Taking Leave for Mental Health Care in New Jersey

FMLA and Short-Term Disability, Step by Step

A plain-language guide from Jersey Behavioral Health. Current as of November 19, 2026.

Taking time away from work to get mental health care raises practical questions. Will my job be safe? Will I be paid? Who fills out the forms? This guide explains the main options in New Jersey and the steps to start.

The three pieces, in short

	What it gives you	Who it's for
FMLA (federal)	Up to 12 weeks of unpaid leave in a 12-month period, with your job protected and your group health benefits continued	Eligible employees of covered employers
NJ Temporary Disability Insurance (TDI)	Cash benefits when a physical or mental health condition keeps you from working	Most New Jersey workers who have paid in and meet the earnings rule
Short-term disability (STD) through work	Pay while you're out, under your employer's own plan	Employees whose employer offers it

FMLA protects your job. TDI and STD are the ones that may pay you. Ask your employer how they fit together for your situation.

1. What FMLA is, and who qualifies

The Family and Medical Leave Act (FMLA) gives eligible employees up to 12 workweeks of unpaid, job-protected leave in a 12-month period for a serious health condition that keeps them from doing their job. The law defines a serious health condition as an illness, injury, impairment, or physical **or mental** condition that involves inpatient care or continuing treatment by a health care provider. Leave can be taken all at once or, when medically necessary, in pieces (intermittent or reduced schedule). FMLA leave is unpaid, but it can run at the same time as paid leave from your employer.

You are generally eligible if **all** of these are true:

- Your employer is covered: a private employer with 50 or more employees, or a public agency or school.
- You have worked for the employer for at least **12 months**.
- You worked at least **1,250 hours** in the 12 months before your leave starts.
- Your worksite has **50 or more employees within 75 miles**.

If one of these isn't true for you, FMLA may not apply. The next section may still help.

2. New Jersey: Family Leave Insurance vs. Temporary Disability Insurance

These two sound alike. Here is the difference.

- **Family Leave Insurance (FLI)** pays when you take time to bond with a new child or to care for a loved one with a serious health condition. It is **not** for your own health condition.
- **Temporary Disability Insurance (TDI)** pays when **you** can't work because of your own physical or mental health condition that isn't work-related. This is the one that applies to your own mental health care.

TDI basics (2026):

- A healthcare provider certifies how long you need to be out, up to a maximum of 26 weeks.
- You qualify if you worked 20 weeks earning at least $310 a week, or earned $15,500 in total, during the "base year" the state reviews.
- Your weekly benefit is 85% of your average weekly wage, up to a maximum of $1,119 a week.
- Benefits start on the eighth day of disability. The first seven days (the "waiting week") are paid later if your disability lasts 22 days or more.

- Most New Jersey employers must provide TDI, through the state plan or an approved private plan. Ask your employer which one you have. If you're on a private plan, your employer will tell you how to file.
- As of July 17, 2026, people receiving TDI benefits have job protection during their leave, if they are not already protected by FMLA or the New Jersey Family Leave Act.

3. Short-term disability through work

Many employers also offer short-term disability (STD) as a benefit, often through an insurance company. It is a separate benefit from NJ TDI. Its rules differ by plan, including how soon it starts, what share of your pay it replaces, and how long it lasts. Ask your HR or benefits team for the plan summary, and for the claim forms.

4. What the provider paperwork involves

- **FMLA:** your employer may ask for a certification from a health care provider. It covers when the condition began, how long it's expected to last, medical facts that support the need for leave, and that you can't do the essential functions of your job. The provider may, but isn't required to, include a diagnosis. You generally have **15 calendar days** after the request to return it. Clinical psychologists, clinical social workers, nurse practitioners and doctors can complete FMLA certifications.
- **NJ TDI:** your provider submits a medical statement online or on paper, with the diagnosis and the first day you were unable to work. For TDI, approved providers include psychologists, medical doctors, and advanced practice nurses. **Licensed clinical social workers and professional counselors can't submit TDI medical information.** The state asks providers to submit within 14 days of your request.
- **STD:** your employer's plan will have its own forms, usually with a provider section and an employee section.

5. Steps to start

1. **Ask HR what applies to you.** FMLA, state TDI or a private plan, and STD. Ask for the forms.
2. **Tell your employer you need leave.** Do it as soon as you can. Your employer must then tell you what's needed.
3. **Talk with your provider about the certification.** Give them the forms, and your TDI Online Form ID if you apply to the state.
4. **File for TDI within 30 days** of the first day of your disability. You can apply online at myleavebenefits.nj.gov, by mail or by fax.
5. **Return the FMLA certification within 15 calendar days** of your employer's request.
6. **Keep copies** of everything you send, and check your claim status online or with your plan.

6. How Jersey Behavioral Health helps

Jersey Behavioral Health offers virtual mental health intensive outpatient program (IOP) care across New Jersey for people with insurance through work. We accept many private plans, including Horizon.

Our team handles the FMLA and short-term disability paperwork that comes with care. We help you work out which forms you need, complete the program's parts, and send forms to your employer or insurer once you've given us your OK. Your treating clinician completes any medical sections within their license. Whether leave or pay is approved is decided by your employer, your insurance company or the state, so you **may** be approved, and we can't promise an outcome.

Ready to talk?

> **Call 856-856-4499** or **visit jerseybehavioralhealth.com**. If you or someone else is in immediate danger, call 911, or call or text 988.

This guide is general information, not legal advice. Rules and amounts change, and your situation may differ. Check with your employer, the agencies below, or an attorney.

Sources (checked November 19, 2026)

- U.S. Department of Labor, Family and Medical Leave Act: dol.gov/agencies/whd/fmla
- U.S. Department of Labor, Am I Eligible for FMLA Leave?: dol.gov/agencies/whd/fmla/am-i-eligible-FMLA-leave
- U.S. Department of Labor, Fact Sheet #28G (Medical Certification): dol.gov/agencies/whd/fact-sheets/28g-fmla-serious-health-condition
- NJ Division of Temporary Disability and Family Leave Insurance, Temporary Disability Insurance: myleavebenefits.nj.gov/worker/tdi
- NJ Division of Temporary Disability and Family Leave Insurance, Family Leave Insurance: myleavebenefits.nj.gov/worker/fli
- NJ Department of Labor, TDI FAQ and approved providers: myleavebenefits.nj.gov (Help, FAQ; Approved Medical Practitioners)
- NJ Department of Labor and Workforce Development, press release "New Jersey Expands Job-Protected Leave for Workers Beginning July 17" (July 15, 2026): nj.gov/labor/lwdhome/press/2026/20260715_moreprotections.shtml