



CHECKLIST FOR ENTERPRISES

ADOPTION OR FOSTER PARENTING

This checklist compiles the legal obligations, but also additional actions you can take (see “tips”) to make your organisation more family-friendly. Obviously, you start by reviewing what is necessary and possible at your company. This checklist is not exhaustive but a first tool to get started.

- ✓ Find out about the **legal obligations** concerning adoption and foster parenting.

Adoption is the legal adoption of a child who is not the adopting person’s biological child. The employee who, in the context of an adoption, as governed by civil law, receives a minor child in her/his family, is entitled to **adoption leave**. A co-parent who is indicated as the legal parent on the birth certificate is *not* entitled to adoption leave.

More information on this topic can be found on the websites of the [Federal Public Service Employment, Labour and Social Dialogue](#) or the [National Institute for Health and Disability Insurance](#).

Foster care is the (temporary) care for children and adolescents, or adults with a (suspected) disability and/or psychiatric problems, who cannot live at home. Foster care is provided by voluntary foster and host families who – with the support of a foster care service – offer a (temporary) home to individuals from this vulnerable group. The right to **foster parent leave** only applies to the employee who, as a result of a placement in the context of long-term foster care, receives a minor child in their family with a view to caring for this child. This right is one-off and can therefore only be exercised once in relation to a specific minor child. **Long-term foster care** refers to foster care in which it is clear at the outset that the child will stay in the same foster family or with the same foster parent(s) for at least 6 months.

More information on this topic can be found on the websites of the [Federal Public Service Employment, Labour and Social Dialogue](#) or the [National Institute for Health and Disability Insurance](#).

- ✓ **Talk to the employee and plan the adoption or foster parent leave**, and discuss a possible replacement.

How many weeks of leave does the employee want to take? How can her/his tasks be covered during the leave?

As an adoptive or foster parent, your employee is entitled to a **maximum of 6 weeks** adoption or foster parent leave. Each parent within the couple that adopts or takes in a child in the foster family is entitled to these 6 weeks. These 6 weeks do not have to be taken up completely, but it does have to be uninterrupted and in a minimum and multiple of 1 week. In [certain cases](#), these 6 weeks can be extended by a number of days or weeks.

On 1 January 2021, this leave was extended by one week, to be shared between adoptive or foster parents. On 1 January 2023, this period was again extended by one week, and this one-week extension will also occur in 2025 and 2027. The first 3 days of the adoption or foster parent leave are paid for by you as the employer, the remaining days are paid for by the health insurance fund of the employee.

In the case of adoption, this leave must commence within 2 months of the child's registration with the family in the population register, or (in the case of international adoption) after approval by the competent authority.

Foster parent leave must be taken within 12 months of the child's registration as a family member in the population register or the register of foreign nationals.



✓ Add **important dates** to the agenda, relating to settling **administrative matters**.

- **At the latest 1 month before the adoption or foster parent leave** is taken, the employee must inform you of this, preferably by registered letter or with a signature of receipt by you as the employer. This written notification must state the starting date and end date of the leave.
- **At the latest at the start of the adoption or long-term foster parent leave**, the employee must provide the certificates proving the adoption or long-term foster care. For this, the employee can contact the adoption service or foster care service.
- **In order to receive a benefit for the remaining days of adoption or foster parent leave (after the first 3 days)**, the employee must first submit a request to her/his health insurance fund. She/he must fill in the 'beneficiary' section and ask you to fill in the 'employer' section of the [online information sheet](#) of the health insurance fund.
- **At the latest 8 days after returning to work**, the employee must inform her/his health insurance fund via the [online form](#).

✓ Make **agreements** with the employee regarding **communication during the adoption or foster parent leave**.


It is important to **limit** contact during adoption or foster parent leave. This is a special period in which the family needs to adapt to the new situation in peace and quiet and fully enjoy the new family member.

For the practical arrangements relating to their return, such as planning the first workday/week, you can contact your employee a few days before their resumption of work in order to **coordinate the return**.

TIP Give your employee **time off for adoption or foster parent appointments**.

While these are not medical appointments like with a pregnancy, the impact may be similar. Adoption or foster parents have to take time off for a range of administrative matters, for training, or for interim meetings with the child. These are delicate and stressful moments.

The employee can make use of the annual leave for this purpose, or you can grant **separate leave** for this purpose as an employer (such as [circumstantial leave](#) or [educational leave](#)). In addition, you can give your employee permission to **work at home** on the day of the appointment. That way he/she loses less time travelling (to your advantage) and it is easier for him/her to combine work and private life.

 **Do not dismiss your employee** on account of their taking adoption or foster parent leave!

The right to dismiss an employee is limited from 2 months prior to the taking of this leave until 1 month after the end of it (see Labour Law).

During this protected period, you can only dismiss your employee for reasons that are unrelated to their taking adoption or foster parent leave. You must provide proof of the reasons you invoke to justify the dismissal.

The same applies to the non-renewal of a temporary employment contract in the event of adoption leave. This protection does not exist for foster parent leave.

 **Do not discriminate against employees on account of adoption or foster parenting.**

Adoption is covered by the protected criterion of “family responsibilities” under the Act of 10 May 2007 on gender equality. This means that employees cannot be treated unfavourably because of adoption.

Discrimination in the workplace can take **various forms**, including difference in treatment, harassment, ineligibility for a promotion, not hiring or firing someone because she/he is in the process of adopting, firing someone because she/he is absent for adoption arrangements, and so on. You can inform your employees preventively and learn to recognise prejudice and discrimination.

