

Parenting and legal family formats in Hungary

by Eszter Polgari 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 Eszter Polgari (Assistant Professor, Department of Legal Studies, Central European University) is grateful for the useful comments that Tamás Dombos (board member, Háttér Society, www.hatter.hu) made on an earlier version of the answers in this section of the database.

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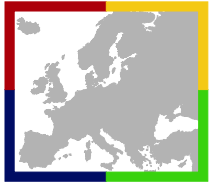
³ Institut national d'études démographiques, Paris, France, www.ined.fr.



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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 Hungary

The answers concerning Hungary 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 Hungary by Eszter Polgari (Section 1)

Income, troubles and legal family formats in Hungary by Tamás Dombos (Section 2)

Parenting and legal family formats in Hungary by Eszter Polgari (Section 3)

Migration and legal family formats in Hungary by Tamás Dombos (Section 4)

Splitting up and legal family formats in Hungary by Eszter Polgari (Section 5)

Death and legal family formats in Hungary by Eszter Polgari (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.

–

The Act on Health Care (Act no. CLIV of 1997) among the special procedures aimed at human reproduction lists medically assisted insemination using the sperm of the husband or the domestic partner. It also allows using the sperm of an anonymous donor. This type of medical procedure is also available for single women: "(i)n case of a single woman reproduction procedures may be performed, if the woman most probably cannot bear a child through natural means as a result of her age or health status (infertility)." [Art. 167(4), in force since 1 July 2006].

N/A

Jurisdiction: **Hungary**

Source: **E. Polgari**, "Parenting and legal family formats in Hungary". 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-HU-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 1998	2015 N/A 0000	2015 N/A 0000	2015 No 2009	2015 Yes 1998	2015 No 1998
?			N/A 0000	?	?
					No 0000
References to legal sources: Art. 166(1)(b), 166 (5), 167-169, 170-174 of Act no. CLIV of 1997 on Health Care (1997. évi CLIV. törvény az egészségügyről) (in force since 1 July 1998).		References to legal sources: Art. 3 of Act no. XXIX of 2009 on Registered Partnership (2009. évi XXIX. törvény a bejegyzett élettársi kapcsolatáról) (in force since 1 July 2009). Art. 166(1)(b), 167 of Act no. CLIV of 1997 on Health Care (1997. évi CLIV. törvény az egészségügyről) (in force since 1 July 1998).		References to legal sources: Art. 166(1)(b), 167-169, 170-174 of Act no. CLIV of 1997 on Health Care (1997. évi CLIV. törvény az egészségügyről) (in force since 1 July 1998).	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: The Act on Health Care among the special procedures aimed at human reproduction lists medically assisted insemination using the sperm of the husband or the domestic partner. It also allows using the sperm of an anonymous donor.</p> <p>This type of medical procedure is limited to married couples and different-sex domestic partners. Under specified circumstances it is also available for single women.</p> <p>Reproductive methods not listed in the law are explicitly forbidden.</p>		<p>Explanations and nuances: The Act on Registered Partnership explicitly rules out the application of rules on marriage and married couples to registered partnership and registered partners in the field of assisted reproduction. The Act on Health Care furthermore limits medically assisted insemination using a sperm donor to married couples and different-sex domestic partners, while it allows the use of sperm of an anonymous donor for single women. Since women living in a registered partnership are not considered single, they cannot make use of the latter opportunity available to single women.</p>		<p>Explanations and nuances: The Act on Health Care among the special procedures aimed at human reproduction lists medically assisted insemination using the sperm of the husband or the domestic partner. It also allows using the sperm of an anonymous donor. This type of medical procedure is limited to married couples, and to different-sex domestic partners provided that none of them is married.</p> <p>Under specified circumstances it is also available for single women: "if the woman most probably cannot bear a child through natural means as a result of her age or health status (infertility)." [Art. 167(4), in force since 1 July 2006]. Since cohabitation is relatively easy to conceal, cohabiting lesbian women often make use of the opportunity available for single women.</p>	

Jurisdiction: **Hungary**

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Section: **3 - Parenting**

Question: **3.02 - IVF**

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

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 1998	2015 N/A 0000	2015 N/A 0000	2015 No 2009	2015 Yes 1998	2015 No 1998
? 0000			N/A 0000	? 0000	? 1996
					No 0000
<p>References to legal sources: Art. 166 (1) a), 166 (5), 167-169, 170-174, 175-179 of Act no. CLIV of 1997 on Health Care (1997. évi CLIV. törvény az egészségügyről) (in force since 1 July 1998).</p>		<p>References to legal sources: Art. 3 of Act no. XXIX of 2009 on Registered Partnership (2009. évi XXIX. törvény a bejegyzett élettársi kapcsolatáról) (in force since 1 July 2009). Art. 166 (1) a), 167 of Act no. CLIV of 1997 on Health Care (1997. évi CLIV. törvény az egészségügyről) (in force since 1 July 1998).</p>		<p>References to legal sources: Art. 166 (1) a), 167-169, 170-174, 175-179 of Act no. CLIV of 1997 on Health Care (1997. évi CLIV. törvény az egészségügyről) (in force since 1 July 1998).</p>	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: The Act on Health Care among the special procedures aimed at human reproduction lists in vitro fertilisation using donated egg or sperm. This type of medical procedure is limited to married couples and different-sex domestic partners. Under specified circumstances it is also available for single women.</p> <p>Reproductive methods not listed in the law are explicitly forbidden.</p>		<p>Explanations and nuances: The Act on Registered Partnership explicitly rules out the application of rules on marriage and married couples to registered partnership and registered partners in the field of assisted reproduction. The Act on Health Care furthermore limits in vitro fertilisation using donated egg or sperm to married couples and different-sex domestic partners, while it allows IVF treatment for single women. Since women living in a registered partnership are not considered single, they cannot make use of the latter opportunity available to single women.</p>		<p>Explanations and nuances: The Act on Health Care among the special procedures aimed at human reproduction lists in vitro fertilisation using donated egg or sperm. This type of medical procedure is limited to married couples, and to different-sex domestic partners provided that none of them is married. Under specified circumstances it is also available for single women. Since cohabitation is relatively easy to conceal, cohabiting lesbian women often make use of the opportunity available for single women.</p>	

Jurisdiction: **Hungary**

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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 No 1998	2015 N/A 0000	2015 N/A 0000	2015 No 2009	2015 No 1998	2015 No 1998
?			N/A 0000	?	?
					No 0000
<p>References to legal sources: Art. 183-184 of Act no. CLIV of 1997 (1997. évi CLIV. törvény az egészségügyről) (never entered into force, quashed by Act no. CXIX of 1999).</p>		<p>References to legal sources: Art. 3 of Act no. XXIX of 2009 on Registered Partnership (2009. évi XXIX. törvény a bejegyzett élettársi kapcsolatról) (in force since 1 July 2009). Art. 183-184 of Act no. CLIV of 1997 (1997. évi CLIV. törvény az egészségügyről) (never entered into force, quashed by Act no. CXIX of 1999).</p>		<p>References to legal sources: Art. 183-184 of Act no. CLIV of 1997 (1997. évi CLIV. törvény az egészségügyről) (never entered into force, quashed by Act no. CXIX of 1999).</p>	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: The original text of the Act on Health Care allowed the use of a surrogate mother if the female spouse or domestic partner was incapable of carrying the pregnancy to term. Only the couple's sperm and egg were meant to be used and the surrogate mother had to be a close relative of one of them. She had to be between the age of 25 and 40, and had to have given birth to a child before the surrogacy. The provision's entry into force was delayed to 1 January 2000, but Act no. CXIX of 1999 completely quashed it, thus surrogacy was never available.</p> <p>Reproductive methods not listed in the law are explicitly forbidden, making the prohibition of the surrogacy stronger.</p>		<p>Explanations and nuances: The Act on Registered Partnership explicitly rules out the application of rules on marriage and married couples to registered partnership and registered partners in the field of assisted reproduction. Although the Act on Health Care's original text allowed surrogacy, the provisions never entered into force and the wording of the text excluded same-sex partners.</p>		<p>Explanations and nuances: The original text of the Act on Health Care allowed the use of a surrogate mother if the female spouse or domestic partner was incapable of carrying the pregnancy to term. Only the couple's sperm and egg were meant to be used and the surrogate mother had to be a close relative of one of them. She had to be between the age of 25 and 40, and had to have given birth to a child before the surrogacy. The provision's entry into force was delayed to 1 January 2000, but Act no. CXIX of 1999 completely quashed it, thus surrogacy was never available.</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 1953	2015 N/A 0000	2015 N/A 0000	2015 No 2009	2015 Yes 2014	2015 No 2014
			N/A 0000	Yes 1953	No 1996
					No 0000

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>References to legal sources: Art. 4:99 of Act no. V of 2013 on the Civil Code (2013. évi V. törvény a Polgári Törvénykönyvről), Part Four (Kinship) of Book Four (Family Law) (in force since 15 March 2014).</p> <p>Art. 35 of Act no. IV of 1952 on Marriage, Family and Guardianship (1952. évi IV. törvény a házasságról, a családról és a gyámságról) (in force between 1 January 1953 and 14 March 2014).</p>		<p>References to legal sources: Art. 3 of Act no. XXIX of 2009 on Registered Partnership (2009. évi XXIX. törvény a bejegyzett élettársi kapcsolatról) (in force since 1 July 2009).</p> <p>Art. 4:101 of Act no. V of 2013 on the Civil Code (2013. évi V. törvény a Polgári Törvénykönyvről), Part Four (Kinship) of Book Four (Family Law) (in force since 15 March 2014).</p>		<p>References to legal sources: Art. 4:99 and 4:101 of Act no. V of 2013 on the Civil Code (2013. évi V. törvény a Polgári Törvénykönyvről), Part Four (Kinship) of Book Four (Family Law) (in force since 15 March 2014).</p> <p>Art. 685 of Act no. IV of 1959 on the Civil Code (1959. évi IV. törvény a Polgári Törvénykönyvről) as amended by Act no. IV of 1977 (in force between 1 March 1978 and 14 March 2014).</p> <p>Art. 37 of Act no. IV of 1952 on Marriage, Family and Guardianship (1952. évi IV. törvény a házasságról, a családról és a gyámságról) (in force between 1 January 1953 and 14 March 2014).</p> <p>Art. 35(4)-(5) of Act no. IV of 1952 on Marriage, Family and Guardianship (1952. évi IV. törvény a házasságról, a családról és a gyámságról) (in force between 1 July 2009 and 1 January 2011).</p>	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: According to the 2013 Civil Code paternity is established if the child is born within wedlock; this rule has not changed since 1953. The man with whom the mother lived in marriage from the time of conception of the child (between 182 and 300 days) until his/her birth, or at least during a part of this period, shall be considered the father. The presumption of paternity also applies if the child is born as a result of a human reproduction procedure. Since surrogacy is not legal in Hungary, the woman giving birth to the child shall be considered as the mother.</p>		<p>Explanations and nuances: The Act on the Registered Partnership explicitly excludes the application of the rules on presumption of paternity. Furthermore, the registered partner can not acknowledge paternity. The wording of the Civil Code does not allow for such acknowledgement in a same-sex couple, as it states: if the mother was not married between the beginning of the time of conception and the date when the child was born, and did not participate in a reproduction procedure invoking the presumption of paternity, or if the presumption of paternity was rebutted, the man who admits in a fully enforceable acknowledgment of paternity that he is the father of the child shall be considered as the father.</p>		<p>Explanations and nuances: According to the 2013 Civil Code the presumption of paternity does not apply in domestic partnership unless the child is born through assisted reproduction. However, the domestic partner of the mother may assume paternity by way of acknowledgment of paternity: if the mother was not married between the beginning of the time of conception and the date when the child was born, and did not participate in a reproduction procedure invoking the presumption of paternity, or if the presumption of paternity was rebutted, the man who admits in a fully enforceable acknowledgment of paternity that he is the father of the child shall be considered as the father. Between 1 July 2009 and 1 January 2011 the Family Code accepted the presumption of paternity in cases where the domestic partnership was entered into the Registry of Partnership Declarations. Since 2011 only acknowledgment of paternity and participation as domestic partners in assisted reproductive services establishes paternity if the different-sex partners are not married. There is no possibility in same-sex relationships to recognise the child of the partner due to the wording of the law.</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, but 2014	2015 N/A 0000	2015 N/A 0000	2015 No, but 2014	2015 No, but 2014	2015 No, but 2009
No 1953			No 2009	No 1978	No 0000
No 0000			N/A 0000	? 0000	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>References to legal sources: Art. 4:254, 4:164 and 4:198 of Act no. V of 2013 on the Civil Code (2013. évi V. törvény a Polgári Törvénykönyvről), Part Four (Kinship) of Book Four (Family Law) (in force since 15 March 2014).</p> <p>Art. 62 of Act no. IV of 1952 on Marriage, Family and Guardianship (1952. évi IV. törvény a házasságról, a családról és a gyámságról) (in force between 1 January 1953 and 14 March 2014).</p>		<p>References to legal sources: Art. 3 of Act no. XXIX of 2009 on the Registered Partnership (2009. évi XXIX. törvény a bejegyzett élettársi kapcsolatról) (in force since 1 July 2009).</p> <p>Art. 4:154, 4:164 and 4:198 of Act no. V of 2013 on the Civil Code (2013. évi V. törvény a Polgári Törvénykönyvről), Part Four (Kinship) of Book Four (Family Law) (in force since 15 March 2014).</p> <p>Art. 62 of Act no. IV of 1952 on Marriage, Family and Guardianship (1952. évi IV. törvény a házasságról, a családról és a gyámságról) (in force between 1 January 1953 and 14 March 2014).</p>		<p>References to legal sources: Art. 4:154, 4:164 and 4:198 and 4:199 of Act no. V of 2013 on the Civil Code (2013. évi V. törvény a Polgári Törvénykönyvről), Part Four (Kinship) of Book Four (Family Law) (in force since 15 March 2014).</p> <p>Art. 62 of Act no. IV of 1952 on Marriage, Family and Guardianship (1952. évi IV. törvény a házasságról, a családról és a gyámságról) (in force between 1 January 1953 and 14 March 2014).</p>	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: As a general rule, parental authority is jointly exercised by the parents, i.e. by the birth mother and father. If they separate or divorce, parental authority may be shared among them by agreement. The spouse of the parent is considered as stepparent. The stepparent shall provide support in his/her home to his/her spouse's dependent minor child who was brought by his/her spouse to their common home with his/her consent.</p> <p>The stepparent has the right to adopt the spouse's child (second-parent adoption) and receive parental authority over the child provided that the other biological parent waived his/her parental authority (as parental authority may not be exercised by three or more persons).</p> <p>Since the new Civil Code entered into force in 2014, where a child is raised in a home of a person other than the parents, or in a home maintained by such person and one or both parents together, this person may be involved - by agreement of the parent having the right of custody - in exercising certain rights and obligations relating to caring for and raising the child.</p>		<p>Explanations and nuances: As a general rule, parental authority is jointly exercised by the parents, i.e. by the birth mother and father. The Act on the Registered Partnership explicitly rules out second-parent adoption for registered partners. Although the 2013 Civil Code only mentions spouses when regulating the stepparent's obligation, the general reference rule in Art. 3 of the Act on the Registered Partnership applies and also registered partners are under such obligation (the Family Code explicitly named registered partners in the provision on stepparents).</p> <p>Since the new Civil Code entered into force in 2014, where a child is raised in a home of a person other than the parents, or in a home maintained by such person and one or both parents together, this person may be involved - by agreement of the parent having the right of custody - in exercising certain rights and obligations relating to caring for and raising the child.</p>		<p>Explanations and nuances: As a general rule, parental authority is jointly exercised by the parents, i.e. by the birth mother and father. The spouse of the parent is considered as stepparent, but such recognition is not provided for domestic partners.</p> <p>However, since the new Civil Code entered into force in 2014, where a child is raised in a home of a person other than the parents, or in a home maintained by such person and one or both parents together, this person may be involved - by agreement of the parent having the right of custody - in exercising certain rights and obligations relating to caring for and raising the child.</p> <p>Second-parent adoption is not available for domestic partners, thus it can not create parental authority. The cohabiting partner of the parent is recognized as de facto parent (nevelőszülő). The legislation is ambiguous on the question whether the de facto parent has the duty to provide support for the de facto child.</p>	

Jurisdiction: **Hungary**

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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 1967	2015 N/A 0000	2015 N/A 0000	2015 No 2009	2015 Yes 2000	2015 No 1996
?			N/A 0000	No 1978	No 0000
				No 0000	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>References to legal sources: Art. 130 and 294 of Act no. I of 2012 on the Labour Code (2012. évi I. törvény a Munka Törvénykönyvéről) (in force since 1 July 2012).</p> <p>Art. 138 of Act no. XXII of 1992 on the Labour Code (1992. évi XXII. törvény a Munka Törvénykönyvéről) (in force between 1 July 1992 and 30 June 2012).</p> <p>Art. 40 of Act no. LXXXIII of 1997 on the Services of Mandatory Health Care (1997. évi LXXXIII. törvény a kötelező egészségbiztosítás ellátásairól) (in force since 1 January 1998).</p> <p>Art. 42/A of Act no. LXXXIII of 1997 on the Services of Mandatory Health Care (1997. évi LXXXIII. törvény a kötelező egészségbiztosítás ellátásairól) as amended by Act no. XCVII of 1999 (provision in force since 1 January 2000).</p> <p>Art. 20 of Act no. LXXXIV of 1998 on the support of families (1998. évi LXXXIV. törvény a családok támogatásáról) (in force since 1 January 1998).</p> <p>Art. 25/A of Act no. II of 1975 on social insurance (1975. évi II. törvény a társadalombiztosításról) as amended by Act no. LXVII of 1989.</p> <p>Art. 1 of Government Decree no. 3/1967. (I. 29.) on child care assistance (3/1967. (I. 29.) Korm. rendelet a gyermekgondozási segélyről).</p> <p>Art. 1 of Ministerial Council Decree no. 10/1982. (IV. 16.) on child care assistance (10/1982. (IV. 16.) MT rendelet a gyermekgondozási segélyről).</p> <p>Art. 13/A of Act no. XXV of 1990 on family allowance and the support of families (1990. évi XXV. törvény a családi pótlékról és a családok támogatásáról) as amended by Act no. XLVIII of 1995.</p>		<p>References to legal sources: Art. 3 of Act no. XXIX of 2009 on Registered Partnership (2009. évi XXIX. törvény a bejegyzett élettársi kapcsolatáról) (in force since 1 July 2009).</p> <p>Art. 4:132 of Act no. V of 2013 on the Civil Code (2013. évi V. törvény a Polgári Törvénykönyvről), Part Four (Kinship) of Book Four (Family Law) (in force since 15 March 2014).</p> <p>Art. 27 and 130 of Act no. I of 2012 on the Labour Code (2012. évi I. törvény a Munka Törvénykönyvéről) (in force since 1 July 2012).</p>		<p>References to legal sources: Art. 27 and 130 of Act no. I of 2012 on the Labour Code (2012. évi I. törvény a Munka Törvénykönyvéről) (in force since 1 July 2012).</p> <p>Art. 138 of Act no. XXII of 1992 on the Labour Code (1992. évi XXII. törvény a Munka Törvénykönyvéről) (in force between 1 July 1992 and 30 June 2012).</p> <p>Art. 40 of Act no. LXXXIII of 1997 on the Services of Mandatory Health Care (1997. évi LXXXIII. törvény a kötelező egészségbiztosítás ellátásairól) (in force since 1 January 1998).</p> <p>Art. 42/A of Act no. LXXXIII of 1997 on the Services of Mandatory Health Care (1997. évi LXXXIII. törvény a kötelező egészségbiztosítás ellátásairól) as amended by Act no. XCVII of 1999 (provision in force since 1 January 2000).</p>	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: The Labour Code (both the current and the previous one) provides 24 consecutive weeks of maternity leave for mothers; during this period women are entitled to maternity allowance (baby-care fee; csecsemőgondozási díj).</p> <p>After the expiry of the maternity allowance the parent meeting the eligibility requirements of the law (e.g. minimum number of years in insurance, etc.), a child-care fee (gyermekgondozási díj) is provided until the child reaches the age of two. If the parent does not meet the statutory requirements of child-care fee or after the child reaches the age of 2, the parent is entitled for child care assistance (gyermekgondozást segítő ellátás) until the child reaches the age of 3.</p> <p>The child care assistance was only available to mothers and single fathers before 1996, after that it was available in gender neutral terms. The child care allowance was available to mothers and single fathers until the child reached the age of one, and in gender neutral terms after the child reaches the age of two before 1996. It was discontinued in 1996 until 2000. When reintroduced in 2000 it was in gender neutral terms.</p> <p>Furthermore, the Labour Code prescribes that in addition to the generally available holiday days, employees shall be entitled to unpaid leave for providing care for a child in person until the child reaches the age of ten, during the period of receiving child-care allowance, child-care assistance benefits.</p>		<p>Explanations and nuances: Same-sex registered partners cannot be the legal parents of a child. They are barred as a couple to take part in assisted reproduction services, the partner cannot adopt the child of his/her registered partner, and they are not allowed to jointly adopt a child.</p>		<p>Explanations and nuances: The social benefits for parents are awarded regardless of the type of their relationship. Parents who live in domestic partnership are entitled to the same benefits as those living in marriage.</p> <p>The Labour Code (both the current and the previous one) provides 24 consecutive weeks of maternity leave for mothers; during this period women are entitled to maternity allowance (baby-care fee).</p> <p>After the expiry of the maternity allowance the parent meeting the eligibility requirements of the law (e.g. minimum number of years in insurance, etc.), a child-care fee is provided until the child reaches the age of two. Since 2000 any of the parents is entitled to a paid leave and receive a child-care fee.</p> <p>Furthermore, the Labour Code prescribes that in addition to the generally available holiday days, employees shall be entitled to unpaid leave for providing care for a child in person until the child reaches the age of ten, during the period of receiving child-care allowance, child-care assistance benefits.</p>	

Jurisdiction: **Hungary**

Source: **E. Polgari**, "Parenting and legal family formats in Hungary". 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-HU-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 1967	2015 N/A 0000	2015 N/A 0000	2015 Yes 2009	2015 No 1978	2015 No 1996
? 0000			N/A 0000	No 0000	No 0000

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>References to legal sources: Art. 130 and 294 of Act no. I of 2012 on the Labour Code (2012. évi I. törvény a munka törvénykönyvéről) (in force since 1 July 2012).</p> <p>Art. 5/B(pa) and 42/A of Act no. LXXXIII of 1997 on Services of Mandatory Health Care (1997. évi LXXXIII. törvény a kötelező egészségbiztosítás ellátásairól) as amended by Act no. XCVII of 1999 (provision in force since 1 January 2000).</p> <p>Art. 138 of Act no. XXII of 1992 on the Labour Code (1992. évi XXII. törvény a Munka Törvénykönyvéről) (in force between 1 July 1992 and 30 June 2012).</p> <p>Art. 40 of Act no. LXXXIII of 1997 on the Services of Mandatory Health Care (1997. évi LXXXIII. törvény a kötelező egészségbiztosítás ellátásairól) (in force since 1 January 1998).</p> <p>Art. 42/A of Act no. LXXXIII of 1997 on the Services of Mandatory Health Care (1997. évi LXXXIII. törvény a kötelező egészségbiztosítás ellátásairól) as amended by Act no. XCVII of 1999 (provision in force since 1 January 2000).</p> <p>Art. 20 of Act no. LXXXIV of 1998 on the support of families (1998. évi LXXXIV. törvény a családok támogatásáról) (in force since 1 January 1998).</p> <p>Art. 25/A of Act no. II of 1975 on social insurance (1975. évi II. törvény a társadalombiztosításról) as amended by Act no. LXVII of 1989.</p> <p>Art. 1 of Government Decree no. 3/1967. (I. 29.) on child care assistance (3/1967. (I. 29.) Korm. rendelet a gyermekgondozási segélyről).</p> <p>Art. 1 of Ministerial Council Decree no. 10/1982. (IV. 16.) on child care assistance (10/1982. (IV. 16.) MT rendelet a gyermekgondozási segélyről).</p> <p>Art. 13/A of Act no. XXV of 1990 on family allowance and the support of families (1990. évi XXV. törvény a családi pótlékról és a családok támogatásáról) as amended by Act no. XLVIII of 1995.</p>		<p>References to legal sources: Art. 3 of Act no. XXIX of 2009 on Registered Partnership (2009. évi XXIX. törvény a bejegyzett élettársi kapcsolatról) (in force since 1 July 2009).</p> <p>Art. 130 and 294 of Act no. I of 2012 on the Labour Code (2012. évi I. törvény a munka törvénykönyvéről) (in force since 1 July 2012).</p> <p>Art. 5/B(pa) and 42/A of Act no. LXXXIII of 1997 on Services of Mandatory Health Care (1997. évi LXXXIII. törvény a kötelező egészségbiztosítás ellátásairól) as amended by Act no. XCVII of 1999 (provision in force since 1 January 2000).</p>		<p>References to legal sources: Art. 130 and 294 of Act no. I of 2012 on the Labour Code (2012. évi I. törvény a munka törvénykönyvéről) (in force since 1 July 2012).</p> <p>Art. 42/A of Act no. LXXXIII of 1997 on Services of Mandatory Health Care (1997. évi LXXXIII. törvény a kötelező egészségbiztosítás ellátásairól) as amended by Act no. XCVII of 1999 (provision in force since 1 January 2000).</p>	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: The rules on the allocation of a child-care fee (that allows the parent to stay at home with the child) are gender neutrally formulated, thus it is not limited to the mother. According to the definition of parent offered in the law, parent means the biological and adoptive parent and his/her cohabiting spouse. Therefore the latter is equally eligible for a child-care fee.</p>		<p>Explanations and nuances: By virtue of the general reference rule contained in Art. 3 of the Act on Registered Partnership the rules applicable to spouses shall apply to registered partners as well. According to the definition of parent offered in the law, parent means the biological and adoptive parent and his/her cohabiting spouse. Therefore the registered partner of a parent is equally eligible for a child-care fee.</p>		<p>Explanations and nuances: The rules on the allocation of a child-care fee (that allows the parent to stay at home with the child) are gender neutrally formulated, thus it is not limited to the mother. According to the definition of parent offered in the law, parent means the biological and adoptive parent and his/her cohabiting spouse. Therefore the cohabiting partner of a parent is not eligible for a child-care fee.</p>	

Jurisdiction: **Hungary**

Source: **E. Polgari**, "Parenting and legal family formats in Hungary". 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-HU-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 2014	2015 N/A 0000	2015 N/A 0000	2015 Yes, but 2014	2015 Yes 2014	2015 Yes 2014
No 0000			No 2009	No 1978	No 1996
			N/A 0000	N/A 0000	N/A 0000
References to legal sources: Art. 4:179 of Act no. V of 2013 on the Civil Code (2013. évi V. törvény a Polgári Törvénykönyvről), Part Four (Kinship) of Book Four (Family Law) (in force since 15 March 2014).		References to legal sources: Art. 4:179 of Act no. V of 2013 on the Civil Code (2013. évi V. törvény a Polgári Törvénykönyvről), Part Four (Kinship) of Book Four (Family Law) (in force since 15 March 2014).		References to legal sources: Art. 4:179 of Act no. V of 2013 on the Civil Code (2013. évi V. törvény a Polgári Törvénykönyvről), Part Four (Kinship) of Book Four (Family Law) (in force since 15 March 2014).	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: The grandparents' right to visit children was introduced by the 2013 Civil Code that contains the following provision: rights of access shall also be allotted to the grandparents, siblings and - if the parent or grandparent is not alive or is unable to maintain contact for reasons beyond his/her control for any extended period of time - to the sibling and spouse of the child's parent.</p>		<p>Explanations and nuances: The grandparents' right to visit children was introduced by the 2013 Civil Code and it is not dependent on the type of relationship the grandchild's parent lives in. Thus, while only one of the registered partners can be the legal parent of a child, the grandparents' right to visitation shall apply. The Civil Code contains the following provision: rights of access shall also be allotted to the grandparents, siblings and - if the parent or grandparent is not alive or is unable to maintain contact for reasons beyond his/her control for any extended period of time - to the sibling and spouse of the child's parent. The status of step grandparent (i.e. the parent of the registered partner of the child's parent) is unclear, it may be assumed that they are not included in the notion of grandparent and hence do not have visitation rights.</p>		<p>Explanations and nuances: The grandparents' right to visit children was introduced by the 2013 Civil Code and it is not dependent on the type of relationship the grandchild's parents live. It equally applies to parents in marriage and domestic partnership. The Civil Code contains the following provision: rights of access shall also be allotted to the grandparents, siblings and - if the parent or grandparent is not alive or is unable to maintain contact for reasons beyond his/her control for any extended period of time - to the sibling and spouse of the child's parent. The status of step grandparent (i.e. the parent of the cohabiting partner of the child's parent) is unclear, it may be assumed that they are not included in the notion of grandparent and hence do not have visitation rights.</p>	

Jurisdiction: **Hungary**

Source: **E. Polgari**, "Parenting and legal family formats in Hungary". 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-HU-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 2014	2015 N/A 0000	2015 N/A 0000	2015 No 2014	2015 No 2014	2015 No 2014
Yes 1953			No 2009	No 1978	No 1996
			N/A 0000	No 0000	No 0000

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>References to legal sources: Art. 4:132 of Act no. V of 2013 on the Civil Code (2013. évi V. törvény a Polgári Törvénykönyvről), Part Four (Kinship) of Book Four (Family Law) (in force since 15 March 2014).</p> <p>Art. 51 of Act no. IV of 1952 on Marriage, Family and Guardianship (1952. évi IV. törvény a házasságról, a családról és a gyámságról) (in force between 1 January 1953 and 14 March 2014).</p>		<p>References to legal sources: Art. 3 of Act no. XXIX of 2009 on Registered Partnership (2009. évi XXIX. törvény a bejegyzett élettársi kapcsolatról) (in force since 1 July 2009).</p>		<p>References to legal sources: Art. 4:132 of Act no. V of 2013 on the Civil Code (2013. évi V. törvény a Polgári Törvénykönyvről), Part Four (Kinship) of Book Four (Family Law) (in force since 15 March 2014).</p> <p>Art. 51 of Act no. IV of 1952 on Marriage, Family and Guardianship (1952. évi IV. törvény a házasságról, a családról és a gyámságról) (in force between 1 January 1953 and 14 March 2014).</p>	
<p>Explanations and nuances: Spouses have been entitled to adopt each other's children since 1953: through step-parent adoption the child thus is considered as the common child of the spouses and has the same status as that of children adopted jointly.</p>		<p>Explanations and nuances: Art. 3 of the Registered Partnership Act explicitly prohibits treating married couples and registered partners equally for the purpose of adoption; this is one of the exceptions where registered partners shall be treated differently from married couples.</p>		<p>Explanations and nuances: Only married couples are allowed to adopt each other's children; domestic partners do not have the right to step-parent adoption.</p>	

Jurisdiction: **Hungary**

Source: **E. Polgari**, "Parenting and legal family formats in Hungary". 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-HU-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 2014	2015 N/A 0000	2015 N/A 0000	2015 No 2014	2015 No 2014	2015 No 2014
Yes 1953			No 2009	No 1978	No 1996
			N/A 0000	No 0000	No 0000

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>References to legal sources: Art. 4:120 (5), 4:132 of Act no. V of 2013 on the Civil Code (2013. évi V. törvény a Polgári Törvénykönyvről), Part Four (Kinship) of Book Four (Family Law) (in force since 15 March 2014).</p> <p>Art. 51 of Act no. IV of 1952 on Marriage, Family and Guardianship (1952. évi IV. törvény a házasságról, a családról és a gyámságról) (in force between 1 January 1953 and 14 March 2014).</p> <p>Art. 49 of Act no. IV of 1952 on Marriage, Family and Guardianship (1952. évi IV. törvény a házasságról, a családról és a gyámságról) as amended by Act no. IX of 2002 (provision in force between 1 January 2003 and 14 March 2014).</p>		<p>References to legal sources: Art. 3 of Act no. XXIX of 2009 on Registered Partnership (2009. évi XXIX. törvény a bejegyzett élettársi kapcsolatról) (in force since 1 July 2009).</p>		<p>References to legal sources: Art. 4:132 of Act no. V of 2013 on the Civil Code (2013. évi V. törvény a Polgári Törvénykönyvről), Part Four (Kinship) of Book Four (Family Law) (in force since 15 March 2014).</p> <p>Art. 51 of Act no. IV of 1952 on Marriage, Family and Guardianship (1952. évi IV. törvény a házasságról, a családról és a gyámságról) (in force between 1 January 1953 and 14 March 2014).</p>	
<p>Explanations and nuances: Joint adoption is limited to married couples. An adopted child becomes the married couple's common child if the spouses adopt him/her jointly or separately. Since 2003 the guardianship authority in the authorisation procedure shall give priority to those adoptive parents who live in marriage over single individuals.</p>		<p>Explanations and nuances: Art. 3 of the Registered Partnership Act explicitly prohibits treating married couples and registered partners equally for the purpose of adoption; this is one of the exceptions where registered partners shall be treated differently from married couples.</p>		<p>Explanations and nuances: Domestic partners are barred from jointly adopting children. Joint adoption is reserved to married couples.</p>	

Jurisdiction: **Hungary**

Source: **E. Polgari**, "Parenting and legal family formats in Hungary". 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-HU-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 2014	2015 N/A 0000	2015 N/A 0000	2015 Yes, but 2014	2015 Yes, but 2014	2015 Yes, but 2014
Yes 1953			Yes, but 2009	Yes, but 2003	Yes, but 2003
			N/A 0000	Yes 1953	Yes 1953

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>References to legal sources: Art. 4:120-4:122 of Act no. V of 2013 on the Civil Code (2013. évi V. törvény a Polgári Törvénykönyvről), Part Four (Kinship) of Book Four (Family Law) (in force since 15 March 2014).</p> <p>Section 107(4) of Act no. IX of 2002 on the amendment of Act no. XXXI of 1997 on the protection of children and the administration of guardianship affairs (2002. évi IX. törvény a gyermekek védelméről és a gyámügyi igazgatásról szóló 1997. évi XXXI. törvény módosításáról; entered into force on 1 January 2003).</p> <p>Art. 47-48 of Act no. IV of 1952 on Marriage, Family and Guardianship (1952. évi IV. törvény a házasságról, a családról és a gyámságról) (in force between 1 January 1953 and 14 March 2014).</p>		<p>References to legal sources: Art. 4:120-4:122 of Act no. V of 2013 on the Civil Code (2013. évi V. törvény a Polgári Törvénykönyvről), Part Four (Kinship) of Book Four (Family Law) (in force since 15 March 2014).</p> <p>Section 107(4) of Act no. IX of 2002 on the amendment of Act no. XXXI of 1997 on the protection of children and the administration of guardianship affairs (2002. évi IX. törvény a gyermekek védelméről és a gyámügyi igazgatásról szóló 1997. évi XXXI. törvény módosításáról; entered into force on 1 January 2003).</p> <p>Art. 47-48 of Act no. IV of 1952 on Marriage, Family and Guardianship (1952. évi IV. törvény a házasságról, a családról és a gyámságról) (in force between 1 January 1953 and 14 March 2014).</p>		<p>References to legal sources: Art. 4:121-4:122 of Act no. V of 2013 on the Civil Code (2013. évi V. törvény a Polgári Törvénykönyvről), Part Four (Kinship) of Book Four (Family Law) (in force since 15 March 2014).</p> <p>Section 107(4) of Act no. IX of 2002 on the amendment of Act no. XXXI of 1997 on the protection of children and the administration of guardianship affairs (2002. évi IX. törvény a gyermekek védelméről és a gyámügyi igazgatásról szóló 1997. évi XXXI. törvény módosításáról; entered into force on 1 January 2003).</p> <p>Art. 47-48 of Act no. IV of 1952 on Marriage, Family and Guardianship (1952. évi IV. törvény a házasságról, a családról és a gyámságról) (in force between 1 January 1953 and 14 March 2014).</p>	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: According to the 2013 Civil Code the adoptive parent must be at least 25 years old with legal capacity, and must be at least 16 years and at most 45 years the child's senior. The adoptive parent, furthermore, must be considered suitable to adopt a child based on his/her personality and other circumstances. Any person whose parental supervision has been terminated by court order, or who has been excluded from public affairs, and whose child is under foster care may not adopt a child. Suitability of adoption is determined by the guardianship authority following the preliminary procedure and preparation. The spouse of the adopting parent has to consent to the adoption.</p> <p>The 1952 Family Act contained very similar provisions, however, the minimum age requirement was missing and parents of children in foster care were not explicitly excluded.</p> <p>Since 2003 the guardianship authority in the authorisation procedure shall give priority to those adoptive parents who live in marriage over single individuals. The exact wording of the law ("parent living in marriage") implies that there is no preference of joint adoption by a married couple as opposed to individual adoption by a married person.</p>		<p>Explanations and nuances: According to the 2013 Civil Code the adoptive parent must be at least 25 years old with legal capacity, and must be at least 16 years and at most 45 years the child's senior. The adoptive parent, furthermore, must be considered suitable to adopt a child based on his/her personality and other circumstances. Any person whose parental supervision has been terminated by court order, or who has been excluded from public affairs, and whose child is under foster care may not adopt a child. Suitability of adoption is determined by the guardianship authority following the preliminary procedure and preparation. By virtue of the general reference rule, the registered partner of the adopting parent has to give consent for the adoption.</p> <p>The 1952 Family Act contained very similar provisions, however, the minimum age requirement was missing and parents of children in foster care were not explicitly excluded.</p> <p>Since 2003 the guardianship authority in the authorisation procedure shall give priority to those adoptive parents who live in marriage over single individuals and individuals in registered partnership.</p>		<p>Explanations and nuances: Since 1953 there has been no legal bar on individual adoption by a person cohabiting with either a same-sex or a different-sex partner, regardless of whether the law recognises cohabitation. However, since 2003 the guardianship authority in the authorisation procedure shall give priority to a "parent living in marriage" over an unmarried individual.</p> <p>According to the 2013 Civil Code the adoptive parent must be at least 25 years old with legal capacity, and must be at least 16 years and at most 45 years the child's senior. The adoptive parent, furthermore, must be considered suitable to adopt a child based on his/her personality and other circumstances. Any person whose parental supervision has been terminated by court order, or who has been excluded from public affairs, and whose child is under foster care may not adopt a child. Suitability of adoption is determined by the guardianship authority following the preliminary procedure and preparation.</p> <p>The 1952 Family Act contained very similar provisions, however, the minimum age requirement was missing and parents of children in foster care were not explicitly excluded.</p> <p>Sexual orientation is not a ground to refuse suitability for adoption. Civil society organisations have recently reported cases where an openly gay or lesbian adoptive parent received a child. Some of them lived with their cohabiting partners who were involved in the environmental assessment, and only some reported hostile attitude from the authorities.</p>	