

## Parenting and legal family formats in Austria

by Helmut Graupner<sup>1</sup>

*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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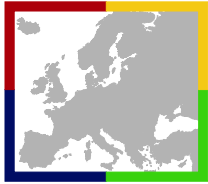


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# FamiliesAndSocieties

## 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](http://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](http://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 Austria

The answers concerning Austria 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](http://www.LawsAndFamilies.eu)):

### Formalisation of legal family formats in Austria by Helmut Graupner (Section 1)

### Income, troubles and legal family formats in Austria by Helmut Graupner (Section 2)

### Parenting and legal family formats in Austria by Helmut Graupner (Section 3)

### Migration and legal family formats in Austria by Helmut Graupner (Section 4)

### Splitting up and legal family formats in Austria by Helmut Graupner (Section 5)

### Death and legal family formats in Austria by Helmut Graupner (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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**Adoptions under Austrian law are always weak adoptions. An adopted child remains legally related to its former parents and mutual maintenance and inheritance rights remain intact (Art. 197-199 Allgemeines Bürgerliches Gesetzbuch). Thus an adoptive child in Austria has up to four legal parents. An adoptive child inherits from all four parents.**

**In some situations an adoptive child can even have three or four parents with full and equal unrestricted parental rights. This is the case when a child with two parents of the same gender gets adopted by one or two parents of the other gender (Art. 197 Allgemeines Bürgerliches Gesetzbuch).**

Jurisdiction: **Austria**

Source: **H. Graupner**, "Parenting and legal family formats in Austria". 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](http://www.LawsAndFamilies.eu), [LawsAndFamilies-AT-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 1992	2016 N/A 0000	2016 N/A 0000	2016 Yes 2015	2016 Yes 1992	2016 Yes 2015
Yes 0000			No 2010	Yes 0000	No 0000
			N/A 0000		
<b>References to legal sources:</b> Art. 2(1) Fortpflanzungsmedizingesetz (Medically Assisted Procreation Act) (Bundesgesetzblatt 1992, Nr. 275, in force from 1 July 1992).		<b>References to legal sources:</b> Art. 2(1) Fortpflanzungsmedizingesetz (Medically Assisted Procreation Act) as amended by law of 23 February 2015 (Bundesgesetzblatt 2015, Nr. I 35, in force from 24 February 2015).		<b>References to legal sources:</b> Art. 2(1) Fortpflanzungsmedizingesetz (Medically Assisted Procreation Act) as amended by law of 23 February 2015 (Bundesgesetzblatt 2015, Nr. I 35, in force from 24 February 2015).	
<b>Explanations and nuances:</b>		<b>Explanations and nuances:</b>		<b>Explanations and nuances:</b>	

Jurisdiction: **Austria**

Source: **H. Graupner**, "Parenting and legal family formats in Austria". 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](http://www.LawsAndFamilies.eu), [LawsAndFamilies-AT-Section3.pdf](#) (please use this full citation when citing any information from this table).

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 1992	2016 N/A 0000	2016 N/A 0000	2016 Yes 2015	2016 Yes 1992	2016 Yes 2015
Yes 0000			No 2010	Yes 0000	No 0000
			N/A 0000		
<b>References to legal sources:</b> Art. 2(1) Fortpflanzungsmedizingesetz (Medically Assisted Procreation Act) (Bundesgesetzblatt 1992, Nr. 275, in force from 1 July 1992).		<b>References to legal sources:</b> Art. 2(1) Fortpflanzungsmedizingesetz (Medically Assisted Procreation Act) as amended by law of 23 February 2015 (Bundesgesetzblatt 2015, Nr. I 35, in force from 24 February 2015).		<b>References to legal sources:</b> Art. 2(1) Fortpflanzungsmedizingesetz (Medically Assisted Procreation Act) as amended by law of 23 February 2015 (Bundesgesetzblatt 2015, Nr. I 35, in force from 24 February 2015).	
<b>Explanations and nuances:</b>		<b>Explanations and nuances:</b>		<b>Explanations and nuances:</b>	

Jurisdiction: **Austria**

Source: **H. Graupner**, "Parenting and legal family formats in Austria". 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](http://www.LawsAndFamilies.eu), [LawsAndFamilies-AT-Section3.pdf](#) (please use this full citation when citing any information from this table).

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 0000	2016 N/A 0000	2016 N/A 0000	2016 No 2010	2016 No 0000	2016 No 0000
			N/A 0000		
<p><b>References to legal sources:</b> Art. 137b (from 1 February 2013: Art. 143) General Civil Code (Allgemeines Bürgerliches Gesetzbuch) as amended by law of 4 June 1992 (Bundesgesetzblatt 1992, Nr. 275, in force from 1 July 1992).</p>		<p><b>References to legal sources:</b> Art. 137b (from 1 February 2013: Art. 143) General Civil Code (Allgemeines Bürgerliches Gesetzbuch) as amended by law of 4 June 1992 (Bundesgesetzblatt 1992, Nr. 275, in force from 1 July 1992).</p>		<p><b>References to legal sources:</b> Art. 137b (from 1 February 2013: Art. 143) General Civil Code (Allgemeines Bürgerliches Gesetzbuch) as amended by law of 4 June 1992 (Bundesgesetzblatt 1992, Nr. 275, in force from 1 July 1992).</p>	
<p><b>Explanations and nuances:</b> All forms of surrogacy are forbidden in Austria, including not-for-profit/altruistic surrogacy.</p>		<p><b>Explanations and nuances:</b> All forms of surrogacy are forbidden in Austria, including not-for-profit/altruistic surrogacy.</p>		<p><b>Explanations and nuances:</b> All forms of surrogacy are forbidden in Austria, including not-for-profit/altruistic surrogacy.</p>	

Jurisdiction: **Austria**

Source: **H. Graupner**, "Parenting and legal family formats in Austria". 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](http://www.LawsAndFamilies.eu), [LawsAndFamilies-AT-Section3.pdf](#) (please use this full citation when citing any information from this table).

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
2016 Yes 0000	2016 N/A 0000	2016 N/A 0000	2016 Yes 2015	2016 Yes 0000	2016 Yes 2015
			No 2010		No 0000
			N/A 0000		
<b>References to legal sources:</b> Art. 144(1) Allgemeines Bürgerliches Gesetzbuch (General Civil Code) as amended by law of 23 February 2015 (Bundesgesetzblatt 2015, Nr. I 35, in force from 1 January 2015).		<b>References to legal sources:</b> Art. 144(2) Allgemeines Bürgerliches Gesetzbuch (General Civil Code) as amended by law of 23 February 2015 (Bundesgesetzblatt 2015, Nr. I 35, in force from 1 January 2015).		<b>References to legal sources:</b> Art. 144(1)&(2) Allgemeines Bürgerliches Gesetzbuch (General Civil Code) as amended by law of 23 February 2015 (Bundesgesetzblatt 2015, Nr. I 35, in force from 1 January 2015).	
<b>Explanations and nuances:</b>		<b>Explanations and nuances:</b>		<b>Explanations and nuances:</b> By recognition or court order.	



Jurisdiction: **Austria**

Source: **H. Graupner**, "Parenting and legal family formats in Austria". 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](http://www.LawsAndFamilies.eu), [LawsAndFamilies-AT-Section3.pdf](#) (please use this full citation when citing any information from this table).

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
2016 No 0000	2016 N/A 0000	2016 N/A 0000	2016 No 2010	2016 No 0000	2016 No 0000
			N/A 0000		
References to legal sources:		References to legal sources:		References to legal sources:	
Explanations and nuances:		Explanations and nuances:		Explanations and nuances:	

Jurisdiction: **Austria**

Source: **H. Graupner**, "Parenting and legal family formats in Austria". 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](http://www.LawsAndFamilies.eu), [LawsAndFamilies-AT-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 1990	2016 N/A 0000	2016 N/A 0000	2016 Yes 2010	2016 Yes 1990	2016 Yes 2003
No 0000			N/A 0000	No 0000	No 0000
<p><b>References to legal sources:</b> Mutterschutzgesetz (Maternity Leave Act) (Bundesgesetzblatt 1979, Nr. 221, in force from 1 June 1979), Väter-Karenzgesetz (Paternal Leave Act) (Bundesgesetzblatt 1989, Nr. 651, in force from 1 January 1990), and numerous other parental leave legislation.</p>		<p><b>References to legal sources:</b> Mutterschutzgesetz (Maternity Leave Act) (Bundesgesetzblatt 1979, Nr. 221, in force from 1 June 1979), Väter-Karenzgesetz (Paternal Leave Act) (Bundesgesetzblatt 1989, Nr. 651, in force from 1 January 1990), and numerous other parental leave legislation.</p>		<p><b>References to legal sources:</b> Mutterschutzgesetz (Maternity Leave Act) (Bundesgesetzblatt 1979, Nr. 221, in force from 1 June 1979), Väter-Karenzgesetz (Paternal Leave Act) (Bundesgesetzblatt 1989, Nr. 651, in force from 1 January 1990), and numerous other parental leave legislation.</p>	
<p><b>Explanations and nuances:</b> Leave is paid and mothers and fathers have equal rights to parental leave.</p>		<p><b>Explanations and nuances:</b> Leave is paid and mothers and fathers have equal rights to parental leave.</p>		<p><b>Explanations and nuances:</b> Leave is paid and mothers and fathers have equal rights to parental leave.</p>	

Jurisdiction: **Austria**

Source: **H. Graupner**, "Parenting and legal family formats in Austria". 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](http://www.LawsAndFamilies.eu), [LawsAndFamilies-AT-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 2001	2016 N/A 0000	2016 N/A 0000	2016 Yes 2010	2016 Yes 2001	2016 Yes 2001
No 0000			N/A 0000	No 0000	No 0000
<p><b>References to legal sources:</b> Mutterschutzgesetz (Maternity Leave Act) (Bundesgesetzblatt 1979, Nr. 221, in force from 1 June 1979), Väter-Karenzgesetz (Paternal Leave Act) (Bundesgesetzblatt 1989, Nr. 651, in force from 1 January 1990), and numerous other parental leave legislation.</p>		<p><b>References to legal sources:</b> Mutterschutzgesetz (Maternity Leave Act) (Bundesgesetzblatt 1979, Nr. 221, in force from 1 June 1979), Väter-Karenzgesetz (Paternal Leave Act) (Bundesgesetzblatt 1989, Nr. 651, in force from 1 January 1990), and numerous other parental leave legislation.</p>		<p><b>References to legal sources:</b> Mutterschutzgesetz (Maternity Leave Act) (Bundesgesetzblatt 1979, Nr. 221, in force from 1 June 1979), Väter-Karenzgesetz (Paternal Leave Act) (Bundesgesetzblatt 1989, Nr. 651, in force from 1 January 1990), and numerous other parental leave legislation.</p>	
<p><b>Explanations and nuances:</b> Leave is paid and mothers and fathers have equal rights to parental leave.</p>		<p><b>Explanations and nuances:</b> Leave is paid and mothers and fathers have equal rights to parental leave.</p>		<p><b>Explanations and nuances:</b> Leave is paid and mothers and fathers have equal rights to parental leave.</p>	

Jurisdiction: **Austria**

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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 0000	2016 N/A 0000	2016 N/A 0000	2016 Yes 2010	2016 Yes 0000	2016 Yes 0000
			N/A 0000		
<b>References to legal sources:</b> Art. 148 (from 11 January 2013: Art. 188) General Civil Code (Allgemeines Bürgerliches Gesetzbuch) (Justizgesetzsammlung 1811, Nr. 946, in force from 1 January 1812).		<b>References to legal sources:</b> Art. 148 (from 11 January 2013: Art. 188) General Civil Code (Allgemeines Bürgerliches Gesetzbuch) (Justizgesetzsammlung 1811, Nr. 946, in force from 1 January 1812).		<b>References to legal sources:</b> Art. 148 (from 11 January 2013: Art. 188) General Civil Code (Allgemeines Bürgerliches Gesetzbuch) (Justizgesetzsammlung 1811, Nr. 946, in force from 1 January 1812).	
<b>Explanations and nuances:</b> Only legal grandparents have this right.		<b>Explanations and nuances:</b> Only legal grandparents have this right.		<b>Explanations and nuances:</b> Only legal grandparents have this right.	

Jurisdiction: **Austria**

Source: **H. Graupner**, "Parenting and legal family formats in Austria". 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](http://www.LawsAndFamilies.eu), [LawsAndFamilies-AT-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 0000	2016 N/A 0000	2016 N/A 0000	2016 Yes 2013	2016 Yes 0000	2016 Yes 2013
			No 2010		No 0000
			N/A 0000		
<p><b>References to legal sources:</b> Art. 197 (before 1 February 2013: Art. 182) General Civil Code (Allgemeines Bürgerliches Gesetzbuch) (Justizgesetzsammlung 1811, Nr. 946, in force from 1 January 1812).</p>		<p><b>References to legal sources:</b> Art. 197 General Civil Code (Allgemeines Bürgerliches Gesetzbuch) as amended by law of 6 August 2013 (Bundesgesetzblatt 2013, Nr. I 179, in force from 1 August 2013).</p>		<p><b>References to legal sources:</b> Art. 197 General Civil Code (Allgemeines Bürgerliches Gesetzbuch) as amended by law of 6 August 2013 (Bundesgesetzblatt 2013, Nr. I 179, in force from 1 August 2013).</p> <p>European Court of Human Rights judgement in the case of X and others v. Austria (2013).</p>	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
Explanations and nuances:		Explanations and nuances:		Explanations and nuances:	

Jurisdiction: **Austria**

Source: **H. Graupner**, "Parenting and legal family formats in Austria". 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](http://www.LawsAndFamilies.eu), [LawsAndFamilies-AT-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 0000	2016 N/A 0000	2016 N/A 0000	2016 Yes 2016	2016 Yes 2016	2016 Yes 2016
			No 2010	No 0000	No 0000
			N/A 0000		
<b>References to legal sources:</b> Art. 191 (2) (before 1 February 2013: Art. 179(2)) General Civil Code (Allgemeines Bürgerliches Gesetzbuch) (Justizgesetzsammlung 1811, Nr. 946, in force from 1 January 1812).		<b>References to legal sources:</b> Art. 191 General Civil Code (Allgemeines Bürgerliches Gesetzbuch) as amended by judgment Verfassungsgerichtshof (Constitutional Court) of 11 December 2014 (Bundesgesetzblatt 2015, Nr. I 25, in force from 1 January 2016).		<b>References to legal sources:</b> Art. 191 General Civil Code (Allgemeines Bürgerliches Gesetzbuch) as amended by judgment Verfassungsgerichtshof (Constitutional Court) of 11 December 2014 (Bundesgesetzblatt 2015, Nr. I 25, in force from 1 January 2016).	
<b>Explanations and nuances:</b>		<b>Explanations and nuances:</b>		<b>Explanations and nuances:</b>	

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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 Yes 0000	2016 N/A 0000	2016 N/A 0000	2016 Yes 2010	2016 Yes 0000	2016 Yes 0000
			N/A 0000		
<p><b>References to legal sources:</b> Art. 179 (from 1 February 2013: Art. 191) General Civil Code (Allgemeines Bürgerliches Gesetzbuch) (Justizgesetzsammlung 1811, Nr. 946, in force from 1 January 1812).</p>		<p><b>References to legal sources:</b> Art. 179 (from 1 February 2013: Art. 191) General Civil Code (Allgemeines Bürgerliches Gesetzbuch) (Justizgesetzsammlung 1811, Nr. 946, in force from 1 January 1812).</p>		<p><b>References to legal sources:</b> Art. 179 (from 1 February 2013: Art. 191) General Civil Code (Allgemeines Bürgerliches Gesetzbuch) (Justizgesetzsammlung 1811, Nr. 946, in force from 1 January 1812).</p>	
<p><b>Explanations and nuances:</b> The consent of the other spouse is needed (certain exceptions to this basic rule).</p>		<p><b>Explanations and nuances:</b> The consent of the other partner is needed (certain exceptions to this basic rule).</p>		<p><b>Explanations and nuances:</b></p>	