

Modern Families: The Sixth Circuit's Decision Regarding In Loco Parentis Relationships for Adult Siblings and FMLA Claims

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The Sixth Circuit Court of Appeals recently issued a significant decision regarding the interpretation of the mysterious “in loco parentis” relationships under the Family and Medical Leave Act (FMLA). [Chapman v. Brentlinger Enterprises](#) held that an in loco parentis relationship can develop between two adults, including siblings, when one adult becomes unable to care for himself or herself and the other intends to assume a parental relationship. This decision has broad implications for employees seeking leave to care for adult relatives with serious health conditions.

Quick Hits

- An in loco parentis relationship could exist between adults over the age of eighteen when one intends to and assumes a parental role over the other.
- The in loco parentis relationships under the FMLA are broader than a conventional parent-child relationship.

Background

Celestia Chapman, a finance manager at Brentlinger Enterprises, d/b/a Midwestern Auto Group (MAG), provided extensive care to her terminally ill sister who was battling non-Hodgkin lymphoma and was unable to care for herself. Chapman provided her sister with financial support, daily caregiving including cooking, cleaning, personal hygiene, and hand-feeding, and emotional support. After exhausting her paid leave, Chapman requested, but MAG denied, FMLA leave on the ground that the FMLA does not cover leave to care for siblings. After Chapman was late to work one day, MAG terminated her employment. Chapman then filed a lawsuit, including FMLA interference and retaliation claims.

What Does 'In Loco Parentis' Mean Under the FMLA?

The Sixth Circuit had to resolve whether Chapman could be considered in loco parentis to her adult sister, thereby qualifying for FMLA leave. The FMLA allows employees to take leave to care for a “son, daughter, or parent,” including individuals who stood in loco parentis to the employee when the employee was a child. However, the FMLA does not explicitly address whether an in loco parentis relationship can develop between adults.

The Sixth Circuit's Decision

The Sixth Circuit rejected the district court's reading and found that “the ‘child’ in the in loco parentis relationship need not be a minor at the time the relationship forms, have developed a debilitating condition as a minor, or have developed that condition before the relationship formed.”

The Sixth Circuit also delved into the common law definition of in loco parentis, which refers to a person who has assumed the obligations of a parent without formal adoption. The court emphasized that the “touchstone” of this inquiry is *intention* to assume a parental relationship.

The court highlighted several nonexclusive factors to “determine whether a person intended to assume parental status over another adult” to create an in loco parentis relationship between adults:

- *Close physical proximity*: Whether the parties live together or near each other.
- *Assumes responsibility for support*: Whether the caregiver provides financial and daily support.
- *Control and rights*: Whether the caregiver exercises control or has rights over the dependent adult.
- *Close emotional or familial bond*: The presence of a close emotional or familial bond akin to that of a parent and child.

The Sixth Circuit reversed the district court's summary judgment in favor of MAG, holding that the district court erred in concluding that an in loco parentis relationship could not form between adult siblings. The Sixth Circuit remanded the case for further consideration, instructing the district court to evaluate whether Chapman and her sister intended to form a parental relationship during her final months.

Implications for Employers

This decision clarifies that in loco parentis relationships under the FMLA can extend to adult caregivers and other adults, provided there is clear evidence of an intention to assume a parental role. With this clarification, employers may carefully consider the nature of caregiving relationships when reviewing FMLA leave requests, particularly in situations involving adult dependents.

Key Takeaways

The Sixth Circuit's decision underscores the importance of understanding the nuances of in loco parentis relationships in the context of the FMLA. It is significant because it establishes that an in loco parentis relationship does not need to form during an individual's childhood and can develop during adulthood. It provides a broader interpretation acknowledging evolving family caregiving responsibilities, ensuring employees can take necessary leave to care for their loved ones regardless of age, or conventional definitions of parent-child relationships.

Employers may want to consider workplace policies reflecting the diverse caregiving needs of modern families and proceed with caution when denying FMLA leave based on a relationship that does not neatly fit into the well-established boxes of “son, daughter, or parent” of the employee.

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National Law Review, Volume XIV, Number 354

Source URL: <https://natlawreview.com/article/modern-families-sixth-circuits-decision-regarding-loco-parentis-relationships-adult>