

# **REGULATION No. 2025/47-SA-R1**

## **FAMILY RELATIONSHIP DEFINITIONS FOR UNPAID CARE LEAVE**

### **Supplementary Regulation to Act No. 2025/47-SA**

**Adopted:** 20 March 2025

**Effective:** 1 April 2025

**Legal Basis:** Act No. 2025/47-SA, Article 2; Constitution of Lysmark, Article 45

**Official Journal Reference:** OJ AR 2025/48, p. 12-16

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### **PREAMBLE**

This regulation establishes the precise definitions of family relationships eligible for unpaid care leave assistance under the Family Care Unpaid Leave Support Act, ensuring clarity in application and consistent interpretation across all administrative bodies.

### **Article 1 - Scope and Purpose**

This regulation defines the accepted levels of relationship between the person taking unpaid leave and the person requiring care, as referenced in Article 2 of Act No. 2025/47-SA.

### **Article 2 - First-Degree Family Relationships by Consanguinity**

#### **Direct Line Relationships**

The following blood relationships qualify as first-degree family relationships:

#### **Parents and Children**

- **Father** (*padre*): Biological, adoptive, or legally recognized father
- **Mother** (*madre*): Biological, adoptive, or legally recognized mother
- **Son** (*hijo*): Male child, biological or adoptive
- **Daughter** (*hija*): Female child, biological or adoptive

## Legal Equivalencies

- Adoptive relationships carry the same legal weight as biological relationships
- Step-relationships do not qualify unless formal adoption has occurred
- Foster relationships qualify only when legal guardianship has been established

# Article 3 - First-Degree Family Relationships by Affinity

## Spousal Relationships

The following marital and partnership relationships qualify:

### Legal Marriage

- **Spouse** (*cónyuge*): Person legally married under Lysmarkn civil law
- **Husband** (*marido/esposo*): Male spouse in legal marriage
- **Wife** (*esposa*): Female spouse in legal marriage

### Registered Partnerships

- **Partner** (*pareja*): Person in legally registered civil partnership or domestic partnership recognized under Lysmarkn law
- **Civil partner**: Person in registered civil union with equivalent legal status to marriage

## Documentation Requirements

- Marriage certificate or civil partnership registration
- For foreign marriages: Apostilled documents with certified translation
- Partnership agreements must be officially registered with competent Lysmarkn authorities

# Article 4 - Extended Family Relationships (Non-Qualifying)

## Second-Degree and Beyond

The following relationships do **NOT** qualify for unpaid care leave assistance:

### **Siblings**

- Brothers and sisters (second-degree consanguinity)
- Half-siblings and step-siblings

### **Grandparents and Grandchildren**

- Grandparents (second-degree ascendant line)
- Grandchildren (second-degree descendant line)

### **In-Laws**

- Parents-in-law
- Children-in-law
- Siblings-in-law

### **Other Relatives**

- Aunts, uncles, cousins
- Nephews and nieces
- Any relationship beyond first degree

## **Article 5 - Special Circumstances and Clarifications**

### **Legal Guardianship and Foster Care**

- **Legal Guardian:** Person with court-appointed guardianship over a minor qualifies as equivalent to parent-child relationship
- **Foster Parent:** Qualified only when official foster care placement exceeds one year duration
- **Ward:** Minor under official guardianship is treated as child for relationship purposes

### **Unmarried Partnerships**

- **Cohabiting Partners:** Must demonstrate stable cohabitation for minimum 2 years with shared residence and financial interdependence
- **Common-Law Relationships:** Require official declaration before competent authorities
- Documentary proof required: joint lease agreements, shared bank accounts, witness statements

## **Same-Sex Relationships**

- All relationship definitions apply equally regardless of gender or sexual orientation
- Same-sex marriages and partnerships carry identical rights and obligations

## **Article 6 - Proof of Relationship**

### **Required Documentation**

Applicants must provide appropriate documentation to establish qualifying relationship:

#### **For Consanguinity**

- Birth certificates showing direct lineage
- Adoption decrees (certified copies)
- DNA testing (in disputed cases, at administrative discretion)

#### **For Affinity**

- Marriage certificates
- Civil partnership registration
- Cohabitation declarations with supporting evidence

#### **For Legal Guardianship**

- Court orders establishing guardianship
- Foster care placement agreements
- Child welfare authority certifications

### **Foreign Documentation**

- Documents issued outside Lysmark require apostille certification
- Non-Lysmarkn language documents require certified translation by court-appointed translator
- Consular authentication may be required for certain jurisdictions

## **Article 7 - Disputed Relationships**

### **Administrative Review**

- Relationship disputes subject to review by Family Relations Assessment Board
- Appeals process available within 30 days of negative determination
- Independent verification procedures may be implemented

## Burden of Proof

- Applicant bears responsibility for proving qualifying relationship
- Clear and convincing evidence standard applies
- Administrative authorities may request additional documentation

# Article 8 - Effective Date and Transitional Provisions

## Implementation

- This regulation takes effect simultaneously with Act No. 2025/47-SA
- Applications submitted prior to effective date evaluated under previous standards
- No retroactive application to closed cases

## Review and Updates

- Regulation subject to periodic review every 3 years
- Updates published in Official Journal with 30-day implementation period

# Article 9 - Interpretative Guidelines

## Principle of Family Unity

- Definitions should be interpreted to support legitimate family care needs
- Cultural and social diversity in family structures given appropriate consideration
- Best interests of care recipients considered in borderline cases

## Legal Certainty

- Clear documentation requirements ensure predictable outcomes
- Standardized forms and procedures minimize administrative discretion
- Regular training for administrative personnel on relationship definitions

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## ANNEX A - RELATIONSHIP VERIFICATION FLOWCHART

RELATIONSHIP QUALIFICATION PROCESS



- Parent → Child: QUALIFIED ✓
    - Child → Parent: QUALIFIED ✓
    - Siblings/Other: NOT QUALIFIED ✗
  - AFFINITY (Marriage/Partnership)
    - Legal Spouse: QUALIFIED ✓
    - Registered Partner: QUALIFIED ✓
    - Cohabiting Partner (2+ years): QUALIFIED ✓
    - Dating/Casual: NOT QUALIFIED ✗
  - LEGAL GUARDIANSHIP
    - Court-Appointed Guardian: QUALIFIED ✓
    - Foster Parent (1+ year): QUALIFIED ✓
    - Informal Care: NOT QUALIFIED ✗
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*This is a fictional document for demonstration purposes only.*