

Parenting and legal family formats in Belgium

by Paul Borghs 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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¹ Paul Borghs (legal advisor, author of books and articles about same-sex family law in Belgium) is grateful for the useful comments Geoffrey Willems (Professor of Family Law, Centre de droit de la personne, de la famille et de son patrimoine, Faculté de droit, Université catholique de Louvain) made on an earlier version of the answers in this section of the database.

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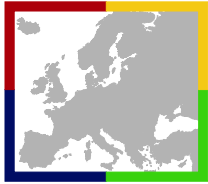
³ Institut national d'études démographiques, Paris, France, www.ined.fr.



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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 Belgium

The answers concerning Belgium 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 Belgium by Paul Borghs (Section 1)

Income, troubles and legal family formats in Belgium by Geoffrey Willems (Section 2)

Parenting and legal family formats in Belgium by Paul Borghs (Section 3)

Migration and legal family formats in Belgium by Geoffrey Willems (Section 4)

Splitting up and legal family formats in Belgium by Paul Borghs (Section 5)

Death and legal family formats in Belgium by Geoffrey Willems (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.

–

Adoption, medically assisted insemination and IVF are available for single parents.

–

Jurisdiction: **Belgium**

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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
2015 Yes 2007	2015 Yes 2007	2015 Yes 2007	2015 Yes 2007	2015 Yes 2007	2015 Yes 2007
No, but 0000	No, but 2003	No, but 2000	No, but 2000	No, but 0000	No, but 0000
	N/A 0000	N/A 0000	N/A 0000		
References to legal sources: Art. 2 a) and f) of the law of 6 July 2007 on medical assisted reproduction) (Belgisch Staatsblad 17 July 2007, p. 38.575, in force from 27 July 2007).		References to legal sources: Art. 2 a) and f) of the law of 6 July 2007 on medical assisted reproduction) (Belgisch Staatsblad 17 July 2007, p. 38.575, in force from 27 July 2007).		References to legal sources: Art. 2 a) and f) of the law of 6 July 2007 on medical assisted reproduction) (Belgisch Staatsblad 17 July 2007, p. 38.575, in force from 27 July 2007).	
Explanations and nuances: Before 2007: no legal basis, however applied in practice.		Explanations and nuances: Before 2007: no legal basis, however applied in practice.		Explanations and nuances: Before 2007: no legal basis, however applied in practice.	

Jurisdiction: **Belgium**

Source: **P. Borghs**, "Parenting and legal family formats in Belgium". 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-BE-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
2015 Yes 2007	2015 Yes 2007	2015 Yes 2007	2015 Yes 2007	2015 Yes 2007	2015 Yes 2007
No, but 0000	No, but 2003	No, but 2000	No, but 2000	No, but 0000	No, but 0000
	N/A 0000	N/A 0000	N/A 0000		
References to legal sources: Art. 2 a) and f) of the law of 6 July 2007 on medical assisted reproduction) (Belgisch Staatsblad 17 July 2007, p. 38.575, in force from 27 July 2007).		References to legal sources: Art. 2 a) and f) of the law of 6 July 2007 on medical assisted reproduction) (Belgisch Staatsblad 17 July 2007, p. 38.575, in force from 27 July 2007).		References to legal sources: Art. 2 a) and f) of the law of 6 July 2007 on medical assisted reproduction) (Belgisch Staatsblad 17 July 2007, p. 38.575, in force from 27 July 2007).	
Explanations and nuances: Before 2007: no legal basis, however applied in practice.		Explanations and nuances: Before 2007: no legal basis, however applied in practice.		Explanations and nuances: Before 2007: no legal basis, however applied in practice.	

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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
2015 Yes, but 0000	2015 Yes, but 2006	2015 Yes, but 2000	2015 Yes, but 2006	2015 Yes, but 0000	2015 Yes, but 2006
	No 2003	N/A 0000	No 2000		No 0000
	N/A 0000		N/A 0000		
References to legal sources:		References to legal sources:		References to legal sources:	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: Belgium has no specific legislation concerning surrogacy, although the existing legal framework (adoption) makes it possible to become legal parents. Only in 2006 adoption became possible for same-sex partners and thus two-sided parenthood was only possible for same-sex couples from 2006 onwards.</p> <p>For an overview of proposals introduced in the Belgian parliament on surrogacy: Liesbet Pluym, Een familierechtelijke statuut voor draagmoederschap, Mechelen, Wolters Kluwer Belgium, 2015, pp. 6-10.</p>		<p>Explanations and nuances: Belgium has no specific legislation concerning surrogacy, although the existing legal framework (adoption) makes it possible to become legal parents. Only in 2006 adoption became possible for same-sex partners and thus two-sided parenthood was only possible for same-sex couples from 2006 onwards.</p> <p>For an overview of proposals introduced in the Belgian parliament on surrogacy: Liesbet Pluym, Een familierechtelijke statuut voor draagmoederschap, Mechelen, Wolters Kluwer Belgium, 2015, pp. 6-10.</p>		<p>Explanations and nuances: Belgium has no specific legislation concerning surrogacy, although the existing legal framework (adoption) makes it possible to become legal parents. Only in 2006 adoption became possible for same-sex partners and thus two-sided parenthood was only possible for same-sex couples from 2006 onwards.</p> <p>For an overview of proposals introduced in the Belgian parliament on surrogacy: Liesbet Pluym, Een familierechtelijke statuut voor draagmoederschap, Mechelen, Wolters Kluwer Belgium, 2015, pp. 6-10.</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 Yes 2015	2015 Yes 2000	2015 Yes 2015	2015 Yes 0000	2015 Yes 2015
	No 2003	N/A 0000	No 2000		No 0000
	N/A 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: Different sex: Art. 315-317 of the Civil Code.</p> <p>Same sex: Art. 325/2 of the Civil Code, as amended by law of 5 May 2014 (Belgisch Staatsblad 7 July 2014, p. 51.703, in force from 1 January 2015).</p> <p>See also: Art. 322, 324-325 and 332quinquies of the Civil Code (different sex) and Art. 325/8-325/10 of the Civil Code (same sex) (investigation on parenthood).</p>		<p>References to legal sources: Different sex: Art. 319, 319bis and 329bis of the Civil Code.</p> <p>Same sex: Art. 325/4-325/6 of the Civil Code, as amended by law of 5 May 2014 (Belgisch Staatsblad 7 July 2014, p. 51.703, in force from 1 January 2015).</p> <p>See also: Art. 322, 324-325 and 332quinquies of the Civil Code (different sex) and Art. 325/8-325/10 of the Civil Code (same sex) (investigation on parenthood).</p>		<p>References to legal sources: Different sex: Art. 319, 319bis and 329bis of the Civil Code.</p> <p>Same sex: Art. 325/4-325/6 of the Civil Code, as amended by law of 5 May 2014 (Belgisch Staatsblad 7 July 2014, p. 51.703, in force from 1 January 2015).</p> <p>See also: Art. 322, 324-325 and 332quinquies of the Civil Code (different sex) and Art. 325/8-325/10 of the Civil Code (same sex) (investigation on parenthood).</p>	
<p>Explanations and nuances: Marriage: automatic parenthood for father or co-mother.</p> <p>Investigation of parenthood means that the Family Court investigates who is the legal father or co-mother.</p>		<p>Explanations and nuances: Registered partnership: recognition by father or co-mother.</p> <p>Investigation of parenthood means that the Family Court investigates who is the legal father or co-mother.</p>		<p>Explanations and nuances: Cohabitation: recognition by father or co-mother.</p> <p>Investigation of parenthood means that the Family Court investigates who is the legal father or co-mother.</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 No 2003	2015 No 2000	2015 No 2000	2015 No 0000	2015 No 0000
	N/A 0000	N/A 0000	N/A 0000		
References to legal sources:		References to legal sources:		References to legal sources:	
<p>Explanations and nuances: Belgium has no equivalent of e.g. the Dutch 'gezamenlijk gezag' (joint parental responsibility).</p> <p>For an overview of proposals introduced in the Belgian parliament on 'social parenthood': Paul Borghs, Rechtspositie meemoeder. Van adoptieve naar oorspronkelijke juridische afstamming, Nieuw Juridisch Weekblad, 2013, pp. 394-395.</p>		<p>Explanations and nuances: Belgium has no equivalent of e.g. the Dutch 'gezamenlijk gezag' (joint parental responsibility).</p> <p>For an overview of proposals introduced in the Belgian parliament on 'social parenthood': Paul Borghs, Rechtspositie meemoeder. Van adoptieve naar oorspronkelijke juridische afstamming, Nieuw Juridisch Weekblad, 2013, pp. 394-395.</p>		<p>Explanations and nuances: Belgium has no equivalent of e.g. the Dutch 'gezamenlijk gezag' (joint parental responsibility).</p> <p>For an overview of proposals introduced in the Belgian parliament on 'social parenthood': Paul Borghs, Rechtspositie meemoeder. Van adoptieve naar oorspronkelijke juridische afstamming, Nieuw Juridisch Weekblad, 2013, pp. 394-395.</p>	

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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
2015 Yes 0000	2015 Yes 2011	2015 Yes 2000	2015 Yes 2011	2015 Yes, but 0000	2015 Yes, but 2011
	No 2006	N/A 0000	No 2006		No 2006
	N/A 0000		N/A 0000		N/A 0000
References to legal sources: Art. 30, § 2 of the Law on Employment Contracts from 3 July 1978, as amended by law of 13 April 2011 (Belgisch Staatsblad 10 May 2011, p. 27.182, in force from 20 May 2011).		References to legal sources: Art. 30, § 2 of the Law on Employment Contracts from 3 July 1978, as amended by law of 13 April 2011 (Belgisch Staatsblad 10 May 2011, p. 27.182, in force from 20 May 2011).		References to legal sources: Art. 30, § 2 of the Law on Employment Contracts from 3 July 1978, as amended by law of 13 April 2011 (Belgisch Staatsblad 10 May 2011, p. 27.182, in force from 20 May 2011).	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: The legal father has the right to be absent from work for ten days (within four months after the birth of the child).</p> <p>In the absence of a 'legal father' the same right is granted, as from 2011, to the person who at the time of birth (1) is married to the legal parent, (2) legally cohabits with the legal parent or (3) cohabits (for at least three years) with the legal parent.</p> <p>See also Art. 30ter of the Law on Employment Contracts (leave in the case of adoption of a child granted to the adoptive parents).</p>		<p>Explanations and nuances: The legal father has the right to be absent from work for ten days (within four months after the birth of the child).</p> <p>In the absence of a 'legal father' the same right is granted, as from 2011, to the person who at the time of birth (1) is married to the legal parent, (2) legally cohabits with the legal parent or (3) cohabits (for at least three years) with the legal parent.</p> <p>See also Art. 30ter of the Belgian Law on Employment Contracts (leave in the case of adoption of a child granted to the adoptive parents).</p>		<p>Explanations and nuances: The legal father has the right to be absent from work for ten days (within four months after the birth of the child).</p> <p>In the absence of a 'legal father' the same right is granted, as from 2011, to the person who at the time of birth (1) is married to the legal parent, (2) legally cohabits with the legal parent or (3) cohabits (for at least three years) with the legal parent.</p> <p>See also Art. 30ter of the Law on Employment Contracts (leave in the case of adoption of a child granted to the adoptive parents).</p>	

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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
2015 Yes 2011	2015 Yes 2011	2015 Yes 2011	2015 Yes 2011	2015 Yes, but 2011	2015 Yes, but 2011
No 0000	No 2003	No 2000	No 2000	No 0000	No 0000
	N/A 0000	N/A 0000	N/A 0000		
References to legal sources: Art. 30, § 2 of the Law on Employment Contracts from 3 July 1978, as amended by law of 13 April 2011 (Belgisch Staatsblad 10 May 2011, p. 27.182, in force from 20 May 2011).		References to legal sources: Art. 30, § 2 of the Law on Employment Contracts from 3 July 1978, as amended by law of 13 April 2011 (Belgisch Staatsblad 10 May 2011, p. 27.182, in force from 20 May 2011).		References to legal sources: Art. 30, § 2 of the Law on Employment Contracts from 3 July 1978, as amended by law of 13 April 2011 (Belgisch Staatsblad 10 May 2011, p. 27.182, in force from 20 May 2011).	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: This is an exceptional situation ('only one married partner is the legal parent of a child'): normally the legal husband / legal wife becomes automatically the second legal parent at the moment of the birth of the child (= 'automatic' parenthood) and the child has thus two legal parents.</p> <p>Art. 30, § 2 uses the notion of 'legal father' (= after recognition). In the absence of a 'legal father' the same right is granted, as from 2011, to the person who at the time of birth (1) is married to the legal parent, (2) legally cohabits with the legal parent or (3) cohabits (for at least three years) with the legal parent.</p> <p>See also Art. 30ter of the Belgian Law on Employment Contracts (leave in the case of adoption of a child granted to the adoptive parents).</p>		<p>Explanations and nuances: Art. 30, § 2 uses the notion of 'legal father' (= after recognition). In the absence of a 'legal father' the same right is granted, as from 2011, to the person who at the time of birth (1) is married to the legal parent, (2) legally cohabits with the legal parent or (3) cohabits (for at least three years) with the legal parent.</p> <p>See also Art. 30ter of the Law on Employment Contracts (leave in the case of adoption of a child granted to the adoptive parents).</p>		<p>Explanations and nuances: Art. 30, § 2 uses the notion of 'legal father' (= after recognition). In the absence of a 'legal father' the same right is granted, as from 2011, to the person who at the time of birth (1) is married to the legal parent, (2) legally cohabits with the legal parent or (3) cohabits (for at least three years) with the legal parent.</p> <p>See also Art. 30ter of the Law on Employment Contracts (leave in the case of adoption of a child granted to the adoptive parents).</p>	

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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
2015 Yes 1995	2015 Yes 2006	2015 Yes 2000	2015 Yes 2006	2015 Yes 1995	2015 Yes 2006
No, but 0000	Yes, but 2003	N/A 0000	Yes, but 2000	No, but 0000	Yes, but 1995
	N/A 0000		N/A 0000		No, but 0000
References to legal sources: Art. 375bis of the Civil Code, as amended by law of 13 April 1995 (Belgisch Staatsblad 24 May 1995, p. 14.484, in force from 3 June 1995).		References to legal sources: Art. 375bis of the Civil Code, as amended by law of 13 April 1995 (Belgisch Staatsblad 24 May 1995, p. 14.484, in force from 3 June 1995).		References to legal sources: Art. 375bis of the Civil Code, as amended by law of 13 April 1995 (Belgisch Staatsblad 24 May 1995, p. 14.484, in force from 3 June 1995).	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: Before law of 13 April 1995: no statutory right, however jurisprudence (Cass. 14 October 1915) (limited right to personal contact).</p> <p>Between 2003 and 2006 (same-sex): child could not have been legally connected to 2 of the 4 grandparents.</p>		<p>Explanations and nuances: Between 2000 and 2006 (same-sex): child could not have been legally connected to 2 of the 4 grandparents.</p>		<p>Explanations and nuances: Before law of 13 April 1995: no statutory right, however jurisprudence (Cass. 14 October 1915) (limited right to personal contact).</p> <p>Before 2006 (same-sex): child could not have been legally connected to 2 of the 4 grandparents.</p>	

Jurisdiction: **Belgium**

Source: **P. Borghs**, "Parenting and legal family formats in Belgium". 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-BE-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
2015 Yes 0000	2015 Yes 2006	2015 Yes 2005	2015 Yes 2006	2015 Yes, but 2005	2015 Yes, but 2006
	No 2003	No 2000	No 2000	No 0000	No 0000
	N/A 0000	N/A 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: Different-sex: Art. 343 § 1 of the Civil Code.</p> <p>Same-sex: Art. 343 § 1 of the Civil Code, as amended by law of 18 May 2006 (Belgisch Staatsblad 20 June 2006, p. 31.128, in force from 30 June 2006).</p>		<p>References to legal sources: Different-sex: Art. 343 § 1 of the Civil Code, as amended by law of 24 April 2003 (Belgisch Staatsblad 16 May 2003, p. 26.956, in force from 1 September 2005).</p> <p>Same-sex: Art. 343 § 1 of the Civil Code, as amended by law of 18 May 2006 (Belgisch Staatsblad 20 June 2006, p. 31.128, in force from 30 June 2006).</p>		<p>References to legal sources: Different-sex: Art. 343 § 1 of the Civil Code, as amended by law of 24 April 2003 (Belgisch Staatsblad 16 May 2003, p. 26.956, in force from 1 September 2005).</p> <p>Same-sex: Art. 343 § 1 of the Civil Code, as amended by law of 18 May 2006 (Belgisch Staatsblad 20 June 2006, p. 31.128, in force from 30 June 2006).</p>	
<p>Explanations and nuances:</p>		<p>Explanations and nuances:</p>		<p>Explanations and nuances: Only after three years of cohabitation (thus: yes, but).</p>	

Jurisdiction: **Belgium**

Source: **P. Borghs**, "Parenting and legal family formats in Belgium". 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-BE-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
2015 Yes 0000	2015 Yes 2006	2015 Yes 2005	2015 Yes 2006	2015 Yes, but 2005	2015 Yes, but 2006
	No 2003	No 2000	No 2000	No 0000	No 0000
	N/A 0000	N/A 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: Different-sex: Art. 343 § 1 of the Civil Code.</p> <p>Same-sex: Art. 343 § 1 of the Civil Code, as amended by law of 18 May 2006 (Belgisch Staatsblad 20 June 2006, p. 31.128, in force from 30 June 2006).</p>		<p>References to legal sources: Different-sex: Art. 343 § 1 of the Civil Code, as amended by law of 24 April 2003 (Belgisch Staatsblad 16 May 2003, p. 26.956, in force from 1 September 2005).</p> <p>Same-sex: Art. 343 § 1 of the Civil Code, as amended by law of 18 May 2006 (Belgisch Staatsblad 20 June 2006, p. 31.128, in force from 30 June 2006).</p>		<p>References to legal sources: Different-sex: Art. 343 § 1 of the Civil Code, as amended by law of 24 April 2003 (Belgisch Staatsblad 16 May 2003, p. 26.956, in force from 1 September 2005).</p> <p>Same-sex: Art. 343 § 1 of the Civil Code, as amended by law of 18 May 2006 (Belgisch Staatsblad 20 June 2006, p. 31.128, in force from 30 June 2006).</p>	
<p>Explanations and nuances:</p>		<p>Explanations and nuances:</p>		<p>Explanations and nuances: Only after three years of cohabitation (thus: yes, but).</p>	

Jurisdiction: **Belgium**

Source: P. Borghs, "Parenting and legal family formats in Belgium". 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-BE-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
2015 Yes 0000	2015 Yes 2006	2015 Yes 2000	2015 Yes 2006	2015 Yes 0000	2015 Yes 2006
	Yes, but 2003	N/A 0000	Yes, but 2000		Yes, but 0000
	N/A 0000		N/A 0000		
References to legal sources: Art. 343 § 1 of the Civil Code.		References to legal sources: Art. 343 § 1 of the Civil Code.		References to legal sources: Art. 343 § 1 of the Civil Code.	
Explanations and nuances: Although 'single parent' adoption was allowed, it is difficult to imagine that a homosexual person - married to a person of the same sex - was able to individually adopt a child before the opening-up of adoption (2006).		Explanations and nuances: Although 'single parent' adoption was allowed, it is difficult to imagine that a homosexual person - in a registered partnership with a person of the same sex - was able to individually adopt a child before the opening-up of adoption (2006).		Explanations and nuances: Although 'single parent' adoption was allowed, it is difficult to imagine that a homosexual person - openly cohabiting with a person of the same sex - was able to individually adopt a child before the opening-up of adoption (2006).	