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# NATIONAL ASSEMBLY

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FIRST SESSION

FORTY-FIRST LEGISLATURE

Bill 113

**An Act to amend the Civil Code and  
other legislative provisions as regards  
adoption and the disclosure of  
information**

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**Introduction**

**Introduced by  
Madam Stéphanie Vallée  
Minister of Justice**

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## EXPLANATORY NOTES

*This bill proposes amendments mainly to the Civil Code and to the Youth Protection Act, including changes to the adoption regime and to the adoption file confidentiality regime.*

*Under the bill, adoption will be coupled with recognition of pre-existing bonds of filiation in cases where it is in the interest of the child to protect a meaningful identification with the parent of origin while nonetheless terminating their respective rights and obligations. As well, the effects of Aboriginal customary adoption, when carried out according to a custom that is in harmony with the principles of the interest of the child, the protection of the child's rights and the consent of the persons concerned, will be recognized. Furthermore, an Aboriginal customary adoption that recognizes a pre-existing bond of filiation may also, according to custom, allow rights and obligations to subsist between the adoptee and his or her family of origin. The bill also proposes new provisions to clarify the rules governing the adoption of children domiciled outside Québec, including the rule prescribing that any person domiciled in Québec who wishes to adopt a child domiciled outside Québec must comply with the rules of the Civil Code, regardless of the person's nationality or of whether the person has a residence in the State of the child's domicile or otherwise has a right to act abroad.*

*Furthermore, new rules are prescribed for the disclosure of adoption-related information, except in the case of Aboriginal customary adoptions or international adoptions, which are governed by their own rules. The new rules will allow the adoptee and his or her parents of origin to find out each other's identity or establish contact between them, provided there is no identity disclosure veto or contact veto, as applicable. However, the confidentiality of an adopted minor's identifying information will be preserved until the minor reaches full age, unless he or she decides otherwise. As regards adoptions that took place before the proposed reform, previously expressed vetoes will be maintained, parents of origin who have not already registered an identity disclosure veto will be granted a specified period for doing so, and the identity of adoptees, whether minors or adults, will be protected by operation of law, unless they consent to the disclosure. The bill provides that all of these proposed measures will apply to persons who are eligible for adoption but have never been adopted.*

*Lastly, it will be possible for an adopting family and the family of origin to enter into an agreement to facilitate the disclosure of information about the child or to facilitate interpersonal relationships.*

**LEGISLATION AMENDED BY THIS BILL:**

- Civil Code of Québec;
- Health Insurance Act (chapter A-29);
- Code of Civil Procedure (chapter C-25.01);
- Youth Protection Act (chapter P-34.1);
- Act respecting health services and social services (chapter S-4.2).

**LEGISLATION REPEALED BY THIS BILL:**

- Act respecting adoptions of children domiciled in the People’s Republic of China (chapter A-7.01).

**MINISTERIAL ORDERS AMENDED BY THIS BILL:**

- Ministerial Order respecting the adoption without a certified body of a child domiciled outside Québec by a person domiciled in Québec (chapter P-34.1, r. 2);
- Ministerial Order respecting the certification of intercountry adoption bodies (chapter P-34.1, r. 3).



# Bill 113

## AN ACT TO AMEND THE CIVIL CODE AND OTHER LEGISLATIVE PROVISIONS AS REGARDS ADOPTION AND THE DISCLOSURE OF INFORMATION

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

### CIVIL CODE OF QUÉBEC

**1.** Article 129 of the Civil Code of Québec is amended by inserting the following paragraph after the first paragraph:

“The authority that issues an Aboriginal customary adoption certificate notifies it to the registrar of civil status within 30 days after it was issued.”

**2.** Article 132 of the Code is amended

(1) by adding the following sentence at the end of the first paragraph: “The same applies where an Aboriginal customary adoption certificate has been notified to the registrar of civil status.”;

(2) by replacing the third paragraph by the following paragraph:

“The new act is substituted for the original act; it repeats all the statements and particulars that are not affected by the alterations and, in the case of an adoption with recognition of a pre-existing bond of filiation, those relating to that bond, specifying their antecedence. In the case of an Aboriginal customary adoption, the new act in addition makes mention, where applicable, of the rights and obligations that subsist between the adoptee and a parent of origin, with a reference to the altering act. Finally, the substitution is noted in the original act.”

**3.** The Code is amended by inserting the following article after article 132:

**“132.0.1.** An Aboriginal customary adoption certificate states the name and sex of the child, the place, date and time of birth, the date of the adoption, the names, dates of birth and places of domicile of the father and mother of origin and of the adopters and, where applicable, the new name given to the child.

It mentions that the adoption took place in accordance with applicable Aboriginal custom and, where applicable, mentions the recognition of a

pre-existing bond of filiation, and specifies any rights and obligations that subsist between the adoptee and his parent of origin.

The certificate states the date on which it was made and the name, capacity and domicile of its author, and bears the latter's signature."

**4.** Article 132.1 of the Code is amended

- (1) by striking out the third paragraph;
- (2) by adding the following paragraph at the end:

"The authority that issues an act recognizing an Aboriginal customary adoption notifies it to the registrar of civil status within 30 days after it was issued and attaches the act recognized."

**5.** Article 140 of the Code is amended by adding the following paragraph at the end:

"The same applies to Aboriginal customary adoption certificates and to acts recognizing such adoptions drawn up in a language other than French or English."

**6.** The Code is amended by inserting the following article after article 149:

**"149.1.** In the case of an Aboriginal customary adoption with subsisting rights and obligations between the adoptee and a parent of origin, the copy of an Aboriginal customary adoption certificate may only be issued to persons named in the certificate and to persons who establish their interest."

**7.** The Code is amended by inserting the following division after article 152:

**"DIVISION VII**

**"AUTHORITIES COMPETENT TO ISSUE ABORIGINAL CUSTOMARY ADOPTION CERTIFICATES**

**"152.1.** The authority that is competent to issue an Aboriginal customary adoption certificate is a person or body domiciled in Québec and designated by the Aboriginal community or nation. The competent authority may not, when called on to act, be a party to the adoption.

The act designating such an authority must be notified to the registrar of civil status within 30 days after the designation and, where applicable, the latter must be notified within that same time of the date on which the authority ceases to be competent."

**8.** Article 542 of the Code is amended by striking out both occurrences of "seriously" in the second paragraph.

**9.** The heading of Chapter II after article 542 of the Code is replaced by the following heading:

“FILIACTION BY ADOPTION”.

**10.** The Code is amended by inserting the following article after article 543:

**“543.1.** Conditions of adoption under any Québec Aboriginal custom that is in harmony with the principles of the interest of the child, respect for the child’s rights and the consent of the persons concerned may be substituted for conditions prescribed by law. In such cases, unless otherwise provided, the provisions of this chapter that follow, except Division III, do not apply to an adoption made in accordance with such a custom.

Such an adoption which, according to custom, creates a bond of filiation between the child and the adopter is, on the application of either of them, attested by the authority that is competent for the Aboriginal community or nation of either the child or the adopter. However, if the child and the adopter are members of different nations, the adoption is attested by the authority that is competent for the child’s nation or community.

The competent authority issues a certificate attesting the adoption after making sure that it was carried out according to custom, in particular that the required consents were duly given and that the child is in the care of the adopter; the authority also makes sure, in light of an objective appraisal, that the adoption is in the interest of the child.”

**11.** The Code is amended by inserting the following article after article 544:

**“544.1.** Consents to adoption are given for an adoption with recognition of the pre-existing bond or bonds of filiation, an adoption without such recognition or, indiscriminately, for either.”

**12.** Article 545 of the Code is amended by inserting “, taking into consideration, among other things, the quality, duration and continuity of relations between the adopter and the person of full age” at the end of the second paragraph.

**13.** The Code is amended by inserting the following article after article 547:

**“547.1.** Every person wishing to adopt a minor child shall undergo a psychosocial assessment made in accordance with the conditions provided in the Youth Protection Act (chapter P-34.1), unless the adoption is based on a special consent, in which case the assessment is at the discretion of the court.”

**14.** Article 552 of the Code is amended by inserting “and must be given separately for each of the child’s bonds of filiation” at the end.

**15.** Article 553 of the Code is amended by adding the following sentence at the end: “The tutor’s consent must be given separately for each of the child’s bonds of filiation.”

**16.** The Code is amended by inserting the following articles before article 563:

“**562.1.** Every person domiciled in Québec wishing to adopt a child domiciled outside Québec shall comply with the provisions of this chapter that concern such an adoption, regardless of the person’s nationality or of whether the person has a residence in the State of the child’s domicile or otherwise has a right to act in a foreign State under the laws in force in that State, and regardless of whether the adoption is to take place in Québec or in a foreign State.

“**562.2.** A person domiciled in Québec may not adopt a child who is in Québec unless that child is authorized to remain permanently in Canada.”

**17.** Article 563 of the Code is amended

- (1) by inserting “minor” before “child”;
- (2) by inserting “, even if the person is related to the child,” after “shall”.

**18.** Article 564 of the Code is amended

(1) by replacing “The adoption arrangements are made” by “Arrangements for the adoption of a minor child must be made”;

(2) by replacing “unless an order of the Minister published in the *Gazette officielle du Québec* provides otherwise” by “unless that minister prescribes otherwise by regulation”.

**19.** The Code is amended by inserting the following articles after article 565:

“**565.1.** The adoption of a child domiciled outside Québec granted or recognized in Québec results in the dissolution of the pre-existing bond of filiation between the child and his family of origin. The court must make sure, where applicable, that the consents have been given to that effect.

“**565.2.** An Aboriginal customary adoption of a child domiciled outside Québec, but in Canada, which creates a bond of filiation between the child and an adopter domiciled in Québec may be recognized in Québec if the adoption is confirmed by an act issued under the applicable law in the State of the child’s domicile. The adoption may be recognized either by the court or by the authority that is competent to issue a customary adoption certificate for the adopter’s community or nation.”

**20.** Article 568 of the Code is amended by replacing “have been complied with and, particularly, that the required consents have been validly given for



the purposes of an adoption resulting in the dissolution of the pre-existing bond of filiation between the child and the child's family of origin" in the first paragraph by "have been complied with".

**21.** The Code is amended by inserting the following article after article 568:

**"568.1.** The court grants an order of placement for the purposes of an adoption in accordance with the application filed and with the consents given, if any were required.

The court may not grant an order of placement for the purposes of an adoption with recognition of a pre-existing bond of filiation unless it is in the interest of the child to recognize the bond in order to protect a meaningful identification of the child with the parent of origin."

**22.** Article 569 of the Code is amended by replacing "the surname and given names chosen by the adopter, which are recorded in the order" in the first paragraph by "the surname and given names that the court may assign to the child under article 576, which, if assigned, are recorded in the order".

**23.** Article 573 of the Code is amended by adding the following paragraph at the end:

"The adoption must be granted in accordance with the provisions of the order of placement as to whether a pre-existing bond of filiation is recognized or, in the case of an adoption of a person of full age, in accordance with the person's consent and the application filed."

**24.** Article 574 of the Code is amended by striking out "and that the consents have been given for the purposes of an adoption resulting in the dissolution of the pre-existing bond of filiation between the child and the child's family of origin" at the end of the first paragraph.

**25.** The Code is amended by inserting the following article after article 574:

**"574.1.** The authority called on to recognize an act evidencing an Aboriginal customary adoption other than a judgment verifies that the act meets the conditions for recognition of foreign decisions. If such is the case, the authority enters on the act the same statements and notations as an Aboriginal customary adoption certificate and signs the act.

The same provisions apply to the court when called on to recognize an act evidencing an Aboriginal customary adoption."

**26.** Article 576 of the Code is amended by inserting "or assigns him a surname consisting of not more than two parts taken from those forming the adopter's surname or the surnames of the child's father and mother with whom a pre-existing bond of filiation has been recognized" at the end.

**27.** Article 577 of the Code is replaced by the following articles:

**“577.** Adoption confers on the adoptee a filiation which succeeds the person’s pre-existing filiations.

However, in the case of an adoption by the spouse of the child’s father or mother, the new filiation only succeeds the established filiation, if any, with the child’s other parent.

Although there may be recognition of the adoptee’s pre-existing bonds of filiation, he ceases to belong to his family of origin, subject to impediments to marriage or civil union.

**“577.1.** When an adoption is granted, the effects of the pre-existing filiation cease. The adoptee and the parent of origin lose all rights and are released from all obligations with respect to each other. The tutor, if any, loses all rights and is released from all obligations with respect to the adoptee, except the obligation to render accounts. The same applies when an Aboriginal customary adoption certificate is notified to the registrar of civil status, subject to any provisions to the contrary that are in accordance with Aboriginal custom and specified in the certificate.”

**28.** Article 578.1 of the Code is amended by replacing “the rights and obligations of each parent are determined in the adoption judgment” at the end of the second paragraph by “the rights and obligations of each parent are determined in the adoption judgment or in any act which, under the law, produces the effects of adoption in Québec”.

**29.** Article 579 of the Code is replaced by the following article:

**“579.** The adopting family and the family of origin may enter into an agreement to facilitate the exchange of information or to facilitate interpersonal relationships. If the child is 10 years of age or over, such an agreement applies only if the child consents to it, unless he is unable to express his will.”

**30.** Article 581 of the Code is amended by adding the following paragraph at the end:

“Recognition of an Aboriginal customary adoption that took place outside Québec, but in Canada, produces, from the date on which the adoption took effect in the child’s State of origin, the same effects as an Aboriginal customary adoption certificate.”

**31.** Article 582 of the Code is amended by inserting “of origin, of the tutor” after “of the parents” in the second paragraph.

**32.** Article 583 of the Code is replaced by the following articles:

**“583.** An adoptee, including one under 14 years of age who has obtained the prior approval of his father and mother or tutor, has the right to obtain, from the authorities responsible under the law for disclosing such information, his original surname and given names, those of his parents of origin and information allowing him to contact them.

Likewise, once the adoptee has reached full age, his parents of origin have the right to obtain the surname and given name assigned to him and information allowing them to contact him.

No such information may be disclosed, however, if an identity disclosure veto or a contact veto, as the case may be, bars their disclosure.

In the case of an adoption of a child domiciled outside Québec, disclosure of information is subject to the consent of the person sought or parent of origin whose name would be revealed if the child’s original name were disclosed to the child, unless the laws of the child’s State of origin prohibit such disclosures. However, disclosure to the child of his original name or of information about his parents of origin is allowed, without their consent, if the laws of the child’s State of origin so provide.

**“583.1.** An identity disclosure veto by a parent of origin, in addition to barring disclosure of that parent’s name, bars disclosure of the adoptee’s original name if it reveals the parent’s name.

**“583.2.** When only contact is barred, or when it is authorized on conditions, the name of the person sought or the adoptee’s original name is disclosed on the condition that the contact veto or the conditions on which contact is authorized be complied with.

An adoptee or a parent of origin who obtains the information on that condition but violates the condition is liable toward the other person and may also be required to pay punitive damages.

**“583.3.** If the adoptee or the parent of origin is unable to express his will concerning disclosure of information, his mandatary, tutor or curator may do so in his place. If the adoptee or parent is not so represented, his spouse, a close relative or another person who has shown a special interest in him may do so in his place.

**“583.4.** A parent of origin may register an identity disclosure veto in the year following the birth of the child. In such a case, the child’s identity is protected, by operation of law, from that parent.

**“583.5.** In the case of an adoption that took place before (*insert the date of coming into force of this article*), if the adoptee has not yet expressed his will concerning disclosure of information about him to the authorities

responsible under the law for disclosing such information, his identity is protected by operation of law and the parent of origin may register an identity disclosure veto until a first request for information about him is made.

**“583.6.** An adoptee or a parent of origin may, at any time before his identity is disclosed, register a contact veto barring any contact between them or allowing contact subject to conditions he determines.

**“583.7.** Before the identity of the person sought is disclosed, he must be informed of the request for information about him and given the opportunity to register a contact veto. The same applies in the case of a parent of origin whose name would be revealed if the adoptee’s original name were disclosed to the adoptee.

If the person sought is untraceable, disclosure of his identity entails, by operation of law, a contact veto.

**“583.8.** If a veto is registered by operation of law or by a third person other than a mandatory, tutor or curator, the person in whose behalf the veto is registered must, at the time the first request for information about him is made, be informed of the request and given the opportunity to maintain or withdraw the veto.

If withdrawal of a veto is requested by such a third person, the person in whose behalf the veto is registered must be informed of the withdrawal request and given the opportunity to oppose it.

**“583.9.** An identity disclosure veto or a contact veto may be withdrawn at any time.

An identity disclosure veto ceases to have effect on the first anniversary of the death of the person in whose behalf it was registered.

**“583.10.** It is the adopter’s responsibility to inform the child that he was adopted.

The adopter is also responsible for informing the child of the rules concerning disclosure of his identity or that of his parent of origin as well as the rules for establishing contact between them.”

**33.** Article 584 of the Code is replaced by the following article:

**“584.** Where a physician concludes that harm could be caused to the adoptee’s health or to that of a parent of origin or any close relatives genetically linked to them if any of them were deprived of the information the physician requires, the latter may obtain the medical information required from the medical authorities concerned, subject to the consent of the person whose information is requested. In the absence of such consent, court authorization is required to obtain such information.

The anonymity of the persons concerned must be preserved.”

**34.** The Code is amended by inserting the following article after article 584:

**“584.1.** This division applies to children who are eligible for adoption because consent to their adoption has been given, to children who are eligible for adoption because they have been judicially declared eligible for adoption, and to their parents, even if the children have never been adopted.”

#### ACT RESPECTING ADOPTIONS OF CHILDREN DOMICILED IN THE PEOPLE’S REPUBLIC OF CHINA

**35.** The Act respecting adoptions of children domiciled in the People’s Republic of China (chapter A-7.01) is repealed.

#### HEALTH INSURANCE ACT

**36.** Section 65 of the Health Insurance Act (chapter A-29) is amended by replacing the ninth paragraph by the following paragraph:

“The Board may, on request and in order to make it possible to identify or find an adopted person or his parents of origin for the purposes of article 583 of the Civil Code, transmit to any health and social services institution operating a child and youth protection centre or to the Minister of Health and Social Services the name, date of birth, sex, address or phone numbers of a person entered in its register of insured persons as well as, if applicable, the person’s date of death and his address at the time of death. The name of the spouse of a person entered in its register may also be transmitted if the other information does not make it possible to find the adoptee or his parents of origin.”

#### CODE OF CIVIL PROCEDURE

**37.** Article 16 of the Code of Civil Procedure (chapter C-25.01) is amended

- (1) by striking out the second sentence of the second paragraph;
- (2) by inserting the following paragraphs after the second paragraph:

“In adoption matters, access to the court records is restricted to the parties, their representatives and any person having proven a legitimate interest, and is subject to the authorization of the court and to the conditions and procedure it determines.

The Minister of Justice is considered, by virtue of office, to have a legitimate interest to access records or documents for research, reform or procedure evaluation purposes.”

**38.** Article 336 of the Code is amended by adding the following paragraph at the end:

“Where the record is related to adoption, the judgment is notified to the parties or their representatives in compliance with the rules governing the publication of judgments in family matters.”

**39.** The Code is amended by inserting the following article before article 432:

**“431.1.** Applications relating to the adoption of a child must state the child’s name, date and place of birth, place of residence and domicile, nationality and status as a Canadian citizen, permanent resident or person authorized to stay or settle permanently in Canada.

Such applications must also state, if known, the names of the child’s parents of origin, their place of residence and domicile and, if domiciled outside Québec, their nationality and their status as Canadian citizens, permanent residents or persons authorized to stay or settle permanently in Canada, if applicable.”

**40.** Article 432 of the Code is amended, in the first paragraph,

(1) by inserting “or by a declaration of eligibility for adoption obtained by the child” after “general consent to the child’s adoption”;

(2) by replacing the last sentence by the following sentences: “In the latter case, the application is also notified to the Minister of Health and Social Services. The director or the Minister may intervene as of right as regards such applications.”

**41.** Article 433 of the Code is amended by inserting “or on a declaration of eligibility for adoption” after “general consent to the child’s adoption”.

**42.** Article 437 of the Code is amended by striking out “or if a declaration of eligibility for adoption was granted” in the second paragraph.

**43.** The Code is amended by inserting the following article after article 456:

**“456.1.** The court clerk notifies every decision concerning the adoption of a minor child to the youth protection director having jurisdiction in the place where the child resides. In addition, if the child or the adopter is domiciled outside Québec, the clerk notifies the decision, together with, if applicable, the certificate issued under article 573.1 of the Civil Code, to the Minister of Health and Social Services.”

## YOUTH PROTECTION ACT

**44.** Section 2 of the Youth Protection Act (chapter P-34.1) is amended

(1) by replacing “This Act applies to any child” by “The purpose of this Act is to protect children”;

(2) by adding the following paragraph at the end:

“In addition, it supplements the provisions of the Civil Code that concern the adoption of children domiciled in Québec or outside Québec.”

**45.** Section 2.4 of the Act is amended by inserting “, including Aboriginal customary adoption” at the end of subparagraph *c* of paragraph 5.

**46.** Section 11.2 of the Act is amended by inserting “or, if the information concerns the adoption of a child, to the extent provided for in Chapter IV.0.1” at the end.

**47.** Section 32 of the Act is amended, in the first paragraph,

(1) by inserting “and the consents referred to in section 3 of the Act to implement the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (chapter M-35.1.3)” at the end of subparagraph *g*;

(2) by inserting the following subparagraph after subparagraph *h*:

“(h.1) to give the authority that is competent to issue an Aboriginal customary adoption certificate the opinion required under section 71.3.2;”.

**48.** This Act is amended by striking out the following before section 71:

“§1. — *Provisions relating to the adoption of a child domiciled in Québec*”.

**49.** Section 71 of the Act is amended

(1) by replacing “to ensure that children’s rights are respected” in the introductory clause by “to ensure the interest of the child and the respect of his rights”;

(2) by inserting “in accordance with subdivision 1 of Division I of Chapter IV.0.1 or seeing to the child’s transfer with a view to his adoption” at the end of paragraph 5.

**50.** Sections 71.1 and 71.2 of the Act are repealed.

**51.** The Act is amended by inserting the following after section 71.3:

**“DIVISION VII.1**

**“SPECIAL PROVISIONS**

**“71.3.1.** The director shall consider Aboriginal customary adoption as contemplated in article 543.1 of the Civil Code if he considers that such a measure is likely to ensure the interest of the child and the respect of his rights.

**“71.3.2.** From the time the child becomes the subject of a report and until the end of the director’s intervention, no Aboriginal customary adoption certificate may be issued as contemplated in article 543.1 of the Civil Code without the opinion of the director regarding the interest of the child and the respect of his rights.

To that end, the director and the competent authority shall exchange the information needed to enable the director to give an opinion. The director must disclose the information in accordance with section 72.6.1.

The director’s opinion must be in writing and give reasons.

**“CHAPTER IV.0.1**

**“ADOPTION**

**“DIVISION I**

**“PROVISIONS REGARDING THE ADOPTION OF A CHILD  
DOMICILED IN QUÉBEC**

*“§1. — Director of Youth Protection’s special responsibilities as regards the adoption of a child he places*

**“71.3.3.** Before filing an application for an order of placement, the director must inform the child, the parents or tutor and the adopters

(1) of the characteristics of adoptions made with or without recognition of a pre-existing bond of filiation;

(2) of the possibility of entering into an agreement under article 579 of the Civil Code for the term of the placement and after the adoption; and

(3) of the rules governing disclosure of the identity of the adoptee or his parents of origin and the rules regarding establishing contact between them.

**“71.3.4.** The director must, for every application he files for an order of placement, conduct the psychosocial assessment of the adopters prescribed by



article 547.1 of the Civil Code. This assessment must evaluate, among other things, the person's capacity to meet the child's physical, psychological and social needs.

In the case of procedures for an adoption with recognition of a pre-existing bond of filiation, the director must also give an opinion as to whether it is in the interest of the child to recognize such a bond.

**“71.3.5.** As soon as an order of placement is granted, the director shall give the adopter, or the child if 14 years of age or over, a summary of the child's family and medical antecedents on request. He shall also give a parent a summary of the adopter's antecedents on request.

If the director is convinced that it will not be possible for a child 14 years of age or over who is eligible for adoption because consent to his adoption has been given or because he has been judicially declared eligible for adoption to be the subject of an application for an order for placement within a reasonable time, the director shall give him a summary of his family and medical antecedents on request.

Every summary must preserve the anonymity of the parents or the adopter, as applicable.

**“71.3.6.** The information to be included in a summary of a child's or adopter's family and medical antecedents is determined by regulation of the Minister.

*“§2. — Special provisions applicable to the adoption of a child by a person domiciled outside Québec*

**“71.3.7.** The Minister shall exercise the following responsibilities:

(1) intervene in all cases of adoption of a child domiciled in Québec by a person domiciled outside Québec in order, among other things, to administer the procedure set out in the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption and ensure compliance with the Act to implement the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (chapter M-35.1.3); and

(2) retain the files for such adoptions and grant requests for research into family and medical antecedents and requests for reunions, to the extent provided for in the Civil Code and in cooperation with the persons having responsibilities in matters of adoption in Québec and outside Québec.

**“71.3.8.** As soon as the director proposes to entrust a child domiciled in Québec to a person domiciled outside Québec with a view to the child's adoption, or as soon as the director receives an application from a person domiciled outside Québec for the adoption of a child domiciled in Québec, he

must inform the Minister without delay. Likewise, the Minister shall inform the director when he receives such an application.

The director and the Minister shall ensure the orderly conduct of the adoption according to their respective jurisdictions. The Minister shall coordinate their respective actions.

**“71.3.9.** The Government may, by regulation, prescribe the terms and conditions of the adoption process in the case of an adoption of a child domiciled in Québec by a person domiciled outside Québec.

*“§3. — Rules governing disclosure of adoption-related information and documents*

**“71.3.10.** Every institution operating a child and youth protection centre is bound to inform a person 14 years of age or over who so requests of whether he was adopted and, if he was, of the rules governing disclosure of his identity or that of his parent of origin as well as the rules for establishing contact between them.

**“71.3.11.** Every institution operating a child and youth protection centre is responsible for disclosing to any adoptee or parent of origin who so requests the information they are entitled to obtain under article 583 of the Civil Code.

In addition, such an institution is bound to disclose to a physician who has provided a written statement attesting the risk of harm referred to in article 584 of the Civil Code information making it possible to identify the adoptee or parent of origin sought as well as information making it possible to establish contact with the adoptee or his physician. Before disclosing such information, the institution must make sure the adoptee or parent of origin sought consents to such disclosure.

Any physician who receives the information referred to in the second paragraph must take the safety measures necessary to make sure the information remains confidential. The information may only be disclosed or used for the purposes set out in article 584 of the Civil Code.

**“71.3.12.** Identity disclosure vetoes and contact vetoes under the third paragraph of article 583 of the Civil Code must be registered with an institution operating a child and youth protection centre.

Applications for registration of a veto must be made using the form prescribed by the Minister.

**“71.3.13.** Every institution to which section 71.3.11 applies may, for the purposes of that section, demand any of the following information or documents if needed to identify or find an adoptee or his parents of origin:

(1) information contained in the judicial records concerning the child's adoption and the adoption judgment in the possession of the courts, despite article 582 of the Civil Code and article 16 of the Code of Civil Procedure (chapter C-25.01);

(2) the adoption notice in the possession of the Ministère de la Santé et des Services sociaux;

(3) information contained in the register of civil status, including, despite article 149 of the Civil Code, information contained in the adoptee's original act of birth in the possession of the registrar of civil status;

(4) the parent of origin's signature contained in the user record in the possession of an institution; and

(5) from documents in the possession of government departments and public bodies and user records in the possession of institutions, the recent or former name and contact information of the person known or presumed by the institution to be the adoptee or his parent or ascendant of origin, and those of the person's spouse, as well as their sex, date and place of birth and, if applicable, date and place of marriage, civil or de facto union and death."

**52.** The heading of the subdivision before section 71.4 of the Act is replaced by the following heading:

**"DIVISION II**

**"PROVISIONS REGARDING THE ADOPTION OF A CHILD  
DOMICILED OUTSIDE QUÉBEC".**

**53.** The Act is amended by inserting the following heading before section 71.4:

**"§1.—*Adoption-related procedures*".**

**54.** Section 71.4 of the Act is amended

(1) by inserting the following paragraph after paragraph 2:

"(2.1) administers the procedure set out in the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption and ensure compliance with the Act to implement the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (chapter M-35.1.3);";

(2) by replacing "exercising authority" in paragraph 3 by "having responsibilities".

**55.** Section 71.6 of the Act is amended

(1) by inserting “in the case of an adoption of a child domiciled outside Québec by a person domiciled in Québec” at the end of the first paragraph;

(2) by replacing the second paragraph by the following paragraph:

“If the Minister provides, in accordance with article 564 of the Civil Code, that adoption arrangements need not be made by a certified body, the Minister may make regulations prescribing the applicable terms and conditions.”

**56.** Section 71.8 of the Act is amended by adding the following paragraph at the end:

“The Minister shall also issue the statement provided for in the Citizenship Act (Revised Statutes of Canada, 1985, chapter C-29) regarding the adoption’s compliance if, in the Minister’s opinion, the adoption granted meets the requirements of Québec law.”

**57.** The Act is amended by inserting the following section after section 71.8:

**“71.8.1.** As soon as the child arrives in Québec, the adopter shall undertake the necessary steps to obtain an adoption judgment or the judicial recognition of an adoption decision granted outside Québec, as prescribed by article 565 of the Civil Code.

If the adoption process or adoption recognition process concerning a minor child is not undertaken and completed within a reasonable time, the director may, at the Minister’s request, take, in the adopter’s place and stead, all necessary steps to undertake, complete or put an end to the process.

The adopter must send the status reports attesting to the child’s development and integration into his new environment, in accordance with the undertakings given and the requirements of each of the States of origin.”

**58.** Section 71.9 of the Act is amended by adding the following paragraph at the end:

“Where the director takes charge of a child after the child’s adoption, whether granted in Québec or outside Québec, he must inform the Minister and, on request, send him all the information necessary for the exercise of his responsibilities.”

**59.** Sections 71.12 and 71.13 of the Act are repealed.

**60.** Section 71.14 of the Act is amended

(1) by replacing the first paragraph by the following paragraph:

“The Minister shall give the adopter, or the child if 14 years of age or over, a summary of the child’s family and medical antecedents on request.”;

(2) by replacing “the parents” in the second paragraph by “the parent”;

(3) by replacing the third paragraph by the following paragraph:

“Every summary must preserve the anonymity of the parents or the adopter, as applicable.”

**61.** Section 71.15 of the Act is replaced by the following section:

**“71.15.** The information to be included in a summary of a child’s or adopter’s family and medical antecedents is determined by regulation of the Minister.”

**62.** The Act is amended by inserting the following subdivision after section 71.15:

*“§2.—Rules governing disclosure of adoption-related information and documents*

**“71.15.1.** The Minister is bound to inform a person 14 years of age or over who so requests of whether he was adopted and, if he was, of the rules governing disclosure of his identity or that of his parent of origin as well as the rules for establishing contact between them.

**“71.15.2.** The persons and the courts having responsibilities under the law in matters of adoption of children domiciled outside Québec may, to the extent necessary for the exercise of their responsibilities, exchange, communicate or obtain confidential information relating to adoption, to family and medical antecedents and to reunions.

**“71.15.3.** The Minister may demand any of the following information or documents if needed to identify or find an adoptee or his parents of origin for the purposes of article 583 of the Civil Code:

(1) information contained in the judicial records concerning the child’s adoption and the adoption judgment or recognition judgment in the possession of the courts, despite article 582 of the Civil Code and article 16 of the Code of Civil Procedure (chapter C-25.01);

(2) information contained in the register of civil status, including, despite article 149 of the Civil Code, information contained in the adoptee’s original act of birth in the possession of the registrar of civil status; and

(3) from documents in the possession of government departments and public bodies and user records in the possession of institutions, the recent or former name and contact information of the person known or presumed by the Minister

to be the adoptee or his parent or ascendant of origin, and those of the person's spouse, as well as their sex, date and place of birth and, if applicable, date and place of marriage, civil or de facto union and death.

The documents and information obtained under section 71.15.2 and this section form part of the records concerning the adoption.”

**63.** Section 71.17 of the Act is amended

(1) by replacing “and managed” in the first paragraph by “, managed and administered”;

(2) by replacing “by an order published in the *Gazette officielle du Québec*” in the second paragraph by “by regulation”.

**64.** Section 71.20 of the Act is amended by replacing “by an order of the Minister published in the *Gazette officielle du Québec*” in the first paragraph by “by regulation of the Minister”.

**65.** Section 71.21 of the Act is amended by replacing “by an order published in the *Gazette officielle du Québec*” by “by regulation”.

**66.** Section 71.23 of the Act is amended, in the first paragraph,

(1) by replacing “or a regulation or a ministerial order under this Act” in subparagraph 5 by “or the regulations”;

(2) by replacing “ministerial order” in subparagraph 6 by “regulation”.

**67.** Section 71.27 of the Act is amended by inserting the following paragraph after the first paragraph:

“Where the certified body must, more than two years after the arrival of the child, provide the authorities of the child's State of origin with a report on the child's post-adoption situation, it must also, once the record has been given to the Minister, send the Minister without delay all copies of any report it has in its possession.”

**68.** Section 71.28 of the Act is amended by replacing “, the regulations and any ministerial order” in the first paragraph by “and the regulations”.

**69.** Section 72 of the Act is amended by striking out “, a regulation or a ministerial order”.

**70.** The Act is amended by inserting the following section after section 72.6:

**“72.6.1.** Despite section 72.5, when the director gives an opinion in accordance with section 71.3.2, he shall disclose to the competent authority the confidential information on which the opinion is based. Such information

may concern the child's situation and living conditions, the adopters or the parents of origin.

The director may also disclose such information to a competent authority at the latter's request.

Disclosure of such information does not require the consent of the person concerned or an order from the tribunal."

**71.** Section 95.0.1 of the Act is amended

(1) by striking out "declaring the child eligible for adoption" in the first paragraph;

(2) by adding the following paragraph at the end:

"In the case of an Aboriginal customary adoption for which a new birth certificate has been drawn up by the registrar of civil status under article 132 of the Civil Code, any inconsistent conclusions of an order aimed at protecting the child become inoperative on a decision by the tribunal at the director's request, and the director shall act under section 95 on receiving a copy of the new birth certificate from the registrar of civil status."

**72.** Section 132 of the Act is amended

(1) by striking out subparagraph *e* of the first paragraph;

(2) by striking out the second paragraph.

**73.** Section 133 of the Act is repealed.

**74.** Section 134 of the Act is amended by inserting "or the Civil Code" at the end of subparagraph *g* of the first paragraph.

**75.** Section 135.1.1 of the Act is amended by replacing "in sections 71.7 and 71.8" by "in section 71.7 and in the first paragraph of section 71.8".

**76.** Section 156 of the Act is amended by inserting ", except with respect to the director's intervention under section 95.0.1" at the end of the first sentence.

## ACT RESPECTING HEALTH SERVICES AND SOCIAL SERVICES

**77.** Section 19 of the Act respecting health services and social services (chapter S-4.2) is amended by adding the following paragraph at the end:

"(16) to an institution operating a child and youth protection centre or to the Minister of Health and Social Services, in accordance with section 71.3.13 or section 71.15.3 of the Youth Protection Act (chapter P-34.1), if the

information is needed to identify or find an adoptee or his parents of origin for the purposes of article 583 of the Civil Code.”

**78.** Section 82 of the Act is amended by replacing “and biological history” at the end of the first paragraph by “, research into family and medical antecedents, and reunions”.

#### MINISTERIAL ORDER RESPECTING THE ADOPTION WITHOUT A CERTIFIED BODY OF A CHILD DOMICILED OUTSIDE QUÉBEC BY A PERSON DOMICILED IN QUÉBEC

**79.** The title of the Ministerial Order respecting the adoption without a certified body of a child domiciled outside Québec by a person domiciled in Québec (chapter P-34.1, r. 2) is amended by replacing “Ministerial Order” by “Regulation”.

**80.** Section 2 of the Order is amended by replacing “rencontrent les” in the French text by “satisfont aux”, and by replacing “Order” by “regulation”.

**81.** Section 3 of the Order is amended by replacing “rencontre les” in the French text by “satisfait aux”, and by replacing “Order” by “regulation”.

**82.** Section 7 of the Order is amended by replacing “or of the person’s spouse” in paragraph 1 by “or of the person’s spouse, or is of the child of the person’s spouse,”.

**83.** Section 23 of the Order is amended

(1) by replacing “a full adoption, as prescribed by articles 568 and 574 of the Civil Code” in the first paragraph by “an adoption that severs the child’s pre-existing bonds of filiation”;

(2) by replacing “Order” in the second paragraph by “regulation”.

**84.** Section 30 of the Order is repealed.

**85.** The Order is amended by replacing all occurrences of “Order” in sections 1, 5, 10 and 24 by “regulation”.

#### MINISTERIAL ORDER RESPECTING THE CERTIFICATION OF INTERCOUNTRY ADOPTION BODIES

**86.** The title of the Ministerial Order respecting the certification of intercountry adoption bodies (chapter P-34.1, r. 3) is amended by replacing “Ministerial Order” by “Regulation”.

**87.** Section 1 of the Order is amended by replacing “Order” by “regulation”.



**88.** Section 2 of the Order is amended by replacing “biological parents” in paragraph 6 by “parents of origin”.

**89.** Section 7 of the Order is amended by replacing “Order, completed” by “regulation, issued”.

**90.** The Order is amended by replacing all occurrences of “Order” in sections 9, 25 and 28 by “regulation”, except in the title of the Order in section 28.

#### TRANSITIONAL AND FINAL PROVISIONS

**91.** In the case of an adoption that took place before the date of coming into force of section 32, information regarding a parent of origin may not be disclosed until 18 months have elapsed since that date, unless the parent of origin consents to such disclosure. However, if the parent of origin dies before the expiry of that time, the information may not be disclosed before the first anniversary of his or her death.

**92.** Birth certificates drawn up following an Inuit customary adoption that took place before the date of coming into force of section 10 may not be declared invalid on the ground that they were not drawn up on the basis of a legislative provision.

**93.** The director of youth protection must, in the year following the year in which section 71.3.7 of the Youth Protection Act (chapter P-34.1), enacted by section 51, comes into force, send the Minister of Health and Social Services all the records in the director’s possession concerning the adoption of children domiciled in Québec by persons domiciled outside Québec.

**94.** The provisions of this Act come into force on the date or dates to be set by the Government.





