

Parenting and legal family formats in Ireland

by Brian Tobin 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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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 Ireland

The answers concerning Ireland 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):

Formalization of legal family formats in Ireland by Brian Tobin (Section 1)

Income, troubles and legal family formats in Ireland by Fergus Ryan (Section 2)

Parenting and legal family formats in Ireland by Brian Tobin (Section 3)

Migration and legal family formats in Ireland by Fergus Ryan (Section 4)

Splitting up and legal family formats in Ireland by Brian Tobin (Section 5)

Death and legal family formats in Ireland by Fergus Ryan (Section 6)

So this paper about Ireland 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 the 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 recently-enacted Children and Family relationships Act 2015 will improve the legal position of same-sex parents, as did the successful outcome of Ireland's Marriage Equality Referendum in May 2015.

Surrogacy was originally due to be regulated by the 2015 Act but the provisions were removed prior to enactment because of the complexities associated with surrogacy regulation and constitutional concerns.

In principle an individual person as sole applicant may apply to adopt a child if he or she satisfies the Adoption Authority that, in the particular circumstances, the adoption is desirable and in the best interests of the child. Adoption Act 2010, section 33.

Legally a woman who undergoes donor assisted human reproduction without a partner is deemed, subject to certain conditions, to be the child's sole parent. Children and Family Relationships Act 2015, section 5(2). There is no legal restriction on a single woman undergoing AHR.

A child may have no more than two legal parents.

Jurisdiction: Ireland

Source: B. Tobin, "Parenting and legal family formats in Ireland". 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-IE-Section3.pdf](#) (please use this full citation when citing any information from this table).

Section: 3 - Parenting

Question: 3.01 - Assisted insemination

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

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2016 Yes, but 2015	2016 Yes, but 2015	2016 N/A 0000	2016 Yes, but 2015	2016 Yes, but 2015	2016 Yes, but 2015
Yes, but 2000	N/A 0000		Yes, but 2011	Yes, but 2000	Yes, but 2000
? 0000			N/A 0000	? 0000	? 0000
References to legal sources: Children and Family Relationships Act 2015, Part 2.		References to legal sources: Children and Family Relationships Act 2015, Part 2.		References to legal sources: Children and Family Relationships Act 2015, Part 2.	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: Pre-2015 there was no legal recognition of parenting resulting from AHR, but there was no legal barrier to accessing AHR services.</p> <p>While Part 2 of the Children and Family Relationships Act 2015 recognizes AHR, this part of the Act has yet to come into force as of November 2016.</p>		<p>Explanations and nuances: Pre-2015 there was no legal recognition of parenting resulting from AHR, but there was no legal barrier to accessing AHR services.</p> <p>While Part 2 of the Children and Family Relationships Act 2015 recognizes AHR, this part of the Act has yet to come into force as of November 2016.</p>		<p>Explanations and nuances: Pre-2015 there was no legal recognition of parenting resulting from AHR, but there was no legal barrier to accessing AHR services.</p> <p>While Part 2 of the Children and Family Relationships Act 2015 recognizes AHR, this part of the Act has yet to come into force as of November 2016.</p>	

Jurisdiction: **Ireland**

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Section: **3 - Parenting**

Question: **3.02 - IVF**

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

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2016 Yes, but 2015	2016 Yes, but 2015	2016 N/A 0000	2016 Yes, but 2015	2016 Yes, but 2015	2016 Yes, but 2015
Yes, but 2000	N/A 0000		Yes, but 2011	Yes, but 2000	Yes, but 2000
? 0000			N/A 0000	? 0000	? 0000
References to legal sources: Children and Family Relationships Act 2015, Part 2.		References to legal sources: Children and Family Relationships Act 2015, Part 2.		References to legal sources: Children and Family Relationships Act 2015, Part 2.	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: IVF has been available for a long time. There has never been a legal barrier preventing married couples from accessing IVF, but it has only been regulated since the 2015 Act.</p> <p>While Part 2 of the Children and Family Relationships Act 2015 recognizes AHR, this part of the Act has yet to come into force as of November 2016.</p>		<p>Explanations and nuances: IVF has been available for a long time. There has never been a legal barrier preventing civil partners from accessing IVF, but it has only been regulated since the 2015 Act, and civil partnership was only available from 2011-2015.</p> <p>While Part 2 of the Children and Family Relationships Act 2015 recognizes AHR, this part of the Act has yet to come into force as of November 2016.</p>		<p>Explanations and nuances: IVF has been available for a long time. There has never been a legal barrier preventing cohabiting couples from accessing IVF, but it has only been regulated since the 2015 Act.</p> <p>While Part 2 of the Children and Family Relationships Act 2015 recognizes AHR, this part of the Act has yet to come into force as of November 2016.</p>	

Jurisdiction: **Ireland**

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Section: **3 - Parenting**

Question: **3.03 - Surrogacy**

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

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2016 No, but 0000	2016 No, but 2015	2016 N/A 0000	2016 No, but 2015	2016 No, but 2015	2016 No, but 2015
	N/A 0000		No 2011	No 0000	No 0000
			N/A 0000		
References to legal sources:		References to legal sources:		References to legal sources:	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: Surrogacy is not regulated by law in Ireland, but not expressly prohibited either.</p> <p>However, the commissioning couple could arguably both become the legal parents by adopting the child jointly (see question 3.10).</p>		<p>Explanations and nuances: Surrogacy is not regulated by law in Ireland, but it is not expressly prohibited either.</p> <p>However, the commissioning couple could arguably both become the legal parents by adopting the child jointly once Part 11 of the CFRA or like provisions contained in the Adoption (Amendment) Bill 2016 are in force (see question 3.10). Joint adoption is not yet possible for civil partners or cohabitants as Part 11 of the CFRA 2015 has not yet been commenced. It appears that Part 11 will not now be commenced. Instead, the relevant provisions are being brought forward into the Adoption (Amendment) Bill 2016 from the Children and Family Relationships Act 2015.</p>		<p>Explanations and nuances: Surrogacy is not regulated by law in Ireland, but it is not expressly prohibited either.</p> <p>However, the commissioning couple could arguably both become the legal parents by adopting the child jointly once Part 11 of the CFRA or like provisions contained in the Adoption (Amendment) Bill 2016 are in force (see question 3.10). Joint adoption is not yet possible for civil partners or cohabitants as Part 11 of the CFRA 2015 has not yet been commenced. It appears that Part 11 will not now be commenced. Instead, the relevant provisions are being brought forward into the Adoption (Amendment) Bill 2016 from the Children and Family Relationships Act 2015.</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
2016 Yes 2015	2016 No 2015	2016 N/A 0000	2016 No 2015	2016 Yes, but 2015	2016 No 2015
Yes 0000	N/A 0000		No 2011	Yes, but 1987	No 0000
			N/A 0000	? 0000	
References to legal sources: Children and Family Relationships Act 2015, Part 2 (for female same-sex married couples).		References to legal sources: Children and Family Relationships Act 2015, Part 2 (for female same-sex couples in registered partnerships).		References to legal sources: Children and Family Relationships Act 2015, Part 2 (for female cohabiting same-sex couples). Section 37 of Status of Children Act 1987, as amended by section 81 of Children and Family Relationships Act 2015 (re establishing paternity).	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: In an opposite sex marriage, the husband is presumed to be the father (presumption of paternity) and is normally registered as such.</p> <p>For female same-sex married couples this will be possible only where the child is born through donor-assisted human reproduction as defined by the Children and Family Relationships Act 2015. As of November 2016, however, Part 2 of the Children and Family Relationship Act 2015 (regulating parentage following AHR) is not yet in force.</p>		<p>Explanations and nuances: For female same-sex civil partners this will be possible only where the child is born through donor-assisted human reproduction as defined by the Children and Family Relationships Act 2015. As of November 2016, however, Part 2 of the Children and Family Relationship Act 2015 (regulating parentage following AHR) is not yet in force.</p>		<p>Explanations and nuances: For opposite-sex couples if the partner is the biological father of the child he is automatically a legal parent (but not a guardian). Biological paternity can be established via court-ordered DNA testing if it is in dispute. If he is not the father, he is only a parent if the child is born through donor-assisted human reproduction as defined by the Children and Family Relationships Act 2015.</p> <p>For female same-sex cohabitants this will be possible only where the child is born through donor-assisted human reproduction as defined by the Children and Family Relationships Act 2015. As of November 2016, however, Part 2 of the Children and Family Relationship Act 2015 (regulating parentage following AHR) is not yet in force.</p>	

Jurisdiction: Ireland

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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
2016 Yes, but 2015	2016 Yes, but 2015	2016 N/A 0000	2016 Yes, but 2015	2016 Yes, but 2015	2016 Yes, but 2015
No 0000	N/A 0000		No 2011	No 0000	No 0000
			N/A 0000		
References to legal sources: Guardianship of Infants Act 1964, section 6C, as amended by section 49 of the Children and Family Relationships Act 2015.		References to legal sources: Guardianship of Infants Act 1964, section 6C, as amended by section 49 of the Children and Family Relationships Act 2015.		References to legal sources: Guardianship of Infants Act 1964, section 6C, as amended by section 49 of the Children and Family Relationships Act 2015.	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: The spouse must have shared with the child's parent responsibility for the child's day-to-day care for a period of more than 2 years.</p> <p>The relevant provisions of the Children and Family Relationships Act 2015 came into force on 18th January 2016.</p>		<p>Explanations and nuances: The civil partner must have shared with the child's parent responsibility for the child's day-to-day care for a period of more than 2 years.</p> <p>The relevant provisions of the Children and Family Relationships Act 2015 came into force on 18th January 2016.</p>		<p>Explanations and nuances: The partner must be cohabiting with the parent of the child for over 3 years, and must have shared with the child's parent responsibility for the child's day-to-day care for a period of more than 2 years.</p> <p>The relevant provisions of the Children and Family Relationships Act 2015 came into force on 18th January 2016.</p>	

Jurisdiction: **Ireland**

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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
2016 Yes 2015	2016 Yes 2015	2016 N/A 0000	2016 No, but 2015	2016 Yes 2015	2016 No, but 2015
Yes 1998	N/A 0000		No 2011	Yes 1998	No 0000
? 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: Parental Leave Act 1998, section 6 (9), as amended by section 2 of the Parental Leave (Amendment) Act 2006.</p> <p>Section 178 of the Children and Family Relationships Act 2015. Section 178 of the Children and Family Relationships Act 2015 was commenced on 18 January 2016 by the Children and Family Relationships Act 2015 (Commencement of Certain Provisions) Order 2016.</p>		<p>References to legal sources: Parental Leave Act 1998, section 6 (9), as amended by section 2 of the Parental Leave (Amendment) Act 2006.</p> <p>Section 178 of the Children and Family Relationships Act 2015. Section 178 of the Children and Family Relationships Act 2015 was commenced on 18 January 2016 by the Children and Family Relationships Act 2015 (Commencement of Certain Provisions) Order 2016.</p>		<p>References to legal sources: Parental Leave Act 1998, section 6 (9), as amended by section 2 of the Parental Leave (Amendment) Act 2006.</p> <p>Section 178 of the Children and Family Relationships Act 2015). Section 178 of the Children and Family Relationships Act 2015 was commenced on 18 January 2016 by the Children and Family Relationships Act 2015 (Commencement of Certain Provisions) Order 2016.</p>	
<p>Explanations and nuances: Prior to the amendment to the 1998 Act made by section 178 of the 2015 act only natural or adoptive/adopting legal parents or persons acting in loco parentis were entitled to avail of parental leave. The word natural was removed by the amendment made by section 178 of the 2015 Act and this enables same-sex legal parents to be eligible for parental leave.</p> <p>Notably, however, Parts 2 and 11 of the CFRA 2015 have not yet been brought into force, such that it is not yet possible for a couple of the same sex both to be the legal parents of a child following AHR. Joint adoption is not yet possible for civil partners or cohabitants (but is available for same-sex spouses).</p>		<p>Explanations and nuances: Prior to the amendment to the 1998 Act made by section 178 of the 2015 act only natural or adoptive/adopting legal parents or persons acting in loco parentis were entitled to avail of parental leave. The word natural was removed by the amendment made by section 178 of the 2015 Act and this enables same-sex legal parents to be eligible for parental leave.</p> <p>Notably, however, Parts 2 and 11 of the CFRA 2015 have not yet been brought into force, such that it is not yet possible for a couple of the same sex both to be the legal parents of a child following AHR. Joint adoption is not yet possible for civil partners or cohabitants (but is available for same-sex spouses).</p>		<p>Explanations and nuances: Prior to the amendment to the 1998 Act made by section 178 of the 2015 act only natural or adoptive/adopting legal parents or persons acting in loco parentis were entitled to avail of parental leave. The word natural was removed by the amendment made by section 178 of the 2015 Act and this enables same-sex legal parents to be eligible for parental leave.</p> <p>Notably, however, Parts 2 and 11 of the CFRA 2015 have not yet been brought into force, such that it is not yet possible for a couple of the same sex both to be the legal parents of a child following AHR. Joint adoption is not yet possible for civil partners or cohabitants (but is available for same-sex spouses).</p>	

Jurisdiction: Ireland

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Section: 3 - Parenting

Question: 3.07 - Parental leave for partners

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

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2016 Yes 2006	2016 Yes 2015	2016 N/A 0000	2016 Yes 2011	2016 Yes 2006	2016 Yes 2006
No 0000	N/A 0000		N/A 0000	No 0000	No 0000
<p>References to legal sources: Section 9 of the Parental Leave (Amendment) Act 2006 amended section 6 of the Parental Leave Act 1998 to enable persons acting in loco parentis to avail of parental leave in addition to natural legal parents.</p>		<p>References to legal sources: Section 9 of the Parental Leave (Amendment) Act 2006 amended section 6 of the Parental Leave Act 1998 to enable persons acting in loco parentis to avail of parental leave in addition to natural legal parents.</p>		<p>References to legal sources: Section 9 of the Parental Leave (Amendment) Act 2006 amended section 6 of the Parental Leave Act 1998 to enable persons acting in loco parentis to avail of parental leave in addition to natural legal parents.</p>	
<p>Explanations and nuances: Prior to the 2006 Act only natural legal or adoptive parents were legally entitled to avail of parental leave.</p>		<p>Explanations and nuances: Registered civil partnership only became a method of legally recognising a same-sex relationship in Ireland in 2011.</p>		<p>Explanations and nuances: Prior to the 2006 Act only natural legal or adoptive parents were legally entitled to avail of parental leave.</p>	

Jurisdiction: Ireland

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Section: 3 - Parenting

Question: 3.08 - Grandparents

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

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2016 No, but 1997	2016 No, but 2015	2016 N/A 0000	2016 No, but 2011	2016 No, but 1997	2016 No, but 1997
No 0000	N/A 0000		N/A 0000	No 0000	No 0000
<p>References to legal sources: Section 11B of the Guardianship of Infants Act 1964, as amended by section 9 of the Children Act 1997.</p>		<p>References to legal sources:</p>		<p>References to legal sources: Section 11B of the Guardianship of Infants Act 1964, as amended by section 9 of the Children Act 1997.</p>	
<p>Explanations and nuances: Relatives of the child may apply to court for an order giving them access to the child on such terms and conditions as the court may order.</p>		<p>Explanations and nuances: Registered partnership does not establish kinship. I.e. the grandparents would only be eligible to apply for contact if they were natural or legal grandparents of the child i.e. parents of the legal parents.</p>		<p>Explanations and nuances: Relatives of the child may apply to court for an order giving them access to the child on such terms and conditions as the court may order.</p>	

Jurisdiction: Ireland

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Section: 3 - Parenting

Question: 3.09 - Second-parent adoption

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

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2016 Yes, but 2015	2016 Yes, but 2015	2016 N/A 0000	2016 No, but 2015	2016 No, but 2015	2016 No, but 2015
Yes, but 1952	N/A 0000		No 2011	No 0000	No 0000
			N/A 0000		
References to legal sources: Adoption Act 2010. Adoption (Amendment) Bill 2016.		References to legal sources: Children and Family Relationships Act 2015. Adoption (Amendment) Bill 2016.		References to legal sources: Children and Family Relationships Act 2015. Adoption (Amendment) Bill 2016.	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: Second-parent adoption is not legally possible in Ireland to date. This must be done via joint adoption.</p> <p>Second-parent adoption will become a reality in Ireland if the Adoption (Amendment) Bill 2016 is eventually passed by the Oireachtas. Currently, adoption by the spouse, civil partner or cohabitant of a parent is not possible without the parent giving up their parental rights and duties. Adoption by the spouse of a parent is only possible where the spouse and parent jointly adopt the parent's child.</p>		<p>Explanations and nuances: Second-parent adoption is not legally possible in Ireland to date. This must be done via joint adoption.</p> <p>Second-parent adoption will become a reality in Ireland if the Adoption (Amendment) Bill 2016 is eventually passed by the Oireachtas. Currently, adoption by the spouse, civil partner or cohabitant of a parent is not possible without the parent giving up their parental rights and duties. Adoption by the spouse of a parent is only possible where the spouse and parent jointly adopt the parent's child.</p> <p>Civil partners will be able to jointly adopt when Part 11 of the Children and Family Relationships Act 2015 enters into force or if the Adoption (Amendment) Bill 2016 is passed by the Oireachtas, as the relevant provisions are being brought forward into this Bill from the Children and Family Relationships Act 2015.</p>		<p>Explanations and nuances: Second-parent adoption is not legally possible in Ireland to date. This must be done via joint adoption, but cohabitants must be living together for 3 years in order to apply for a joint adoption order.</p> <p>Second-parent adoption will become a reality in Ireland if the Adoption (Amendment) Bill 2016 is eventually passed by the Oireachtas. Currently, adoption by the spouse, civil partner or cohabitant of a parent is not possible without the parent giving up their parental rights and duties. Adoption by the spouse of a parent is only possible where the spouse and parent jointly adopt the parent's child.</p> <p>Cohabitants will be able to jointly adopt when Part 11 of the Children and Family Relationships Act 2015 enters into force or if the Adoption (Amendment) Bill 2016 is passed by the Oireachtas, as the relevant provisions are being brought forward into this Bill from the Children and Family Relationships Act 2015.</p>	

Jurisdiction: Ireland

Source: B. Tobin, "Parenting and legal family formats in Ireland". 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-IE-Section3.pdf](#) (please use this full citation when citing any information from this table).

Section: 3 - Parenting

Question: 3.10 - Joint adoption

Can partners jointly adopt a child?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2016 Yes 1952	2016 Yes 2015	2016 N/A 0000	2016 No, but 2015	2016 No, but 2015	2016 No, but 2015
	N/A 0000		N/A 0000	No 0000	No 0000
References to legal sources: Adoption Act 2010, section 33.		References to legal sources: Section 33 of the Adoption Act 2010, as amended by Part 11 of the Children and Family Relationships Act 2015 (not yet in force). Adoption (Amendment) Bill 2016.		References to legal sources: Section 33 of the Adoption Act 2010, as amended by Part 11 of the Children and Family Relationships Act 2015 (not yet in force). Adoption (Amendment) Bill 2016.	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: Same-sex couples were recently granted access to marriage by virtue of the Marriage Act 2015 and thus they now fall within the definition of a "married couple" eligible to adopt under section 33 of the 2010 Act.</p> <p>Subject to being deemed suitable and the adoption being in the best interests of the child.</p>		<p>Explanations and nuances: Civil partners will be able to jointly adopt when Part 11 of the Children and Family Relationships Act 2015 enters into force or if the Adoption (Amendment) Bill 2016 is passed by the Oireachtas, as the relevant provisions are being brought forward into this Bill from the Children and Family Relationships Act 2015.</p>		<p>Explanations and nuances: Cohabitants will be able to jointly adopt when Part 11 of the Children and Family Relationships Act 2015 enters into force or if the Adoption (Amendment) Bill 2016 is passed by the Oireachtas, as the relevant provisions are being brought forward into this Bill from the Children and Family Relationships Act 2015.</p> <p>However, a cohabiting couple will mean a couple who have been living together as cohabitants for a continuous period of not less than 3 years (section 3 of the Adoption Act 2010, as amended by section 102 of the Children and Family Relationships Act 2015).</p>	

Jurisdiction: Ireland

Source: B. Tobin, "Parenting and legal family formats in Ireland". 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-IE-Section3.pdf](#) (please use this full citation when citing any information from this table).

Section: 3 - Parenting

Question: 3.11 - Individual adoption

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

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2016 Yes, but 1952	2016 Yes, but 2015	2016 N/A 0000	2016 Yes, but 2011	2016 Yes, but 1952	2016 Yes, but 1952
	N/A 0000		N/A 0000		
References to legal sources: Adoption Act 2010, section 33.		References to legal sources: Adoption Act 2010, section 33, as amended by section 114 of the Children and Family Relationships Act 2015.		References to legal sources: Adoption Act 2010, section 33, as amended by section 114 of the Children and Family Relationships Act 2015.	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: However, the consent of one's spouse is required unless the couple are legally living apart or the non-adopting spouse has deserted the applicant.</p> <p>The applicant must satisfy the Adoption Authority that the adoption is desirable and in the best interests of the child.</p>		<p>Explanations and nuances: However, the consent of one's civil partner is required unless the couple are legally living apart or the non-adopting civil partner has deserted the applicant.</p> <p>The applicant must satisfy the Adoption Authority that the adoption is desirable and in the best interests of the child.</p>		<p>Explanations and nuances: However, the consent of one's cohabiting partner is required.</p> <p>The applicant must satisfy the Adoption Authority that the adoption is desirable and in the best interests of the child.</p>	