

# ACT No. 2025/47-SA

## FAMILY CARE UNPAID LEAVE SUPPORT ACT

**Adopted:** 15 March 2025

**Effective:** 1 April 2025

**Legal Basis:** Constitution of Lysmark, Article 45 (Social Protection); European Social Charter, Article 16 (Social, Economic and Legal Protection of the Family)

**Official Journal Reference:** OJ AR 2025/47, p. 1-8

### PREAMBLE

The Parliament of the Republic of Lysmark, having regard to the Constitution of Lysmark and in particular Article 45 thereof, having regard to the European Social Charter and the principles of work-life balance established by European Union Directive 2019/1158, and considering the need to support families in times of care responsibilities, hereby adopts this Act.

### Article 1 - Purpose and Scope

This Act establishes financial assistance for employed persons who take unpaid leave to provide direct, continuous, and permanent care for first-degree family members in specific circumstances. The assistance aims to facilitate work-life balance during periods of family care responsibilities.

### Article 2 - Eligible Situations

Financial assistance shall be granted for unpaid leave taken in the following cases:

#### Case A: First-Degree Family Care (Sick/Injured)

Care for first-degree relatives (parents, children, spouse, or partner) who suffer from serious illness or accident requiring hospitalization and necessitating direct, continuous, and permanent care during and/or after the illness or accident.

#### Case B: Third Child or More with Newborn

Care for minor children when the birth concerns the third child or subsequent children, provided that at least two family unit members, including the newborn, are under 6 years of age (or 9 years if they have a disability exceeding 33% and/or recognized dependency).

### **Case C: Adoption or Foster Care**

Care for minor children in cases of adoption or foster care arrangements with expected duration exceeding one year.

### **Case D: Multiple Birth, Adoption, or Foster Care**

Care for minor children in cases of multiple births, adoptions, or foster care arrangements until children reach 6 years of age (or 9 years if they have a disability exceeding 33% and/or recognized dependency).

### **Case E: Single-Parent Family with Any Child**

Care for minor children following birth (first child or subsequent children) for persons certified as single-parent families, until children reach 6 years of age (or 9 years if they have a disability exceeding 33% and/or recognized dependency).

## **Article 3 - Financial Assistance Amounts**

### **Monthly Assistance Rates**

- **Case A (Family care for sick/injured):** €725 per month
- **Cases B, C, D, E (Child care situations):** €500 per month

### **Proportional Adjustments**

For part-time employment contracts, assistance shall be proportional to the working hours contributed during the six months prior to application, or for fixed-term discontinuous workers, the 180 days contributed in the immediately preceding year. Minimum eligible workload is 50% of full-time employment.

## **Article 4 - Eligibility Requirements**

### **Residency Requirements**

All family unit members must have effective residence in Lysmark for a minimum of two years prior to the start of unpaid leave, or alternatively, effective residence in Lysmark for five continuous years within the seven immediately preceding years.

**Exceptions:** Residency requirements do not apply to minors in legally constituted foster care, minors under guardianship, or minors joining the family through adoption.

## **Employment Requirements**

- **Cases B, C, D:** The applicant must be employed and their spouse/partner must be employed or have absolute incapacity to work
- **Cases A, E:** Only the applicant need be employed
- **Exclusive custody cases:** Only the applicant need be in unpaid leave situation

## **Additional Requirements**

- Applicant must be registered for unpaid leave with social security
- Employer must be registered and current with social security
- Applicant must have been registered with social security for six months prior to application (or 180 days for fixed-term discontinuous workers)
- Current on all tax obligations and social security payments
- Family unit income must not exceed specified thresholds based on family size

## **Income Thresholds**

- 2-3 family members:  $\leq 6$  times annual National Minimum Income Standard (14 payments)
- 4 family members:  $\leq 7$  times annual National Minimum Income Standard (14 payments)
- 5 family members:  $\leq 8$  times annual National Minimum Income Standard (14 payments)
- 6 family members:  $\leq 9$  times annual National Minimum Income Standard (14 payments)
- Additional family members: +1 National Minimum Income Standard per additional member

*Note: Persons with recognized disability  $\geq 33\%$  count as two persons for income calculations.*

# **Article 5 - Application Process**

## **Application Period**

Applications may be submitted from the day following publication of the annual budget authorization until November 2nd of the current year.

## **Required Documentation**

- Identity documents for all family members
- Current residence certificate (maximum 3 months old)
- Family composition documentation
- Employment certificates for applicant and spouse/partner
- Company certificate confirming unpaid leave grant
- Medical certificates for Cases A (illness/accident documentation)
- Income declarations and tax returns
- Bank transfer authorization form

## **Processing Method**

Applications shall be processed in order of submission on an individual evaluation basis, subject to available budget. Applications received after budget exhaustion shall be denied.

## **Article 6 - Payment and Duration**

### **Payment Schedule**

- First payment covers the period from unpaid leave start date to resolution signing
- Subsequent payments made monthly in arrears
- Payments made via bank transfer to designated account

### **Maximum Duration**

- Case A: No specified maximum duration
- Cases B, C, D, E: Maximum 12 months per annual call, with possibility of renewal up to three years total for the same qualifying family member

### **Termination**

Assistance terminates when eligibility requirements are no longer met.

## **Article 7 - Compatibility and Restrictions**

### **Incompatible Benefits**

- Other public assistance for the same purpose and period
- Social security benefits for care of minors with cancer or serious illness

### **Compatible Benefits**

- Dependency care assistance (subject to maximum amount limitations)
- Special Social Security agreements for non-professional caregivers

## **Single Application Rule**

Only one application per call permitted, except for extensions of previously granted unpaid leave with temporal continuity.

# **Article 8 - Obligations and Compliance**

## **Beneficiary Obligations**

- Report any changes in qualifying circumstances within 15 days
- Submit to control activities by competent authorities
- Maintain all eligibility requirements throughout assistance period

## **Reimbursement Requirements**

Total or partial reimbursement with interest may be required if:

- Assistance obtained without meeting required conditions due to beneficiary fault
- False information provided
- Other causes specified in applicable subsidy legislation

# **Article 9 - Appeals and Legal Framework**

## **Appeal Process**

Decisions may be appealed to the Ministry of Social Rights, Social Economy and Employment within one month of notification.

## **Applicable Law**

This Act supplements the General Subsidy Law and related regulations of Lysmark.

# **Article 10 - Implementation**

This Act enters into force upon publication and shall remain valid through 2027, subject to annual budget authorizations and implementing regulations.

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*This is a fictional document for demonstration purposes only.*