



NEWS REPORT

| | |
|----------------------------------|---|
| Date: | 2 August 2011 |
| Expert: | Neža Kogovšek Šalamon |
| Title: | The First Second-Parent Adoption Successfully Completed in Slovenia |
| Country: | Slovenia |
| Context | |
| Issue at stake: | The Ministry of labour, Family and Social Affairs approves the first second-parent adoption in a lesbian family on the basis of the 35-year old legislation in the field of family relations. |
| Ground of discrimination: | Sexual orientation |
| Source: | National administrative body decision 12030-7/2011/4 of the decision 14 July 2011 |
| Field: | Social protection, other (rights of a child) |
| Legislative provisions: | Article 135 of the Marriage and Family Relations Act |

Content

Case: The case concerns a second-parent adoption carried out in a same-sex lesbian family. The same-sex partner of a mother, who gave birth to a child incepted with donor insemination, lodged an application for second-parent adoption at the local social services office. The application was filed on the basis of the 1976 Marriage and Family Relations Act which in Article 135 states that no one can be adopted by more than one person except in the case when he or she is adopted by two spouses. The social services office refused the application stating that the law did not provide for the right of a same-sex partner of the parent to adopt the partner's biological child. The same-sex partner filed an appeal to the Ministry of Labour, Family and Social Affairs.

Decision of the administrative body: The Ministry of Labour, Family and Social Affairs in July 2011 ruled in favour of the applicant and approved the application for second-parent adoption. It stated that in the law there were no limitations concerning sex or marital status of a person adopting a child, if all the other conditions were met, i.e. that the adoption



is in the best interest of the child and that the mother agrees with the adoption. It further stated that refusing the application would violate the prohibition of discrimination on the ground of sexual orientation, contained in the Article 14 of the Constitution.