From Same-Sex marriage to Multiple Parenthood
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Redefining family in Holland

I received a lot of questions on whether same-sex marriages have an influence on the redefinitions of the institute of family in the Netherlands and if so, to what extent.

The Dutch Government believed that the Dutch society had changed considerably during the past decades. For this reason, they established a State Committee to re-evaluate parenthood. The report of the State Committee called "Child and Parents in the 21st century" was presented in 2016.

The most important aim of this report was to equal the genetical bond between the parents and the child with the intention to parenthood. Therefore, they called for a redefinition of parenthood. Besides this, the reports calls for the establishment of juridical frameworks for different forms of families. Additionally, the report calls for the legalization of multiple parenthood (but with a limit to four parents with two different households) and for a regulation of surrogacy.

The report claims that the rights and best interests of children should be safeguarded in different situations. However, reading the report, I conclude that only a minimum of the interests for the child have been met, just enough not to harm their fundamental rights. The Committee mentions for example that the children have the right to know their origins and they advise that parents and/or guardians have the obligation to give this information to the child.

However, I have the feeling that the mentioned interests of the child are more of an excuse to be able to push new constructions that are not beneficial for the well-being of the child and their biological family. Is it not in the best interest of the child to bond with his biological parents?

In this report, this is more seen as only one of the available possibilities. The *"right to determine"* the family situation for the child seems to be more important than the best interest of the child. Namely, to be raised up by a dedicated parenthood of the two biological parents.
From same-sex marriage to Law on Lesbian parenthood to Commission of re-evaluation parenthood

The establishment of the State Committee was a result of a debate on the Law on Lesbian Parenthood (Wet lesbisch ouderschap) that came into force in 2014. This law stipulated that the female partner of the mother (the so-called "duo-mother") can be legally seen as a parent without the necessary juridical adoption procedures. This gave the lesbian couples the right of the same parental rights as heterosexual couples. After the legalisation of same-sex marriage, adoption of children to same-sex couples, the question was asked how family should be defined in the 21st century.

The first thing I noticed in the report was their definition of a parent. They consider that a parent is "a person with whom the child has an unconditional, stable, intense, intimate and not time-limited relationship, in which the child is cared for and the child is helped to develop".

Besides, the report does not longer define parenthood as a biological bond. According to them parenthood can also be claimed on an equal footing if an adult wishes to accept it. The report mentions at point 3 of their recommendations that the *"genetic lineage between parent and child and the intention to parenthood form an equal basis to hold a person responsible for the child"*. In the next point of their recommendations, they attempt to water down terms. Their purpose is *"to change the term lineage rights by kinship rights, the term blood kinship with kinship and the term lineage information with information on origin"*. Does this mean that an intention declaration is as valuable as a genetic bond? And does this make way for throwing all definitions of family and kinship open?

Points of good parenthood and describing forms of family
The report describes seven points of good parenthood:
1. An unconditional personal commitment
2. Continuity in the relation between child and the person raising it
3. Nurture and care for bodily welfare
4. Upbringing to independence and social and societal participation
5. The organization and monitoring of the upbringing in the family, school and public domain
6. The establishment of a lineage-identity.
7. ensuring possibilities for contact and relations with persons important to the child, amongst whom the other parent

It also advises a change in terms from "acknowledging" (In Dutch: erkennen) the baby as your own to "accepting" (in Dutch: aanvaarden). The purpose is to avoid confusion with acknowledging a child as genetically yours and to connect closer to the seven points of good parenthood mentioned above. Moreover, they also consider as families (besides the families with a husband and wife as parents) families with one parent, composed families (e.g. after divorce and remarriage), families of plural generations, families with parents of the same sex, and lastly plural fathers and mothers raising and caring for one or more children together. The first four forms are indeed to be considered families: apart from the family with a husband and wife and families with plural generations under the same roof, through loss or divorce a family can have only one parent or can be composed after remarriage. It is in the last two versions of families, and especially the last one, that the problem lies.

Plural families (multiple parenthood)
When a child is raised by more than two persons, who form a family, the advice is to let all persons have legal parenthood and authority over the child.

In fact, with plural families, parenthood should become a choice between the biological parents / genitors (verwekkers) or educators / persons raising the child (opvoeders). A child in the new situation may have a maximum number of 4 juridical parents who form maximally 2 households. The parents will choose whether the child has one father and one mother or more fathers and mothers and what relation the parents have with each other.

Since parenthood by more than two persons is complicated, the report advises conditions for implementing this:

- All parents should have the intention to equally be parent of the child. A maximum of 4 persons divided over more than 2 households can be legal parents and/or have authority over the child.

- All parents should have distinct and apparent ties to the child. Parenthood should only be available for the birth mother, person with genetic ties to the child (for example donors of the sperm and ovum), partner of the birth mother, and partners of the "suppliers of the genetic material".

- Decisions to form a multiparenthood agreement should be made in court. An agreement for such a construction should be submitted to a judge and then checked and verified by a curator who will deliver his or her opinion on this to the judge. Once this agreement is approved, it should be formally recorded in an official court decision which will be registered at the Dutch ROG (Register OntstaansGeschiedenis). After conception of the child, the parents can then visit a municipal registrar with 1) the court decision and 2) the registration in the ROG in order to create a certificate of the acceptance of parenthood of all parents. The agreement should contain agreements on the care and raising up of the child, the primary residence of the child, the division of financial burdens amongst the parents and the name of the child.

It is obvious that the authority of four parents of a child in two different households might be confusing and not of benefit to the child. Kees van derStaaij, leader of Dutch ECPM Member Party SGP: *"The more parents, the more opinions and bigger chances for conflicts. The child will always be the victim of chaos in family relations. Every child ultimately benefits by one father and one mother. Fewer is sad, more is confusing. If you look at the number of relationships that break down, new relationships that arise afterwards and new negotiations about the parenting plan, then the question is how much influence this has on the growing up of children and the development of their identity. We really do not think this is in the interests of the child."*

Other problems will appear when the relationship between the multiple parents will break down. This is already a big problem in cases of a divorce, imagine that this happens with four parents with the two different households.

The report also mentioned the possible problems of multi parenthood: that there will be a potential of more insecurity, less clarity about authority structures and rules of life and less certainty about securely bonded relationships in the first years of life. With more than two authorities, the number of possible conflicts about important decisions increases, such as the choice of the child's whereabouts, the contact between the various adults with authority, the choice of school and choices in work and care. In the case of two parents, there is a consensus in the relationship between two adults (and two parent-child relationships), three parents in three relationships between adults and three parent-child relationships and four parents in six relationships between adults and four parent-child relationships (a total of three, six and ten relations respectively). Complicating may also be that some parents may enter into coalitions, for example because they live together and the third or fourth parent lives separately.

But then the report simply states that no research confirms these hypotheses as if everything will always go in harmony in these complicated situations.

Surrogacy

As in the failed report in the Council of Europe, the Committee asked to regulate surrogacy. The Committee wants that at least one of the intended partners has genetic ties to the child born out of surrogacy, although there can be deviated from this in exceptional circumstances. It does not want a surrogate mother to be paid more than 500 euros per month during her pregnancy (and a short period before and after) as a general compensation apart from a compensation for her costs due to her pregnancy, but it "should not have the character of a payment for the transfer of the child". Those payments should be recorded in court and any deviation from it (be it paying more or less than agreed) should be punishable by law. However, there are many problems related to any form of surrogacy because both the dignity of women and that of children are put in danger. For example, the Committee states that the surrogate mother is free to abort the baby, even though the child might be genetically linked to (one of) the genetic partners – even though it mentions in the same text that the interests of the child are above the interests of the (intended ánd surrogate) parents. A more extensive article I wrote on surrogacy, you can find here.

Conclusion

We can observe that the legalization in Holland created a new culture. Things that were forbidden or taboo, became normal or even promoted. I believe that the legalization of same-sex marriages quickly brought adoption of children of same-sex couples and created more complicated forms of family. The Committee concurs in their report that the society has also changed through increased sexual diversity and its acceptance in Dutch society. The report showed that there are serious discussions to redefine family, to create more and more confusion. The newly established right to form a family causes serious harm to the well-being and the rights of the children, the new generation that will grow up in increasing confusion and and more broken families in cases for example of a breakdown of multiple parent households.

LGBT movements are lobbying more and more for surrogacy. They consider it a right to conceive children. However, there is more and more resistance from feminists and lesbians who are opposed because the dignity of women is harmed, and it can lead to maternity trafficking. But there is also more and more resistance from the perspective of the child. Whatever form of surrogacy is chosen (commercial or altruistic), the child is always seen as a commodity, as an object of contract. Will there finally be an end to this ongoing development of decomposing and redefining family?

The examples taken from the report can be found in (in Dutch) the report: "Kind en Ouders in de 21e eeuw: rapport van de Staatscommissie Herijking Ouderschap" pages 10-18, 22-29, 41-42,52, 60