

# Co-motherhood, surrogacy, name legislation and gender registration in Belgium

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# Children's naming rights



# Children's naming rights

- Before June 1 2014
  - Child in wedlock or recognized before birth
    - Name of the father (no choice)
  - Child with only a mother
    - Name of the mother
  - Child recognized after birth
    - Name of the mother or name of the father if parents make a name change (choice to do this but veto for the mother)



# Children's naming rights

- After June 1 2014
  - Choice for the first child together
    - Name of the mother
    - Name of the father
    - Combination of both in any order
  - No choice of disagreement?
    - ~~Name of the father~~ (until Januari 2017)
    - Combination of both names in alphabetic order
- Same choice for subsequent children



# Children's naming rights

- Transitional measures
  - 1 year to change the name of all your children (until June 2015)
  - Using the rules from before June 1 2014 for children born after June 1 2014 if parents already have children and didn't choose a 'new name'  
+ 1 year to change the name of all your children
  - Except when one or more children are already 18+



# Children's naming rights

- Changes in 2024
  - Recognition after birth: also choose a 'new name' if it's your first child together
  - Rules for disagreement or no choice
    - Combination in alphabetical order
  - Kids 12+ can disagree with a name change after recognition



# Co-motherhood



# Co-motherhood

- Meemoeder, Mitmutter, Coparente
- Since Januari 1 2015 (from 2006-2015: adoption)
- Same rules of parenthood as for fathers:
  - Child born in wedlock
  - Recognition (before and after birth)
  - Court decisions
  - Naming rights





# Surrogacy



# Surrogacy

- No specific law so also not strictly forbidden
  - No commercial surrogacy
- Standard parental laws apply
- Mostly foreign cases



# Gender registration



# Gender registration

- Reform on januari 1 2018
- Declaration at the registrars office
  - Minors (16+): with parents or legal guardian
  - Minors (16+): with statement from child and adolescent psychiatrist
  - Always: advice from the public procecutor
- Second visit between 3 and 6 months
  - Minors (16+): with parents or legal guardian

Thank you!

