

Parenting and legal family formats in Norway

by Thomas Eeg¹

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 Abdellah³

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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 dr. jur. Thomas Eeg (Faculty of law, University of Bergen, www.uib.no/en/persons/Thomas.Eeg) is grateful for the useful comments that Advokat Halvor Frihagen (Advokatfirma Andersen & Bache-Wiig AS) 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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FamiliesAndSocieties

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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 Norway

The answers concerning Norway 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 Norway by Thomas Eeg (Section 1)

Income, troubles and legal family formats in Norway by Halvor Frihagen (Section 2)

Parenting and legal family formats in Norway by Thomas Eeg (Section 3)

Migration and legal family formats in Norway by Halvor Frihagen (Section 4)

Splitting up and legal family formats in Norway by Thomas Eeg (Section 5)

Death and legal family formats in Norway by Thomas Eeg (Section 6)

So this paper is based on **Section 3 (Parenting)** of the [LawsAndFamilies questionnaire](#), which contains questions about the following topics:

3.1 Assisted insemination

3.2 IVF

3.3 Surrogacy

3.4 Legal parenthood

3.5 Parental authority

3.6 Parental leave for both parents

3.7 Parental leave for partners

3.8 Grandparents

3.9 Second-parent adoption

3.10 Joint adoption

3.11 Individual adoption

3.12 General background regarding parenting

3.13 Single parenting

3.14 Multiple parenting

In the following pages of this paper, first the answers to questions 3.12, 3.13 and 3.14 are presented, followed by answers to questions 3.1 to 3.11.

3.12 - General background regarding parenting (Open question)

If you consider it useful to provide some general information or comments about (past, present or future) developments and trends in legal policy and case law in your country/jurisdiction, or information on other aspects (socio-legal, political, legal-cultural, etc.) that may be relevant for the understanding your answers above regarding parenting, then please do so here.

3.13 - Single parenting (Open question)

If there are any developments in legal policy and case law regarding the possibilities of an individual person without a partner to have a child through adoption, medically assisted insemination, and/or IVF, you could indicate that here.

Since ca. 2010 surrogacy has been an issue causing debate, and it has also caused problems for the authorities regarding legal parenthood and more. Surrogacy agreements are not legally binding according to Norwegian law, but it is not a criminal offence to enter into such agreements. Several Norwegian citizens have allegedly made use of transnational surrogacy, especially in the U.S.A, India and Ukraine. In the wake of a court dispute in 2009 (RG-2009-348) regarding parental authority, it was discovered that several persons were registered at the National Registry as parents to children without biological affiliation between them, based on information on foreign birth certificates. Thus, unless a legally binding adoption had taken place, these persons were not the children's legal parents. Some of these cases called for temporary regulation for establishing or transferral of legal parenthood.

Parental authority may now only be registered if the parenthood is clarified according to Norwegian law. It is furthermore assumed that current problems regarding parenthood arising from surrogacy can be solved within the legal framework provided by the Children Act and the Adoption Act. This implies i.a. that couples normally will have to organise legal parenthood in Norway by second parent adoption. It is in my opinion not likely that the former will be amended and that surrogacy agreements will become legally binding under the current government.

It is possible for an individual person without a partner to adopt a child provided that the general conditions for adoption are met, see in particular art. 2 of the Adoption Act. However, according to the authorities' guidelines an adoption order will as a main rule only be issued to a single applicant if a special connection is established between the applicant and the child prior to the adoption, e.g. through kinship, foster child relationship or similar, or if the applicant has special resources regarding children. An expert committee appointed by the government has put forward a proposal for a new adoption act (NOU 2014: 9 Ny Adopsjonslov), which in art. 6 clarifies that single persons may adopt if they have what is required to have sole care and control of a

child. For an applicant to be deemed to be single, the applicant must live alone and be registered in the National Population Register as living alone.

The Norwegian Biotechnology Advisory Council gave a statement 4 September 2014 where 6 members were in favour of making assisted reproductive treatment legally available for single mothers, but 10 were against. It is in my opinion not likely that the current government will propose to amend the Biotechnology Act to make such treatment available for single mothers.

The expert committee that have put forward a proposal for a new adoption Act (NOU 2014: 9) did mention the possibility for three adults living in a relationship to adopt a child together, but did not recommend other constellations than couples (spouses and cohabitants) and single persons.

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.

Jurisdiction: **Norway**

Source: **T. Eeg**, "Parenting and legal family formats in Norway". 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-NO-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, but 0000 | 2015 Yes 2009 | 2015 N/A 0000 | 2015 Yes 2009 | 2015 Yes, but 1994 | 2015 Yes 2009 |
| | N/A 0000 | | No 1993 | No 1987 | No 0000 |
| | | | N/A 0000 | ? 1972 | |
| | | | | No 0000 | |

| Marriage | | Registered partnership | | Cohabitation | |
|---|----------|---|----------|---|----------|
| diff.-sex | same-sex | diff.-sex | same-sex | diff.-sex | same-sex |
| <p>References to legal sources: Art. 2-2 and 2-3 of Lov om humanmedisinsk bruk av bioteknologi m.m. (bioteknologiloven) [Act relating to the application of biotechnology in human medicine, etc. (Biotechnology Act)] 5 December 2003 Nr. 100 (in force 1 January 2004; art. 2-3 amended i.a. by law 21 June 2013 nr. 78, in force 1 July 2013).</p> <p>Art. 2-2 and 2-9 of Lov om medisinsk bruk av bioteknologi [Act relating to medical use of biotechnology] 5 August 1994 (repealed 1 January 2004).</p> <p>Art. 4 of Lov om kunstig befruktning [Act relating to artificial reproduction] 6. June 1987 nr. 68 (repealed 1 September 1994).</p> <p>Ot.prp.nr.25 (1986-1987) Om lov om kunstig befruktning [Proposition to the Odelsting regarding Act relating to artificial reproduction (preparatory works)] 30 January 1987 pp. 8-9.</p> | | <p>References to legal sources: Art. 95(1) and (2) of Lov om ekteskap [Marriage Act] 4 July 1991 nr. 47.</p> <p>Art. 3 and 4 of Lov om registrert partnerskap the Registered Partnership Act] 30 April 1993 nr. 40 (repealed 1 January 2009).</p> | | <p>References to legal sources: See under "Marriage".</p> | |

| Marriage | | Registered partnership | | Cohabitation | |
|---|----------|--|----------|--|----------|
| diff.-sex | same-sex | diff.-sex | same-sex | diff.-sex | same-sex |
| <p>Explanations and nuances: Assisted reproduction treatment is a legal possibility for same-sex couples since 2009, but the acknowledged methods make it a physical possibility only for women.</p> <p>For couples of different sex, insemination may only take place if the man is infertile or suffers from or is a carrier of a serious hereditary disease, from 1994 in special cases if the woman is a carrier of a serious sex-linked hereditary disease, and from 2013 if one of them is contagious with a serious and chronic sexually transmissible infection (typically HIV).</p> <p>Until 1 July 1987 assisted reproduction was not regulated, aside from the fact that the treatment could only be given legally at public hospitals. Allegedly the hospitals gave such treatment only to spouses and in some cases cohabitants in stable (3-5 years) relationships.</p> <p>Insemination has been available since the 1930s for married couples.</p> | | <p>Explanations and nuances: Assisted reproduction treatment is a legal possibility for same-sex couples since 2009, but the acknowledged methods make it a physical possibility only for women.</p> | | <p>Explanations and nuances: Assisted reproduction treatment is a legal possibility for same-sex couples since 2009, but the acknowledged methods make it a physical possibility only for women.</p> <p>For couples of different sex, insemination may only take place if the man is infertile or suffers from or is a carrier of a serious hereditary disease, and in special cases if the woman is a carrier of a serious sex-linked hereditary disease.</p> <p>Until 1 July 1987 assisted reproduction was not regulated, aside from the fact that the treatment could only be given legally at public hospitals. Allegedly treatment was only given to spouses and in some cases cohabitants in stable (3-5 years) relationships. Insemination has been available since the 1930s, albeit probably only to married couples until the 1970s, but this is not documented. However, concubinage was in principle (although not in practice) a criminal offence until 1972, see under 1.01, which makes it unlikely that unmarried couples would receive such treatment until concubinage was decriminalised. When criteria for admission to treatment were regulated in the Act of 1987, the government's proposal was to admit treatment for unmarried couples in stable relationships, but a majority of the parliament ("Stortinget") limited the admission to married couples. Admission for couples in stable relationships was reintroduced with the Biotechnology Act of 1994.</p> | |

Jurisdiction: **Norway**

Source: T. Eeg, "Parenting and legal family formats in Norway". 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-NO-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, but 2004 | 2015 Yes, but 2009 | 2015 N/A 0000 | 2015 Yes, but 2009 | 2015 Yes, but 2004 | 2015 Yes, but 2009 |
| No 0000 | N/A 0000 | | No 1993 | No 0000 | 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. 2-2, 2-4 and 2-18 of lov om medisinsk bruk av bioteknologi m.m. (bioteknologiloven) [Act relating to the application of biotechnology in human medicine, etc. (Biotechnology Act)] 5 December 2003 (in force 1 January 2004).</p> <p>Art. 2-2 and 2-10 of Lov om medisinsk bruk av bioteknologi [Act relating to medical use of biotechnology] 5 August 1994 (repealed 1 January 2004).</p> | | <p>References to legal sources: See question 3.01.</p> | | <p>References to legal sources: See under "Marriage".</p> | |
| <p>Explanations and nuances: Assisted reproduction treatment is a legal possibility for same-sex couples since 2009, but the acknowledged methods make it a physical possibility only for women.</p> <p>IVF is not legally possible by using donated eggs; egg donation is forbidden. IVF generally requires that the woman or man is infertile. IVF by using donated sperm has been legally possible since 2004.</p> | | <p>Explanations and nuances: See under "Marriage".</p> | | <p>Explanations and nuances: See under "Marriage".</p> | |

Jurisdiction: **Norway**

Source: **T. Eeg, "Parenting and legal family formats in Norway". 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-NO-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 0000 | 2015 No 2009 | 2015 N/A 0000 | 2015 No 1993 | 2015 No 0000 | 2015 No 0000 |
| | N/A 0000 | | N/A 0000 | | |
| <p>References to legal sources: Art. 2-15 and 2-18 of lov om medisinsk bruk av bioteknologi m.m. (bioteknologiloven) [Act relating to the application of biotechnology in human medicine, etc. (Biotechnology Act)] 5 December 2003 (in force 1 January 2004).</p> <p>Art. 2-11 of Lov om medisinsk bruk av bioteknologi [Act relating to medical use of biotechnology] 5 August 1994 (repealed 1 January 2004).</p> | | <p>References to legal sources: See under "Marriage".</p> | | <p>References to legal sources: See under "Marriage".</p> | |

| Marriage | | Registered partnership | | Cohabitation | |
|---|----------|---|----------|---|----------|
| diff.-sex | same-sex | diff.-sex | same-sex | diff.-sex | same-sex |
| <p>Explanations and nuances: Art. 2-18 (1) of the current Biotechnology Act states that the donation of oocytes or parts of oocytes by one woman to another is prohibited.</p> <p>Art. 2-15 (1) states that embryos may not be implanted in the uterus of another woman than the woman that the oocyte stems from. Art. 2-11 of the repealed Biotechnology Act stated the same.</p> <p>Surrogacy is forbidden. The current Biotechnology Act Art. 7-5 makes it an offence to willfully contravene the act, however since 2013 not for persons seeking or making use of such treatment, or donors of eggs, sperm or embryos.</p> | | <p>Explanations and nuances:</p> | | <p>Explanations and nuances:</p> | |

Jurisdiction: **Norway**

Source: **T. Eeg, "Parenting and legal family formats in Norway". 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-NO-Section3.pdf](#) (please use this full citation when citing any information from this table).**

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, but 2009 | 2015 N/A 0000 | 2015 Yes, but 2009 | 2015 Yes, but 2014 | 2015 Yes, but 2014 |
| | N/A 0000 | | No 1993 | Yes 2006 | Yes, but 2009 |
| | | | N/A 0000 | Yes, but 0000 | No 0000 |

| Marriage | | Registered partnership | | Cohabitation | |
|--|----------|---|----------|---|----------|
| diff.-sex | same-sex | diff.-sex | same-sex | diff.-sex | same-sex |
| <p>References to legal sources: Art. 3 of Lov om barn og foreldre (barnelova) [Act relating to Children and Parents (Children Act)] 8 April 1981 nr. 7 (in force 1 January 1982, amended by law 13 June 1997 nr. 39, law 27 June 2008 nr. 53).</p> <p>Art. 1 of Lov om born i ekteskap [Act relating to children within marriages] 21 December 1956 nr. 9 (repealed from 1 January 1982).</p> | | <p>References to legal sources: Art. 95(1) and (2) of lov om ekteskap [Marriage Act] 4 July 1991 nr. 47.</p> | | <p>References to legal sources: Art. 4 of Lov om barn og foreldre (barnelova) [Act relating to Children and Parents (Children Act)] 8 April 1981 nr. 7 (in force 1 January 1982, amended i.a. by law 21 June 2013 nr. 64 (in force 1 January 2014), 27 June 2008 nr. 53 (in force 1 January 2009), 17 June 2005 nr. 63 (in force 1 January 2006).</p> <p>Art. 12(1)(1) of Lov om born utanom ekteskap [Act relating to children outside of marriages] 21 December 1956 nr. 10 (repealed 1 January 1982).</p> | |

| Marriage | | Registered partnership | | Cohabitation | |
|--|----------|--|----------|--|----------|
| diff.-sex | same-sex | diff.-sex | same-sex | diff.-sex | same-sex |
| <p>Explanations and nuances: If the mother is married to a man at the time of the birth, this man is regarded as the father of the child.</p> <p>If the mother is married to a woman at the time of the birth, this woman is regarded as the co-mother of the child, if the child was conceived by assisted reproduction treatment provided by an approved health service and with this woman's consent to the fertilisation. (In assisted reproduction treatment provided by an approved health service outside Norway, the identity of the sperm donor must be known.)</p> <p>However, if the spouses were separated (by licence or judgment) at the time of the birth, the aforementioned rules do not apply for children born 1 January 1998 or later.</p> | | <p>Explanations and nuances: See under "Marriage".</p> | | <p>Explanations and nuances: Since 1 January 2014 the cohabitant of the woman giving birth can declare fatherhood or co-motherhood, but the mother must accept the declaration, or it must be given by the man or woman stated by the mother to be the father or co-mother. For co-motherhood this is legally possible only for the mother's cohabitant who gave her consent to the fertilisation.</p> <p>If a cohabitating man was registered in the Population Register as living on the same address as the mother, or the cohabitants declared for the Population Register that they were living together, the man could from 1 January 2006 until 2014 acknowledge fatherhood, regardless of the mother's acceptance. From 1 January 2009 this also applied for a woman acknowledging co-motherhood, albeit only if she had given her consent to the fertilisation.</p> <p>Before 2006 the mother had to acknowledge her cohabitant's acceptance of fatherhood, or it had to be given by the man stated by the mother to be the father.</p> | |

Jurisdiction: **Norway**

Source: T. Eeg, "Parenting and legal family formats in Norway". 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-NO-Section3.pdf](#) (please use this full citation when citing any information from this table).

Section: **3 - Parenting**

Question: **3.05 - Parental authority**

Is joint parental authority/responsibility possible for the couple, while only one of the partners is the legal parent of the child?

| Marriage | | Registered partnership | | Cohabitation | |
|--|--------------------|---|--------------------|---|--------------------|
| diff.-sex | same-sex | diff.-sex | same-sex | diff.-sex | same-sex |
| 2015 No 0000 | 2015 No 2009 | 2015 N/A 0000 | 2015 No 1993 | 2015 No 0000 | 2015 No 0000 |
| | N/A 0000 | | N/A 0000 | | |
| References to legal sources: Art. 34 of lov om barn og foreldre [Children Act] 8 April 1981 nr. 7. | | References to legal sources: Art. 95(1) and (2) of lov om ekteskap [Marriage Act] 4 July 1991 nr. 47. | | References to legal sources: Art. 35 of lov om barn og foreldre [Children Act] 8 April 1981 nr. 7. | |
| Explanations and nuances: Joint parental responsibility is only possible for a married couple if both are legal parents. | | Explanations and nuances: Joint parental responsibility is only possible for registered partners if both are legal parents. | | Explanations and nuances: Joint parental responsibility is only possible for cohabitants if both are legal parents. | |

Jurisdiction: **Norway**

Source: **T. Eeg**, "Parenting and legal family formats in Norway". 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-NO-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 1977 | 2015 Yes 2009 | 2015 N/A 0000 | 2015 Yes 2009 | 2015 Yes 1977 | 2015 Yes 2009 |
| No 0000 | N/A 0000 | | No 2002 | No 0000 | No 0000 |
| | | | No 1993 | | |
| | | | 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. 12-5(1) and (2) of Lov om arbeidsmiljø, arbeidstid og stillingsvern mv. (arbeidsmiljøloven) [Act relating to working environment, working hours and employment protection, etc. (Working Environment Act)] 17 June 2005 nr. 62 (in force 1 January 2006).</p> <p>Art. 31(3) of Lov om arbeidervern og arbeidsmiljø m.v. [Act relating to workers' protection and working environment etc.] 4 February 1977 nr. 4 (repealed 1 January 2006).</p> <p>Ot.prp.nr.3 (1975-1976) Om lov om arbeidervern og arbeidsmiljø m.v. [Proposition to the Odelsting regarding Act relating to workers' protection and working environment, etc.] 29 August 1975 pp. 71-74.</p> | | <p>References to legal sources: See under "Marriage".</p> | | <p>References to legal sources: See under "Marriage".</p> | |
| <p>Explanations and nuances: Before 1 July 1977 the woman had a statutory right to pregnancy and maternity leave for 12 weeks.</p> | | <p>Explanations and nuances: Since 2002 (see under 3.09) it is possible for a registered partner to adopt the other partner's child, but second-parent (stepchild) adoption does not qualify for parental leave.</p> | | <p>Explanations and nuances: See under "Marriage".</p> | |

Jurisdiction: **Norway**

Source: T. Eeg, "Parenting and legal family formats in Norway". 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-NO-Section3.pdf](#) (please use this full citation when citing any information from this table).

Section: **3 - Parenting**

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

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

| Marriage | | Registered partnership | | Cohabitation | |
|--------------------------|--------------------------|------------------------|--------------------------|--------------------------|--------------------------|
| diff.-sex | same-sex | diff.-sex | same-sex | diff.-sex | same-sex |
| 2015 Yes, but 1977 | 2015 Yes, but 2009 | 2015 N/A 0000 | 2015 Yes, but 1993 | 2015 Yes, but 1977 | 2015 Yes, but 1977 |
| No 0000 | N/A 0000 | | N/A 0000 | No 0000 | No 0000 |

| Marriage | | Registered partnership | | Cohabitation | |
|--|----------|---|----------|---|----------|
| diff.-sex | same-sex | diff.-sex | same-sex | diff.-sex | same-sex |
| <p>References to legal sources: Art. 12-5(3) of Lov om arbeidsmiljø, arbeidstid og stillingsvern mv. (arbeidsmiljøloven) [Act relating to working environment, working hours and employment protection, etc. (Working Environment Act)] 17 June 2005 nr. 62 (in force 1 January 2006).</p> <p>Art. 31(5) of Lov om arbeidervern og arbeidsmiljø m.v. [Act relating to workers' protection and working environment etc.] 4 February 1977 nr. 4 (repealed 1 January 2006).</p> <p>Ot.prp.nr.3 (1975-1976) Om lov om arbeidervern og arbeidsmiljø m.v. [Proposition to the Odelsting regarding Act relating to workers' protection and working environment, etc.] 29 August 1975 pp. 71-74.</p> | | <p>References to legal sources: Art. 95(1) and (2) of lov om ekteskap [the Marriage Act] 4 July 1991 nr. 47.</p> <p>See under "Marriage".</p> | | <p>References to legal sources: See under "Marriage".</p> | |
| <p>Explanations and nuances: Unless the child is in the care of both legal parents, the right to parental leave may be exercised by another person taking care of the child. Thus, if only one legal parent has parental responsibility, or the other legal parent is not taking care of the child, the spouse of the legal parent with parental responsibility who is taking care of the child may exercise the right of parental leave.</p> <p>Before 1 July 1977 the woman had a statutory right to pregnancy and maternity leave for 12 weeks.</p> | | <p>Explanations and nuances: See under "Marriage".</p> | | <p>Explanations and nuances: See under "Marriage".</p> | |

Jurisdiction: **Norway**

Source: T. Eeg, "Parenting and legal family formats in Norway". 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-NO-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 No, but 1956 | 2015 No, but 2009 | 2015 N/A 0000 | 2015 No, but 2002 | 2015 No, but 1956 | 2015 No, but 2009 |
| | N/A 0000 | | No, but 1993 | | No, but 1956 |
| | | | N/A 0000 | | |
| <p>References to legal sources: Art. 45(1) and (2) of Lov om barn og foreldre [Children Act] 8 April 1981 nr. 7 (in force 1 January 1982, amended i.a. by law 13 June 1997 nr. 39 (in force 1 January 1998)).</p> <p>Art. 10(9) of Lov om born i ekteskap [Act relating to children within marriages] 21 December 1956 nr. 9 (repealed 1 January 1982).</p> | | <p>References to legal sources: Art. 95(1) and (2) of lov om ekteskap [Marriage Act] 4 July 1991 nr. 47.</p> <p>See under "Marriage".</p> | | <p>References to legal sources: Art. 45(1) and (2) of Lov om barn og foreldre [Children Act] 8 April 1981 nr. 7 (in force 1 January 1982, amended i.a. by law 13 June 1997 nr. 39 (in force 1 January 1998)).</p> <p>Art. 4(1) of Lov om born utanom ekteskap [Act relating to children outside of marriages] 21 December 1956 nr. 10 (repealed 1 January 1982).</p> | |

| Marriage | | Registered partnership | | Cohabitation | |
|---|----------|--|----------|--|----------|
| diff.-sex | same-sex | diff.-sex | same-sex | diff.-sex | same-sex |
| <p>Explanations and nuances: When one or both of the parents are deceased, relatives of the child or other persons who are close to the child may request the court to establish whether they shall have right of access to the child, and the extent of such access. Furthermore, in cases concerning right of access between the parents, a parent who has been denied access may from 1 January 1998 demand that the decision-making body determines whether his or her parents shall have right of access to the child and the extent of such access. Access for grandparents may only be determined on condition that the person who is denied access is not allowed to be with the child.</p> | | <p>Explanations and nuances: Since 2002 (see question 3.09) it is possible for a registered partner to adopt the other partner's child (second-parent or stepchild adoption). If a registered partner has adopted a child of the other partner, the child has the same legal status in relation to both partners as if he or she were their joint child. Before 2002 "the children in this type of relationship" would mean children where only one of the partners was legal parent of each child, thus only this partners' parents can count as the child's legal grandparents.</p> <p>See under "marriage".</p> | | <p>Explanations and nuances: Since 2009 assisted reproduction treatment is a legal possibility for (female) same sex couples. Before 2009 "the children in this type of relationship" would mean children where only one of the same-sex cohabitants was legal parent of each child, thus only this cohabitants' parents can count as the child's legal grandparents.</p> <p>See under "marriage".</p> | |

Jurisdiction: **Norway**

Source: T. Eeg, "Parenting and legal family formats in Norway". 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-NO-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 1956 | 2015 Yes, but 2009 | 2015 N/A 0000 | 2015 Yes, but 2002 | 2015 Yes 2014 | 2015 Yes, but 2014 |
| | N/A 0000 | | No 1993 | No 0000 | 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. 5b(1) of Lov om adopsjon (adopsjonsloven) [The Adoption Act] 28 Februar 1986 (in force 1 January 1987. Art. 5b was art. 5a until law of 25 April 2014, in force 1 October 2014, which was art. 5 until law of 15 juni 2001 nr. 36, in force 1 January 2002).</p> <p>Art. 3 of Lov om adoption 2 February 1917 nr. 1 (amended by law 21 December 1956 nr. 7, repealed 1 January 1987).</p> | | <p>References to legal sources: Art. 95(2) of lov om ekteskap [the Marriage Act] 4 July 1991 nr. 47.</p> <p>Art. 5b(2) of Lov om adopsjon (adopsjonsloven) [The Adoption Act] 28 Februar 1986 (in force 1 January 1987. Art. 5b was art. 5a until law 25 April 2014, in force 1 October 2014. Art. 5a was added by law of 15 juni 2001 nr. 36, in force 1 January 2002).</p> | | <p>References to legal sources: Art. 5a and 5b(1) of Lov om adopsjon (adopsjonsloven) [The Adoption Act] 28 February 1986 (amended by law 25 April 2014, in force 1 October 2014).</p> | |
| <p>Explanations and nuances: Second parent adoption is not possible if the spouses are of the same sex and the child is an adopted child originating from a foreign state that does not permit such adoption.</p> | | <p>Explanations and nuances: Second parent adoption is not possible if the child is an adopted child originating from a foreign state that does not permit such adoption.</p> | | <p>Explanations and nuances: Second parent adoption is not possible if the cohabitants are of the same sex and the child is an adopted child originating from a foreign state that does not permit such adoption.</p> | |

Jurisdiction: **Norway**

Source: T. Eeg, "Parenting and legal family formats in Norway". 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-NO-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 1956 | 2015 Yes, but 2009 | 2015 N/A 0000 | 2015 Yes, but 2014 | 2015 Yes 2014 | 2015 Yes, but 2014 |
| | N/A 0000 | | No 1993 | No 0000 | No 0000 |
| | | | N/A 0000 | | |
| <p>References to legal sources: Art. 5 of Lov om adopsjon (adopsjonsloven) [The Adoption Act] 28 Februar 1986 (in force 1 January 1987).</p> <p>Art. 3 of Lov om adoption 2 February 1917 nr. 1 (amended by law 21 December 1956 nr. 7, repealed 1 January 1987).</p> | | <p>References to legal sources: Art. 95(1) and (2) of lov om ekteskap [the Marriage Act] 4 July 1991 nr. 47.</p> <p>Art. 5 and 5a of Lov om adopsjon (adopsjonsloven) [The Adoption Act] 28 Februar 1986 (in force 1 January 1987, amended i.a. by law 25 April 2014 nr. 13, in force 1 October 2014).</p> | | <p>References to legal sources: Art. 5 and 5a of Lov om adopsjon (adopsjonsloven) [The Adoption Act] 28 Februar 1986 (in force 1 January 1987, amended i.a. by law 25 April 2014 nr. 13, in force 1 October 2014).</p> | |

| Marriage | | Registered partnership | | Cohabitation | |
|---|----------|---|----------|---|----------|
| diff.-sex | same-sex | diff.-sex | same-sex | diff.-sex | same-sex |
| <p>Explanations and nuances: In general, international adoptions (i.e. children from other countries) are by far more common than national adoptions, at least regarding joint adoption.</p> <p>Although it is possible for couples of the same-sex to apply for joint adoption, it is unclear whether any countries for the time being accept adoption to same-sex couples in Norway.</p> | | <p>Explanations and nuances: From 1 October 2014 spouses and cohabitants can adopt together. Although the same legal consequences follow from registered partnerships as from marriages, there is an exception for the provisions in the Adoption act (albeit registered partners as a main rule can stepchild-adopt). Registered partners can nevertheless adopt as cohabitants, unless they want to transform their partnership into a marriage in accordance with the Marriage Act art. 95(5).</p> <p>See under "Marriage".</p> | | <p>Explanations and nuances: See under "Marriage".</p> | |

Jurisdiction: **Norway**

Source: T. Eeg, "Parenting and legal family formats in Norway". 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-NO-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 1956 | 2015 No, but 2009 | 2015 N/A 0000 | 2015 No, but 2014 | 2015 No, but 2014 | 2015 No, but 2014 |
| | N/A 0000 | | No 1993 | No 0000 | No 0000 |
| | | | N/A 0000 | | |
| References to legal sources: Art. 5 of lov om adopsjon [Adoption Act] 28 February 1986 nr. 8 (in force 1 January 1987). Art. 3 of Lov om adoption 2 February 1917 nr. 1 (amended by law 21 December 1956 nr. 7, repealed 1 January 1987). | | References to legal sources: See question 3.10. | | References to legal sources: See question 3.10. | |

| Marriage | | Registered partnership | | Cohabitation | |
|--|----------|--|----------|---|----------|
| diff.-sex | same-sex | diff.-sex | same-sex | diff.-sex | same-sex |
| <p>Explanations and nuances: A person who is married may only adopt jointly with his or her spouse, unless the spouse is mentally ill or retarded or is missing.</p> | | <p>Explanations and nuances: See question 3.11 on Cohabitation, and question 3.10 on Registered partnership.</p> | | <p>Explanations and nuances: A person who is a cohabitant may only adopt jointly with his or her cohabitant, unless the cohabitant is mentally ill or retarded or is missing.</p> | |