

## Parenting and legal family formats in France

by Elisabeth Ronzier <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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# 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 France

The answers concerning France 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 France  
by Jérémie Kouzmine (Section 1)**

**Income, troubles and legal family formats in France  
by Jérémie Kouzmine (Section 2)**

**Parenting and legal family formats in France  
by Elisabeth Ronzier (Section 3)**

**Migration and legal family formats in France  
by Jérémie Kouzmine (Section 4)**

**Splitting up and legal family formats in France  
by Elisabeth Ronzier (Section 5)**

**Death and legal family formats in France  
by Elisabeth Ronzier (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.

**Since the early 1970s, statutory rules on parenting (once the child is born) are disconnected from the parents' marital status. Therefore, whenever parents are entitled to a right, they are so whether they are married, in a registered partnership or in a cohabitation.**

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Jurisdiction: **France**

Source: **E. Ronzier**, "Parenting and legal family formats in France". 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-FR-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
2015 Yes 1995	2015 No 2013	2015 Yes 2011	2015 No 1999	2015 Yes 2011	2015 No 0000
No 0000	N/A 0000	Yes, but 1999	N/A 0000	Yes, but 1995	
		N/A 0000		No 0000	
<b>References to legal sources:</b> Public Health Code, art. L2141-1 and L2141-2.		<b>References to legal sources:</b> Public Health Code, art. L2141-1 and L2141-2.		<b>References to legal sources:</b> Public Health Code, art. L2141-1 and L2141-2.	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p><b>Explanations and nuances:</b>            Assisted insemination has been made legal in 1994 (enforced in 1995) for a married couple of a man and a woman.</p> <p>No change has been made to this legal disposition when same sex marriage was made legal in 2013. Therefore only a different sex married couple can access medically assisted insemination.</p> <p>Its object is to relieve a state of infertility (the pathological nature of which has been diagnosed medically) or to avoid the transmission of a severe disease to the child.</p>		<p><b>Explanations and nuances:</b>            Assisted insemination has been made legal in 1994 (enforced in 1995) for couples of a man and a woman who can assess being in a stable relationship for at least two years. This 2 year relationship condition was stricken down in 2011. Now it is only required for the couple to be of a man and a woman, there is no condition as to length of relationship.</p> <p>Its object is to relieve a state of infertility (the pathological nature of which has been diagnosed medically) or to avoid the transmission of a severe disease to the child.</p>		<p><b>Explanations and nuances:</b>            Assisted insemination has been made legal in 1994 (enforced in 1995) for couples of a man and a woman who can assess being in a stable relationship for at least two years. This 2 year relationship condition was stricken down in 2011. Now it is only required for the couple to be of a man and a woman, there is no condition as to length of relationship.</p> <p>Its object is to relieve a state of infertility (the pathological nature of which has been diagnosed medically) or to avoid the transmission of a severe disease to the child.</p>	

Jurisdiction: **France**

Source: **E. Ronzier**, "Parenting and legal family formats in France". 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-FR-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 1995	2015 No 2013	2015 Yes 2011	2015 No 1999	2015 Yes 2011	2015 No 0000
No 0000	N/A 0000	Yes, but 1999	N/A 0000	Yes, but 1995	
		N/A 0000		No 0000	
<b>References to legal sources:</b> Public Health Code, art. L2141-1 and L2141-2.		<b>References to legal sources:</b> Public Health Code, art. L2141-1 and L2141-2.		<b>References to legal sources:</b> Public Health Code, art. L2141-1 and L2141-2.	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p><b>Explanations and nuances:</b>                      Assisted insemination has been made legal in 1994 (enforced in 1995) for a married couple of a man and a woman.</p> <p>No change has been made to this legal disposition when same sex marriage was made legal in 2013. Therefore only a different sex married couple can access medically assisted insemination.</p> <p>Its object is to relieve a state of infertility (the pathological nature of which has been diagnosed medically) or to avoid the transmission of a severe disease to the child.</p>		<p><b>Explanations and nuances:</b>                      Assisted insemination has been made legal in 1994 (enforced in 1995) for couples of a man and a woman who can assess being in a stable relationship for at least two years. This 2 year relationship condition was stricken down in 2011. Now it is only required for the couple to be of a man and a woman, there is no condition as to length of relationship.</p> <p>Its object is to relieve a state of infertility (the pathological nature of which has been diagnosed medically) or to avoid the transmission of a severe disease to the child.</p>		<p><b>Explanations and nuances:</b>                      Assisted insemination has been made legal in 1994 (enforced in 1995) for couples of a man and a woman who can assess being in a stable relationship for at least two years. This 2 year relationship condition was stricken down in 2011. Now it is only required for the couple to be of a man and a woman, there is no condition as to length of relationship.</p> <p>Its object is to relieve a state of infertility (the pathological nature of which has been diagnosed medically) or to avoid the transmission of a severe disease to the child.</p>	

Jurisdiction: **France**

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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
<b>2015 No 0000</b>	<b>2015 No 2013</b>	<b>2015 No 1999</b>	<b>2015 No 1999</b>	<b>2015 No 0000</b>	<b>2015 No 0000</b>
	<b>N/A 0000</b>	<b>N/A 0000</b>	<b>N/A 0000</b>		
<p><b>References to legal sources:</b> Civil Code art. 16-3.</p> <p>Criminal Code art. 227-3.</p> <p>Cour de cassation, Assemblée plénière, 31 May 1991, pourvoi 90-20.105.</p> <p>ECtHR, <i>Mennesson and Labassee v. France</i>, 26 juin 2014.</p> <p>Cour de cassation, Assemblée plénière, 3 July 2015, pourvoi 14-21.323.</p>		<p><b>References to legal sources:</b> Civil Code art. 16-3.</p> <p>Criminal Code art. 227-3.</p> <p>Cour de cassation, Assemblée plénière, 31 May 1991, pourvoi 90-20.105.</p> <p>ECtHR, <i>Mennesson and Labassee v. France</i>, 26 June 2014.</p> <p>Cour de cassation, Assemblée plénière, 3 July 2015, pourvoi 14-21.323.</p>		<p><b>References to legal sources:</b> Civil Code art. 16-3.</p> <p>Criminal Code art. 227-3.</p> <p>Cour de cassation, Assemblée plénière, 31 May 1991, pourvoi 90-20.105.</p> <p>ECtHR, <i>Mennesson and Labassee v. France</i>, 26 June 2014.</p> <p>Cour de cassation, Assemblée plénière, 3 July 2015, pourvoi 14-21.323.</p>	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p><b>Explanations and nuances:</b>                      Surrogacy is forbidden in France. Such a contract is void and contractors face a € 7500 fine and 6 months imprisonment.</p> <p>If surrogacy took place in a foreign country where such a process is legal, parents were not allowed to transcribe the child's birth certificate in France. However, the ECtHR condemned France for the violation of article 8 (right to lead a normal family life) toward the children born by surrogacy. Since July 2015, Civil Supreme Court has allowed birth certificates to be transcribe in France but only regarding the biological father.</p>		<p><b>Explanations and nuances:</b>                      Surrogacy is forbidden in France. Such a contract is void and contractors face a € 7500 fine and 6 months imprisonment.</p> <p>If surrogacy took place in a foreign country where such a process is legal, parents were not allowed to transcribe the child's birth certificate in France. However, the ECtHR condemned France for the violation of article 8 (right to lead a normal family life) toward the children born by surrogacy. Since July 2015, Civil Supreme Court has allowed birth certificates to be transcribe in France but only regarding the biological father.</p>		<p><b>Explanations and nuances:</b>                      Surrogacy is forbidden in France. Such a contract is void and contractors face a € 7500 fine and 6 months imprisonment.</p> <p>If surrogacy took place in a foreign country where such a process is legal, parents were not allowed to transcribe the child's birth certificate in France. However, the ECtHR condemned France for the violation of article 8 (right to lead a normal family life) toward the children born by surrogacy. Since July 2015, Civil Supreme Court has allowed birth certificates to be transcribe in France but only regarding the biological father.</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 No 2013	2015 Yes 1999	2015 No 1999	2015 Yes 0000	2015 No 0000
	N/A 0000	N/A 0000	N/A 0000		
<b>References to legal sources:</b> Civil Code, art. 316.  Circulaire, 28 October 2011, NOR: JUSC1119808C, n° 253.		<b>References to legal sources:</b> Civil Code, art. 316.  Circulaire, 28 October 2011, NOR: JUSC1119808C, n° 253.		<b>References to legal sources:</b> Civil Code, art. 316.  Circulaire, 28 October 2011, NOR: JUSC1119808C, n° 253.	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p><b>Explanations and nuances:</b>            When a woman gives birth, unless she asks for her identity to remain anonymous, she is designated as the mother of the child.</p> <p>If the child was born - or conceived - during the marriage, the mother's husband is presumed to be the father and declared as such. However, there are two exceptions to this presumption:            - if the child was conceived during a legal separation (for example during a divorce procedure after the judge allowed spouses to live separately);            - or if the husband's name is not mentioned in the birth certificate.</p> <p>If such exceptions apply, the husband can still become the legal parent but by way of recognition / acknowledgement.</p> <p>Presumption of paternity only applies to different sex married couples. Even though, the Civil Code does not explicitly states so, recognition / acknowledgement only applies to a male parent. This is why in a same sex married couple, the partner of the one giving birth must go through adoption to become legal parent.</p>		<p><b>Explanations and nuances:</b>            Maternity is determined by the act of giving birth. Therefore, only the woman who gives birth can automatically become the parent / mother of the child.</p> <p>Presumption of paternity does not apply to registered partnerships. Only if the other parent who did not give birth is the father - therefore a man - can he become legal parent by way of recognition / acknowledgment.</p>		<p><b>Explanations and nuances:</b>            Maternity is determined by the act of giving birth. Therefore, only the woman who gives birth can automatically become the parent / mother of the child.</p> <p>Presumption of paternity does not apply to cohabitation relationships. Only if the other parent who did not give birth is the father - therefore a man - can he become legal parent by way of recognition / acknowledgment.</p>	

Jurisdiction: **France**

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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 Yes 2002	2015 Yes 2013	2015 Yes 2002	2015 Yes 2006	2015 Yes 2002	2015 Yes 2006
Yes 0000	N/A 0000	Yes 1999	Doubt 1999	Yes 0000	Doubt 0000
		N/A 0000	N/A 0000		
<b>References to legal sources:</b> Civil Code, art. 377 and 377-1.		<b>References to legal sources:</b> Civil Code, art. 377 and 377-1.  Cour de cassation, Civ. 1, 24 February 2006.		<b>References to legal sources:</b> Civil Code, art. 377 and 377-1.  Cour de cassation, Civ. 1, 24 February 2006.	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p><b>Explanations and nuances:</b>            Joint parental authority is possible while only one partner is the legal parent. Only a judge can allow joint parental authority and the decision must be justified by the needs of the child. If the child has another legal parent, he/she must give consent to share parental authority.</p> <p>The legal parent (or any of the legal parents) or the partner can ask the judge to discharge the partner of the joint parental authority.</p> <p>Before 2002, only two people could exercise parental authority. Therefore, joint parental authority would discharge one of the legal parent from his/her parental authority. After 2002, the legal parent(s) share(s) can share parental authority with the partner without being discharged.</p>		<p><b>Explanations and nuances:</b>            Joint parental authority is possible while only one partner is the legal parent. Only a judge can allow joint parental authority and the decision must be justified by the needs of the child.</p> <p>If the child has another legal parent, he/she must give consent to share parental authority. The legal parent (or any of the legal parents) or the partner can ask the judge to discharge the partner of the joint parental authority.</p> <p>Before 2002, only two people could exercise parental authority. Therefore, joint parental authority would discharge one of the legal parent from his/her parental authority. After 2002, the legal parent(s) share(s) can share parental authority with the partner without being discharged.</p> <p>In 2006, joint parental authority was authorized between a female legal parent and her female partner.</p>		<p><b>Explanations and nuances:</b>            Joint parental authority is possible while only one partner is the legal parent. Only a judge can allow joint parental authority and the decision must be justified by the needs of the child. If the child has another legal parent, he/she must give consent to share parental authority.</p> <p>The legal parent (or any of the legal parents) or the partner can ask the judge to discharge the partner of the joint parental authority.</p> <p>Before 2002, only two people could exercise parental authority. Therefore, joint parental authority would discharge one of the legal parent from his/her parental authority. After 2002, the legal parent(s) share(s) can share parental authority with the partner without being discharged.</p> <p>In 2006, joint parental authority was authorized between a female legal parent and her female partner.</p>	

Jurisdiction: **France**

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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 2002	2015 Yes 2013	2015 Yes 2002	2015 No 1999	2015 Yes 2002	2015 No 0000
Yes, but 0000	N/A 0000	Yes, but 1999	N/A 0000	Yes, but 0000	
		N/A 0000			
<b>References to legal sources:</b> Social security code, art. L 331-3 to L331-8.  Labour Code, art. L1225-17 to 28, L1225-35 to 46, L3142-1 and L3142-2.		<b>References to legal sources:</b> Social security code, art. L 331-3 to L331-8.  Labour Code, art. L1225-17 to 28, L1225-35 to 46, L3142-1 and L3142-2.		<b>References to legal sources:</b> Social security code, art. L 331-3 to L331-8.  Labour Code, art. L1225-17 to 28, L1225-35 to 46, L3142-1 and L3142-2.	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p><b>Explanations and nuances:</b> In both private and public sector:</p> <ul style="list-style-type: none"> <li>- Each woman who gives birth is entitled to paid parental leave before and after delivery (from 16 to 46 weeks depending on the number of children already born and the number of children to be born).</li> <li>- Since 1985, each employee is entitled to a 3-day paid parental leave when the child is born or is adopted in his/her "Household". This 3-day paid parental leave does not refer to the employee being a legal parent or not, nor to the kind of relationship between the legal parent and her/his partner willing to benefit this 3-day leave. It only needs to be a "legal" relationship. Therefore, before 1999 it only applied to different-sex marriage and different-sex cohabitation; since 1999 it additionally applies to all registered partnerships and to same-sex cohabitation; and since 2013, it applies to same-sex marriage.</li> <li>- Since 2012, the mother's partner is entitled to paid parental leave whether the partner (by marriage, registered partnership or cohabitation) is the legal father of the child or not. This is a 11-18 day paid leave.</li> <li>- Before 2012, this paid parental leave only benefited the child's father. However, in the private sector, collective agreements or company agreements could extend the legal provisions to same-sex partners. The entitlement to such a parental leave would therefore depend on the company where the partner would be working. The law changed in 2012 to benefit the mother's partner (married, registered or cohabiting; legal parent or not).</li> <li>- When the child is adopted, paid parental leave is a 10-22 weeks for the couple (meaning if they both want this parental leave, they have to divide the number of weeks between the two of them).</li> </ul>		<p><b>Explanations and nuances:</b> In both private and public sector:</p> <ul style="list-style-type: none"> <li>- Each woman who gives birth is entitled to paid parental leave before and after delivery (from 16 to 46 weeks depending on the number of children already born and the number of children to be born).</li> <li>- Since 1985, each employee is entitled to a 3-day paid parental leave when the child is born or is adopted in his/her "Household". This 3-day paid parental leave does not refer to the employee being a legal parent or not, nor to the kind of relationship between the legal parent and her/his partner willing to benefit this 3-day leave. It only needs to be a "legal" relationship. Therefore, before 1999 it only applied to different-sex marriage and different-sex cohabitation; since 1999 it additionally applies to all registered partnerships and to same-sex cohabitation; and since 2013, it applies to same-sex marriage.</li> <li>- Since 2012, the mother's partner is entitled to paid parental leave whether the partner (by marriage, registered partnership or cohabitation) is the legal father of the child or not. This is a 11-18 day paid leave.</li> <li>- Before 2012, this paid parental leave only benefited the child's father. However, in the private sector, collective agreements or company agreements could extend the legal provisions to same-sex partners. The entitlement to such a parental leave would therefore depend on the company where the partner would be working. The law changed in 2012 to benefit the mother's partner (married, registered or cohabiting; legal parent or not).</li> </ul>		<p><b>Explanations and nuances:</b> In both private and public sector:</p> <ul style="list-style-type: none"> <li>- Each woman who gives birth is entitled to paid parental leave before and after delivery (from 16 to 46 weeks depending on the number of children already born and the number of children to be born).</li> <li>- Since 1985, each employee is entitled to a 3-day paid parental leave when the child is born or is adopted in his/her "Household". This 3-day paid parental leave does not refer to the employee being a legal parent or not, nor to the kind of relationship between the legal parent and her/his partner willing to benefit this 3-day leave. It only needs to be a "legal" relationship. Therefore, before 1999 it only applied to different-sex marriage and different-sex cohabitation; since 1999 it additionally applies to all registered partnerships and to same-sex cohabitation; and since 2013, it applies to same-sex marriage.</li> <li>- Since 2012, the mother's partner is entitled to paid parental leave whether the partner (by marriage, registered partnership or cohabitation) is the legal father of the child or not. This is a 11-18 day paid leave.</li> <li>- Before 2012, this paid parental leave only benefited the child's father. However, in the private sector, collective agreements or company agreements could extend the legal provisions to same-sex partners. The entitlement to such a parental leave would therefore depend on the company where the partner would be working. The law changed in 2012 to benefit the mother's partner (married, registered or cohabiting; legal parent or not).</li> </ul>	

Jurisdiction: **France**

Source: **E. Ronzier**, "Parenting and legal family formats in France". 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-FR-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
2015 Yes 2012	2015 Yes 2013	2015 Yes 2012	2015 Yes 2012	2015 Yes 2012	2015 Yes 2012
No, but 0000	N/A 0000	No, but 1999	No, but 1999	No, but 0000	No, but 1999
		N/A 0000	N/A 0000		? 0000
<b>References to legal sources:</b> Social security code, art. L 331-3 to L331-8.  Labour Code, art. L1225-17 to 28, L1225-35 to 46, L3142-1 and L3142-2.		<b>References to legal sources:</b> Social security code, art. L 331-3 to L331-8.  Labour Code, art. L1225-17 to 28, L1225-35 to 46, L3142-1 and L3142-2.		<b>References to legal sources:</b> Social security code, art. L 331-3 to L331-8.  Labour Code, art. L1225-17 to 28, L1225-35 to 46, L3142-1 and L3142-2.	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p><b>Explanations and nuances:</b>            In both private and public sector:</p> <ul style="list-style-type: none"> <li>- Each woman who gives birth is entitled to paid parental leave before and after delivery (from 16 to 46 weeks depending on the number of children already born and the number of children to be born).</li> <li>- Since 1985, each employee is entitled to a 3-day paid parental leave when the child is born or is adopted in his/her "Household". This 3-day paid parental leave does not refer to the employee being a legal parent or not, nor to the kind of relationship between the legal parent and her/his partner willing to benefit this 3-day leave. It only needs to be a "legal" relationship. Therefore, before 1999 it only applied to different-sex marriage and different-sex cohabitation; since 1999 it additionally applies to all registered partnerships and to same-sex cohabitation; and since 2013, it applies to same-sex marriage.</li> <li>- Since 2012, the mother's partner is entitled to paid parental leave whether the partner (by marriage, registered partnership or cohabitation) is the legal father of the child or not. This is a 11-18 day paid leave.</li> <li>- Before 2012, this paid parental leave only benefited the child's father. However, in the private sector, collective agreements or company agreements could extend the legal provisions to same-sex partners. The entitlement to such a parental leave would therefore depend on the company where the partner would be working. The law changed in 2012 to benefit the mother's partner (married, registered or cohabiting; legal parent or not).</li> </ul> <p>Adoption parental leave is only open to the adopting parent.</p>		<p><b>Explanations and nuances:</b>            In both private and public sector:</p> <ul style="list-style-type: none"> <li>- Each woman who gives birth is entitled to paid parental leave before and after delivery (from 16 to 46 weeks depending on the number of children already born and the number of children to be born).</li> <li>- Since 1985, each employee is entitled to a 3-day paid parental leave when the child is born or is adopted in his/her "Household". This 3-day paid parental leave does not refer to the employee being a legal parent or not, nor to the kind of relationship between the legal parent and her/his partner willing to benefit this 3-day leave. It only needs to be a "legal" relationship. Therefore, before 1999 it only applied to different-sex marriage and different-sex cohabitation; since 1999 it additionally applies to all registered partnerships and to same-sex cohabitation; and since 2013, it applies to same-sex marriage.</li> <li>- Since 2012, the mother's partner is entitled to paid parental leave whether the partner (by marriage, registered partnership or cohabitation) is the legal father of the child or not. This is a 11-18 day paid leave.</li> <li>- Before 2012, this paid parental leave only benefited the child's father. However, in the private sector, collective agreements or company agreements could extend the legal provisions to same-sex partners. The entitlement to such a parental leave would therefore depend on the company where the partner would be working. The law changed in 2012 to benefit the mother's partner (married, registered or cohabiting; legal parent or not).</li> </ul> <p>Adoption parental leave is only open to the adopting parent.</p>		<p><b>Explanations and nuances:</b>            In both private and public sector:</p> <ul style="list-style-type: none"> <li>- Each woman who gives birth is entitled to paid parental leave before and after delivery (from 16 to 46 weeks depending on the number of children already born and the number of children to be born).</li> <li>- Since 1985, each employee is entitled to a 3-day paid parental leave when the child is born or is adopted in his/her "Household". This 3-day paid parental leave does not refer to the employee being a legal parent or not, nor to the kind of relationship between the legal parent and her/his partner willing to benefit this 3-day leave. It only needs to be a "legal" relationship. Therefore, before 1999 it only applied to different-sex marriage and different-sex cohabitation; since 1999 it additionally applies to all registered partnerships and to same-sex cohabitation; and since 2013, it applies to same-sex marriage.</li> <li>- Since 2012, the mother's partner is entitled to paid parental leave whether the partner (by marriage, registered partnership or cohabitation) is the legal father of the child or not. This is a 11-18 day paid leave.</li> <li>- Before 2012, this paid parental leave only benefited the child's father. However, in the private sector, collective agreements or company agreements could extend the legal provisions to same-sex partners. The entitlement to such a parental leave would therefore depend on the company where the partner would be working. The law changed in 2012 to benefit the mother's partner (married, registered or cohabiting; legal parent or not).</li> </ul> <p>Adoption parental leave is only open to the adopting parent.</p>	

Jurisdiction: **France**

Source: **E. Ronzier**, "Parenting and legal family formats in France". 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-FR-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
2015 Yes 0000	2015 Yes 2013	2015 Yes 1999	2015 Yes, but 1999	2015 Yes 0000	2015 Yes, but 0000
	N/A 0000	N/A 0000	N/A 0000		
<p><b>References to legal sources:</b> Civil Code, art. 371-4 (law n° 70-459, 4 June 1970).  Cour de cassation, Civile, 8 July 1857.</p>		<p><b>References to legal sources:</b> Civil Code, art. 371-4 (law n° 70-459, 4 June 1970).  Cour de cassation, Civile, 8 July 1857.</p>		<p><b>References to legal sources:</b> Civil Code, art. 371-4 (law n° 70-459, 4 June 1970).  Cour de cassation, Civile, 8 July 1857.</p>	
<p><b>Explanations and nuances:</b> Every child has a right to maintain a relationship with his/her legal grandparents. The judge can order a right to visit the child for the grandparents, if it is in the best interest of the child.</p>		<p><b>Explanations and nuances:</b> Every child has a right to maintain a relationship with his/her legal grandparents. The judge can order a right to visit the child for the grandparents, if it is in the best interest of the child.</p>		<p><b>Explanations and nuances:</b> Every child has a right to maintain a relationship with his/her legal grandparents. The judge can order a right to visit the child for the grandparents, if it is in the best interest of the child.</p>	

Jurisdiction: **France**

Source: **E. Ronzier**, "Parenting and legal family formats in France". 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-FR-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, but 0000	2015 Yes, but 2013	2015 No 1999	2015 No 1999	2015 No 0000	2015 No 0000
	N/A 0000	N/A 0000	N/A 0000		
<b>References to legal sources:</b> Civil Code, art. 343-1 and 343-2.  Civil Code, art. 345-1.		<b>References to legal sources:</b> Civil Code, art. 343-1 and 343-2.  Civil Code, art. 345-1.		<b>References to legal sources:</b> Civil Code, art. 343-1 and 343-2.  Civil Code, art. 345-1.	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p><b>Explanations and nuances:</b>            In a married couple, the partner can become the child's second parent by way of adoption if a series of conditions are met:</p> <ul style="list-style-type: none"> <li>- partner should be at least 10 years older than the child;</li> <li>- the spouse who is the legal parent must give consent.</li> </ul> <p>Full adoption is possible in these four situations:</p> <ul style="list-style-type: none"> <li>- the child's filiation is only established toward the spouse as sole parent (through individual full adoption or by birth);</li> <li>- the other parent has been revoked parental authority;</li> <li>- the other parent had died with no ascendants or with ascendants not showing any interest in child.</li> </ul> <p>Simple adoption is possible if:</p> <ul style="list-style-type: none"> <li>- the child has already been adopted by a spouse (by full or simple adoption);</li> <li>- the child's legal parents give consent.</li> </ul>		<p><b>Explanations and nuances:</b>            Second-parent adoption is only open to married couples.</p>		<p><b>Explanations and nuances:</b>            Second-parent adoption is only open to married couples.</p>	

Jurisdiction: **France**

Source: **E. Ronzier**, "Parenting and legal family formats in France". 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-FR-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, but 1976	2015 Yes, but 2013	2015 No 1999	2015 No 1999	2015 No 0000	2015 No 0000
Yes, but 0000	N/A 0000	N/A 0000	N/A 0000		
<b>References to legal sources:</b> Civil Code, art. 343.		<b>References to legal sources:</b> Civil Code, art. 343.		<b>References to legal sources:</b> Civil Code, art. 343.	
<b>Explanations and nuances:</b> Joint adoption is only open to married couples. If partners have not been married for at least two years, they must be each at least 28 years old.  Before 1976, partners had to be married for at least 5 years in order to apply for joint adoption.		<b>Explanations and nuances:</b> Joint adoption is only open to married couples.		<b>Explanations and nuances:</b> Joint adoption is only open to married couples.	

Jurisdiction: **France**

Source: **E. Ronzier**, "Parenting and legal family formats in France". 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-FR-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, but 1966	2015 Yes, but 2013	2015 Yes 1999	2015 Yes 2008	2015 Yes 1966	2015 Yes 2008
No 0000	N/A 0000	N/A 0000	Doubt 1999	No 0000	Doubt 1966
			N/A 0000		No 0000
<p><b>References to legal sources:</b> Law n° 66-500, 11th July 1966.</p> <p>Civil Code, art. 343-1.</p> <p>ECtHR, E.B. v. France, 22nd January 2008.</p>		<p><b>References to legal sources:</b> Law n° 66-500, 11th July 1966.</p> <p>Civil Code, art. 343-1.</p> <p>ECtHR, E.B. v. France, 22nd January 2008.</p>		<p><b>References to legal sources:</b> Law n° 66-500, 11th July 1966.</p> <p>Civil Code, art. 343-1.</p> <p>ECtHR, E.B. v. France, 22nd January 2008.</p>	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p><b>Explanations and nuances:</b>            In a married couple, one the partners can individually adopt a child but he/she must obtain consent from his/her spouse. The adopting partner must be at least 28 years old. Sexual orientation of the applicant is not a legitimate motive to deny authorization for adoption.</p>		<p><b>Explanations and nuances:</b>            In a registered partnership, one partner can individually adopt a child; it does not require the consent from his/her partner. The adopting partner must be at least 28 years old. Sexual orientation of the applicant is not a legitimate motive to deny authorization for adoption.</p>		<p><b>Explanations and nuances:</b>            In a cohabitation relationship, one partner can individually adopt a child; it does not require the consent from his/her partner. The adopting partner must be at least 28 years old. Sexual orientation of the applicant is not a legitimate motive to deny authorization for adoption.</p>	