

# Senate Committee on Finance, Hearing on Paid Family and Medical Leave

## October 25, 2023



**ZERO TO THREE**  
Early connections last a lifetime

Statement for the Record of Miriam Calderón, Chief Policy Officer, ZERO TO THREE

Chairman Wyden and Ranking Member Crapo:

Thank you for the opportunity to provide comments for the Committee's hearing on *Exploring Paid Leave: Policy, Practice, and Impact on the Workforce*. Shining a light on the need for paid leave policy is critically important for infants, toddlers, and families, and we greatly appreciate your leadership in holding this hearing. Paid leave is a pillar of the robust policies our nation's families need and want. While paid leave covers many types of family needs, including paid sick days, my statement today emphasizes Paid Family and Medical Leave (PFML) as precisely the right policy to facilitate one of the most profound periods of human development, the first weeks and months of a child's life with parents or close caregivers in which they begin to forge the bonds foundational to all later development, learning and relationships.

Attention to paid leave has diminished. But the challenges families face when they cannot take time off to care for themselves or their children continue to cause families distress. Family stories of their challenges and the benefits of paid leave punctuate the discussion below, illustrating the choices and dilemmas they face. Unmistakably, families, their children, their employers and the economy all pay a price for the lack of this most basic family policy. Polls consistently show support for paid family and medical leave across demographic groups.<sup>i</sup>

At ZERO TO THREE, our mission is to ensure every infant and toddler has what they need to thrive. We translate the science of early childhood development into useful knowledge and strategies for parents, practitioners, and policymakers. We work to ensure that babies and toddlers benefit from the family and community connections critical to their wellbeing and healthy development. And the science of early development tells us that nothing is more important to who we become in life than the early close relationships we form from birth. The protections offered by Paid Family and Medical Leave are essential to parents and babies as well as to workers and our country's economy. Protections offered by Paid Family and Medical Leave are particularly important for families of color, who are more likely to work in jobs where such benefits are not offered, and who are less likely to have the financial reserves to take needed time off work.

As you consider the need for paid leave policies, I call your attention to four points.

- Paid Family and Medical Leave is a basic child development policy, especially for newborn or newly adopted children, responsive to the need for unhurried time for infants and toddlers with the caregivers who are important to them, to forge the human connections essential to healthy brain connections.
- Paid Family and Medical Leave is a major cross-cutting policy with benefits that span improved maternal and infant mortality rates, health, mental health, child care and economic stability.
- Paid leave policies can promote equitable access to these benefits, of great importance to infants and toddlers of color, who are more likely to live with poverty and low income and therefore more likely to miss out on responsive, unhurried time with parents.

- The amount and nature of paid leave policies is critical to full realization of these benefits, particularly the duration of leave, level of wage replacement, definition of family members covered, and job protection provided.

The bottom line: Although time for parents and close caregivers is an essential ingredient for young children's development and later success, our nation has turned its back on the commonsense policy that could supply this time, putting it out of reach for many families, often leaving it as the province of families with higher income. We all pay for this gap, children and families most of all. Poor health outcomes drain potential and increase costs. Economic strain can impact children's wellbeing. In fact, poverty is associated with undermining brain growth in areas affecting key areas of self-regulation, learning, memory, language and emotional control. The primary factor in buffering that harmful development? Strong parental support. As a nation, we should be doing everything we can to ensure parents and close caregivers can be present for their young children to give this responsive support. That begins with paid leave.

*"When Grayson was born and needed open heart surgery, we were stunned and terrified. Everything happened so quickly and I was having a hard time processing it all – trying to stay strong, trying to be there for both my new baby and toddler at home, worried about how we would pay the medical bills, worried about finding a new job, worried about how much time I would have to stay home and take care of him, worried about keeping track of his medicines and appointments, worried about how this would impact his future and our lives. Paid family leave would have made a tremendous difference during this traumatic time in our lives. How? It would have helped us sleep at night. It would have helped us get through the day. It would have allowed us to not make decisions based on fear and finances. It would have enabled us to be present and care for each other fully during the most difficult time of our lives." Hannah S. (Farmington, MN)*

### The Importance of Paid Leave to the Earliest Development

Learning happens from the moment a baby opens their eyes, as billions of neurons start forming connections—one million or more every second. A baby's earliest relationships are central to this burgeoning brain architecture, providing the environment in which experiences unfold. In short, healthy brain connections depend on healthy human connections. Science tells us that forming secure attachments to a few caring and responsive adults is a primary developmental milestone for babies in the first year of life. But from the baby's perspective, the way we are held, talked to and cared for teaches us about who we are and how we are valued, which profoundly shapes who we will become.

All infants need ample time with their parents at the very beginning of their lives to form these critical relationships that are the portal through which they first encounter the world. It takes several months of "time off" from the flow of daily life—not only to adjust to the new physical demands of breastfeeding and sleepless nights—but to decipher the nuanced patterns and communications of a newborn, choreographing the "dance of development"<sup>iii</sup> that establishes a foundation that will influence the child's long-term cognitive, social, and emotional development.<sup>iii</sup> Through these positive, meaningful relationships and experiences that ideally they have the time to form from the beginning, children gain confidence in their ability to explore and learn from the world around them.

*When Wendy and her husband adopted Bryce, they prioritized having time to properly bond and attach with their new baby. She was able to take 12 weeks off work due to a combination of personal time off and FMLA, a large part unpaid. While she doesn't regret the time she took off at all, having no income for several weeks was a financial*

strain. Paid leave would have allowed her to take that valuable bonding time without the stress of not having her reliable income to help meet household expenses. In her words:

*“Bonding is the foundation of our relationship with Bryce. From the time we met him in the hospital when he was a day old, we immediately began skin to skin contact with him. We were able to take time off from work to be with him for the first three months of life, and that was extremely important to us. Bonding as he is older means reading together, playing on the floor with one another, and simply being together as a family.” Wendy D. (Ballwin, MO)*

This dance, as complicated as it can be magical, is the foundation of a young child’s learning. And yet, as a nation we make it difficult for parents to carry it out. Only a quarter of workers have access to paid family leave that would ensure they have this unhurried time. While current data are scarce, previous research has shown that a quarter of all birthing people return to work within 2 weeks of giving birth.<sup>iv</sup> This short duration of time off from work raises grave concerns for the birthing parent who has not had time to heal or cope with mental health issues and the role of parenting, and who may face a greater challenge in making child care arrangements. But again, thinking from a newborn’s perspective, they are thrust into an unimaginably strange world at birth, striving to connect with the humans who care for them to secure the most basic needs in life—sustenance and warmth—beginning to learn to count on that special person, their guide to this unfamiliar territory. And then suddenly that special person disappears for hours at a time.

Moreover, just as babies thrive when their emotional needs are met and they feel secure, experiences in those early years that are harmful, stressful, or traumatic can undermine their development. When the dance goes wrong, disrupted by adverse experiences such as economic insecurity or parental depression, parents may lose the ability to provide responsive, stimulating caregiving.<sup>v</sup>

Paid family and medical leave makes it possible for parents or close caregivers with newborn or newly adopted children to form families, to have that quality time to forge connections and lay the groundwork for the secure attachments and social and emotional development that in turn will spark strong cognitive development. Research has found longer lengths of leave to be associated with more positive interactions between mothers and infants, greater sensitivity, and higher quality mother-infant relationships.<sup>vi</sup>

Fathers also benefit. Studies of two-parent, opposite-sex households show a number of positive outcomes when fathers take leave. Fathers who take two or more weeks off after the birth of a child are more involved in that child’s direct care nine months after birth than fathers who take no leave.<sup>vii</sup> Involved fathers also promote children’s educational attainment and emotional stability.<sup>viii</sup> And, a father’s involvement in a newborn’s care in the first six months can mean both mother and baby sleep better.<sup>ix</sup>

*“Neither of us get any type of paid maternity/paternity leave but it was very important to me to take time off to bond together as a family after Penelope’s birth. I saved up my sick time and was able to take three weeks off after her birth. It isn’t a ton of time, but I’m thankful that I was able to do it. We already feel like a family and I believe that transition from being the “three of us” to now being the “four of us” really took place for me during those three weeks. I was also able to support my wife during that time by letting her sleep in, have one-on-one time with each child, spend time with friends, etc. in a way that wouldn’t have been possible if I hadn’t been able to take time off.” Ryan C. (Bozeman, MT)*

## **Paid Family and Medical Leave Is a Major Cross-cutting Policy**

ZERO TO THREE's recent *State of Babies Yearbook: 2023* identified five urgent priorities for policymakers to address, along with a comprehensive set of policies to do so.<sup>x</sup> Several foundational policies that could improve child and family wellbeing stood out across priority issues. Notably, paid leave played a role in addressing multiple needs: improving maternal and infant health, promoting strong infant and early childhood mental health and addressing mental health needs of women and birthing people, and providing economic security for families with young children. Cross-cutting policies such as PFML compound their benefits, making them very cost-effective and bolstering child and family wellbeing across multiple domains. While much of our focus is on paid leave for the birth or adoption of a child, other situations in the lives of babies and families, including serious childhood illness, also require time off for parents and close caregivers.

**Maternal and Infant Health:** *Yearbook* data reveal the crisis in maternal and infant health, beginning with alarming and steadily increasing maternal mortality rates for Black women and birthing people. This same pattern of racial disparities also is apparent in access to early prenatal care as well as infant birth outcomes. The mortality rate for Black infants is twice the national average (10.6 deaths per 1,000 live births compared with 5.4 nationally), placing the United States 37<sup>th</sup> among Organization for Economic Co-operation and Development nations. Black infants also are the most likely to be born preterm and with low birthweight.<sup>xi</sup>

PFML has a strong association with reduced infant and post-neonatal mortality rates. It also yields higher rates and longer periods of breastfeeding, which reduce childhood infections, disease and obesity. Evidence from California's long-running PFML program shows health and developmental improvements continuing into elementary school, as well as long-term health benefits for the breastfeeding parent. Time at home with young children helps parents ensure their children can attend well-child visits and receive vaccinations. The *Yearbook* shows that 1 in 10 infants and toddlers had not had a well-child visit in the previous year and more than a quarter were not up to date on recommended vaccines, with babies in families with low income lagging further behind. More time with babies can help parents and practitioners identify and intervene in a variety of developmental difficulties. This is especially important for caregivers of infants who are considered at high risk, such as babies born preterm or at low birth weights and those who have illnesses or birth defects.<sup>xii</sup>

*"Zoë is the first newborn that we have had significant time to bond with out of the 3 children we have, mainly because I (mom) am not working at all and dad was given paid family leave through his job as health and physical education instructor at a charter school. It has made a world of difference in her happiness and overall well-being. I was not able to successfully breastfeed for very long with my other children due to the stress of returning to work just a few weeks postpartum. I am elated that Zoë continues to breastfeed strong! Each drop of milk I can provide her contributes to her physical and emotional health." RaShona B. (Wilmington, DE)*

**Maternal Mental Health:** More than one in ten (11.5 percent) of women and birthing people are estimated to experience postpartum depression, with higher rates for those in lower socioeconomic group.<sup>xiii</sup> One fifth of maternal deaths in the postpartum period are related to mental health conditions.<sup>xiv</sup> Moreover, babies' mental wellbeing is intertwined with that of their parents, so a parent's depression can affect the attachment process.

Paid leave can have a significant impact on maternal mental health. Research shows that each week of paid leave up to 12 weeks reduces the odds of a new mother/birthing person experiencing symptoms of postpartum depression.<sup>xv</sup>

*"[When Emmett was in the NICU], I would pump every three hours, begin my work days before the sun came up. I would leave work before lunch and spend time in the NICU in the afternoon. I would come home and finish my work day and after dinner, I would go to the NICU for the last feeding. I was trying my best to be in two places at once but because there are no resources for moms in situations like mine, I was forced to sacrifice my mental/physical health and healing to "get it all done." I suffered extreme postpartum depression and anxiety from the overwhelm that was on my plate and the fact that I was watching a tiny premature baby fight for his life in the NICU. When I was postpartum, I still had health complications and I never had a chance to take care of myself. My husband and I planned for a baby and we tried our best to prepare for the financial aspect of unpaid leave. However, as much as we feel like our world is in a stand still, the bills do not stop. My husband took intermittent parental leave to make sure that we did not have a gap in health insurance. Without him doing that, our NICU bills would have been astronomical." Jessica D. (Florence, MA)*

**Child Care:** PFML is part of a continuum of policies needed to ensure families can balance work and family needs. Child care is the next step. The majority of families with a newborn or newly adopted child very quickly are thrown into a search for child care in a system that is not ready for them. Infant care is the most expensive care and hardest to find with wait lists exceeding months in many parts of the country. The challenges associated with finding high-quality, affordable child care add to the strain on a family adjusting to a new addition and increased anxiety for the wellbeing of their child and the economic necessity of returning to work.

Strong PFML policies can help both family transitions back to work as well as ease a key strain on the child care system. Families in states such as California and Rhode Island report positive effects on their ability to arrange child care.<sup>xvi</sup> Longer periods of paid leave relieve pressure on the child care system.

**Economic Security:** The birth of a child can be an unsettling event economically. Recent data show one in four mothers experience poverty around the time of their child's birth.<sup>xvii</sup> A lack of leave may cause pregnant people to leave their jobs entirely, especially since fewer than 60 percent of workers are covered by Family and Medical Leave Act job protection.<sup>xviii</sup> Lack of access to paid leave almost certainly propels the high rates of return to work within a few weeks of giving birth.

The economic benefits to families of having paid leave are clear, but many of these benefits also accrue to their employers and to society as a whole. Paid leave provides wage stability and increases attachment to the labor force. It can help the birthing parent remain in line for wage increases. Employers avoid recruiting and retraining costs. Families are less likely to use public assistance, resulting in reduced costs for state and federal governments.<sup>xix</sup> Moreover, the vast majority of small business owners, many of which could not afford to pay for paid leave on their own, report either positive effects or no effect on their profitability and in fact have experienced positive effects on turnover and competitiveness with larger businesses.<sup>xx</sup>

*Due to severe health issues, Shawnnita's son, Kaden, was rushed to the emergency room countless times in his early years, where he was frequently admitted for care. Shawnnita and her husband spent many days and nights with Kaden in the hospital. Even as their child was receiving emergency care, Shawnnita and her husband were compelled to work. Kaden's younger brother, Kairo, is now 6 months old and struggling with similar health issues. In her words:*



*“This was a challenging time for our family. We spent many days and nights in the hospital. Not having adequate time or paid leave to take off of work made the challenge even greater. Many nights as our son slept in the hospital bed next to us, a time we also should have been sleeping, we pulled out our laptops to work. We were living on a fixed income, we struggled with the expense of the special formula Kaden needed for his health issues, and we could not afford to miss work. Ultimately we had no choice. It was through this experience that we realized how important it was for parents to have access to adequate paid time off to take care of their children who has a serious health need.”* Shawnnita B. (Bedford, TX)

**Early Childhood Illnesses:** Birth or adoption often is not the only time an infant or toddler needs their parents’ constant presence. For example, the rates of childhood cancer have been increasing over the past 20 years. Almost half of all pediatric cancer occurs during early childhood, with the peak incidence of invasive childhood cancer occurring during infancy. Unquestionably, all children and particularly very young ones need the reassuring presence of their parents at such times. Families who care for a child with cancer incur considerable costs during the diagnostic, treatment, and follow-up care phases of the disease. Four major factors contribute to these expenses: necessary travel; loss of income because of a reduction or termination of parental employment; out-of-pocket treatment expenses; and inability to draw on assistance programs to supplement or replace lost income.<sup>xxi</sup> As with most caregiving duties, the majority falls on the mother and therefore her career and financial stability is most at risk. Typically, the mother is the one who terminated or reduced work hours, which affects the entire family’s financial well-being. This economic burden can have long-term effects on the financial security, quality of life, and future well-being of the entire family, including the siblings of the affected child. Paid family and medical leave would help to alleviate the financial burden and eliminate the fear of retaliation when returning to work after caring for a chronically ill child.

Anna’s son, Gareth, had severe allergies and asthma that led to multiple hospitalizations in his first year of life. Had Anna had access to comprehensive paid family and medical leave, she would have been able to spend more time bonding with Gareth and understanding what was causing his illness. Instead she had to walk away from a job she loved to care for her sick child. In her words:

*“Having to return to work when your baby is six weeks is no mother’s dream. I had to return to work due to the exhausting my entire leave. None of the leave was paid, but my job was on the line if I didn’t return to work. If there were more time for me to bond with my baby, I would have had more knowledge of what was going on with him. I would not have had to resign from my job if there was more time allowed to be home with him.”* Anna A. (Bastrop, LA)

## **Paid Leave Policies Promote Equity from the Start**

The ability to take time off at the birth or adoption of a child or during a prolonged health need of the worker or family members is inextricably bound to a worker’s economic situation. One of the most important findings in the *Yearbook* is that “poverty and low income remain the most striking demographic factor of babies in the United States, illustrating the intersectionality of income with race and ethnicity. In 2021, nearly two in five (38.9 percent) of the nation’s infants and toddlers lived in families earning less than 200 percent of the federal poverty level (\$55,000 a year for a family of four). Racial and ethnic disparities are clear: 62.3 percent of Black infants and toddlers lived in families with low income, as did 61.4 percent of Native American and 50.8 percent of Hispanic infants and toddlers.”<sup>xxii</sup>

Because families of color are overrepresented in the population with low income, not surprisingly they are less likely to be in jobs that provide paid leave and have less ability to use unpaid leave because they cannot afford to lose income. The *Yearbook* describes the racial wealth gap for Black and Latine families in particular, noting that their overall disparities in having financial assets to fall back on is a barrier to taking advantage of unpaid leave,<sup>xxiii</sup> and saving for time off is challenging for families living paycheck to paycheck. An additional barrier is wage discrimination where Black, Latine and Native workers earn less on average than white men and women workers.<sup>xxiv</sup>

The ramifications of this inequity go far beyond economics. Families with young children who cannot take time off from work are impeded in giving their babies the unhurried time for the responsive care that promotes positive development. Disparities in health access and outcomes are magnified, so that the health and mental health of birthing parents and babies alike are placed at risk. Family life could be more chaotic simply because parents cannot catch their breath or be fully present for their babies. Financial instability, which the *Yearbook* shows is a reality for many babies and especially babies of color, could be even more precarious. Parents who return to work must continue the family scramble of looking for infant child care, with minimal support in that area as well, and less access to quality programs for families of color or with low income.

One of paid leave's most important impacts thus would be promoting equity for families and babies even before birth. Research on California's paid family leave program found that the program has not only increased the amount of time off taken by all women, but also has resulted in parity in the number of weeks taken by Black and white mothers/birthing parents.<sup>xxv</sup> By promoting job retention, paid leave can help promote financial stability not only during the leave period, but afterwards as well, especially as women who take paid family leave are more likely to have wage increases in the following year.<sup>xxvi</sup> Finally, the ability to care for oneself, attend to mental health and health needs and potentially reduce maternal and infant mortality would be a huge gain in health equity—and should be a fundamental guarantee to people in the United States, as it is to residents of other industrialized nations.

### The Parameters of a Robust Paid Leave Program

A national paid family and medical leave policy must be broad and robust to comprehensively address families' needs for providing care. ZERO TO THREE has endorsed the Family and Medical Insurance Leave (FAMILY) Act, which meets this goal. It would

- Provide workers a **meaningful duration of leave**, not less than 12 weeks, for caring for their own serious health condition, the birth or adoption of a child, addressing the effects of domestic violence or sexual assault, or to make arrangements for military deployment.
- Provide **wage replacement rates** to make taking leave financially possible for all working people – ensuring the lowest paid workers receive 85 percent of their normal wage, with typical workers earning around two-thirds of their wages.
- Be **inclusive of all working people** across the United States, covering workers in all companies, no matter their size. Younger, part-time, lower-wage, contingent, and self-employed workers would all be eligible for benefits.
- Ensure workers on the job for more than 90 days have the **right to be reinstated** following their leave, and all workers are protected from retaliation.

- Be affordable, cost-effective, and sustainably funded by **small employee and employer payroll contributions.**

### Conclusion

Care is a fundamental factor in human life. We all have needed care as babies and will almost certainly need care again at some point. Most of us also will be called on to be caregivers. And, except in a handful, but growing, number of states and the military, families shoulder this responsibility with little support from policies that ensure financial security and peace of mind. Congress can and should change this with policies like paid leave.

Many potential parents are giving up on our nation, faced with the daunting prospect of having a baby during increasingly complex times, residing in what amounts to a family policy desert among industrialized nations. From the first *State of Babies Yearbook* five years ago to the one just released, the cohort of infants and toddlers in the United States dropped by 900,000 babies, from 11.9 million to 11 million. The reasons behind the decline in births are complex. Yet, family-friendly policies could be an important key to turning the birthrate around and ensuring the future generation needed to sustain our economy.

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<sup>ii</sup> Zigler, E., Muenchow, S., & Ruhm, C. (2012). Time off with baby: the case for paid care leave. ZERO TO THREE Press.

<sup>iii</sup> Center on the Developing Child (2009). Five Numbers to Remember About Early Childhood Development (Brief). Retrieved from [www.developingchild.harvard.edu](http://www.developingchild.harvard.edu)

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<sup>v</sup> Cole, P., Trexberg, K., & Schaffner, M. (2023). State of babies yearbook: 2023. Washington, DC: ZERO TO THREE. <https://stateofbabies.org/>

<sup>vi</sup> Van Niel, et al.

<sup>vii</sup> Nepomnyaschy, L., & Waldfogel, J. Paternity Leave and Fathers' Involvement with their Young Children: Evidence from the American Ecls-B. *Community, Work and Family*, 10(4), 427-453. 2007.

<sup>viii</sup> Michael Lamb, *The role of the father in child development*, 4th ed. (pp. 1–18, 309–313), 2004. Hoboken, N.J.: John Wiley & Sons, Inc.; Kristin Smith, *After the Great Recession, More Married Fathers Providing Child Care*. Carsey School of Public Policy, 2005. Retrieved from <https://carsey.org>.

<sup>ix</sup> Liat Tikotzky, Avi Sadeh, Ella Volkovich, Rachel Manber, Gal Meiri, and Golan Shahar, Infant sleep development from 3 to 6 months postpartum: links with maternal sleep and paternal involvement. *Monographs of the Society for Research in Child Development*, 80(1), p. 107 – 124, 2015.

<sup>x</sup> Cole, P., et al.

<sup>xi</sup> Ibid.

<sup>xii</sup> Zigler, et al.

<sup>xiii</sup> Van Niel, et al.

<sup>xiv</sup> Trost, S., Beauregard, J., Chandra, G., Njie, F., Berry, J., Harvey, A., & Goodman, D. A.. (2022). Pregnancy-related deaths: Data from Maternal Mortality Review Committees in 36 US states, 2017–2019. Centers for Disease Control and Prevention. <https://www.cdc.gov/reproductivehealth/maternal-mortality/erase-mm/datammrc.html>

<sup>xv</sup> Kornfeind, K. R., & Sipsma, H. L. (2018). Exploring the link between maternity leave and postpartum depression. *Women's Health Issues*, 28(4), 321-326



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<sup>xvi</sup> Appelbaum, E., & Milkman, R. (2013). *Unfinished Business: Paid Family Leave in California and the Future of U.S. Work-Family Policy* (p. 49). Ithaca, NY: Cornell University Press.

<sup>xvii</sup> Hamilton, C., Sariscany, L., Waldfogel, J. & Wimer, C. (2023). Experiences of poverty around the time of a birth: A research note. *Demography*, 60(4), 965–976. <https://doi.org/10.1215/00703370-10837403>

<sup>xviii</sup> National Partnership for Women and Families (2023). Paid leave. [Paid Leave - National Partnership for Women & Families](#)

<sup>xix</sup> Van Niel, et al.

<sup>xx</sup> National Partnership for Women and Families (2023). Paid family and medical leave is good for business. [paid-leave-good-for-business.pdf \(nationalpartnership.org\)](#)

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<sup>xxii</sup> Cole, P., et al.

<sup>xxiii</sup> Ibid.

<sup>xxiv</sup> National Partnership for Women & Families. (2018). Paid family and medical leave: A racial justice issue—and opportunity. <https://nationalpartnership.org/resource/paid-family-and-medical-leave-a-racial-justice-issue-and-opportunity/>

<sup>xxv</sup> Ibid.

<sup>xxvi</sup> Van Niel, et al.