

**Cour  
Pénale  
Internationale**

**International  
Criminal  
Court**



Le Greffe

The Registry

**Administrative Instruction**

Ref. ICC/AI/2008/003

19 May 2008

**Dependent child status and dependent child benefit**

The Registrar, for purposes of implementing Staff Regulation 3.3 and Staff Rule 103.17(a) (iv), hereby promulgates the following:

Section 1

Purpose of dependent child benefit

- 1.1 As provided in the Staff Regulations and Rules, the purpose of dependent child benefit is to assist staff members who provide main and continuing support to children under their care.
- 1.2 In addition to a staff member's:
  - (a) natural or legally adopted child; or
  - (b) stepchild if residing with the staff member, dependent child benefit may be payable to staff members if certain *de facto* circumstances exist.
- 1.3 The staff member may be entitled to dependent child benefit where:
  - (a) a parental relationship between the child and the staff member is established; and
  - (b) the staff member produces satisfactory documentary evidence as proof of maintenance of the child,

## Section 2

### Eligibility

2.1 In accordance with Staff Rule 103.17 (a) (iv), a natural child, a legally adopted child, or a stepchild who resides with the staff member, shall be recognized as a dependent child when the following conditions are met:

(a) The child is under 18 years of age or, if in full-time attendance at a school, university or a similar educational institution, under 21 years of age; and

(b) The staff member establishes that he or she provides main and continuing support to the child. This shall normally be done by the staff member's submitting documentary evidence to that effect.

2.2 Other children who fulfill the conditions specified in sub-paragraphs 2.1 (a) and (b) above may be recognized as dependent children under Staff Rule 103.17 (a) (iv) when also all the following requirements are met:

(a) Legal adoption is not possible because there is no statutory provision for adoption or any prescribed court procedure for formal recognition of customary or *de facto* adoption in the staff member's country of nationality or country of permanent residence;

(b) The child resides with the staff member;

(c) The staff member can be regarded as having established a parental relationship with the child;

(d) The child is not a brother or sister of the staff member; and

(e) The number of children for which dependency benefits are claimed under the present subsection does not exceed three.

- 2.3 For the purposes of paragraph 2.2 above, the residency requirement shall be deemed fulfilled when a dependent child attends a boarding school or another educational institution under similar arrangement.
- 2.4 Any child whom a staff member has a responsibility to maintain under a judicial decision based on the staff member's national laws or the laws of his/her permanent residence on the protection of minors shall be treated as a dependent child if he/she fulfills the conditions specified in sub-paragraphs 2.1 (a) and (b) above.

### Section 3

#### Claim for dependent child

- 3.1 Claims for dependency benefits shall be made in writing and shall be supported by documentary evidence required under Staff Rule 103.17(g).
- 3.2 Pursuant to Staff Rule 103.17 (1), if a staff member or his or her spouse, receives a dependency allowance in the form of a governmental or other grant in respect of a dependent child, the staff member shall report the total amount and currency of such grant received to the Registrar or the Prosecutor, as appropriate, as well as the country from which the grant was received. The amount of the grant received shall be subtracted from any dependent child benefit and/or allowance payable by the Court on account of the dependent child or children.

### Section 4

#### Final Provisions

- 4.1 This Administrative Instruction shall enter into force on 19 May 2008



Silvana Arbia  
Registrar