

## Understanding CFRA: Who Is A “Family Member”?

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The new year brought [several important changes to the California Family Rights Act](#) (CFRA). One key change that employers should be aware of is the expansion of the scope of individuals who qualify as “family members” under the law.

The CFRA allows [eligible employees](#) to take up to twelve weeks of protected leave for reasons that include caring for a family member with a serious health condition. Until this year, the only family members for whom an employee could take CFRA leave were a spouse, registered domestic partner, parent, and minor or dependent adult child.

[Senate Bill 1383](#) expanded the definition of a family member so it now includes all of the following individuals:

- Spouse
- Registered domestic partner
- Parent
- Child, which includes an adult child and the child of registered domestic partner
- Grandparent
- Grandchild
- Sibling

In addition to broadening the scope of the individuals for whom employees may take leave under the CFRA, the expansion of the “family member” definition adds an extra layer of complexity to leave management for those employers who are subject to both the CFRA and the federal Family Medical Leave Act (FMLA). The FMLA’s definition of a family member is much narrower than that of the CFRA and includes only a spouse, parent, and minor or dependent child. This difference between the two laws means that employers must determine whether the family member at issue meets the definition of both the FMLA and CFRA or only the CFRA, and designate accordingly. For example, if an employee took leave to care for a spouse, that leave would qualify under both the FMLA and CFRA. If an employee took leave to care for an individual who fell only within CFRA’s definition of a family member, such as a grandparent, that leave would qualify only under CFRA and should be designated as such.

Given the expansion of the CFRA’s definition of a family member and the differences in the definitions under state and federal law, employers should closely manage leave requests to ensure

that leave is properly designated and tracked. Employers should also update their CFRA policies to reflect all the 2021 changes to CFRA, including the expanded definition of a family member.

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