

## Parenting and legal family formats in Sweden

by Hans Ytterberg <sup>1</sup>

*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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answers in this section of the database.

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# FamiliesAndSocieties

## Disclaimer

This paper and this database contain information with a scientific aim. Nothing in this paper and in this database should be seen as legal advice. Not all nuances and exceptions are included, and there may be errors and further legal developments. The experts, the authors, the editors, the Institut national d'études démographiques and Leiden University cannot be held liable for any inaccurate or incomplete information in this paper or in this database. More particularly, they cannot be held liable for any damage or consequences from the direct or indirect use of contents of this paper or database.

## The six sections of the questionnaire

The [interactive LawsAndFamilies Database](#) is based on the [LawsAndFamilies questionnaire](#), which consists of six sections:

- Section 1 – Formalisation
- Section 2 – Income and troubles
- Section 3 – Parenting
- Section 4 – Migration
- Section 5 – Splitting up
- Section 6 – Death

## Papers and an interactive database

For each jurisdiction there are therefore six papers like this one. And each of these papers contains the full answers, references and explanations (given by

a legal expert for the jurisdiction concerned) to the questions in one of these six sections. All these papers can be found in open access at [www.LawsAndFamilies.eu](http://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](http://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 Sweden

The answers concerning Sweden 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](http://www.LawsAndFamilies.eu)):

### Formalisation of legal family formats in Sweden by Hans Ytterberg (Section 1)

### Income, troubles and legal family formats in Sweden by Kajsa Walleng (Section 2)

### Parenting and legal family formats in Sweden by Hans Ytterberg (Section 3)

### Migration and legal family formats in Sweden by Hans Ytterberg (Section 4)

### Splitting up and legal family formats in Sweden by Hans Ytterberg (Section 5)

### Death and legal family formats in Sweden by Kajsa Walleng (Section 6)

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

#### 3.1 Assisted insemination

#### 3.2 IVF

#### 3.3 Surrogacy

#### 3.4 Legal parenthood

#### 3.5 Parental authority

#### 3.6 Parental leave for both parents

#### 3.7 Parental leave for partners

#### 3.8 Grandparents

#### 3.9 Second-parent adoption

#### 3.10 Joint adoption

#### 3.11 Individual adoption

#### 3.12 General background regarding parenting

#### 3.13 Single parenting

#### 3.14 Multiple parenting

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

**3.12 - General background regarding parenting (Open question)**

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

**3.13 - Single parenting (Open question)**

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

**3.14 - Multiple parenting (Open question)**

If there are any developments in legal policy or case law regarding possibilities for a child to have more than two parents, you could indicate that here.

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**Single persons can legally adopt in Sweden (see art. 1 of chapter 4 of the Parents and Children Code). The Swedish Government has announced its intention to open up access to insemination and IVF also for single women.**

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Jurisdiction: **Sweden**

Source: **H. Ytterberg**, "Parenting and legal family formats in Sweden". 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](http://www.LawsAndFamilies.eu), [LawsAndFamilies-SE-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 1985	2015 Yes, but 2009	2015 N/A 0000	2015 Yes, but 2005	2015 Yes, but 1985	2015 Yes, but 2005
Yes 0000	N/A 0000		Yes, but 1995	Yes 0000	Yes, but 1985
			N/A 0000		Yes 0000
<p><b>References to legal sources:</b> Art. 1 and 2 of chapter 6 and art. 4 of chapter 8 of the Genetics Integrity Act (2006:351)[Lag om genetisk integritet m.m.], in force 1 July 2006, <a href="http://www.notisum.se/rnp/sls/lag/20060351.HTM">www.notisum.se/rnp/sls/lag/20060351.HTM</a> [The organisation behind all <a href="http://www.notisum.se">www..notisum.se</a> links is a company specialising in legal information called NOTISUM, P.O. Box 146, 421 22 VÄSTRA FRÖLUNDA, Sweden.]</p>		<p><b>References to legal sources:</b> Art. 1 and 2 of chapter 6 and art. 4 of chapter 8 of the Genetics Integrity Act.  Art. 2 of the Insemination Act (1984:1140) [Lag om insemination], as amended by law (2005:443), in force 1 July 2005.</p>		<p><b>References to legal sources:</b> Art. 1 and 2 of chapter 6 and art. 4 of chapter 8 of the Genetics Integrity Act.  Art. 2 of the Insemination Act, as amended by law (2005:443), in force 1 July 2005.</p>	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p><b>Explanations and nuances:</b>                      The Marriage Code was made gender neutral as from 1 May 2009. Heterologous fertilization (using donor sperm) is allowed only if the woman is married, cohabiting - in the sense of the Cohabitation Act - or living in a registered partnership. Such services may only be performed at a publicly financed hospital, unless otherwise approved by the National Board of Health and Welfare. It is a criminal offense for anyone else to provide such services if it is done “habitually” or for economic gain. Consequently it is allowed to inseminate in private, as long as none of these criminalized circumstances are at hand. Before 1985 there were no statutory rules around insemination at all.</p>		<p><b>Explanations and nuances:</b>                      The Registered Partnership Act entered into force in 1995 and was open only to same-sex couples. When the gender neutral Marriage Code entered into force in 2009, the Act was repealed, but remains in force for those couples who had already registered their partnership under Swedish law before 1 May 2009. In 2005 insemination was made legally available through the public health services also for women in a registered partnership, under the then applicable Insemination Act, which was repealed with the entry into force of the new Genetics Integrity Act in 2006. Before 2005 insemination was legally possible in private or by accessing these services abroad taking into consideration the criminal law limitations mentioned below. Heterologous fertilization (using donor sperm) is allowed only if the woman is married, cohabiting - in the sense of the Cohabitation Act - or living in a registered partnership. Such services may only be performed at a publicly financed hospital, unless otherwise approved by the National Board of Health and Welfare. It is a criminal offense for anyone else to provide such services if it is done “habitually” or for economic gain. Consequently it is allowed to inseminate in private, as long as none of these criminalized circumstances are at hand.</p>		<p><b>Explanations and nuances:</b>                      Heterologous fertilization (using donor sperm) is allowed only if the woman is married, cohabiting - in the sense of the Cohabitation Act - or living in a registered partnership. Such services may only be performed at a publicly financed hospital, unless otherwise approved by the National Board of Health and Welfare. It is a criminal offense for anyone else to provide such services if it is done “habitually” or for economic gain. Consequently it is allowed to inseminate in private, as long as none of these criminalized circumstances are at hand. Before 1985 there were no statutory rules around insemination at all. Note that before 1988 there was no legislation on cohabitation for same-sex couples and before 1974 there was no legislation on different-sex cohabitation either.</p>	

Jurisdiction: **Sweden**

Source: **H. Ytterberg**, "Parenting and legal family formats in Sweden". 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](http://www.LawsAndFamilies.eu), [LawsAndFamilies-SE-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 2003	2015 Yes, but 2009	2015 N/A 0000	2015 Yes, but 2005	2015 Yes, but 1989	2015 Yes, but 2005
Yes, but 1989	N/A 0000		Yes, but 1995	Yes 0000	Yes, but 1989
Yes 0000			N/A 0000		Yes 0000
<b>References to legal sources:</b> Art. 2, 3 and 4 of chapter 7 and art. 5 of chapter 8 of the Genetics Integrity Act. Art. 3 and 4 of the IVF Act ((1988:711) [Lag om befruktning utanför kroppen] as amended by law (2002:252), in force 1 January 2003 and replaced by the Genetics Integrity Act on 1 July 2006.		<b>References to legal sources:</b> Art. 2, 3 and 4 of chapter 7 and art. 5 of chapter 8 of the Genetics Integrity Act.		<b>References to legal sources:</b> Art. 2, 3 and 4 of chapter 7 and art. 5 of chapter 8 of the Genetics Integrity Act. Art. 3 and 4 of the IVF Act as amended by law (2002:252), in force 1 January 2003 and replaced by the Genetics Integrity Act on 1 July 2006.	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p><b>Explanations and nuances:</b>            Heterologous fertilization (using donor sperm or donor eggs) is allowed only if the woman is married, cohabiting - in the sense of the Cohabitation Act - or living in a registered partnership. Before 2003 any sperm used had to be taken from the woman's husband. From 2003 that is only the case if donor eggs are used. These services may only be performed at a publicly financed hospital, unless otherwise approved by the National Board of Health and Welfare. It is a criminal offense for anyone else to provide such services if it is done "habitually" or for economic gain. Consequently it is legally possible to perform IVF in private, as long as none of these criminalized circumstances are at hand. Before 1989 there were no statutory rules around IVF at all.</p>		<p><b>Explanations and nuances:</b>            Heterologous fertilization (using donor sperm or donor eggs) is allowed only if the woman is married, cohabiting - in the sense of the Cohabitation Act - or living in a registered partnership. In 2005 IVF was made legally available also for women in a registered partnership. These services may only be performed at a publicly financed hospital, unless otherwise approved by the National Board of Health and Welfare. It is a criminal offense for anyone else to provide such services if it is done "habitually" or for economic gain. Consequently it is - and was also before 2005 - legally possible to perform IVF in private, as long as none of these criminalized circumstances are (were) at hand.</p>		<p><b>Explanations and nuances:</b>            Heterologous fertilization (using donor sperm or donor eggs) is allowed only if the woman is married, cohabiting - in the sense of the Cohabitation Act - or living in a registered partnership. In 2005 IFV was made legally available also for a woman who is cohabiting with another woman. Before 2003 any sperm used for IVF had to be taken from the woman's male cohabitant. From 2003 that is only the case if donor eggs are used. These services may only be performed at a publicly financed hospital, unless otherwise approved by the National Board of Health and Welfare. It is a criminal offense for anyone else to provide such services if it is done "habitually" or for economic gain. Consequently it is - and was also before 2005 - legally possible to inseminate in private, as long as none of these criminalized circumstances are (were) at hand. Before 1989 there were no statutory rules around IVF at all.</p>	

Jurisdiction: **Sweden**

Source: **H. Ytterberg**, "Parenting and legal family formats in Sweden". 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](http://www.LawsAndFamilies.eu), [LawsAndFamilies-SE-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, but 0000	2015 No, but 2009	2015 N/A 0000	2015 No, but 2003	2015 No 0000	2015 No 0000
	N/A 0000		No 1995		
			N/A 0000		
References to legal sources: ---		References to legal sources: ---		References to legal sources: ---	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p><b>Explanations and nuances:</b>                      Surrogacy as a legal concept does not exist in Sweden. When it comes to the impact on surrogacy situations of generally applicable family law rules, the birthmother is the legal mother of the child, there is a legal presumption of paternity for the husband of the birthmother, and there are explicit rules on legal motherhood for a birthmother who has undergone IVF treatment using another woman's egg cells. As regards social protection law that may have bearing on a surrogacy situation, it is not allowed to receive a child into a home which is not that of the child's legal parents for the purpose of raising and caring for the child, without first obtaining the approval of the Local Welfare Board. The only way both spouses could become legal parents of the child would be: 1. if: a) the sperm of the husband, or one of the male spouses in a same-sex marriage, was used for insemination or IVF performed on the surrogate mother, b) that spouse recognized the paternity of the child, and c) the couple applied for a second parent adoption. That would in turn require the formal consent of the surrogate (birth-) mother and that a Court would find the adoption to be in the child's best interest. 2. As a result of a joint adoption process, which would require the consent of the surrogate (birth-) mother and that a Court would find it in the best interest of the child. Re. adoption rules, see question 3.09.</p>		<p><b>Explanations and nuances:</b>                      Surrogacy as a legal concept does not exist in Sweden. When it comes to the impact on surrogacy situations of generally applicable family law rules, the birthmother is the legal mother of the child, there is a legal presumption of paternity for the husband of the birthmother, and there are explicit rules on legal motherhood for a birthmother who has undergone IVF treatment using another woman's egg cells. As regards social protection law that may have bearing on a surrogacy situation, it is not allowed to receive a child into a home which is not that of the child's legal parents for the purpose of raising and caring for the child, without first obtaining the approval of the Local Welfare Board. The only way both spouses could become legal parents of the child would be: 1. if, in a male couple: a) the sperm of one of the partners was used for insemination or IVF performed on the surrogate mother, b) that partner recognised the paternity of the child, and c) the couple applied for a second parent adoption. That would in turn require the formal consent of the surrogate (birth-) mother and that a Court would find the adoption to be in the child's best interest. 2. As a result of a joint adoption process, which would require the consent of the surrogate (birth-) mother and that a Court would find it in the best interest of the child. Before 2003 registered partners were not allowed to adopt children, neither individually or jointly. Re. adoption rules, see question 3.09.</p>		<p><b>Explanations and nuances:</b>                      Surrogacy as a legal concept does not exist in Sweden. When it comes to the impact on surrogacy situations of generally applicable family law rules, the birthmother is the legal mother of the child, there is a legal presumption of paternity for the husband of the birthmother, and there are explicit rules on legal motherhood for a birthmother who has undergone IVF treatment using another woman's egg cells. As regards social protection law that may have bearing on a surrogacy situation, it is not allowed to receive a child into a home which is not that of the child's legal parents for the purpose of raising and caring for the child, without first obtaining the approval of the Local Welfare Board. Neither joint nor second parent adoption is legally available for cohabitants (i.e. for persons not married and not in a registered partnership).</p>	

Jurisdiction: **Sweden**

Source: **H. Ytterberg**, "Parenting and legal family formats in Sweden". 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](http://www.LawsAndFamilies.eu), [LawsAndFamilies-SE-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 2005	2015 Yes 0000	2015 Yes, but 2005
	N/A 0000		No 1995		No 0000
			N/A 0000		
<b>References to legal sources:</b> Chapter 1 of the Parents and Children Code (1949:341) [Föräldrabalk], as amended by law (2005:434), in force on 1 July 2005, <a href="http://www.notisum.se/rnp/sls/lag/19490381.HTM">www.notisum.se/rnp/sls/lag/19490381.HTM</a>		<b>References to legal sources:</b> Art. 3,4 and 9 of chapter 1 of the Parents and Children Code, as amended by law (2005:434), in force on 1 July 2005, <a href="http://www.notisum.se/rnp/sls/lag/19490381.HTM">www.notisum.se/rnp/sls/lag/19490381.HTM</a>		<b>References to legal sources:</b> Art. 6,8 and 9 of chapter 1 of the Parents and Children Code, as amended by law (2005:434), in force on 1 July 2005, <a href="http://www.notisum.se/rnp/sls/lag/19490381.HTM">www.notisum.se/rnp/sls/lag/19490381.HTM</a>	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p><b>Explanations and nuances:</b>                      The paternity presumption is automatic for different-sex married couples. For married lesbian couples, the spouse of the birthmother will be considered a legal parent of the child only if the child has been conceived through medically assisted procreation (MAP) performed at a publicly financed hospital. She is however still required to sign an acknowledgement of her legal parenthood. If she refuses, a Court of law will nevertheless declare her a legal parent, unless she can reliably show that she did not consent to the MAP procedure or that the child is not likely the result of that MAP procedure. If the MAP procedure has not been performed at a publicly financed hospital, the standard procedure for determining legal fatherhood will apply, and the couple will have to rely on a subsequent adoption procedure.</p>		<p><b>Explanations and nuances:</b>                      As of 1 July 2005, the registered partner of the birthmother will be considered a legal parent of the child but, just as for married lesbian couples, only if the child has been conceived through medically assisted procreation (MAP) performed at a publicly financed hospital. She is however still required to sign an acknowledgement of her legal parenthood. If she refuses, a Court of law will nevertheless declare her a legal parent, unless she can reliably show that she did not consent to the MAP procedure or that the child is not likely the result of that MAP procedure. If the MAP procedure has not been performed at a publicly financed hospital, the standard procedure for determining legal fatherhood will apply, and the couple will have to rely on a subsequent adoption procedure.</p>		<p><b>Explanations and nuances:</b>                      There is no rule on automatic paternity presumption for cohabiting different-sex couples, as a difference from married different-sex couples. Instead the legal parenthood of the man is established through a written acknowledgement of paternity. This applies regardless if the child has been conceived by sexual intercourse or by MAP and in the latter case regardless of where and how the MAP has been performed, as long as he consented to it and it is likely that the child has been conceived as a result of that MAP procedure. As of 1 July 2005, also the cohabiting same-sex partner of a birthmother will be considered a legal parent of the child but, just as for married lesbian couples and lesbian couples in a registered partnership, only if the child has been conceived through MAP performed at a publicly financed hospital. She is however still, just as a male cohabitant of a birth mother, required to sign an acknowledgement of her legal parenthood. For both different-sex and same-sex cohabitants, if the cohabitant of the birthmother refuses to acknowledge the legal parenthood, a Court of law will nevertheless declare him/her a legal parent, unless he/she can reliably show that he/she did not consent to the MAP procedure or that the child is not likely the result of that MAP procedure. For same-sex cohabitants, if the MAP procedure has not been performed at a publicly financed hospital, the standard procedure for determining legal fatherhood will apply. Since adoption is not available for unmarried or unregistered couples, legal parenthood for the birthmother's female cohabitant could only be established if the couple first marry (no new registered partnerships are allowed) and then go through the adoption procedure.</p>	

Jurisdiction: **Sweden**

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Section: **3 - Parenting**

Question: **3.05 - Parental authority**

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

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 No, but 0000	2015 No, but 2009	2015 N/A 0000	2015 No, but 1995	2015 No, but 1979	2015 No, but 2005
	N/A 0000		N/A 0000	No 0000	No 0000
<b>References to legal sources:</b> Chapter 6, art. 5 of chapter 7, and art. 2 of chapter 10 of the Parents and Children Code.		<b>References to legal sources:</b> Chapter 6, art. 5 of chapter 7, and art. 2 of chapter 10 of the Parents and Children Code.		<b>References to legal sources:</b> Chapter 6, art. 5 of chapter 7 as amended by law 1978:853, and art. 2 of chapter 10 of the Parents and Children Code.	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p><b>Explanations and nuances:</b>            In a relationship where one of the spouses has a child (biological or adopted), if the other spouse is not a legal parent of the child that spouse can never exercise legal parental authority over the child together with its parent. Nevertheless, some parental responsibilities can fall upon such a spouse in relation to the child. The partner is obliged to support the child financially together with his or her spouse who is the parent of the child, to the extent that the child cannot obtain sufficient child support from its other legal parent (if there is one). The idea behind this rule is that the whole family should have the same level of economic standard.</p>		<p><b>Explanations and nuances:</b>            In a relationship where one of the partners has a child (biological or adopted), if the other partner is not a legal parent of the child that partner can never exercise legal parental authority over the child together with its parent. Nevertheless, some parental responsibilities can fall upon such a partner in relation to the child. The partner is obliged to support the child financially together with his or her partner who is the parent of the child, to the extent that the child cannot obtain sufficient child support from its other legal parent (if there is one). The idea behind this rule is that the whole family should have the same level of economic standard.</p>		<p><b>Explanations and nuances:</b>            In a relationship where one of the cohabitants has a child (biological or adopted), if the other cohabitant is not a legal parent of the child that cohabitant can never exercise legal parental authority over the child together with its parent. Nevertheless, some parental responsibilities can fall upon such a cohabitant in relation to the child, since 1 July 1979. The cohabitant is obliged to support the child financially together with his or her cohabitant who is the parent of the child, to the extent that the child cannot obtain sufficient child support from its other legal parent (if there is one). This special obligation applies only if the cohabitants, apart from the child in question, also have another child who is the child of both cohabitants. The idea behind this rule is that the whole family should have the same level of economic standard. For same-sex couples this situation could occur only after 1 July 2005 when MAP services were made available also to lesbian couples.</p>	

Jurisdiction: **Sweden**

Source: **H. Ytterberg**, "Parenting and legal family formats in Sweden". 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](http://www.LawsAndFamilies.eu), [LawsAndFamilies-SE-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 2003	2015 Yes 1977	2015 Yes 2005
? 0000	N/A 0000		No 1995	? 0000	No 0000
			N/A 0000		
<b>References to legal sources:</b> Art. 1 of the Parental Leave Act (1995:584) [Föräldraledighetslag] in force 1 July 1995, preceded by similar provisions in older law at least back to 1977, <a href="http://www.notisum.se/rnp/sls/lag/19950584.htm">www.notisum.se/rnp/sls/lag/19950584.htm</a>		<b>References to legal sources:</b> Art. 1 of the Parental Leave Act in force 1 July 1995, <a href="http://www.notisum.se/rnp/sls/lag/19950584.htm">www.notisum.se/rnp/sls/lag/19950584.htm</a>		<b>References to legal sources:</b> Art. 1 of the Parental Leave Act in force 1 July 1995, <a href="http://www.notisum.se/rnp/sls/lag/19950584.htm">www.notisum.se/rnp/sls/lag/19950584.htm</a>	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<b>Explanations and nuances:</b>		<b>Explanations and nuances:</b> Before 2003, registered partners could not both be legal parents of a child.		<b>Explanations and nuances:</b> Before 2005 same-sex cohabiting couples could not both be legal parents of a child.	

Jurisdiction: **Sweden**

Source: **H. Ytterberg**, "Parenting and legal family formats in Sweden". 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](http://www.LawsAndFamilies.eu), [LawsAndFamilies-SE-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 1977	2015 Yes 2009	2015 N/A 0000	2015 Yes 1995	2015 Yes, but 1985	2015 Yes, but 2003
? 0000	N/A 0000		N/A 0000	No 0000	No 0000
<b>References to legal sources:</b> Art. 1 of the Parental Leave Act (see question 3.06).		<b>References to legal sources:</b> Art.1 of the Parental Leave Act (see question 3.06).		<b>References to legal sources:</b> Art. 1 and 8 of the Parental Leave Act (see question 3.06).	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p><b>Explanations and nuances:</b>                      The married spouse of the parent has a statutory right to parental leave.</p>		<p><b>Explanations and nuances:</b>                      The registered partner of the parent has a statutory right to parental leave.</p>		<p><b>Explanations and nuances:</b>                      The cohabitant who is not a legal parent can fully enjoy this right only if the cohabitants have been married to each other before or living in a registered partnership together before, or if they also have another child which they are both the legal parents of. Otherwise the cohabitant has a much more limited right to parental leave. Before 2003 for same-sex couples and before 1985 for different-sex couples there was no such right at all.</p>	

Jurisdiction: **Sweden**

Source: **H. Ytterberg**, "Parenting and legal family formats in Sweden". 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](http://www.LawsAndFamilies.eu), [LawsAndFamilies-SE-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 1983	2015 No, but 2009	2015 N/A 0000	2015 No, but 1995	2015 No, but 1983	2015 No, but 1983
No 0000	N/A 0000		N/A 0000	No 0000	No 0000
<p><b>References to legal sources:</b> Art. 15 and 15 a of chapter 6 of the Parents and Children Code.</p>		<p><b>References to legal sources:</b> Art. 15 and 15 a of chapter 6 of the Parents and Children Code.</p>		<p><b>References to legal sources:</b> Art. 15 and 15 a of chapter 6 of the Parents and Children Code.</p>	
<p><b>Explanations and nuances:</b> The parents have a duty as far as possible to satisfy the needs of the child to have contact also with "other persons which are particularly close to the child". Legal action to obtain a court ruling regarding such visits can, however, only be brought by the municipal social services, not by the grandparents themselves.</p>		<p><b>Explanations and nuances:</b> The parents have a duty as far as possible to satisfy the needs of the child to have contact also with "other persons which are particularly close to the child". Legal action to obtain a court ruling regarding such visits can, however, only be brought by the municipal social services, not by the grandparents themselves.</p>		<p><b>Explanations and nuances:</b> The parents have a duty as far as possible to satisfy the needs of the child to have contact also with "other persons which are particularly close to the child". Legal action to obtain a court ruling regarding such visits can, however, only be brought by the municipal social services, not by the grandparents themselves.</p>	

Jurisdiction: **Sweden**

Source: **H. Ytterberg**, "Parenting and legal family formats in Sweden". 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](http://www.LawsAndFamilies.eu), [LawsAndFamilies-SE-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 2009	2015 N/A 0000	2015 Yes 2003	2015 No 0000	2015 No 0000
	N/A 0000		No 1995		
			N/A 0000		
<b>References to legal sources:</b> Chapter 4 of the Parents and Children Code.		<b>References to legal sources:</b> Art. 2 of chapter 3 of the Registered Partnership Act (1994:1117) [Lag om registrerat partnerskap] as amended by law (2002:603), in force on 1 February 2003, <a href="https://www.notisum.se/rnp/sls/lag/19941117.htm">https://www.notisum.se/rnp/sls/lag/19941117.htm</a>		<b>References to legal sources:</b> Art. 1 of chapter 4 of the Parents and Children Code.	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<b>Explanations and nuances:</b>		<b>Explanations and nuances:</b> Both second-parent adoption and joint adoption are legally open to registered partners since 1 February 2003.		<b>Explanations and nuances:</b> Only married spouses and registered partners may adopt each other's children.	

Jurisdiction: **Sweden**

Source: **H. Ytterberg**, "Parenting and legal family formats in Sweden". 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](http://www.LawsAndFamilies.eu), [LawsAndFamilies-SE-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 2009	2015 N/A 0000	2015 Yes 2003	2015 No 0000	2015 No 0000
	N/A 0000		No 1995		
			N/A 0000		
<b>References to legal sources:</b> Chapter 4 of the Parents and Children Code.		<b>References to legal sources:</b> Art. 2 of chapter 3 of the Registered Partnership Act (1994:1117)as amended by law (2002:603), in force on 1 February 2003, <a href="https://www.notisum.se/rnp/sls/lag/19941117.htm">https://www.notisum.se/rnp/sls/lag/19941117.htm</a>		<b>References to legal sources:</b> Art. 4 of chapter 4 of the Parents and Children Code.	
<b>Explanations and nuances:</b>		<b>Explanations and nuances:</b> Both second-parent adoption and joint adoption are legally open to registered partners since 1 February 2003.		<b>Explanations and nuances:</b> Only married spouses and registered partners may jointly adopt children.	

Jurisdiction: **Sweden**

Source: **H. Ytterberg**, "Parenting and legal family formats in Sweden". 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](http://www.LawsAndFamilies.eu), [LawsAndFamilies-SE-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 2009	2015 N/A 0000	2015 No, but 2003	2015 Yes 0000	2015 Yes 0000
	N/A 0000		No 1995		
			N/A 0000		
<b>References to legal sources:</b> Art. 3 of chapter 4 of the Parents and Children Code.		<b>References to legal sources:</b> Art. 3 of chapter 4 of the Parents and Children Code; art. 1 of chapter 3 of the Registered Partnership Act.		<b>References to legal sources:</b> Art. 1 of chapter 4 of the Parents and Children Code.	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p><b>Explanations and nuances:</b>                      The general rule is that married spouses can only adopt either jointly or adopt a child of the other spouse. Exceptions are made, however, for the situations where one of the spouses has disappeared and can not be found or where one of the spouses is suffering from a severe mental disorder.</p>		<p><b>Explanations and nuances:</b>                      The general rule is that registered partners can only adopt either jointly or adopt a child of the other partner. Exceptions are made, however, for the situations where one of the partners has disappeared and can not be found or where one of the partners is suffering from a severe mental disorder. Before 1 February 2003 registered partners could neither adopt jointly nor individually.</p>		<p><b>Explanations and nuances:</b>                      The likelihood of someone in a same-sex relationship to individually adopt a child in the late 1960s / early 1970s would have depended almost entirely on their openness about the relationship during the interviews made by the social welfare services. Paradoxically this probably means that it was more realistic in the 1960s (when openness was more rare, both in society at large and on a personal level) than in the 1970s.</p>	