

Parenting and legal family formats in Iceland

by Hrefna Friðriksdóttir ¹

The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples

Edited by Kees Waaldijk,² Marie Digoix,³ Natalie Nikolina,² Giuseppe Zago,² Daniel Damonzé,² Arianna Caporali,³ Kamel Nait Abdellah ³

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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 Professor Hrefna Friðriksdóttir (University of Iceland) is grateful for the useful comments that Erna Kristín Blöndal (PhD student at the University of Iceland) made on an earlier version of the answers in this section of the database.

² [Grotius Centre for International Legal Studies](#), Leiden University, Netherlands, www.leiden.edu.



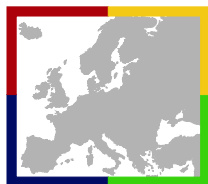
³ Institut national d'études démographiques, Paris, France, www.ined.fr.



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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 Iceland

The answers concerning Iceland 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 Iceland by Hrefna Friðriksdóttir (Section 1)

Income, troubles and legal family formats in Iceland by Hrefna Friðriksdóttir (Section 2)

Parenting and legal family formats in Iceland by Hrefna Friðriksdóttir (Section 3)

Migration and legal family formats in Iceland by Erna Kristín Blöndal (Section 4)

Splitting up and legal family formats in Iceland by Hrefna Friðriksdóttir (Section 5)

Death and legal family formats in Iceland by Hrefna Friðriksdóttir (Section 6)

So this paper about Iceland 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 Icelandic Parliament is currently debating allowing altruistic surrogacy in the country. The bill opens up the possibility for altruistic surrogacy for married and unmarried, different sex and same sex partners.

According to art. 2(4) of the Adoption Act no. 130/1999 a single person may be granted permission for adoption under special circumstances and if the adoption is clearly beneficial for the child.

Law no. 54/2008, in force from 7 June 2008, amending the Act on Artificial Fertilization and use of Human Gametes and Embryos for Stem-Cell Research no. 55/1996, allows single women access to medically assisted insemination and IVF using donor sperm or egg.

No such developments at this point.

Jurisdiction: **Iceland**

Source: **H. Friðriksdóttir**, "Parenting and legal family formats in Iceland". 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-IS-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 1996	2015 Yes 2010	2015 N/A 0000	2015 Yes 2010	2015 Yes 1996	2015 Yes 2006
Yes, but 1980	N/A 0000		Yes 2006	Yes, but 1980	No 0000
? 0000			No 1996	? 0000	
			N/A 0000		

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>References to legal sources: Art 1 and 3 of the Act on Artificial Fertilization and use of Human Gametes and Embryos for Stem-Cell Research no. 55/1996. Amended by law no. 65/2010 in force since 27 June 2010 introducing marriage equality.</p>		<p>References to legal sources: Art. 141 of the Marriage Act, as amended by law no. 65/2010 in force from 27 June 2010. Law no. 65/2006, in force from 27 June 2006, amending the Registered Partnership Act no. 87/1996 and art. 3 of the Act on Artificial Fertilization and use of Human Gametes and Embryos for Stem-Cell Research no. 55/1996.</p>		<p>References to legal sources: Art 1 and 3 of the Act on Artificial Fertilization and use of Human Gametes and Embryos for Stem-Cell Research no. 55/1996. Law no. 65/2006, in force from 27 June 2006, amending the Registered Partnership Act no. 87/1996 and art. 3 of the Act on Artificial Fertilization and use of Human Gametes and Embryos for Stem-Cell Research no. 55/1996.</p>	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: The Act on Artificial Fertilization came into force in 1996. Artificial insemination had been performed in some instances in Iceland since 1980 without any specific statutory provision.</p>		<p>Explanations and nuances: The Icelandic Registered Partnership Act no. 87/1996 came into effect on 27 June 1996, allowing same sex partners to register their partnership. The Act explicitly denied same sex partners the right to medically assisted insemination until the Act was changed in 2006 opening up this possibility. The Registered Partnership Act was then repealed by law no. 65/2010 which introduced marriage equality, in force from 27 June 2010. Since the Registered partnership Act was repealed it is impossible to enter into a registered partnership.</p> <p>According to art. 141 of the Marriage Act no. 31/1993, as amended by law no. 65/2010, it is possible for already registered partners to change their partnership into marriage. This does not happen automatically and registered partners are not obliged to do this.</p> <p>According to art. 141(3) registered partnerships established under Act no. 87/1996 have the same legal consequence as marriages.</p>		<p>Explanations and nuances: The Act on Artificial Fertilization came into force in 1996. Artificial insemination had been performed in some instances in Iceland for different sex cohabitants since 1980 without any specific statutory provision.</p> <p>Until 2006 legal provisions for cohabitants in general only applied to different sex partners, with a few exception. According to the law on domicile no. 21/1990, as amended by law no. 65/2006, in force from 27 June 2006, both different sex and same sex partners can register their cohabitation with Registers Iceland, effectively introducing cohabitation equality as the general rule.</p> <p>The original Registered Partnership Act no. 87/1996 explicitly denied same sex partners the right to medically assisted insemination.</p> <p>Artificial insemination became available for same sex cohabitants by law no. 65/2006, in force from 27 June 2006, amending he Registered Partnership Act no. 87/1996 and art. 3 of the Act on Artificial Fertilization and use of Human Gametes and Embryos for Stem-Cell Research no. 55/1996.</p>	

Jurisdiction: **Iceland**

Source: **H. Friðriksdóttir**, "Parenting and legal family formats in Iceland". 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-IS-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 1996	2015 Yes 2010	2015 N/A 0000	2015 Yes 2010	2015 Yes 1996	2015 Yes 2006
Yes, but 1991	N/A 0000		Yes 2006	Yes, but 1991	No 0000
? 0000			No 1996	? 0000	
			N/A 0000		
References to legal sources: See question 3.1.		References to legal sources: See question 3.1.		References to legal sources: See question 3.1.	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: The Act on Artificial Fertilization came into force in 1996 allowing IVF using donated egg or sperm. IVF using donated sperm had been performed in some instances in Iceland since 1991 without any specific statutory provisions.</p>		<p>Explanations and nuances: The original Registered Partnership Act no. 87/1996 explicitly denied same sex partners the right to medically assisted insemination.</p> <p>Artificial insemination became available for same sex cohabitants by law no. 65/2006, in force from 27 June 2006, amending the Registered Partnership Act no. 87/1996 and art. 3 of the Act on Artificial Fertilization and use of Human Gametes and Embryos for Stem-Cell Research no. 55/1996.</p>		<p>Explanations and nuances: The Act on Artificial Fertilization came into force in 1996 allowing IVF using donated egg or sperm. IVF using donated sperm had been performed in some instances in Iceland for different sex cohabitants since 1980 without any specific statutory provision.</p> <p>The original Registered Partnership Act no. 87/1996 explicitly denied same sex partners the right to medically assisted insemination.</p> <p>Artificial insemination became available for same sex cohabitants by law no. 65/2006, in force from 27 June 2006, amending the Registered Partnership Act no. 87/1996 and art. 3 of the Act on Artificial Fertilization and use of Human Gametes and Embryos for Stem-Cell Research no. 55/1996.</p>	

Jurisdiction: **Iceland**

Source: **H. Friðriksdóttir**, "Parenting and legal family formats in Iceland". 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-IS-Section3.pdf](#) (please use this full citation when citing any information from this table).

Section: **3 - Parenting**

Question: **3.03 - Surrogacy**

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

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 No 1996	2015 No 2010	2015 N/A 0000	2015 No 2010	2015 No 1996	2015 No 0000
?	N/A 0000		No 1996	?	0000
			N/A 0000		
References to legal sources: Art 1 and 5(4) of the Act on Artificial Fertilization and use of Human Gametes and Embryos for Stem-Cell Research no. 55/1996.		References to legal sources: Art 1 and 5(4) of the Act on Artificial Fertilization and use of Human Gametes and Embryos for Stem-Cell Research no. 55/1996.		References to legal sources: Art 1 and 5(4) of the Act on Artificial Fertilization and use of Human Gametes and Embryos for Stem-Cell Research no. 55/1996.	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: Surrogacy is prohibited in Iceland.</p> <p>The Icelandic Parliament is currently debating allowing altruistic surrogacy in the country. The bill opens up the possibility for altruistic surrogacy for married and unmarried, different sex and same sex partners.</p>		<p>Explanations and nuances: Surrogacy is prohibited in Iceland.</p> <p>The Icelandic Parliament is currently debating allowing altruistic surrogacy in the country. The bill opens up the possibility for altruistic surrogacy for married and unmarried, different sex and same sex partners.</p>		<p>Explanations and nuances: Surrogacy is prohibited in Iceland.</p> <p>The Icelandic Parliament is currently debating allowing altruistic surrogacy in the country. The bill opens up the possibility for altruistic surrogacy for married and unmarried, different sex and same sex partners.</p>	

Jurisdiction: **Iceland**

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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, but 2010	2015 N/A 0000	2015 No, but 2010	2015 Yes 1981	2015 No, but 2006
	N/A 0000		No, but 2006	No 0000	No 0000
			No 1996		
			N/A 0000		
References to legal sources: Art 2 and 6 of the Children Act no. 76/2003.		References to legal sources: Art 2, 4 and 6 of the Children Act no. 76/2003 and art. 6 of the Registered Partnership Act no. 87/1996 (repealed in 2010).		References to legal sources: Art 2, 4 and 6 of the Children Act no. 76/2003.	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: According to art. 2 of the Children Act the husband of a child's mother shall be regarded as its father if it is born during their marriage (a so called pater est principle) . This provision does not apply to same sex married partners.</p> <p>Art. 6 deals with parenthood of children conceived by assisted fertilization. A woman who has given consent for her wife to undergo assisted fertilization treatment under the Act on Artificial Fertilization no. 55/2006 shall be regarded as the parent of the child conceived in this way. A man who has given consent for his wife to undergo assisted fertilization treatment under the Act on Artificial Fertilization no. 55/2006 shall be regarded as the father of the child conceived in this way.</p>		<p>Explanations and nuances: Art. 2 and 4 of the Children Act on paternity do no apply to registered partners.</p> <p>Artificial fertilization was made available to same sex registered partners by law no. 65/2006, in force from 27 June 2006, amending several laws such as art. 6 of the Children Act, see explanation on marriage.</p>		<p>Explanations and nuances: According to art. 2 of the Children Act, If the mother of a child and a man whom she has declared to be the father of the child legally registered their cohabitation prior to the birth of the child, that man shall then be regarded as the child's father. The same applies if the child's mother and a man whom she has declared to be the father register their cohabitation in Registers Iceland at a later date, providing that the paternity of the child has not been established at that time. According to art. 4 a man whom a woman declares to be the father of her child can admit his paternity of the child by means of a confirmed written declaration and is then regarded as the father of the child.</p> <p>The above mentioned provisions do not apply to same sex cohabitants. Artificial fertilization was however made available to same sex cohabitants by law no. 65/2006, in force from 27 June 2006, amending several laws such as art. 6 of the Children Act, see explanation on marriage.</p>	

Jurisdiction: **Iceland**

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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 1981	2015 Yes 2010	2015 N/A 0000	2015 Yes 2010	2015 Yes, but 1981	2015 Yes, but 2006
No 0000	N/A 0000		Yes 1996	No 0000	? 0000
			N/A 0000		
References to legal sources: Art. 29 a of the Children Act no. 76/2003.		References to legal sources: Art. 29 a of the Children Act no. 76/2003.		References to legal sources: Art. 29 a of the Children Act no. 76/2003.	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: The Children Act was amended by law no. 61/2012, in force from 1 January 2013. From 1981 until that time a stepparent automatically got parental authority of his/her spouse´s child. A new art. 29 now states that if a parent who is not married and who exercises sole custody of a child enters into marriage with a person other than the child´s other parent, the parent and the step-parent may enter into an agreement whereby custody of the child will be joint.</p>		<p>Explanations and nuances: Registered partnerships established under the Registered partnership Act no. 87/1996 have the same legal consequence as a marriage, both before and after law no. 65/2010 introducing marriage equality entered into force.</p>		<p>Explanations and nuances: From 1981 until the new Children Act no. 76/2003 cohabiting different sex stepparents automatically got parental authority of his/her spouse´s child. Art. 29 of the Children Act introduced two requirements, first the cohabitation had to be registered with Registers Iceland and second the registered cohabitation had to have lasted for at least one year.</p> <p>Until 2006 legal provisions for cohabitants in general only applied to different sex partners. According to the law on domicile no. 21/1990, as amended by law no. 65/2006, in force from 27 June 2006, both different sex and same sex partners can register their cohabitation with Registers Iceland, effectively introducing cohabitation equality as the general rule.</p> <p>The Children Act was amended by law no. 61/2012, in force from 1 January 2013. A new art. 29 now states that if a parent who is not married and who exercises sole custody of a child registers cohabitation with a person other than the child´s other parent, the parent and the step-parent may enter into an agreement, at such time as when the registered cohabitation has lasted for at least a year, whereby custody of the child will be joint. This applies to both different and same sex cohabiting partners.</p>	

Jurisdiction: **Iceland**

Source: **H. Friðriksdóttir**, "Parenting and legal family formats in Iceland". 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-IS-Section3.pdf](#) (please use this full citation when citing any information from this table).

Section: **3 - Parenting**

Question: **3.06 - Parental leave for both parents**

When both partners are the legal parents of a child, does each partner then have a statutory right to paid or unpaid parental leave?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 2000	2015 Yes 2010	2015 N/A 0000	2015 Yes 2006	2015 Yes, but 2000	2015 Yes, but 2006
Yes, but 1981	N/A 0000		Yes, but 2000	Yes, but 1981	No 0000
No 0000			No 1996	No 0000	
			N/A 0000		

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>References to legal sources: Art 8 of the Act on Maternity/Paternity Leave and Parental Leave, no. 95/2000.</p>		<p>References to legal sources: Act on Maternity/Paternity Leave and Parental Leave, no. 95/2000.</p> <p>Registered Partnership Act no. 87/1996 (repealed in 2010), as amended by law no. 52/2000, giving same sex registered partners access to step-parent adoption, and law no. 65/2006, giving same sex registered partners access to artificial fertilization and joint adoption.</p>		<p>References to legal sources: Act on Maternity/Paternity Leave and Parental Leave, no. 95/2000.</p> <p>Act on Artificial Fertilization and use of Human Gametes and Embryos for Stem-Cell Research no. 55/1996 and Adoption Act no. 31/1999, as amended by law no. 65/2006, in force from 27 June 2006.</p>	
<p>Explanations and nuances: A statutory right to parental leave for mothers was introduced for mothers in 1946 but for fathers (i.e.both parents) in 1981. Before the year 2000 parents had a limited right to paid maternity/paternity leave according to law on social security.</p> <p>The aim of the Act on Maternity/Paternity Leave and Parental Leave, no. 95/2000 is to ensure a child's access to both her/his parents.</p> <p>Parents each have an independent entitlement to paid maternity/paternity leave for up to three months. This entitlement is not transferable. In addition, the parents have a joint entitlement to an additional three months, which either parent may draw in its entirety or the parents may divide between them.</p>		<p>Explanations and nuances: See explanations on marriage.</p> <p>Registered partners, being legal parents of a child through step-parent adoption (since 2000), joint adoption (since 2006) or a child conceived through artificial fertilization (since 2006), are entitled to maternity leave.</p>		<p>Explanations and nuances: See explanations on marriage.</p> <p>"Yes but" because a cohabiting partners right to maternity/paternity leave is conditional on the fact that the parent herself/himself has joint custody with the other parent at the beginning of the maternity/paternity leave. See question 3.5 on parental authority (custody).</p> <p>Same sex cohabitants, being legal parents of a child through adoption or a child conceived through artificial fertilization (since 2006), are entitled to maternity leave.</p>	

Jurisdiction: **Iceland**

Source: H. Friðriksdóttir, "Parenting and legal family formats in Iceland". 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-IS-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 No 0000	2015 No 2010	2015 N/A 0000	2015 No 2010	2015 No 0000	2015 No 0000
	N/A 0000		No 1996		
			N/A 0000		
References to legal sources: Art 8 of the Act on Maternity/Paternity Leave and Parental Leave, no. 95/2000.		References to legal sources: Art 8 of the Act on Maternity/Paternity Leave and Parental Leave, no. 95/2000.		References to legal sources: Art 8 of the Act on Maternity/Paternity Leave and Parental Leave, no. 95/2000.	
Explanations and nuances: Only legal parents of a child have a statutory right to paid maternity/paternity leave.		Explanations and nuances: Only legal parents of a child have a statutory right to paid maternity/paternity leave.		Explanations and nuances: Only legal parents of a child have a statutory right to paid maternity/paternity leave.	

Jurisdiction: **Iceland**

Source: **H. Friðriksdóttir**, "Parenting and legal family formats in Iceland". 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-IS-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, but 1981	2015 Yes, but 2010	2015 N/A 0000	2015 Yes, but 2006	2015 Yes, but 1981	2015 Yes, but 2006
No 0000	N/A 0000		Yes, but 2000	No 0000	? 0000
			N/A 0000		

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>References to legal sources: Art. 46 a of the Children Act no. 76/2003, as amended by law no. 61/2012, in force from 1 January 2013.</p>		<p>References to legal sources: Art. 46 a of the Children Act no. 76/2003, as amended by law no. 61/2012, in force from 1 January 2013.</p> <p>Registered Partnership Act no. 87/1996 (repealed in 2010), as amended by law no. 52/2000, giving same sex registered partners access to step-parent adoption, and law no. 65/2006, giving same sex registered partners access to artificial fertilization and joint adoption.</p>		<p>References to legal sources: Art. 46 a of the Children Act no. 76/2003, as amended by law no. 61/2012, in force from 1 January 2013.</p> <p>Act on Artificial Fertilization and use of Human Gametes and Embryos for Stem-Cell Research no. 55/1996 and Adoption Act no. 31/1999, as amended by law no. 65/2006, in force from 27 June 2006.</p>	
<p>Explanations and nuances: Grandparents' statutory rights to visit their grandchildren was as such introduced by the Children Act no. 9/1981. Before 2012 grandparents could thus request the District Commissioner to decide contact under special circumstances. According to law 61/2012 this is framed as the right of the child under special circumstances. A new art. 46 a states that if one or both of the child's parents are dead, or if a parent is unable to discharge his or her obligations regarding contact with the child, or if a parent has only very limited right of access to the child, the child shall have the right of access to close relatives of that parent, or to other persons closely associated with the child, providing this is considered as being of benefit to the child.</p>		<p>Explanations and nuances: See explanations on marriage.</p> <p>Registered partnership became available in 1996, explicitly excluding adoption and artificial fertilization. Step-parent adoption opened up in 2000 and joint adoption and artificial fertilization since 2006.</p>		<p>Explanations and nuances: See explanations on marriage.</p> <p>Same sex cohabitation was formally recognized as such in 2006. In 2006 same sex cohabitants could also become legal parents of a child through adoption artificial fertilization.</p>	

Jurisdiction: **Iceland**

Source: **H. Friðriksdóttir**, "Parenting and legal family formats in Iceland". 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-IS-Section3.pdf](#) (please use this full citation when citing any information from this table).

Section: **3 - Parenting**

Question: **3.09 - Second-parent adoption**

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

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 0000	2015 Yes 2010	2015 N/A 0000	2015 Yes 2010	2015 Yes 1999	2015 Yes 2006
	N/A 0000		Yes, but 2000	No 0000	No 0000
			No 1996		
			N/A 0000		

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>References to legal sources: Art 2 of the Adoption Act no. 130/1999 and art. 10 of the Regulation on Adoption no. 238/2005.</p>		<p>References to legal sources: Art 2 of the Adoption Act no. 130/1999 and art. 10 of the Regulation on Adoption no. 238/2005.</p> <p>Art. 141 of the Marriage Act, as amended by law no. 65/2010.</p> <p>Art 6 of the Registered Partnership Act no. 87/1996 (repealed in 2010), as amended by law no. 52/2000, in force from 26 May 2000.</p>		<p>References to legal sources: Art 2 of the Adoption Act no. 130/1999 and art. 10 of the Regulation on Adoption no. 238/2005.</p> <p>Law 65/2006, effectively establishing cohabitation equality.</p> <p>Adoption Act no. 31/1999, as amended by law no. 65/2006, in force from 27 June 2006.</p>	
<p>Explanations and nuances: According to art. 2 of the Adoption Act a person may, with the consent of his/her spouse, be granted permission to adopt the child or the adopted child of the other. One of the requirements is that partners have been living together for at least five year prior to the application.</p>		<p>Explanations and nuances: See explanations on marriage.</p> <p>Second parent adoption was made available to registered partners in 2000 (in registered partnership according to art. 141 of the Marriage Act or before 2010 in accordance with the Registered Partnership Act, as amended in 2000). "Yes but" because it did not apply to children that had been adopted from another country.</p>		<p>Explanations and nuances: See explanations on marriage.</p> <p>Same sex cohabitation was formally recognized as such in 2006. The same year the Adoption Act was amended, opening up adoptions for same sex cohabitants.</p>	

Jurisdiction: **Iceland**

Source: **H. Friðriksdóttir**, "Parenting and legal family formats in Iceland". 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-IS-Section3.pdf](#) (please use this full citation when citing any information from this table).

Section: **3 - Parenting**

Question: **3.10 - Joint adoption**

Can partners jointly adopt a child?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 0000	2015 Yes 2010	2015 N/A 0000	2015 Yes 2010	2015 Yes, but 1999	2015 Yes, but 2006
	N/A 0000		Yes 2006	No 0000	No 0000
			No 1996		
			N/A 0000		

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>References to legal sources: Art 2 of the Adoption Act no. 130/1999 and art. 10 of the Regulation on Adoption no. 238/2005.</p>		<p>References to legal sources: Art 2 of the Adoption Act no. 130/1999 and art. 10 of the Regulation on Adoption no. 238/2005.</p> <p>Art. 141 of the Marriage Act, as amended by law no. 65/2010.</p> <p>Art 6 of the Registered Partnership Act no. 87/1996 (repealed in 2010), as amended by law no. 65/2006, in force from 27 June 2006.</p>		<p>References to legal sources: Art 2 of the Adoption Act no. 130/1999 and art. 10 of the Regulation on Adoption no. 238/2005.</p> <p>Art 6 of the Registered Partnership Act no. 87/1996 (repealed in 2010), as amended by law no. 65/2006, in force from 27 June 2006.</p>	
<p>Explanations and nuances: According to the regulation on adoption, married partners applying for joint adoption shall have lived together for at least three years.</p>		<p>Explanations and nuances: According to the regulation on adoption, registered partners (in registered partnership according to art. 141 of the Marriage Act or before 2010 in accordance with the Registered Partnership Act, as amended in 2006), applying for joint adoption shall have lived together for three years.</p>		<p>Explanations and nuances: Joint adoption for cohabiting different sex partners was made available in 1999 and for same sex cohabiting partners in 2006, by law no. 65/2006. "Yes but" because according to the regulation on adoption, cohabiting partners applying for joint adoption shall have lived together for at least five years.</p> <p>Same sex cohabitation was formally recognized as such in 2006.</p>	

Jurisdiction: **Iceland**

Source: **H. Friðriksdóttir**, "Parenting and legal family formats in Iceland". 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-IS-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 No, but 0000	2015 No, but 2010	2015 N/A 0000	2015 No, but 2006	2015 No, but 1999	2015 No, but 2006
	N/A 0000		Yes, but 1996	No 0000	Yes, but 1999
			N/A 0000		No 0000
References to legal sources: Art 2 of the Adoption Act no. 130/1999.		References to legal sources: Art 2 of the Adoption Act no. 130/1999. Art. 141 of the Marriage Act, as amended by law no. 65/2010. Art 6 of the Registered Partnership Act no. 87/1996 (repealed in 2010), as amended by law no. 65/2006, in force from 27 June 2006.		References to legal sources: Art 2 of the Adoption Act no. 130/1999. Art 6 of the Registered Partnership Act no. 87/1996 (repealed in 2010), as amended by law no. 65/2006, in force from 27 June 2006.	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: As a general rule married partners can only engage in adoption together. A married person may only be granted permission for adoption as an individual if the other one has disappeared or is in such a mental state as not to understand the meaning of adoption.</p>		<p>Explanations and nuances: After 2006 the same rule applied to married couples and to registered partners. Before 2006 registered partners were not eligible for joint adoption so they were technically not bound by art. 2 of the Adoption Act. One partner could apply for adoption as an individual. "Yes but" because a single person can only be granted permission to adopt under special circumstances, if the person is considered particularly fit to care for a child.</p>		<p>Explanations and nuances: As a general rule cohabiting partners can only engage in adoption together. A cohabiting person may only be granted permission for adoption as an individual if the other one has disappeared or is in such a mental state as not to understand the meaning of adoption.</p> <p>Before same sex cohabitation was recognized in 2006 a partner in such a relationship could apply for adoption as an individual.</p> <p>"Yes but" because a single person can only be granted permission to adopt under special circumstances, if the person is considered particularly fit to care for a child.</p>	