) have passed paid sick time laws that cover chosen family.

It is time for California to join these other jurisdictions, ensuring that all Californians have the right to be there for their loved ones when it matters most, regardless of blood or legal relationship.

## **SUPPORT**

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California Lawyers Employment Association  
(co-Sponsor)  
Equality California (co-Sponsor)  
Equal Rights Advocates (co-Sponsor)  
Legal Aid at Work (co-Sponsor)  
Access Reproductive Justice  
ACCE  
American Civil Liberties Union California  
Action  
API Equality-LA  
Association of California Caregiver Resource  
Centers  
BreastfeedLA  
California Alliance for Retired Americans  
California Faculty Association  
California Labor Federation,  
California Nurse-Midwives Association  
California Partnership to End Domestic  
Violence  
California Rural Legal Assistance Foundation  
California Women’s Law Center  
California Work and Family Coalition  
Child Care Law Center

Center for Work Life Law  
Consumer Attorneys of California  
Ella Baker Center for Human Rights  
Empowering Pacific Islander Communities  
Equality California  
Family Caregiver Alliance  
Friends Committee on Legislation of  
California  
Human Impact Partners  
If/When/How: Lawyering for Reproductive  
Justice  
Jewish Center for Justice  
Los Angeles Alliance for a New Economy  
LA Best Babies Network  
NARAL Pro-Choice  
National Council of Jewish Women California  
National Council of Jewish Women Los  
Angeles  
Orange County Equality California  
Organization of SMUD Employees  
Our Family Coalition  
Prevention Institute  
Queer Democrats of Sacramento  
Religious Coalition for Reproductive Choice  
California  
Restaurant Opportunities Centers of  
California  
Working Partnerships USA  
Voices of Progress  
Women’s Foundation of California

## **CONTACT**

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