

Parenting and legal family formats in Slovenia

by Barbara Rajgelj ¹

The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples

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Based on the [LawsAndFamilies questionnaire](#) on legal family formats for same-sex and/or different-sex couples (Section 3 – Parenting)

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² [Grotius Centre for International Legal Studies](#), Leiden University, Netherlands, www.leiden.edu.



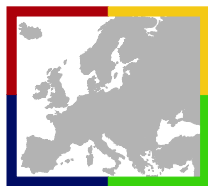
³ Institut national d'études démographiques, Paris, France, www.ined.fr.



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FamiliesAndSocieties

Disclaimer

This paper and this database contain information with a scientific aim. Nothing in this paper and in this database should be seen as legal advice. Not all nuances and exceptions are included, and there may be errors and further legal developments. The experts, the authors, the editors, the Institut national d'études démographiques and Leiden University cannot be held liable for any inaccurate or incomplete information in this paper or in this database. More particularly, they cannot be held liable for any damage or consequences from the direct or indirect use of contents of this paper or database.

The six sections of the questionnaire

The [interactive LawsAndFamilies Database](#) is based on the [LawsAndFamilies questionnaire](#), which consists of six sections:

- Section 1 – Formalisation
- Section 2 – Income and troubles
- Section 3 – Parenting
- Section 4 – Migration
- Section 5 – Splitting up
- Section 6 – Death

Papers and an interactive database

For each jurisdiction there are therefore six papers like this one. And each of these papers contains the full answers, references and explanations (given by

a legal expert for the jurisdiction concerned) to the questions in one of these six sections. All these papers can be found in open access at www.LawsAndFamilies.eu. There the user also has access to the [interactive part of the LawsAndFamilies Database](#), which can be used to search the whole database and to create comparative overviews for different questions, different years, different countries and/or different legal family formats.

This website also contains references to publications analysing the results of the project, and to some other legal, sociological and statistical publications about same-sex and different-sex families. And it gives information about the methodology used for this questionnaire and database.

About the questionnaire

The [full text of the questionnaire](#) can be found in the paper:

K. Waaldijk, J.M. Lorenzo Villaverde, N. Nikolina & G. Zago, 'The LawsAndFamilies questionnaire on legal family formats for same-sex and/or different-sex couples: Text of the questions and of the accompanying guidance document', *FamiliesAndSocieties Working Paper* 64(2016), www.familiesandsocieties.eu.

The [Guidance document](#) contained in that paper, asked the experts answering the questionnaire to make several assumptions. These included the assumption that the partners have been living together as a couple already for at least two years. Plus the assumption (except for certain questions in Section 4 – Migration) that both partners have the citizenship of the country where they are now both lawfully and habitually residing, and that this is also the country where their relationship would have been formalised and where it would be dissolved.

About the answers

This paper contains the answers, references and explanations – for one jurisdiction – to all questions in one of the six sections of the questionnaire. The answers are presented in columns. Each column is a coloured timeline, representing legal developments for one question for one legal family format.

The year at the top of each coloured timeline is the most recent year for which a question was answered by the author. In the timelines the years given above and below an answer indicate that the answer applied between a certain day in the lower year and a certain day in the higher year. The year "0000" means that the answer applied since an unknown year before 1965. See further the [Guidance document](#).

The following **answer codes and colours** have been used:

| | |
|---------------|---|
| Yes | Yes, this is so in the law of this country/jurisdiction, although possibly with a qualifying period of 24 months or less. |
| Yes, but | Yes, but with exceptions or restrictions, for example a qualifying period of 25 months or more, or only in most parts of the country/jurisdiction, or this is mostly a “dead letter”. |
| No, but | No, but it may be so exceptionally, or in a very limited way, or in a few parts of the country/jurisdiction, or indirectly, or by using a different legal instrument, or legislation says no while some courts might say yes. |
| No | No, this is not so in the law of this country/jurisdiction. |
| Doubt | The law is unclear (the law does not “know” the answer). |
| ? | No information was available. |
| N/A | Not applicable (for example because this family format is not available in this jurisdiction, or not for same-sex or different-sex couples). |
| X | This question was not asked for this legal family format. |
| Open question | Question without answer codes like Yes and No. |
| Empty cell | For this year the question was not asked or not answered. |

The six papers about Slovenia

The answers concerning Slovenia can be found in the [interactive database](#) and in the following six papers (all of which are published in open access in: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*, Paris: INED, 2017, www.LawsAndFamilies.eu):

Formalisation of legal family formats in Slovenia by Neza Kogovsek Salamon (Section 1)

Income, troubles and legal family formats in Slovenia by Barbara Rajgelj (Section 2)

Parenting and legal family formats in Slovenia by Barbara Rajgelj (Section 3)

Migration and legal family formats in Slovenia by Neza Kogovsek Salamon (Section 4)

Splitting up and legal family formats in Slovenia by Barbara Rajgelj (Section 5)

Death and legal family formats in Slovenia by Neza Kogovsek Salamon (Section 6)

So this paper is based on **Section 3 (Parenting)** of the [LawsAndFamilies questionnaire](#), which contains questions about the following topics:

- 3.1 Assisted insemination
- 3.2 IVF
- 3.3 Surrogacy
- 3.4 Legal parenthood
- 3.5 Parental authority
- 3.6 Parental leave for both parents
- 3.7 Parental leave for partners
- 3.8 Grandparents
- 3.9 Second-parent adoption
- 3.10 Joint adoption
- 3.11 Individual adoption
- 3.12 General background regarding parenting
- 3.13 Single parenting
- 3.14 Multiple parenting

In the following pages of this paper, first the answers to questions 3.12, 3.13 and 3.14 are presented, followed by answers to questions 3.1 to 3.11.

3.12 - General background regarding parenting (Open question)

If you consider it useful to provide some general information or comments about (past, present or future) developments and trends in legal policy and case law in your country/jurisdiction, or information on other aspects (socio-legal, political, legal-cultural, etc.) that may be relevant for the understanding your answers above regarding parenting, then please do so here.

3.13 - Single parenting (Open question)

If there are any developments in legal policy and case law regarding the possibilities of an individual person without a partner to have a child through adoption, medically assisted insemination, and/or IVF, you could indicate that here.

3.14 - Multiple parenting (Open question)

If there are any developments in legal policy or case law regarding possibilities for a child to have more than two parents, you could indicate that here.

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In December 2014 Members of the Parliament have requested review of the constitutionality of the Infertility treatment and procedures of biomedically-assisted procreation act (Zakon o zdravljenju neplodnosti in postopkih oploditve z biomedicinsko pomočjo, ZZNPOB, OJ 70/2000), since in their view the exclusion of single women from procedures of biomedically-assisted reproduction is contrary to Article 14 (Equality before the Law) and Article 34 of the Constitution (Right to Personal Dignity and Safety). The request for judicial review was lodged by 61 deputies out of 90, which represents a constitutional majority, which allows them to change the law, if they consider it to be unconstitutional. But in the shadow of constant threat of a request for a referendum by conservative civil society, they have chosen a politically less risky path. In December 2016 the request is still pending at the Constitutional Court.

There are no developments at all indicating possibilities for a child to have more than two parents. There are no public discussions on this issue.

Jurisdiction: **Slovenia**

Source: **B. Rajgelj**, "Parenting and legal family formats in Slovenia". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-SI-Section3.pdf](#) (please use this full citation when citing any information from this table).

Section: **3 - Parenting**

Question: **3.01 - Assisted insemination**

Is it legally possible in this type of relationship to become pregnant through medically assisted insemination using sperm of a donor?

| Marriage | | Registered partnership | | Cohabitation | |
|--------------------------|---------------------|------------------------|--------------------|--------------------------|-------------------------|
| diff.-sex | same-sex | diff.-sex | same-sex | diff.-sex | same-sex |
| 2016 Yes, but 1977 | 2016 N/A 0000 | 2016 N/A 0000 | 2016 No 2005 | 2016 Yes, but 2000 | 2016 No, but 2000 |
| ? | | | N/A 0000 | Doubt 1977 | ? |
| | | | | ? | |
| | | | | ? | |

| Marriage | | Registered partnership | | Cohabitation | |
|--|----------|---|----------|---|----------|
| diff.-sex | same-sex | diff.-sex | same-sex | diff.-sex | same-sex |
| <p>References to legal sources: Infertility treatment and procedures of biomedically-assisted procreation act (Zakon o zdravljenju neplodnosti in postopkih oploditve z biomedicinsko pomočjo, ZZNPOB, OJ 70/2000).</p> <p>Marriage and Family Relations Act (Zakon o zakonski zvezi in družinskih razmerjih, ZZZDR, 15/1976).</p> <p>Health Measures in Exercising Freedom of Choice in Childbearing Act (Zakon o zdravstvenih ukrepih pri uresničevanju pravice do svobodnega odločanja o rojstvu otrok, ZZUUP, OJ 11/77).</p> | | <p>References to legal sources: Infertility treatment and procedures of biomedically-assisted procreation act (Zakon o zdravljenju neplodnosti in postopkih oploditve z biomedicinsko pomočjo, ZZNPOB, OJ 70/2000).</p> | | <p>References to legal sources: Infertility treatment and procedures of biomedically-assisted procreation act (Zakon o zdravljenju neplodnosti in postopkih oploditve z biomedicinsko pomočjo, ZZNPOB, OJ 70/2000).</p> | |

| Marriage | | Registered partnership | | Cohabitation | |
|--|----------|--|----------|---|----------|
| diff.-sex | same-sex | diff.-sex | same-sex | diff.-sex | same-sex |
| <p>Explanations and nuances: Eligible for the procedures of medically assisted reproduction are a man and a woman who are married or live in cohabitation, and according to the experience of medical science cannot be expected to achieve pregnancy by sexual intercourse and cannot be assisted with other infertility treatments (art. 5/2 of the ZZNOB).</p> <p>The first act on the right to assisted insemination, adopted in 1977, was the Health Measures in Exercising Freedom of Choice in Childbearing Act. A woman and a man have the right to identify the reasons for their reduced fertility and the right to eliminate these reasons. Reduced fertility is eliminated through treatment (professional counseling, medication, surgery) and artificial insemination (art. 31 and 32). In 2000 this act was replaced with the new ZZNOB.</p> <p>The Marriage and Family Relations Act from 1976 defines marriage as a union of husband and wife established by law (art. 3 of the ZZZDR). This article of the ZZZDR was amended in March 2015 and was to define marriage as a union of two adults, which means that the rights of different and same-sex partners would have been equal in their entirety, including the possibility of adoption. The amendment has never entered into force as it was rejected in the referendum of December 2015.</p> | | <p>Explanations and nuances: Registered same-sex partners are not entitled to assisted insemination. Single women are also not entitled to assisted insemination as voters in a referendum in June 2000 rejected this possibility.</p> | | <p>Explanations and nuances: Different-sex cohabiting partners can become pregnant through medically assisted insemination using sperm of a donor under the same conditions as married different-sex partners.</p> <p>It is interesting that in practice the medical administration does not explore the factual existence of cohabitation. In recent years we were informed even of a case of a single lesbian mother who became pregnant through assisted insemination, although her alleged cohabiting male partner was at the time of the treatment married to his wife.</p> <p>The law from 1977 is unclear regarding the right of cohabiting different-sex partners to artificial insemination. As art. 33 of the ZZUUP defines artificial insemination as a medical procedure that is carried out with the husband's semen (homologous insemination) or with the semen of another man (heterologous insemination), one could assume that artificial insemination was not available to unmarried couples.</p> | |

Jurisdiction: **Slovenia**

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Section: **3 - Parenting**

Question: **3.02 - IVF**

Is it legally possible in this type of relationship to become pregnant through in vitro fertilisation (IVF) using donated egg or sperm?

| Marriage | | Registered partnership | | Cohabitation | |
|--------------------------|---------------------|------------------------|--------------------|--------------------------|--------------------|
| diff.-sex | same-sex | diff.-sex | same-sex | diff.-sex | same-sex |
| 2016 Yes, but 1977 | 2016 N/A 0000 | 2016 N/A 0000 | 2016 No 2005 | 2016 Yes, but 2000 | 2016 No 0000 |
| ? | | | N/A 0000 | Doubt 1977 | |
| | | | | ? | |
| | | | | 0000 | |

| Marriage | | Registered partnership | | Cohabitation | |
|--|----------|--|----------|--|----------|
| diff.-sex | same-sex | diff.-sex | same-sex | diff.-sex | same-sex |
| <p>References to legal sources: Infertility treatment and procedures of biomedically-assisted procreation act (Zakon o zdravljenju neplodnosti in postopkih oploditve z biomedicinsko pomočjo, ZZNPOB, OJ 70/2000).</p> <p>Marriage and Family Relations Act (Zakon o zakonski zvezi in družinskih razmerjih, ZZZDR, 15/1976).</p> <p>Health Measures in Exercising Freedom of Choice in Childbearing Act (Zakon o zdravstvenih ukrepih pri uresničevanju pravice do svobodnega odločanja o rojstvu otrok, ZZUUP, OJ 11/77).</p> | | <p>References to legal sources: Infertility treatment and procedures of biomedically-assisted procreation act (Zakon o zdravljenju neplodnosti in postopkih oploditve z biomedicinsko pomočjo, ZZNPOB, OJ 70/2000).</p> <p>Marriage and Family Relations Act (Zakon o zakonski zvezi in družinskih razmerjih, ZZZDR, 15/1976).</p> | | <p>References to legal sources: Infertility treatment and procedures of biomedically-assisted procreation act (Zakon o zdravljenju neplodnosti in postopkih oploditve z biomedicinsko pomočjo, ZZNPOB, OJ 70/2000).</p> <p>Marriage and Family Relations Act (Zakon o zakonski zvezi in družinskih razmerjih, ZZZDR, 15/1976).</p> | |

| Marriage | | Registered partnership | | Cohabitation | |
|---|----------|---|----------|---|----------|
| diff.-sex | same-sex | diff.-sex | same-sex | diff.-sex | same-sex |
| <p>Explanations and nuances: Procedures of fertilisation with biomedical assistance laid down by the ZZNPOB include both in vivo and in vitro fertilisation. Both are eligible under the same conditions. As already mentioned, one of these conditions is that the partners are different-sex.</p> <p>The ZZUUP from 1977 does not explicitly state whether IVF was allowed. As in 1983 the first IVF pregnancy followed the formation of national expert group on IVF in 1982, one can assume that IVF was legal at the time.</p> | | <p>Explanations and nuances: Procedures of fertilisation with biomedical assistance laid down by the ZZNPOB include both in vivo and in vitro fertilisation. Both are eligible under the same conditions. As already mentioned, one of these conditions is that the partners are different-sex (whereby single women and same-sex partners are excluded).</p> | | <p>Explanations and nuances: Procedures of fertilisation with biomedical assistance laid down by the ZZNPOB include both in vivo and in vitro fertilisation. Both are eligible under the same conditions. As already mentioned, one of these conditions is that the partners are of different sex, regardless of the type of partnership (marriage or cohabitation).</p> <p>The law from 1977 is unclear regarding the right of cohabiting different sex partners to artificial insemination. As art. 33 of the ZZUUP defines artificial insemination as a medical procedure that is carried out with the husband's semen (homologous insemination) or with the semen of another man (heterologous insemination), one could assume that artificial insemination was not available to unmarried couples.</p> | |

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Section: **3 - Parenting**

Question: **3.03 - Surrogacy**

Is it legally possible for both partners in this type of relationship to become the legal parents of a child through the help of a surrogate mother in the country?

| Marriage | | Registered partnership | | Cohabitation | |
|--------------------|---------------------|------------------------|--------------------|--------------------|--------------------|
| diff.-sex | same-sex | diff.-sex | same-sex | diff.-sex | same-sex |
| 2016 No 2000 | 2016 N/A 0000 | 2016 N/A 0000 | 2016 No 2005 | 2016 No 2000 | 2016 No 0000 |
| No, but 1977 | | | N/A 0000 | No, but 1977 | |
| No 0000 | | | | No 0000 | |

| Marriage | | Registered partnership | | Cohabitation | |
|--|----------|--|----------|--|----------|
| diff.-sex | same-sex | diff.-sex | same-sex | diff.-sex | same-sex |
| <p>References to legal sources: Infertility treatment and procedures of biomedically-assisted procreation act (Zakon o zdravljenju neplodnosti in postopkih oploditve z biomedicinsko pomočjo, ZZNPOB, OJ 70/2000).</p> <p>Criminal Code (Kazenski zakonik, KZ-1, OJ 55/2008, as amended).</p> <p>Health Measures in Exercising Freedom of Choice in Childbearing Act (Zakon o zdravstvenih ukrepih pri uresničevanju pravice do svobodnega odločanja o rojstvu otrok, ZZUUP, OJ 11/77).</p> | | <p>References to legal sources: Infertility treatment and procedures of biomedically-assisted procreation act (Zakon o zdravljenju neplodnosti in postopkih oploditve z biomedicinsko pomočjo, ZZNPOB, OJ 70/2000).</p> <p>Criminal Code (Kazenski zakonik, KZ-1, OJ 55/2008, as amended).</p> | | <p>References to legal sources: Infertility treatment and procedures of biomedically-assisted procreation act (Zakon o zdravljenju neplodnosti in postopkih oploditve z biomedicinsko pomočjo, ZZNPOB, OJ 70/2000).</p> <p>Criminal Code (Kazenski zakonik, KZ-1, OJ 55/2008, as amended).</p> | |

| Marriage | | Registered partnership | | Cohabitation | |
|---|----------|--|----------|---|----------|
| diff.-sex | same-sex | diff.-sex | same-sex | diff.-sex | same-sex |
| <p>Explanations and nuances: A woman who intends to transfer the child after birth to a third person in return for payment or without payment (surrogacy) is not entitled to fertilisation with biomedical assistance (art. 7 of the ZZNPOB). An institution or a person who cooperates in a group of biomedical experts that performs a procedure contrary to this provision is sanctioned with a fine (violation of this provision is treated as a minor offence) (art. 43/1/1 and 44/1/1 of the ZZPOB).</p> <p>Unauthorised intervention in pregnancy is also a criminal offense. Whoever unlawfully carries out a procedure of medically assisted reproduction because of surrogacy is punishable by imprisonment up to three years (art. 121/4 of the KZ-1).</p> <p>Between 1977 and 2000 the law (nor ZZUUP nor criminal legislation) did not contain any provisions on surrogacy. Before 2008 the unauthorised intervention in pregnancy was not defined as a criminal offence. First in 2008 the Criminal Code extended the criminality of illegal abortion to other unauthorised intervention in pregnancy. Surrogacy was not prohibited by law; nevertheless there is no information on surrogacy procedures from that period.</p> <p>Assisted reproduction is defined as fertilisation of a woman with the help of biomedical science, carried out with the aim of becoming pregnant by means other than sexual intercourse. Therefore insemination done at home is not covered by the term and not prohibited even if aimed at surrogacy.</p> | | <p>Explanations and nuances: A woman who intends to transfer the child after birth to a third person in return for payment or without payment (surrogacy) is not entitled to fertilisation with biomedical assistance (art. 7 of the ZZNPOB). An institution or a person who cooperates in a group of biomedical experts that performs a procedure contrary to this provision is sanctioned with a fine (violation of this provision is treated as an offence) (art. 43/1/1 and 44/1/1 of the ZZPOB).</p> <p>Unauthorised intervention in pregnancy is also a criminal offense. Whoever unlawfully carries out a procedure of medically assisted reproduction because of surrogacy is punishable by imprisonment up to three years (art. 121/4 of the KZ-1).</p> | | <p>Explanations and nuances: A woman who intends to transfer the child after birth to a third person in return for payment or without payment (surrogacy) is not entitled to fertilisation with biomedical assistance (art. 7 of the ZZNPOB). An institution or a person who cooperates in a group of biomedical experts that performs a procedure contrary to this provision is sanctioned with a fine (violation of this provision is treated as an offence) (art. 43/1/1 and 44/1/1 of the ZZPOB).</p> <p>Unauthorised intervention in pregnancy is also a criminal offense. Whoever unlawfully carries out a procedure of medically assisted reproduction because of surrogacy is punishable by imprisonment up to three years (art. 121/4 of the KZ-1).</p> <p>Between 1977 and 2000 the law (nor ZZUUP nor criminal legislation) did not contain any provisions on surrogacy. Before 2008 the unauthorised intervention in pregnancy was not defined as criminal offence. First in 2008 the Criminal Code extended the criminality of illegal abortion to other unauthorised intervention in pregnancy. Surrogacy was not prohibited by law; nevertheless there is no information on surrogacy procedures from that period.</p> | |

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Section: **3 - Parenting**

Question: **3.04 - Legal parenthood**

When one partner gives birth, will (or can) the other partner then also become legal parent of the child, without having to go through adoption? (For example automatically, or by way of recognition/acknowledgement.)

| Marriage | | Registered partnership | | Cohabitation | |
|---|---------------------|--|--------------------|---|--------------------|
| diff.-sex | same-sex | diff.-sex | same-sex | diff.-sex | same-sex |
| 2015 Yes 0000 | 2015 N/A 0000 | 2015 N/A 0000 | 2015 No 2005 | 2015 Yes 0000 | 2015 No 0000 |
| | | | N/A 0000 | | |
| <p>References to legal sources: Marriage and Family Relations Act (Zakon o zakonski zvezi in družinskih razmerjih, ZZZDR, OJ 15/1976, as amended).</p> | | <p>References to legal sources: Marriage and Family Relations Act (Zakon o zakonski zvezi in družinskih razmerjih, ZZZDR, OJ 15/1976, as amended).</p> <p>Registration of Same-Sex Partnership Act (Zakon o registraciji istospolne partnerske skupnosti, ZRIPS, OJ 65/2005, as amended).</p> | | <p>References to legal sources: Marriage and Family Relations Act (Zakon o zakonski zvezi in družinskih razmerjih, ZZZDR, OJ 15/1976, as amended).</p> | |

| Marriage | | Registered partnership | | Cohabitation | |
|---|----------|---|----------|--|----------|
| diff.-sex | same-sex | diff.-sex | same-sex | diff.-sex | same-sex |
| <p>Explanations and nuances: If a child is born during the duration of marriage or within three hundred days after the dissolution of marriage, it is assumed that the mother's husband is the father of the child (art. 86 of the ZZZDR).</p> | | <p>Explanations and nuances: As the ZRIPS regulates only rights and obligations between registered same-sex partners and not relationships between gay and lesbian parent(s) and their children, relevant legislation in this regard is the ZZZDR (i.e. general family law). As regards registered same-sex partnership, this act does not provide for an option for the second parent to become the (legal) parent of a child, without having to go through adoption.</p> | | <p>Explanations and nuances: If the child is not born in a marriage, the father of the child can recognise the child as his (art. 87 of the ZZZDR). This applies only to different-sex cohabiting (or even non-cohabiting) parents.</p> | |

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Section: **3 - Parenting**

Question: **3.05 - Parental authority**

Is joint parental authority/responsibility possible for the couple, while only one of the partners is the legal parent of the child?

| Marriage | | Registered partnership | | Cohabitation | |
|--|---------------------|--|--------------------|--|--------------------|
| diff.-sex | same-sex | diff.-sex | same-sex | diff.-sex | same-sex |
| 2015 No 0000 | 2015 N/A 0000 | 2015 N/A 0000 | 2015 No 2005 | 2015 No 0000 | 2015 No 0000 |
| | | | N/A 0000 | | |
| References to legal sources: Marriage and Family Relations Act (Zakon o zakonski zvezi in družinskih razmerjih, ZZZDR, 15/1976). | | References to legal sources: Marriage and Family Relations Act (Zakon o zakonski zvezi in družinskih razmerjih, ZZZDR, 15/1976). | | References to legal sources: Marriage and Family Relations Act (Zakon o zakonski zvezi in družinskih razmerjih, ZZZDR, 15/1976). | |

| Marriage | | Registered partnership | | Cohabitation | |
|--|----------|--|----------|--|----------|
| diff.-sex | same-sex | diff.-sex | same-sex | diff.-sex | same-sex |
| <p>Explanations and nuances: Closest to the possibility of parental responsibility without being the legal parent of the child, is the institution of guardianship. However, also this option is not suitable under Slovenian legislation, as the competent authority allows the custody of a child only when the child has no parents or whose parents do not take care of him/her (art. 201 of the ZZZDR).</p> | | <p>Explanations and nuances: Closest to the possibility of parental responsibility without being the legal parent of the child, is the institution of guardianship. However, also this option is not suitable under Slovenian legislation, as the competent authority allows the custody of a child only when the child has no parents or whose parents do not take care of him/her (art. 201 of the ZZZDR).</p> | | <p>Explanations and nuances: Closest to the possibility of parental responsibility without being the legal parent of the child, is the institution of guardianship. However, also this option is not suitable under Slovenian legislation, as the competent authority allows the custody of a child only when the child has no parents or whose parents do not take care of him/her (art. 201 of the ZZZDR).</p> | |

Jurisdiction: **Slovenia**

Source: **B. Rajgelj**, "Parenting and legal family formats in Slovenia". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-SI-Section3.pdf](#) (please use this full citation when citing any information from this table).

Section: **3 - Parenting**

Question: **3.06 - Parental leave for both parents**

When both partners are the legal parents of a child, does each partner then have a statutory right to paid or unpaid parental leave?

| Marriage | | Registered partnership | | Cohabitation | |
|---|---------------------|---|---------------------|---|-------------------|
| diff.-sex | same-sex | diff.-sex | same-sex | diff.-sex | same-sex |
| 2016 Yes 2014 | 2016 N/A 0000 | 2016 N/A 0000 | 2016 Yes 2014 | 2016 Yes 2014 | 2016 ? 2014 |
| Yes, but 2002 | | | No 2005 | Yes, but 2002 | No 0000 |
| No 1993 | | | N/A 0000 | No 1993 | |
| No 0000 | | | | No 0000 | |
| <p>References to legal sources: Parental Protection and Family Benefits Act (Zakon o starševskem varstvu in družinskih prejemkih, ZSDP-1, OJ 26/14, as amended).</p> <p>Parental Protection and Family Benefits Act (Zakon o starševskem varstvu in družinskih prejemkih, ZSDP, OJ 97/01).</p> <p>Family Benefits Act (Zakon o družinskih prejemkih, ZDPre, OJ 65/93).</p> | | <p>References to legal sources: Parental Protection and Family Benefits Act (Zakon o starševskem varstvu in družinskih prejemkih, ZSDP-1, OJ 26/14, as amended).</p> | | <p>References to legal sources: Parental Protection and Family Benefits Act (Zakon o starševskem varstvu in družinskih prejemkih, ZSDP-1, OJ 26/14, as amended).</p> | |

| Marriage | | Registered partnership | | Cohabitation | |
|---|----------|---|----------|--|----------|
| diff.-sex | same-sex | diff.-sex | same-sex | diff.-sex | same-sex |
| <p>Explanations and nuances: A statutory right to (mostly paid) leave covers maternity leave, paternity leave and parental leave.</p> <p>MATERNITY LEAVE. Maternity leave is intended for preparation for giving birth and care and protection of the child immediately after birth. It lasts 105 days and is fully compensated. The mother has the right to maternity leave but under certain conditions, this right may also be exercised by the father (if the mother dies, abandons the child or is incapable of independent life and work) or another person (art. 19 of the ZSDP-1).</p> <p>PATERNITY LEAVE. Paternity leave is intended for fathers to be able to share with the mother the child's care and protection during the child's most sensitive period. This right is not transferable. It lasts 90 days (the father receives wage compensation for 15 days, for the remaining 75 days the Republic of Slovenia pays social security contributions based on the minimum wage). The right to paternity leave can be exercised also by the spouse of the mother, the mother's cohabiting different-sex partner and the registered same-sex partner, which is actually taking care for the child (art. 25 of the ZSDP-1).</p> <p>PARENTAL LEAVE. Parental leave may be exercised by both parents, and, under conditions specified in the legislation, also by other persons. Leave for care and protection follows immediately after maternity leave. Every parent has the right to parental leave of 130 days. The mother can transfer 100 days to the father, 30 days are non-transferable. The father may transfer 130 days to the mother. The other person who actually takes care of the child has the right to parental leave to the same extent as the mother or the father, reduced by as many days as the mother and father have already used (art. 29 of the ZSDP-1).</p> <p>Between 2002 and 2014, when the ZSDP regulated the parental leave, both parents had a statutory right to parental leave, but the percentage of fathers using this right was very low as the legislation did not require or stimulate fathers to use parental leave. Since 2014, the new ZSDP-1 has been stimulating fathers to use parental leave.</p> <p>Between 1993 and 2002 the parental leave was regulated by the Family Benefits Act. Parental leave was called maternity leave and the right to leave and compensation was limited to mothers.</p> | | <p>Explanations and nuances: Since 2014, when both partners in registered same-sex partnership are parents of the child, they both have a statutory right to parental leave. Especially, the right to paternity leave can be explicitly exercised also by the registered same-sex partner who is actually taking care of the child.</p> <p>Before 2014, the non-biological parent in a same-sex partnership could not use 15 days paternity leave as it was designed only for fathers in different-sex partnership.</p> | | <p>Explanations and nuances: When both partners in different-sex cohabitation are parents of the child, they both have a statutory right to parental leave. In cohabitation, if the father recognises the child at his/her birth, the legal status of the relationship between the child and his/her father is completely the same as in marriage, including the rights of paternity and parental leave.</p> | |

Jurisdiction: **Slovenia**

Source: **B. Rajgelj**, "Parenting and legal family formats in Slovenia". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-SI-Section3.pdf](#) (please use this full citation when citing any information from this table).

Section: **3 - Parenting**

Question: **3.07 - Parental leave for partners**

When only one partner is the legal parent of a child, does each partner then have a statutory right to paid or unpaid parental leave?

| Marriage | | Registered partnership | | Cohabitation | |
|---------------------|---------------------|------------------------|---------------------|---------------------|-------------------------|
| diff.-sex | same-sex | diff.-sex | same-sex | diff.-sex | same-sex |
| 2016 Yes 2014 | 2016 N/A 0000 | 2016 N/A 0000 | 2016 Yes 2014 | 2016 Yes 2014 | 2016 No, but 2014 |
| No 0000 | | | No 2005 | No 0000 | No 0000 |
| | | | N/A 0000 | | |

| Marriage | | Registered partnership | | Cohabitation | |
|--|----------|--|----------|--|----------|
| diff.-sex | same-sex | diff.-sex | same-sex | diff.-sex | same-sex |
| <p>References to legal sources: Zakon o starševskem varstvu in družinskih prejemkih (Parental Protection and Family Benefits Act, ZSDP-1, OJ 26/2014, as amended).</p> <p>Parental Protection and Family Benefits Act (Zakon o starševskem varstvu in družinskih prejemkih, ZSDP, OJ 97/01).</p> <p>Family Benefits Act (Zakon o družinskih prejemkih, ZDPre, OJ 65/93).</p> | | <p>References to legal sources: Zakon o starševskem varstvu in družinskih prejemkih (Parental Protection and Family Benefits Act, ZSDP-1, OJ 26/2014, as amended).</p> <p>Parental Protection and Family Benefits Act (Zakon o starševskem varstvu in družinskih prejemkih, ZSDP, OJ 97/01).</p> <p>Family Benefits Act (Zakon o družinskih prejemkih, ZDPre, OJ 65/93).</p> | | <p>References to legal sources: Zakon o starševskem varstvu in družinskih prejemkih (Parental Protection and Family Benefits Act, ZSDP-1, OJ 26/2014, as amended).</p> <p>Parental Protection and Family Benefits Act (Zakon o starševskem varstvu in družinskih prejemkih, ZSDP, OJ 97/01).</p> <p>Family Benefits Act (Zakon o družinskih prejemkih, ZDPre, OJ 65/93).</p> | |

| Marriage | | Registered partnership | | Cohabitation | |
|---|----------|--|----------|--|----------|
| diff.-sex | same-sex | diff.-sex | same-sex | diff.-sex | same-sex |
| <p>Explanations and nuances: Even if only one partner is the legal parent of the child, both partners have a statutory right to parental leave. Especially the right to paternity leave can be exercised also by the spouse of the mother, by the mother's cohabiting different-sex partner and by the registered same-sex partner who is actually taking care of the child (art. 28 of the ZSDP-1).</p> <p>Under the old ZSDP (that was in force between 2002 and 2014) parental leave was available also to another person than a legal parent. This other person was a person who cares for the child by a decision of the Centre for Social Work or the judgment or provisional court order issued in accordance with the regulations governing family relations. Therefore the term other person could not be used for the spouse of a legal parent, unless he/she was entitled by administrative or judicial decision to take care for the child.</p> | | <p>Explanations and nuances: Even if only one partner is the legal parent of the child, both partners have a statutory right to parental leave. Especially the right to paternity leave can be exercised also by the spouse of the mother, by the mother's cohabiting different-sex partner and by the registered same-sex partner who is actually taking care of the child (art. 28 of the ZSDP-1).</p> | | <p>Explanations and nuances: Even if only one partner is the legal parent of the child, both partners have a statutory right to parental leave. Especially the right to paternity leave can be exercised also by the spouse of the mother, by the mother's cohabiting different-sex partner and by the registered same-sex partner who is actually taking care of the child (art. 28 of the ZSDP-1).</p> <p>The non-registered same-sex partner is not explicitly mentioned, but parental leave is available also to him/her as being another person who actually cares for the child (art. 38 of the ZSDP-1).</p> | |

Jurisdiction: **Slovenia**

Source: **B. Rajgelj**, "Parenting and legal family formats in Slovenia". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-SI-Section3.pdf](#) (please use this full citation when citing any information from this table).

Section: **3 - Parenting**

Question: **3.08 - Grandparents**

Do grandparents have a statutory right to visit the children in this type of relationship?

| Marriage | | Registered partnership | | Cohabitation | |
|--|---------------------|--|--------------------------|--|--------------------------|
| diff.-sex | same-sex | diff.-sex | same-sex | diff.-sex | same-sex |
| 2016 Yes, but 2004 | 2016 N/A 0000 | 2016 N/A 0000 | 2016 Yes, but 2011 | 2016 Yes, but 2004 | 2016 Yes, but 2004 |
| No 0000 | | | Yes, but 2005 | No 0000 | No 0000 |
| | | | N/A 0000 | | |
| <p>References to legal sources: Marriage and Family Relations Act (Zakon o zakonski zvezi in družinskih razmerjih, ZZZDR, 15/1976).</p> <p>Act Amending the Marriage and Family Relations Act (Zakon o spremembah in dopolnitvah zakona o zakonski zvezi in družinskih razmerjih, ZZZDR-C, OJ 16/04).</p> | | <p>References to legal sources: Marriage and Family Relations Act (Zakon o zakonski zvezi in družinskih razmerjih, ZZZDR, 15/1976).</p> <p>Act Amending the Marriage and Family Relations Act (Zakon o spremembah in dopolnitvah zakona o zakonski zvezi in družinskih razmerjih, ZZZDR-C, OJ 16/04).</p> | | <p>References to legal sources: Marriage and Family Relations Act (Zakon o zakonski zvezi in družinskih razmerjih, ZZZDR, 15/1976).</p> | |

| Marriage | | Registered partnership | | Cohabitation | |
|---|----------|---|----------|--|----------|
| diff.-sex | same-sex | diff.-sex | same-sex | diff.-sex | same-sex |
| <p>Explanations and nuances: Besides the contact with his/her parents the child has the right to have contact with other persons to whom he/she is family related and has a close personal bond with, unless this is contrary to the child's best interest. It is considered that such persons are in particular the child's grandparents, brothers and sisters, half-brothers and sisters, former foster parents, former or current spouse or cohabiting partner of one or other of his parents (art. 106.a ZZZDR).</p> <p>In this context the "cohabiting partner" means cohabiting different-sex partner as the legislation (neither in 2004 nor later) does not regulate same-sex cohabitation.</p> | | <p>Explanations and nuances: Since the law leaves open which persons have the right to have contact with the child (the list of persons in art. 106.a of the ZZZDR is not exhaustive), under the condition of family relatedness and close personal bond with the child the right may be recognised without the existence of formal parenting, which means that the beneficiary to the right of contact can also be the parent of the (former) partner in registered same-sex partnership.</p> <p>In 2011 second parent adoption was recognised by the ministry of family relations, which means that the legal status of grandparents towards their grandchildren is the same, regardless of their children being married or registered.</p> | | <p>Explanations and nuances: Since the law leaves open which persons have the right to have contact with the child (the list of persons in art. 106.a of the ZZZDR is not exhaustive), under the condition of family relatedness and close personal bond with the child the right may be recognised without the existence of formal parenting, which means that the beneficiary to right of contact can also be parent of the (former) partner in different-sex or same-sex cohabitation. Even though same-sex cohabitation is not legally recognised the question goes beyond that and touches upon the relationship between children and a wide circle of other persons.</p> | |

Jurisdiction: **Slovenia**

Source: **B. Rajgelj**, "Parenting and legal family formats in Slovenia". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-SI-Section3.pdf](#) (please use this full citation when citing any information from this table).

Section: **3 - Parenting**

Question: **3.09 - Second-parent adoption**

When only one partner is the legal parent of a child, does the other partner then have the possibility of becoming the child's second parent by way of adoption?

| Marriage | | Registered partnership | | Cohabitation | |
|---|---------------------|--|---------------------|---|--------------------------|
| diff.-sex | same-sex | diff.-sex | same-sex | diff.-sex | same-sex |
| 2016 Yes 1976 | 2016 N/A 0000 | 2016 N/A 0000 | 2016 Yes 2011 | 2016 Yes, but 1976 | 2016 Yes, but 2011 |
| Yes 1947 | | | Doubt 2005 | ? 0000 | Doubt 1976 |
| | | | N/A 0000 | | ? 0000 |
| <p>References to legal sources: Marriage and Family Relations Act (Zakon o zakonski zvezi in družinskih razmerjih, ZZZDR, 15/1976).</p> <p>Fundamental Act on Adoption (Temeljni zakon o posvojitvi, TZP, OJ 30/47).</p> | | <p>References to legal sources: Marriage and Family Relations Act (Zakon o zakonski zvezi in družinskih razmerjih, ZZZDR, 15/1976).</p> | | <p>References to legal sources: Marriage and Family Relations Act (Zakon o zakonski zvezi in družinskih razmerjih, ZZZDR, 15/1976).</p> <p>Fundamental Act on Adoption (Temeljni zakon o posvojitvi, TZP, OJ 30/47).</p> | |

| Marriage | | Registered partnership | | Cohabitation | |
|---|----------|---|----------|---|----------|
| diff.-sex | same-sex | diff.-sex | same-sex | diff.-sex | same-sex |
| <p>Explanations and nuances: No one can be adopted by more than one person unless the adoptive parents are spouses (art. 135 of the ZZZDR). The spouses can only adopt a child together, unless one of them adopts a child of his spouse (art. 138 of the ZZZDR).</p> <p>Apart from joint adoption by spouses, under the law from 1947 no one could be adopted by more than one person. The child could also be adopted by one of the spouses. In this case, the assent of the second spouse was necessary (art. 6 of the TZP). This meant that a spouse could adopt the partner's child already under the law from 1947.</p> | | <p>Explanations and nuances: Despite the fact that the law does not explicitly regulate second-parent adoption by the same-sex partner, in 2011 the Ministry of labour, family and social relations has for the first time decided that the ZZZDR from 1976 has to be interpreted in the way that it allows second-parent adoption also in same-sex partnerships. The general provision on adoption states that no one can be adopted by more than one person unless the adoptive parents are spouses (art. 135 of the ZZZDR). Second-parent adoption by a same-sex partner does not contradict this rule, therefore second-parent adoption in registered same-sex partnership is legal. As only in 2011 the first request for second-parent adoption was submitted, it stays open what would be the decision of the ministry if the request would have been submitted earlier.</p> | | <p>Explanations and nuances: The cohabiting different-sex partner can become the child's second parent by way of adoption on the same legal ground as a married partner. The cohabitation of different-sex partners is regulated since 1976; before that year cohabitation of different-sex partners did not have any legal consequences.</p> <p>Cohabitation of same-sex partners is not regulated by law, but the right of the second person to adopt is not strictly limited to a specific type of partnership. Article 135 of the ZZZDR stipulates that nobody can be adopted by more than one person, unless the adoptive parents are a married couple. In accordance with this, each partner in a (registered or non-registered) same-sex partnership may adopt the child of his or her partner under general conditions. There are even cases where the child was adopted by a former (non-registered) same-sex partner, as the adoption was considered to be in the best interest of the child. The first second-parent adoption in a same-sex family was carried out in a non-registered same-sex partnership.</p> | |

Jurisdiction: **Slovenia**

Source: **B. Rajgelj**, "Parenting and legal family formats in Slovenia". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-SI-Section3.pdf](#) (please use this full citation when citing any information from this table).

Section: **3 - Parenting**

Question: **3.10 - Joint adoption**

Can partners jointly adopt a child?

| Marriage | | Registered partnership | | Cohabitation | |
|---|---------------------|--|--------------------|---|--------------------|
| diff.-sex | same-sex | diff.-sex | same-sex | diff.-sex | same-sex |
| 2016 Yes 1976 | 2016 N/A 0000 | 2016 N/A 0000 | 2016 No 2005 | 2016 No, but 1976 | 2016 No 0000 |
| Yes 1947 | | | N/A 0000 | No 1947 | |
| <p>References to legal sources: Marriage and Family Relations Act (Zakon o zakonski zvezi in družinskih razmerjih, ZZZDR, 15/1976).</p> <p>Fundamental Act on Adoption (Temeljni zakon o posvojitvi, TZP, OJ 30/47).</p> | | <p>References to legal sources: Marriage and Family Relations Act (Zakon o zakonski zvezi in družinskih razmerjih, ZZZDR, 15/1976).</p> | | <p>References to legal sources: Marriage and Family Relations Act (Zakon o zakonski zvezi in družinskih razmerjih, ZZZDR, 15/1976).</p> <p>Fundamental Act on Adoption (Temeljni zakon o posvojitvi, TZP, OJ 30/47).</p> | |

| Marriage | | Registered partnership | | Cohabitation | |
|---|----------|--|----------|--|----------|
| diff.-sex | same-sex | diff.-sex | same-sex | diff.-sex | same-sex |
| <p>Explanations and nuances: No one can be adopted by more than one person unless the adoptive parents are spouses (art. 135 of the ZZZDR). The spouses can only adopt a child together, unless one of them adopts a child of his spouse (art. 138 of the ZZZDR).</p> <p>Also under the law from 1947 only spouses could jointly adopt a child (art. 6 of the TZP).</p> | | <p>Explanations and nuances: The law explicitly states that no one can be adopted by more than one person unless the adoptive parents are spouses. As the registered same-sex partners are not treated as spouses, they can not jointly adopt a child.</p> | | <p>Explanations and nuances: Despite the fact that the ZZZDR explicitly determines that adoptive parents in joint adoption are "spouses", in practice the competent authorities also allow joint adoption by cohabiting different-sex partners. Also legal authors have been sympathetic to this broader understanding of the norm.</p> <p>Between 1947 and 1976 the cohabitation of different-sex partners was not regulated by law, therefore it did not have any legal consequences. The adoption law of 1947 stated that only spouses could jointly adopt a child (art. 6 of the TZP).</p> | |

Jurisdiction: **Slovenia**

Source: **B. Rajgelj**, "Parenting and legal family formats in Slovenia". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, www.LawsAndFamilies.eu, [LawsAndFamilies-SI-Section3.pdf](#) (please use this full citation when citing any information from this table).

Section: **3 - Parenting**

Question: **3.11 - Individual adoption**

Can one partner in this type of relationship individually adopt a child?

| Marriage | | Registered partnership | | Cohabitation | |
|---|---------------------|--|--------------------------|---|--------------------------|
| diff.-sex | same-sex | diff.-sex | same-sex | diff.-sex | same-sex |
| 2016 No 1976 | 2016 N/A 0000 | 2016 N/A 0000 | 2016 Yes, but 2005 | 2016 Yes, but 1976 | 2016 Yes, but 1976 |
| Yes, but 1947 | | | N/A 0000 | Yes 1947 | ? 0000 |
| <p>References to legal sources: Marriage and Family Relations Act (Zakon o zakonski zvezi in družinskih razmerjih, ZZZDR, 15/1976).</p> <p>Fundamental Act on Adoption (Temeljni zakon o posvojitvi, TZP, OJ 30/47).</p> | | <p>References to legal sources: Marriage and Family Relations Act (Zakon o zakonski zvezi in družinskih razmerjih, ZZZDR, 15/1976).</p> | | <p>References to legal sources: Marriage and Family Relations Act (Zakon o zakonski zvezi in družinskih razmerjih, ZZZDR, 15/1976).</p> <p>Fundamental Act on Adoption (Temeljni zakon o posvojitvi, TZP, OJ 30/47).</p> | |

| Marriage | | Registered partnership | | Cohabitation | |
|--|----------|---|----------|---|----------|
| diff.-sex | same-sex | diff.-sex | same-sex | diff.-sex | same-sex |
| <p>Explanations and nuances: The spouses can only adopt a child together, unless one of them adopts a child of his spouse (art. 138 of the ZZZDR).</p> <p>Under the law from 1947 spouses could jointly adopt a child, but the child could be adopted also just by one of them. In this case, the assent of the second spouse was necessary (art. 6 of the TZP).</p> | | <p>Explanations and nuances: No one can be adopted by more than one person unless the adoptive parents are spouses (art. 135 of the ZZZDR). As in respect to adoption registered same-sex partners are not treated in the same way as spouses, the provision that the spouses can only adopt a child together, does not apply to them. This means that in theory a partner in a registered same-sex partnership can individually adopt a child, but since there are only around 40 children available for adoption every year and the authorities prefer joint adoptions, there is little possibility of individual adoption (by a single person or by a person living in a registered same-sex partnership).</p> | | <p>Explanations and nuances: Spouses can only adopt a child together, unless one of them adopts a child of his spouse (art. 138 of the ZZZDR). So, if the legal status of cohabiting different-sex partners is equal to that of spouses, cohabiting different-sex partners could only adopt a child together. However, because in practice no one verifies the existence of the partnership, it seems that a cohabiting partner could adopt a child as individual. This also seems to follow from the rule that no one can be adopted by more than one person unless the adoptive parents are spouses (art. 135 of the ZZZDR).</p> <p>As the law from 1947 also stated that - apart from joint adoption by spouses - no one could be adopted by more than one person, this meant that a child could be adopted by one person (art. 6 of the TZP). As different-sex cohabitation was not regulated by law until 1976, cohabiting partners were treated as single persons. Nevertheless, in practice the children were mostly jointly adopted by spouses.</p> | |