

Parenting and legal family formats in the Netherlands

by Natalie Nikolina¹

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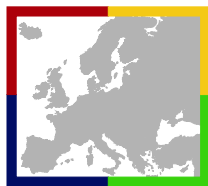
³ Institut national d'études démographiques, Paris, France, www.ined.fr.



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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 the Netherlands

The answers concerning the Netherlands 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 the Netherlands by Ian Sumner (Section 1)

Income, troubles and legal family formats in the Netherlands by Natalie Nikolina (Section 2)

Parenting and legal family formats in the Netherlands by Natalie Nikolina (Section 3)

Migration and legal family formats in the Netherlands by Ian Sumner (Section 4)

Splitting up and legal family formats in the Netherlands by Natalie Nikolina (Section 5)

Death and legal family formats in the Netherlands by Natalie Nikolina (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.

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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.

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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.

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Jurisdiction: **Netherlands**

Source: **N. Nikolina**, "Parenting and legal family formats in Netherlands". 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-NL-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 0000	2015 Yes 2001	2015 Yes 1998	2015 Yes 1998	2015 Yes 0000	2015 Yes 0000
	N/A 0000	N/A 0000	N/A 0000		
References to legal sources: Wet donorgegevens kunstmatige bevruchting (Act on donor data in case of artificial impregnation of 25 April 2002, Staatsblad 2002, no. 240).		References to legal sources: Wet donorgegevens kunstmatige bevruchting (Act on donor data in case of artificial impregnation of 25 April 2002, Staatsblad 2002, no. 240).		References to legal sources: Wet donorgegevens kunstmatige bevruchting (Act on donor data in case of artificial impregnation of 25 April 2002, Staatsblad 2002, no. 240).	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: There is no legislation limiting the categories of women who can receive medically assisted insemination, nor has there ever been such legislation. The Wet donorgegevens kunstmatige bevruchting (Act on donor data in case of artificial insemination) only regulates the keeping of records of data about donors.</p> <p>See K. Waaldijk, More or less together: Levels of legal consequences of marriage, cohabitation and registered partnership for different-sex and same-sex partners. A comparative study of nine European countries, Paris INED 2005, p. 140, https://openaccess.leidenuniv.nl/handle/1887/12585.</p>		<p>Explanations and nuances: There is no legislation limiting the categories of women who can receive medically assisted insemination, nor has there ever been such legislation. The Wet donorgegevens kunstmatige bevruchting (Act on donor data in case of artificial insemination) only regulates the keeping of records of data about donors.</p> <p>See K. Waaldijk, More or less together: Levels of legal consequences of marriage, cohabitation and registered partnership for different-sex and same-sex partners. A comparative study of nine European countries, Paris INED 2005, p. 140, https://openaccess.leidenuniv.nl/handle/1887/12585.</p>		<p>Explanations and nuances: There is no legislation limiting the categories of women who can receive medically assisted insemination, nor has there ever been such legislation. The Wet donorgegevens kunstmatige bevruchting (Act on donor data in case of artificial insemination) only regulates the keeping of records of data about donors.</p> <p>See K. Waaldijk, More or less together: Levels of legal consequences of marriage, cohabitation and registered partnership for different-sex and same-sex partners. A comparative study of nine European countries, Paris INED 2005, p. 140, https://openaccess.leidenuniv.nl/handle/1887/12585.</p>	

Jurisdiction: **Netherlands**

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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 0000	2015 Yes 2001	2015 Yes 1998	2015 Yes 1998	2015 Yes 0000	2015 Yes 0000
	N/A 0000	N/A 0000	N/A 0000		
<p>References to legal sources: Wet donorgegevens kunstmatige bevruchting (Act on donor data in case of artificial impregnation of 25 April 2002, Staatsblad 2002, no. 240).</p>		<p>References to legal sources: Wet donorgegevens kunstmatige bevruchting (Act on donor data in case of artificial impregnation of 25 April 2002, Staatsblad 2002, no. 240).</p>		<p>References to legal sources: Wet donorgegevens kunstmatige bevruchting (Act on donor data in case of artificial impregnation of 25 April 2002, Staatsblad 2002, no. 240).</p>	
<p>Explanations and nuances: There is no legislation limiting the categories of women who can become pregnant through in vitro fertilisation (IVF), nor has there ever been such legislation. The 2002 law only regulates the keeping of records of data about donors.</p>		<p>Explanations and nuances: There is no legislation limiting the categories of women who can become pregnant through in vitro fertilisation (IVF), nor has there ever been such legislation. The 2002 law only regulates the keeping of records of data about donors.</p>		<p>Explanations and nuances: There is no legislation limiting the categories of women who can become pregnant through in vitro fertilisation (IVF), nor has there ever been such legislation. The 2002 law only regulates the keeping of records of data about donors.</p>	

Jurisdiction: **Netherlands**

Source: **N. Nikolina**, "Parenting and legal family formats in Netherlands". 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-NL-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 Yes, but 1993	2015 Yes, but 2001	2015 Yes, but 1998	2015 Yes, but 1998	2015 Yes, but 1993	2015 Yes, but 1993
? 0000	N/A 0000	N/A 0000	N/A 0000	? 0000	? 0000
<p>References to legal sources: Art. 151b and 151c of the Dutch Criminal Code, inserted in 1993, by law of 16 September 1993, Staatsblad 1993, 486.</p>		<p>References to legal sources: Art. 151b and 151c of the Dutch Criminal Code, inserted in 1993, by law of 16 September 1993, Staatsblad 1993, 486.</p>		<p>References to legal sources: Art. 151b and 151c of the Dutch Criminal Code, inserted in 1993, by law of 16 September 1993, Staatsblad 1993, 486.</p>	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: Commercial surrogacy is illegal in the Netherlands, as is the promotion of surrogacy or offering surrogacy, with the exception of altruistic surrogacy with the assistance of the Raad voor de Kinderbescherming (the Child Care and Protection Board). The surrogate should be someone already known to the prospective parents. They may not advertise in any way that they are looking for a surrogate. Surrogacy agreements are unenforceable in the Netherlands.</p>		<p>Explanations and nuances: Commercial surrogacy is illegal in the Netherlands, as is the promotion of surrogacy or offering surrogacy, with the exception of altruistic surrogacy with the assistance of the Raad voor de Kinderbescherming (the Child Care and Protection Board). The surrogate should be someone already known to the prospective parents. They may not advertise in any way that they are looking for a surrogate. Surrogacy agreements are unenforceable in the Netherlands.</p>		<p>Explanations and nuances: Commercial surrogacy is illegal in the Netherlands, as is the promotion of surrogacy or offering surrogacy, with the exception of altruistic surrogacy with the assistance of the Raad voor de Kinderbescherming (the Child Care and Protection Board). The surrogate should be someone already known to the prospective parents. They may not advertise in any way that they are looking for a surrogate. Surrogacy agreements are unenforceable in the Netherlands.</p>	

Jurisdiction: **Netherlands**

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Section: **3 - Parenting**

Question: **3.04 - Legal parenthood**

When one partner gives birth, will (or can) the other partner then also become legal parent of the child, without having to go through adoption? (For example automatically, or by way of recognition/acknowledgement.)

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 0000	2015 Yes 2014	2015 Yes 1998	2015 Yes 2014	2015 Yes 0000	2015 Yes 2014
	No 2001	N/A 0000	No 1998		No 0000
	N/A 0000		N/A 0000		
References to legal sources: Art. 198, 199 and 204 of Book 1 of the Civil Code, as amended by Law of 25 November 2013, Staatsblad 2013, 480.		References to legal sources: Art. 198, 199 and 204 of Book 1 of the Civil Code, as amended by Law of 25 November 2013, Staatsblad 2013, 480.		References to legal sources: Art. 198, 199 and 204 of Book 1 of the Civil Code, as amended by Law of 25 November 2013, Staatsblad 2013, 480.	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: Unless the child already has two legal parents, the husband of the birth mother automatically becomes the child's legal parent upon the child's birth (art. 199).</p> <p>Since April 2014 the wife of the birth mother automatically becomes the child's legal parent if the child does not already have two legal parents, the child has been conceived with the help of an anonymous donor (art. 198) and the birth mother has provided the donor registration form as mentioned in article 198(1)(b) when registering the child. If the child was conceived with the help of a known donor, the birth mother's wife can become the child's legal parent by legally recognizing the child before or after the birth with the birth mother's consent (and the child's consent if the child is 12 years or older) (as long as the child does not already have two legal parents) (art. 204 and 198). If the birth mother for whatever reason refuses to give consent, her wife can petition the court to substitute her consent with a court order (art. 204 and 198).</p>		<p>Explanations and nuances: Since 2014, unless the child already has two legal parents, the male registered partner of the birth mother automatically becomes the child's legal parent upon the child's birth (art. 199). Before 2014 the male registered partner could become the legal parent by means of recognition.</p> <p>Since 2014 the female registered partner of the birth mother automatically becomes the child's legal parent if the child does not already have two legal parents, the child has been conceived with the help of an anonymous donor (art. 198) and the birth mother has provided the donor registration form as mentioned in article 198(1)(b) when registering the child. If the child was conceived with the help of a known donor, the birth mother's registered partner can become the child's legal parent by legally recognizing the child before or after the birth with the birth mother's consent (and the child's consent if the child is 12 years or older) (as long as the child does not already have two legal parents) (art. 204 and 198). If the birth mother for whatever reason refuses to give consent, her registered partner can petition the court to substitute her consent with a court order (art. 204 and 198 or 199).</p>		<p>Explanations and nuances: The birth mother's partner, irrespective of gender, can become the child's legal parent by legally recognizing the child before or after the birth with the birth mother's consent (and the child's consent if the child is 12 years or older) as long as the child does not already have two legal parents (art. 204 and 198 or 199). If the birth mother for whatever reason refuses to give consent, her partner can petition the court to substitute her (and/or the child's) consent with a court order (art. 204 and 198 or 199).</p> <p>Until 2014 the female cohabitant could not legally recognize the child.</p> <p>Until the 10 November 1989 ruling of the Dutch Supreme Court (ECLI:NL:HR:1989:AC1689) a man who was married could not legally recognize a child from another woman.</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 Yes 2002	2015 Yes 2002	2015 Yes 2002	2015 Yes 2002	2015 Yes, but 1998	2015 Yes, but 1998
Yes, but 1998	Yes, but 2001	Yes, but 1998	Yes, but 1998	No 0000	No 0000
? 0000	N/A 0000	N/A 0000	N/A 0000		
<p>References to legal sources: Art. 253sa of Book 1 of the Civil Code (as introduced by Law of 4 October 2001, Staatsblad 2001, 468).</p> <p>Art. 253t of Book 1 of the Civil Code (as introduced by Law of 30 October 1997, Staatsblad 1997, 506).</p>		<p>References to legal sources: Art. 253sa of Book 1 of the Civil Code (as introduced by Law of 4 October 2001, Staatsblad 2001, 468).</p> <p>Art. 253t of Book 1 of the Civil Code (as introduced by Law of 30 October 1997, Staatsblad 1997, 506).</p>		<p>References to legal sources: Art. 253t of Book 1 of the Civil Code (as introduced by Law of 30 October 1997, Staatsblad 1997, 506).</p>	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: Since 2002: Unless there are already two persons who hold parental responsibility over the child, the birth mother's husband or wife automatically exercises parental responsibility upon the child's birth (art. 235sa).</p> <p>While for the mother's husband the answer is theoretically yes, it is hard to imagine a legal situation in which the husband would not be the legal parent, considering the fact he would gain legal parentage upon the child's birth.</p> <p>On the other hand, it is possible that the mother's wife is not the legal parent of the child. This would happen if the child was born with the help of a known donor and the birth mother's wife did not (yet) legally recognize the child (an option that only became available to birth mothers' female partners in 2014).</p> <p>Between 1998 and 2002 a spouse who was not a legal parent could gain parental responsibility together with the spouse-parent (by a court order), if he or she had cared for the child for at least a year prior to the request and the legal parent has had sole parental responsibility for at least three years prior to the request (art. 253t).</p>		<p>Explanations and nuances: Since 2002: Unless there are already two persons who hold parental responsibility over the child, the birth mother's registered partner automatically exercises parental responsibility upon the child's birth.</p> <p>While for the mother's male registered partner the answer is theoretically yes, it is hard to imagine a legal situation in which he would not be the legal parent, considering the fact he would gain legal parentage upon the child's birth.</p> <p>On the other hand, it is possible that the mother's female registered partner is not the legal parent of the child. This would happen if the child was born with the help of a known donor and the birth mother's registered partner did not (yet) legally recognize the child (an option that only became available to birth mothers' female partners in 2014).</p> <p>Between 1998 and 2002 a registered partner who was not a legal parent could gain parental responsibility together with the parent-partner (by a court order), if he or she had cared for the child for at least a year prior to the request and the legal parent had had sole parental responsibilities for at least three years prior to the request (art. 253t).</p>		<p>Explanations and nuances: A person who is not a legal parent can gain parental responsibility together with the parent (by a court order), if he or she has cared for the child for at least a year prior to the request and the legal parent has had sole parental responsibilities for at least three years prior to the request (art. 253t).</p>	

Jurisdiction: **Netherlands**

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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 2001	2015 Yes 2001	2015 Yes 2001	2015 Yes 2001	2015 Yes 2001	2015 Yes 2001
? 0000	N/A 0000	? 1998	No 1998	? 0000	No 0000
		N/A 0000	N/A 0000		
References to legal sources: Wet Arbeid en Zorg (Labour and Care Act), Staatsblad 2001, 567.		References to legal sources: Wet Arbeid en Zorg (Labour and Care Act), Staatsblad 2001, 567.		References to legal sources: Wet Arbeid en Zorg (Labour and Care Act), Staatsblad 2001, 567.	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: The birth mother has the right to paid maternity and parental leave. The right to maternity leave starts from 6 weeks before the expected birth and the subsequent parental leave is ten weeks after the birth (art. 3:1).</p> <p>Should the birth mother die in labour or during her parental leave, then her partner has the right to her remaining parental leave (art. 3:1a).</p> <p>In case of adoption, each parent has the right to 4 weeks of unpaid adoption leave (art. 3:2).</p> <p>Parents also have the right to unpaid parental leave of a maximum of 26 times the weekly working hours (art. 6:1 and 6:2).</p>		<p>Explanations and nuances: The birth mother has the right to paid maternity and parental leave. The right to maternity leave starts from 6 weeks before the expected birth and the subsequent parental leave is ten weeks after the birth art. 3:1).</p> <p>Should the birth mother die in labour or during her parental leave, then her partner has the right to her remaining parental leave (art. 3:1a).</p> <p>In case of adoption, each parent has the right to 4 weeks of unpaid adoption leave (art. 3:2).</p> <p>Parents also have the right to unpaid parental leave of a maximum of 26 times the weekly working hours (art. 6:1 and 6:2).</p> <p>The answer is 'No' for same-sex partners prior to 2001, because it was not possible for them to both become legal parents until then.</p>		<p>Explanations and nuances: The birth mother has the right to paid maternity and parental leave. The right to maternity leave starts from 6 weeks before the expected birth and the subsequent parental leave is ten weeks after the birth (art. 3:1).</p> <p>Should the birth mother die in labour or during her parental leave, then her partner has the right to her remaining parental leave (art. 3:1a).</p> <p>In case of adoption, each parent has the right to 4 weeks of unpaid adoption leave (art. 3:2).</p> <p>Parents also have the right to unpaid parental leave of a maximum of 26 times the weekly working hours (art. 6:1 and 6:2).</p> <p>The answer is 'No' for same-sex partners prior to 2001, because it was not possible for them to both become legal parents until then.</p>	

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Section: **3 - Parenting**

Question: **3.07 - Parental leave for partners**

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

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 2001	2015 Yes 2001	2015 Yes 2001	2015 Yes 2001	2015 Yes 2001	2015 Yes 2001
? 0000	N/A 0000	? 1998	? 1998	? 0000	? 0000
		N/A 0000	N/A 0000		
References to legal sources: Wet Arbeid en Zorg (Labour and Care Act), Staatsblad 2001, 567.		References to legal sources: Wet Arbeid en Zorg (Labour and Care Act), Staatsblad 2001, 567.		References to legal sources: Wet Arbeid en Zorg (Labour and Care Act), Staatsblad 2001, 567.	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: A person who is not the legal parent of the child, but is registered to live in the same household and is permanently caring for the child and raising it as his or her own has the right to the same amount of unpaid parental leave as the legal parent: a maximum of 26 times the weekly working hours (art. 6:1 and 6:2).</p>		<p>Explanations and nuances: A person who is not the legal parent of the child, but is registered to live in the same household and is permanently caring for the child and raising it as his or her own has the right to the same amount of unpaid parental leave as the legal parent: a maximum of 26 times the weekly working hours (art. 6:1 and 6:2).</p>		<p>Explanations and nuances: A person who is not the legal parent of the child, but is registered to live in the same household and is permanently caring for the child and raising it as his or her own has the right to the same amount of unpaid parental leave as the legal parent: a maximum of 26 times the weekly working hours (art. 6:1 and 6:2).</p>	

Jurisdiction: **Netherlands**

Source: **N. Nikolina**, "Parenting and legal family formats in Netherlands". 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-NL-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 2009	2015 Yes, but 2009	2015 Yes, but 2009	2015 Yes, but 2009	2015 Yes, but 2009	2015 Yes, but 2009
No 0000	No 2001	No 1998	No 1998	No 0000	No 0000
	N/A 0000	N/A 0000	N/A 0000		
References to legal sources: Art. 377a of Book 1 of the Civil Code (as inserted by Law of 6 April 1995, Staatsblad 1995, 240, and amended by Law of 27 November 2008, Staatsblad 2008, 500).		References to legal sources: Art. 377a of Book 1 of the Civil Code (as inserted by Law of 6 April 1995, Staatsblad 1995, 240, and amended by Law of 27 November 2008, Staatsblad 2008, 500).		References to legal sources: Art. 377a of Book 1 of the Civil Code (as inserted by Law of 6 April 1995, Staatsblad 1995, 240, and amended by Law of 27 November 2008, Staatsblad 2008, 500).	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: A child has the right to have contact with their parents and 'those who are in a close personal relationship with the child'. If the grandparents indeed have such a close relationship they may request a contact arrangement from the court. The court will only deny the contact arrangement if this is contrary to the best interests of the child.</p>		<p>Explanations and nuances: A child has the right to have contact with their parents and 'those who are in a close personal relationship with the child'. If the grandparents indeed have such a close relationship they may request a contact arrangement from the court. The court will only deny the contact arrangement if this is contrary to the best interests of the child.</p>		<p>Explanations and nuances: A child has the right to have contact with their parents and 'those who are in a close personal relationship with the child'. If the grandparents indeed have such a close relationship they may request a contact arrangement from the court. The court will only deny the contact arrangement if this is contrary to the best interests of the child.</p>	

Jurisdiction: **Netherlands**

Source: **N. Nikolina**, "Parenting and legal family formats in Netherlands". 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-NL-Section3.pdf](#) (please use this full citation when citing any information from this table).

Section: **3 - Parenting**

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

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

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes, but 1979	2015 Yes, but 2001	2015 Yes, but 1998	2015 Yes, but 2001	2015 Yes, but 1998	2015 Yes, but 2001
No 0000	N/A 0000	N/A 0000	No 1998	No 0000	No 0000
			N/A 0000		
<p>References to legal sources: Art. 227 of Book 1 of the Civil Code, as amended by Law of 13 September 1979, Staatsblad 1979, 501 (allowing second-parent adoptions), and by Law of 21 December 2000, Staatsblad 2001, 10 (allowing adoptions by same-sex partners).</p>		<p>References to legal sources: Art. 227 of Book 1 of the Civil Code, as amended by Law of 13 September 1979, Staatsblad 1979, 501 (allowing second-parent adoptions), by Law of 24 December 1997, Staatsblad 1997, 772 (allowing adoptions by unmarried different-sex couples), and by Law of 21 December 2000, Staatsblad 2001, 10 (allowing adoptions by same-sex partners).</p>		<p>References to legal sources: Art. 227 of Book 1 of the Civil Code, as amended by Law of 13 September 1979, Staatsblad 1979, 501 (allowing second-parent adoptions), by Law of 24 December 1997, Staatsblad 1997, 772 (allowing adoptions by unmarried different-sex couples), and by Law of 21 December 2000, Staatsblad 2001, 10 (allowing adoptions by same-sex partners).</p>	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: Prior to making the adoption request, the partners must have lived together for at least three years and the adoption must be in the best interests of the child. It must be reasonably foreseeable that the child will have nothing to expect from the other parent.</p> <p>See also K. Waaldijk, More or less together: Levels of legal consequences of marriage, cohabitation and registered partnership for different-sex and same-sex partners. A comparative study of nine European countries, INED 2005, pp. 140-141, https://openaccess.leidenuniv.nl/handle/1887/12585.</p>		<p>Explanations and nuances: Prior to making the adoption request, the partners must have lived together for at least three years and the adoption must be in the best interests of the child. It must be reasonably foreseeable that the child will have nothing to expect from the other parent.</p> <p>See also K. Waaldijk, More or less together: Levels of legal consequences of marriage, cohabitation and registered partnership for different-sex and same-sex partners. A comparative study of nine European countries, INED 2005, pp. 140-141, https://openaccess.leidenuniv.nl/handle/1887/12585.</p>		<p>Explanations and nuances: Prior to making the adoption request, the partners must have lived together for at least three years and the adoption must be in the best interests of the child. It must be reasonably foreseeable that the child will have nothing to expect from the other parent.</p> <p>See also K. Waaldijk, More or less together: Levels of legal consequences of marriage, cohabitation and registered partnership for different-sex and same-sex partners. A comparative study of nine European countries, INED 2005, pp. 140-141, https://openaccess.leidenuniv.nl/handle/1887/12585.</p>	

Jurisdiction: **Netherlands**

Source: **N. Nikolina**, "Parenting and legal family formats in Netherlands". 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-NL-Section3.pdf](#) (please use this full citation when citing any information from this table).

Section: **3 - Parenting**

Question: **3.10 - Joint adoption**

Can partners jointly adopt a child?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes, but 1956	2015 Yes, but 2009	2015 Yes, but 1998	2015 Yes, but 2001	2015 Yes, but 1998	2015 Yes, but 2001
No 0000	Yes, but 2001	N/A 0000	No 1998	No 0000	No 0000
	N/A 0000		N/A 0000		

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>References to legal sources: Art. 227 of Book 1 of the Civil Code (as introduced by the Adoption Act 1956), as amended by Law of 21 December 2000, Staatsblad 2001, 10 (allowing adoptions by same-sex partners).</p> <p>Wet opnemng buitenlandse kinderen ter adoptie (Placement of Foreign Children for Adoption Act), Staatsblad 1988, 566, as amended by Law of 24 October 2008, Staatsblad 2008, 425.</p>		<p>References to legal sources: Art. 227 of Book 1 of the Civil Code (as introduced by the Adoption Act 1956), as amended by Law of 13 September 1979, Staatsblad 1979, 501 (allowing second-parent adoptions), by Law of 24 December 1997, Staatsblad 1997, 772 (allowing adoptions by unmarried different-sex couples), and by Law of 21 December 2000, Staatsblad 2001, 10 (allowing adoptions by same-sex partners).</p> <p>Wet opnemng buitenlandse kinderen ter adoptie (Placement of Foreign Children for Adoption Act), Staatsblad 1988, 566.</p>		<p>References to legal sources: Art. 227 of Book 1 of the Civil Code (as introduced by the Adoption Act 1956), as amended by Law of 13 September 1979, Staatsblad 1979, 501 (allowing second-parent adoptions), by Law of 24 December 1997, Staatsblad 1997, 772 (allowing adoptions by unmarried different-sex couples), and by Law of 21 December 2000, Staatsblad 2001, 10 (allowing adoptions by same-sex partners).</p> <p>Wet opnemng buitenlandse kinderen ter adoptie (Placement of Foreign Children for Adoption Act), Staatsblad 1988, 566.</p>	
<p>Explanations and nuances: Prior to making the adoption request, the partners must have lived together for at least three years and the adoption must be in the best interests of the child. It must be reasonably foreseeable that the child will have nothing to expect from his or her parents.</p> <p>Joint intercountry adoption was only opened to married same-sex couples in 2009.</p> <p>See also K. Waaldijk, More or less together: Levels of legal consequences of marriage, cohabitation and registered partnership for different-sex and same-sex partners. A comparative study of nine European countries, Paris: INED 2005, pp. 140-141, https://openaccess.leidenuniv.nl/handle/1887/12585.</p>		<p>Explanations and nuances: Prior to making the adoption request, the partners must have lived together for at least three years and the adoption must be in the best interests of the child. It must be reasonably foreseeable that the child will have nothing to expect from his or her parents.</p> <p>Joint intercountry adoption is only open to married couples.</p> <p>See also K. Waaldijk, More or less together: Levels of legal consequences of marriage, cohabitation and registered partnership for different-sex and same-sex partners. A comparative study of nine European countries, Paris: INED 2005, pp. 140-141, https://openaccess.leidenuniv.nl/handle/1887/12585.</p>		<p>Explanations and nuances: Prior to making the adoption request, the partners must have lived together for at least three years and the adoption must be in the best interests of the child. It must be reasonably foreseeable that the child will have nothing to expect from his or her parents.</p> <p>Joint intercountry adoption is only open to married couples.</p> <p>See also K. Waaldijk, More or less together: Levels of legal consequences of marriage, cohabitation and registered partnership for different-sex and same-sex partners. A comparative study of nine European countries, Paris: INED 2005, pp. 140-141, https://openaccess.leidenuniv.nl/handle/1887/12585.</p>	

Jurisdiction: **Netherlands**

Source: **N. Nikolina**, "Parenting and legal family formats in Netherlands". 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-NL-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 1998	2015 Yes 2001	2015 Yes 1998	2015 Yes 1998	2015 Yes 1998	2015 Yes 1998
No 0000	N/A 0000	N/A 0000	N/A 0000	No 0000	No 0000
<p>References to legal sources: Art. 227 of Book 1 of the Civil Code (as introduced by the Adoption Act 1956), as amended by Law of 24 December 1997, Staatsblad 1997, 772.</p> <p>Wet opneming buitenlandse kinderen ter adoptie (Placement of Foreign Children for Adoption Act), Staatsblad 1988, 566, as amended by Law of 14 May 1998, Staatsblad 1998, 302.</p>		<p>References to legal sources: Art. 227 of Book 1 of the Civil Code (as introduced by the Adoption Act 1956), as amended by Law of 24 December 1997, Staatsblad 1997, 772.</p> <p>Wet opneming buitenlandse kinderen ter adoptie (Placement of Foreign Children for Adoption Act), Staatsblad 1988, 566, as amended by Law of 14 May 1998, Staatsblad 1998, 302.</p>		<p>References to legal sources: Art. 227 of Book 1 of the Civil Code (as introduced by the Adoption Act 1956), as amended by Law of 24 December 1997, Staatsblad 1997, 772.</p> <p>Wet opneming buitenlandse kinderen ter adoptie (Placement of Foreign Children for Adoption Act), Staatsblad 1988, 566, as amended by Law of 14 May 1998, Staatsblad 1998, 302.</p>	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p>Explanations and nuances: Both art. 227 and the Placement of Foreign Children for Adoption Act allow adoptions by one person alone, whether or not that person has a partner of any gender.</p> <p>See also K. Waaldijk, More or less together: Levels of legal consequences of marriage, cohabitation and registered partnership for different-sex and same-sex partners. A comparative study of nine European countries, INED 2005, pp. 140-141, https://openaccess.leidenuniv.nl/handle/1887/12585.</p>		<p>Explanations and nuances: Both art. 227 and the Placement of Foreign Children for Adoption Act allow adoptions by one person alone, whether or not that person has a partner of any gender.</p> <p>See also K. Waaldijk, More or less together: Levels of legal consequences of marriage, cohabitation and registered partnership for different-sex and same-sex partners. A comparative study of nine European countries, INED 2005, pp. 140-141, https://openaccess.leidenuniv.nl/handle/1887/12585.</p>		<p>Explanations and nuances: Both art. 227 and the Placement of Foreign Children for Adoption Act allow adoptions by one person alone, whether or not that person has a partner of any gender.</p> <p>See also K. Waaldijk, More or less together: Levels of legal consequences of marriage, cohabitation and registered partnership for different-sex and same-sex partners. A comparative study of nine European countries, INED 2005, pp. 140-141, https://openaccess.leidenuniv.nl/handle/1887/12585.</p>	