UNDER SECRETARY OF DEFENSE
4000 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-4000

PERSONNEL AND
READINESS

MAR 23 2018

MEMORANDUM FOR: SEE DISTRIBUTION

SUBJECT: Parental Leave for Military Personnel in Connection with the Birth or Adoption of a Child

This memorandum implements and consolidates guidance for non-chargeable leave entitlements in connection with the birth or adoption of a child, which have been authorized by the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328) as amendments to subsections (i) and (j) of title 10, United States Code, section 701, and contained in Department of Defense Instruction (DoDI) 1327.06, "Leave and Liberty Policy and Procedures," May 19, 2016.

This policy supplements existing issuances and regulations pertaining to leave and liberty policy and procedures, with the exception of paragraph 1.(k)(2) of enclosure 2 of the aforementioned DoDI, which is hereby superseded. The policies outlined in the attachment, *Guidance for Implementation of the Military Parental Leave Program* will be incorporated into all applicable issuances and regulations to ensure an effective and efficient transition to these revised entitlements.

Robert L. Wilkie

Attachment:
As stated

cc:
Secretary of Homeland Security

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ATTACHMENT – GUIDANCE FOR IMPLEMENTATION OF THE MILITARY PARENTAL LEAVE PROGRAM

1. GENERAL.

a. Background. Change 3 to Department of Defense Instruction (DoDI) 1327.06, "Leave and Liberty Policy and Procedures," dated June 16, 2009, and the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2017 (Public Law 114-328), significantly expand entitlement to non-changeable leave for military members in connection with the birth or adoption of a child. Importantly, the new law, which is codified in subsections (i) and (j) of of title 10, United States Code (U.S.C.), section 701, also eliminates disparities in non-chargeable leave entitlements based on whether a child enters a military family by birth or through adoption. While expanded policies regarding "Maternity Leave" have been in effect throughout the Department of Defense (DoD) since February of 2016, the NDAA for FY 2017 has necessitated changes to those "Maternity Leave" policies; it also requires new policy guidance to implement non-chargeable leave entitlements for primary and secondary caregivers. This document contains the changes and the required new policy guidance.

b. Purpose. This memorandum establishes and consolidates policies, assigns responsibilities, and provides procedures for non-chargeable leave entitlements for military members in connection with the birth or adoption of a child, which shall collectively be known as the "Military Parental Leave Program" (MPLP). Specifically, this document implements the MPLP as enacted in title 10, U.S.C., section 701(i) and (j), and contained in Change 3 to DoDI 1327.06. Unless specifically stated in title 10, U.S.C., section 701(i) and (j), or this document, all existing laws, regulations, and policies related to leave and liberty, pregnancy, childbirth, adoption, or parenthood, remain in effect under the MPLP. Policies and procedures established or incorporated in this document supplement existing guidance for leave and liberty in all applicable Department issuances, including DoD 7000.14-R, the "DoD Financial Management Regulation," DoDI 1327.06, "Leave and Liberty Policy and Procedures," and any other DoDIs related to leave and liberty, pregnancy, childbirth, adoption, or parenthood. Those issuances will be updated to incorporate the policy outlined in this memorandum as applicable.

2. APPLICABILITY. This policy applies to OSD, the Military Departments (including the Coast Guard at all times, including when it is a Service in the Department of Homeland Security by agreement with that Department), the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities within the DoD.

3. POLICY. It is DoD policy that:

a. Covered Service members who give birth shall be provided an appropriate period of non-chargeable convalescent leave following discharge or release from a hospital (or similar

facility) following pregnancy and childbirth.

b. Covered Service members shall be afforded the opportunity to take full advantage of the MPLP consistent with their desires, and, in the case of Primary Caregiver Leave and Secondary Caregiver Leave, with operational requirements and training workloads.

c. The MPLP shall consist of the following forms of non-chargeable leave following a qualifying birth event or adoption for covered Service members:

(1) Maternity Convalescent Leave;

(2) Primary Caregiver Leave; and,

(3) Secondary Caregiver Leave.

d. The MPLP shall be administered in accordance with applicable law, as well as the policies and procedures contained in this document.

4. RESPONSIBILITIES.

a. Principal Deputy Under Secretary of Defense for Personnel and Readiness (PDUSD(P&R)). The PDUSD(P&R) provides overall guidance in the administration of the MPLP in accordance with DoD Directives 5124.02 and 5124.08.

b. Assistant Secretary of Defense for Manpower and Reserve Affairs (ASD(M&RA)). Under the authority, direction, and control of the PDUSD(P&R), the ASD(M&RA):

(1) Serves as the focal point for policies related to leave and liberty in general and the MPLP in particular.

(2) Will update and reissue DoDI 1327.06 (Change 3) to reflect this guidance as well as any other necessary changes in policy.

(3) Develops, publishes, and maintains DoD guidance governing the MPLP as well as issuances and memoranda that provide additional policy to implement aspects of this memorandum, as required.

(4) Ensures DoD Components effectively administer the provisions of the MPLP in accordance with this memorandum.

(5) Adjudicates exception to policy requests beyond the authorities provided in this issuance.

c. Secretaries of the Military Departments and Commandant of the United States Coast Guard. The Secretaries of the Military Departments and the Commandant of the Coast Guard (except when it is Service in the Department of the Navy) will:

(1) Implement this policy immediately.

(2) Issue further Service-specific guidance consistent with this policy memorandum, as needed.

(3) Educate their force to ensure members understand the new benefits, including eligibility, and date of implementation.

d. Director, Defense Finance and Accounting Service. The Director, Defense Finance and Accounting Service will work with the Military Departments to retroactively convert chargeable leave to non-chargeable Primary and Secondary Caregiver Leave, where applicable, for covered Service members who are retroactively provided Primary or Secondary Caregiver Leave.

5. COVERED MEMBERS. Active component service members, Reserve component Service members performing active Guard and Reserve duty or Full-time National Guard Duty (FTNGD) for a period in excess of 12 months, and Reserve component service members performing duty under a call or order to active service in excess of 12 months are covered by this policy. A period of active service of a Reserve component member may not be extended in order to permit the member to take leave authorized under the MPLP; however, a Service member can be extended on active service following a qualifying birth event when determined medically necessary by competent medical authority.

6. EFFECTIVE DATE. Entitlements outlined in this policy are retroactive to December 23, 2016. The following apply with respect to qualifying birth events or adoptions that occurred on or after December 23, 2016, through the date that is the day immediately preceding the date of this memorandum (referred to as the "MPLP retroactive period" for ease of construction):

a. Any leave taken under existing leave policy is not negated and shall not be curtailed by the implementation of this policy.

b. Covered Service members who gave birth and received 12 weeks (or 18 weeks in the case of certain members of the Navy or Marine Corps) of non-chargeable Maternity Leave in accordance with DoDI 1327.06 (Change 3), shall be considered to have been designated as the primary caregiver and thus, shall not be entitled to retroactive Primary Caregiver Leave or Maternity Convalescent Leave. This limitation shall also apply to members in a Maternity Leave status as of the date of this memorandum who have not yet completed their period of leave.

c. Subject to paragraph 6.a., covered Service members who received 10 days of non-chargeable Parental Leave, or up to 21 days of non-chargeable Adoption Leave (in accordance with DoDI 1327.06), may be retroactively designated as primary or secondary caregivers (in accordance with primary and secondary caregiver designation guidance in paragraph 8 of this memorandum) and receive a total of 42 days or no more than 21 days, respectively, of non-chargeable leave (to include any previously authorized leave) to be used within 18 months of the qualifying birth events and/or adoptions. Such totals include any chargeable ordinary leave a covered Service member took in conjunction with the non-chargeable parental or adoption leave.

d. In the case of a covered Service member married to another covered Service member (i.e., dual military couples), each member may be retroactively designated as a primary or secondary caregiver (in accordance with primary and secondary caregiver designation guidance) and receive the appropriate total amount of non-chargeable Primary or Secondary Caregiver Leave as stipulated in paragraph 6.b. However, only one member of such a couple may be designated as the primary caregiver and one designated as the secondary caregiver.

e. Covered members who remain on active duty, or FTNGD as of the date of release of this policy, may elect to have previously charged ordinary or regular leave, which was used in connection with a qualifying birth event or adoption, corrected to non-chargeable leave (subject to the limits above) or utilize the remainder of their non-chargeable leave entitlements within 18 months of the qualifying birth event or adoption.

f. Service members who are no longer on active duty or FTNGD, cannot request corrections to their leave balances and they cannot sell back unused leave resulting from retroactive Primary and Secondary Caregiver Leave as it does not apply.

7. LEAVE ENTITLEMENTS UNDER THE MPLP.

a. Maternity Convalescent Leave. Maternity Convalescent Leave:

(1) Is limited to a covered Service member birthparent after a qualifying birth event. In cases where a baby is stillborn, or the covered member suffers a miscarriage, convalescent leave, other than Maternity Convalescent Leave, may be granted in accordance with DoDI 1327.06.

(2) Is limited to 6 weeks of non-chargeable leave, unless additional Maternity Convalescent Leave is specifically recommended, in writing, by the medical provider of the covered member to address a diagnosed medical condition and is approved by the member's commander. A covered birthparent may, with the concurrence of a medical provider, elect to receive a period of Maternity Convalescent Leave that is less than 6 weeks.

(3) Must be taken immediately following childbirth, except that the leave shall not commence until the first full day following the date a covered Service member is discharged or released from the hospital (or similar facility) where the birth took place.

(4) May be taken consecutively with either Primary or Secondary Caregiver Leave, but must be taken prior to any caregiver leave (for a maximum of 12 weeks in conjunction with Primary Caregiver Leave, or 9 weeks in conjunction with Secondary Caregiver Leave). If additional Maternity Convalescent Leave is authorized and approved in accordance with subparagraph (2), the full period of the extended Maternity Convalescent Leave shall be taken prior to any caregiver leave and, the amount of caregiver leave shall be reduced one day for each day of additional Maternity Convalescent Leave taken (i.e., that portion of the period of Maternity Convalescent Leave that is in excess of 6 weeks). Primary or Secondary Caregiver Leave, if not taken in conjunction with Maternity Convalescent Leave, must be taken within one year (or 18 months with respect to the MPLP retroactive period) of a qualifying birth event or adoption.

(5) Must be taken in only one increment.

(6) May be taken consecutively with approved chargeable (ordinary) leave. If taken in conjunction with ordinary leave, may exceed the maximum limits of subparagraph (4), if approved by the commander. If taken with caregiver leave *and* ordinary leave, the order in which the types of leave must be taken is as follows: Maternity Convalescent Leave, caregiver (Primary or Secondary) leave, ordinary leave.

(7) May not be disapproved by a commander.

(8) May not be transferred to create any kind of shared benefit.

(9) Will be forfeited if unused at separation from active service.

b. Primary Caregiver Leave. Primary Caregiver Leave:

(1) Is limited to covered Service members who meet the definition of, and are designated as, "primary caregivers" in conjunction with qualifying birth events or adoptions.

(2) Is limited to 6 weeks of non-chargeable leave and must be taken within one year (or 18 months with respect to the MPLP retroactive period) of a qualifying birth event or adoption. A designated primary caregiver may elect to receive a period of Primary Caregiver Leave that is less than 6 weeks.

(3) May be taken consecutively with Maternity Convalescent Leave and/or approved ordinary (chargeable) leave. However, Primary Caregiver Leave may not be taken consecutively with chargeable terminal leave and/or administrative absence for transition (commonly referred to as permissive temporary duty or PTDY). If taken consecutively with Maternity Convalescent Leave, Primary Caregiver Leave must be taken after Maternity Convalescent Leave. If not taken in conjunction with Maternity Convalescent Leave, it must be taken within one year (or 18 months with respect to the MPLP retroactive period) of a qualifying birth event or adoption. If taken in conjunction with ordinary leave (other than terminal leave or PTDY), the Primary Caregiver Leave must be taken before the ordinary leave. If taken in conjunction with *both* Maternity Convalescent Leave *and* ordinary leave (other than terminal

leave or PTDY), the order in which the types of leave must be taken is as follows: Maternity Convalescent Leave, Primary Caregiver Leave, ordinary leave.

(4) Must be taken in only one increment.

(5) May not be authorized in cases of a qualifying birth event where the child is given up for adoption, and/or parental rights are terminated or surrendered.

(6) Eligibility, or the leave itself if started, terminates upon the death of the child. However, in such cases, covered members may be transitioned to an emergency leave (chargeable) status in accordance with DoDI 1327.06.

(7) Will be forfeited if any portion remains unused at separation from active service.

(8) May not be transferred to create any kind of shared benefit.

c. Secondary Caregiver Leave. Secondary Caregiver Leave:

(1) Is limited to covered Service members who meet the definition of, and are designated as, "secondary caregivers" in conjunction with qualifying birth events or adoptions.

(2) Is limited to no more than 21 days of non-chargeable leave and must be taken within one year (or 18 months with respect to the MPLP retroactive period) of a qualifying birth event or adoption. A designated secondary caregiver may elect to receive a period of Secondary Caregiver Leave that is less than 21 days.

(3) May be taken in conjunction with Maternity Convalescent Leave and/or approved chargeable (ordinary) leave, except it may not be taken consecutively with chargeable terminal leave and/or administrative absence for transition (commonly referred to as permissive temporary duty or PTDY). If taken in conjunction with Maternity Convalescent Leave, Secondary Caregiver Leave must be taken after Maternity Convalescent Leave. If not taken in conjunction with Maternity Convalescent Leave, it must be taken within one year (or 18 months with respect to the MPLP retroactive period) of a qualifying birth event or adoption. If taken in conjunction with ordinary leave (other than terminal leave or PTDY), the Secondary Caregiver Leave must be taken before the ordinary leave. If taken in conjunction with *both* Maternity Convalescent Leave *and* ordinary leave (other than terminal leave or PTDY), the order in which the types of leave must be taken is as follows: Maternity Convalescent Leave, Secondary Caregiver Leave, ordinary leave.

(4) Must be taken in only one increment.

(5) May not be authorized in cases of a qualifying birth event where the child is given up for adoption, and/or parental rights are terminated or surrendered.

(6) Eligibility, or the leave itself if started, terminates upon the death of the child. However, in such cases, covered members may be transitioned to an emergency leave (chargeable) status in accordance with DoDI 1327.06.

(7) Will be forfeited if any portion remains unused at separation from active service.

(8) May not be transferred to create any kind of shared benefit.

8. DESIGNATION OF PRIMARY AND SECONDARY CAREGIVERS.

a. Primary and secondary caregiver designations shall apply as those terms are defined in the definitions section of this memorandum.

b. In the case of a qualifying birth event or adoption, the covered Service member shall designate the child's primary caregiver. See subparagraph e. regarding designations for dual military couples.

c. Only one primary and one secondary caregiver may be authorized for each qualifying birth event or adoption.

d. In no case will a covered member be designated as both a primary and secondary caregiver and permitted to receive both Primary and Secondary Caregiver Leave for the same qualifying birth event or adoption.

e. In the case of a dual military couple, one covered Service member will be designated as the primary caregiver and the other covered Service member as the secondary caregiver. Each will be granted the caregiver leave associated with those respective designations. Caregiver leave is not transferable between members of a dual military couple.

f. In the case of a member who desires designation as a primary or secondary caregiver for qualifying a birth event of a child(ren) born outside of a marriage, the member's parentage of the child(ren) must be established in accordance with criteria prescribed by the Secretary concerned. Proof of parentage may include, but is not limited to: being listed, with consent, as a parent on the child's birth certificate or other government issued document; acknowledgement in writing of an obligation to support the child, either by voluntary agreement or court order; or, registration, or pending registration, in the Defense Enrollment Eligibility Reporting System (must occur within 30 days of the birth). A birthparent is not required to establish proof of parentage.

g. Designations of primary and secondary caregivers shall be made as early as practicable, and under normal circumstances should occur at least 60 days in advance of an anticipated due date (in the case of a qualifying birth event), or anticipated date of a qualifying adoption.

9. DESIGNATION OF PRIMARY AND SECONDARY CAREGIVERS WHO ARE WITHIN 3 MONTHS OF AN OPERATIONAL DEPLOYMENT OR WHO ARE CURRENTLY DEPLOYED.

a. Covered members who are operationally deployed or those who are within 3 months of an operational deployment may be designated as a primary or secondary caregiver.

b. A covered member who is operationally deployed will normally be required to defer the Primary or Secondary Caregiver Leave until the operational deployment period has been completed. However, in exceptional and compelling circumstances, a unit commander may approve Caregiver Leave for covered members who are operationally deployed if the unit commander determines that the unit's readiness will not be adversely impact by approving the leave.

c. A member who is within 3 months of an operational deployment may:

(1) Defer primary or secondary caregiver designation and/or Caregiver Leave until the operational deployment is completed; or,

(2) After designation as a secondary caregiver, utilize up to 21 days of Secondary Caregiver Leave prior to deployment.

Any period of deferral of caregiver leave under this section due to an operational deployment shall be not be counted against the one year period following a qualifying birth event or adoption in which members must take caregiver leave.

10. PRIMARY AND SECONDARY CAREGIVER LEAVE AS IT RELATES TO SURROGACY.

a. In cases where a Service allows its members to act as a surrogate, only the 6-week Maternity Convalescent Leave (subject to the provisions for extending Maternity Convalescent Leave in paragraph 7.a.(2)) following childbirth is authorized for a covered Service member who acts as a surrogate.

b. A covered Service member whose spouse serves as a surrogate and gives birth is not entitled to Primary or Secondary Caregiver Leave.

c. In cases where a covered Service member (or a covered dual military couple) uses a surrogate, and the member (or couple) becomes the legal parent(s) or guardian(s) of the child, the event will be treated as an adoption, and the Service member(s) will be entitled to either Primary or Secondary Caregiver Leave in accordance with this guidance.

11. UNUSED MILITARY PARENTAL LEAVE.

a. Any amount of Primary or Secondary Caregiver Leave remaining unused at the time of separation from active service shall be forfeited.

b. Primary or Secondary Caregiver Leave that is not taken prior to the expiration of one year (or 18 months with respect to the MPLP retroactive period) from the date of a qualifying birth event or adoption, will be forfeited. For purposes of the MPLP and title 10, U.S.C., section 701(i)(6)(A) (as also applied by this policy to title 10, U.S.C., section 701(j)), Primary or Secondary Caregiver Leave shall be considered to have been "taken" as long as the Primary or Secondary Caregiver Leave shall have commenced prior to the expiration of a period of one year (or 18 months with respect to the MPLP retroactive period) following a qualifying birth event or adoption.

c. Subject to the requirements and guidance in paragraph 5 above, any leave authorized under the MPLP for a covered Reserve component member that is not taken by the time the member is separated from active service shall be forfeited:

(1) The period of active service of a covered Reserve component member may not be extended in order to permit the member to take leave authorized under the MPLP.

(2) Covered Reserve component members will not be recalled to active service for the use of any category of leave (either singly or in combination) under the MPLP.

12. MPLP PROVISIONS NOT IMPLEMENTED WITHIN DOD.

a. Section 701(i)(8)[1] of title 10, U.S.C., provides that in accordance with prescribed regulations, a covered Service member taking leave under the MPLP *may* be required to extend his or her service obligation, or to incur a reduction in his or her accrued leave balance, by one week for every week of leave taken under the MPLP. Implementation of the provision is discretionary and subject to the regulations contained in DoDI 1327.06 and this policy document. Therefore, notwithstanding title 10, U.S.C., section 701(i)(8), it shall be the policy of the DoD *not* to require such an extension of obligated service or reduction in an accrued leave balance in the case of a covered Service member who takes leave under any form of non-chargeable MPLP leave (Maternity Convalescent Leave, Primary Caregiver Leave, or Secondary Caregiver Leave). Further, Secretaries of the Military Departments and the Commandant of the Coast Guard are not authorized to include any such requirement for an extension of obligated service or reduction in a leave balance in their MPLP service-specific guidance.

b. Section 701(i)(10)[1] of title 10, U.S.C., provides that a service member taking leave under the MPLP during a period of obligated service shall not be eligible for terminal leave (per

[1] Section 701(j)(4) of title 10, U.S.C., provides that the provisions in paragraphs (8) and (10) of section 701(i) of U.S.C., and applicable regulations in this policy document, shall apply to the Secondary Caregiver Leave and the taking of Secondary Caregiver Leave as authorized by the subsection (j). Therefore, paragraph 12 of this policy document shall apply equally to all forms of leave under the MPLP.

paragraph 1.j.(7) of DoDI 1327.06), or to sell back leave (in accordance with section 501 of title 37, U.S.C., and chapter 34 of the DoD FMR, Vol. 7A), at the end of the period of obligated service. For purposes of the MPLP and title 10, U.S.C., section 701(i)(10) (as also applied by this policy to title 10, U.S.C., section 701(j)), "a period of obligated service" shall be construed to mean an extension of a covered Service member's service obligation as referred to in paragraph 12.a. above. Further, since paragraph 12.a. precludes the imposition of an extension of obligated service as a condition for taking leave under the MPLP, the prohibitions in section 701(i)(10)[1] of title 10, U.S.C., are not triggered; to the extent they are otherwise eligible, covered Service members who take Maternity Convalescent Leave, Primary Caregiver Leave, or Secondary Caregiver Leave may be authorized terminal leave in accordance with DoDI 1327.06 (and Service-specific guidelines) and/or sell back of leave in accordance with section 501 of title 37, U.S.C., and chapter 34 of the DoD FMR, Vol. 7A.

13. GLOSSARY.

G.1. ACRONYMS.

ASD(M&RA)	Assistant Secretary of Defense for Manpower and Reserve Affairs
DoD	Department of Defense
DoDI	Department of Defense Instruction
FTNGD	Full Time National Guard Duty
FY	Fiscal Year
MPLP	Military Parental Leave Program
NDAA	National Defense Authorization Act
PDUSD(P&R)	Principal Deputy Under Secretary of Defense for Personnel and Readiness
U.S.C.	United States Code

G.2. DEFINITIONS. Unless otherwise noted, these terms and their definitions are for the purpose of this policy memorandum.

Birth Event: Any live birth of a child(ren) to a Service member (or spouse). Multiple births resulting from a single pregnancy (e.g., twins or triplets) will be treated as a single birth event so long as the multiple births occur within the same 72-hour period. Multiple births that do not occur within the same 72-hour period will be treated as separate birth events (in this case, Maternity Convalescent Leave and Primary or Secondary Caregiver Leave must run concurrently but before the expiration of the leave).

Birthparent: The parent who gives birth.

Maternity Convalescent Leave: A 6-week convalescent period for a military member immediately following pregnancy and childbirth. Maternity convalescent leave, as with any convalescent leave, is non-chargeable. It shall commence beginning on the first full day following the date of discharge or release from a hospital (or similar facility) following childbirth.

Military Parental Leave: Any combination of the three types of non-chargeable leave associated with childbirth or adoption to include maternity convalescent leave, Primary Caregiver Leave, and Secondary Caregiver Leave. The collective program under which these types of non-chargeable leave occur is known as the MPLP.

Operational Deployment: An operational deployment begins when the majority of a unit or detachment, or an individual not attached to a unit or detachment, departs home port, station, or

base, or departs from an enroute training location to meet a Secretary of Defense-approved operational requirement.

An event is an operational deployment if it is recorded in the Joint Capabilities Requirement Manager or Fourth Estate Manpower Tracking System and is contained in the annual Global Force Management Data Initiative compliant tool under the Global Force Management Data Initiative reporting structure specified in DoDI 8260.03.

Forces deployed in support of execute orders, operational plans, or concept plans approved by the Secretary of Defense are also considered operationally deployed. An operational deployment ends when the majority of the unit or detachment, or an individual not attached to a unit or detachment, arrives back at their home port, station, or base. Forces operationally employed by Secretary of Defense orders at their home station or in "prepare-to-deploy" status at home station are not operationally deployed.

Primary Caregiver: The parent with the primary responsibility for caring for a child, in most cases the non-military parent, in the case of a qualifying birth event or adoption. In some cases, the covered military member may be designated as the primary caregiver. Such cases may include, but are not limited to: situations where the covered member is the birthparent; dual military couples where one member of the couple is designated as the primary caregiver; the unavailability or incapacity of the birthparent if the birth parent is not a military member; the death of one of the parents; or other circumstances where the covered military member must act as primary caregiver. Primary Caregiver Leave may be approved for an unmarried, non-birthparent if that member's parentage of the child is established in accordance with criteria prescribed by the Secretary concerned.

Primary Caregiver Leave: A 6-week period of non-chargeable leave granted to a designated primary caregiver for the care of a child obtained through a qualifying birth event or adoption.

Secondary Caregiver: The parent who is not designated as the primary caregiver. Secondary Caregiver Leave may be approved for an unmarried, non-birth parent if that member's parentage of the child is established in accordance with criteria prescribed by the Secretary concerned.

Secondary Caregiver Leave: A period of non-chargeable leave, limited to no more than 21 days, granted to a designated secondary caregiver for the care of a child obtained through a qualifying birth event or adoption.

Surrogacy: An agreement by a woman to undergo pregnancy so as to produce a child which will be surrendered to others.

Qualifying adoption: An adoption that is arranged by a "qualified adoption agency" as that term is defined in section 1052 of title 10, United States Code.

14. REFERENCES.

DoD Directive 5124.02, "Under Secretary of Defense for Personnel and Readiness (USD(P&R))," June 23, 2008
DoD Directive 5124.08, "Principal Deputy Under Secretary of Defense for Personnel and Readiness (PDUSD(P&R))," January 19, 2009
DoD Instruction 1327.06, "Leave and Liberty Policy and Procedures," May 19, 2016, as amended
DoD Manual 7000.14-R, Volume 7A, "DoD Financial Management Regulation (FMR): Military Pay Policy - Active Duty and Reserve Pay," current edition
Public Law 114-328, "National Defense Authorization Act for Fiscal Year 2017," December 26, 2016
United States Code, Title 10
United States Code, Title 37