



NATIONAL ASSEMBLY OF QUÉBEC

SECOND SESSION

FORTY-SECOND LEGISLATURE

Bill 2

**An Act respecting family law reform
with regard to filiation and amending
the Civil Code in relation to
personality rights and civil status**

Introduction

**Introduced by
Mr. Simon Jolin-Barrette
Minister of Justice**

**Québec Official Publisher
2021**

EXPLANATORY NOTES

This bill mainly amends the Civil Code in respect of filiation, the law of persons and civil status.

The bill establishes new rules regarding the publication of the register of civil status, in particular by amending the content of the certificates of civil status and by providing that detailed attestations may be issued. It provides new measures with regard to the assignment of a name, such as limiting the number of given names to four and recognizing a usual given name and it allows persons whose name was changed during the time they spent in an Aboriginal residential school, and their descendants, to change back to a traditional Aboriginal name, without costs.

In respect of filiation, the bill codifies certain recognized principles and rules derived from jurisprudence and clarifies and standardizes certain measures. In addition, it expands the presumption of paternity to de facto spouses, allows a de facto spouse to declare the filiation of a child with regard to the other spouse and exempts actions relating to filiation from prescription.

As regards adoption, the bill revises the rule regarding the exchange of information and the maintenance of personal relations between the adoptee and the members of his family of origin.

Concerning the capacity of persons, the bill provides parents with the possibility of designating a member of the child's foster family to act as suppletive tutor if authorized by the court, in addition to adding disengagement toward the child as a situation that may give rise to the designation of a suppletive tutor.

As regards personality rights, the bill provides that the presence of family violence in a child's environment is to be taken into consideration in determining the child's interest. The bill also defines the time at which a child is considered conceived for the purposes of the law.

As concerns parental authority, the bill provides that such authority must be exercised without any violence. A mechanism is put in place by which a parent is able to request care for their minor child, by themselves, in a situation of family or sexual violence caused

by the other parent. The bill specifies that the presence of family violence is one of the elements to be considered by the court when ruling on an application for a declaration of deprivation of parental authority. Furthermore, the rules governing the maintenance of personal relations between minor children and their grandparents are reviewed, in particular to add the possibility of maintaining such relations with the parent's former spouse, to give more weight to the minor's consent and to establish that the maintenance of relations must be in the minor's interest and involve persons who are important to the minor.

The bill contains rules to prevent an unrepresented party from examining or cross-examining a victim of family or sexual violence, or a child in youth protection cases. It provides that legal aid will be granted free of charge to any minor child for all services covered, regardless of the child's financial means.

The bill also enacts the Act respecting remittance of deposits of money to account co-holders who are spouses or former spouses, which aims, in particular, after an account co-holder has died, to compel financial institutions to remit to the surviving co-holder who was the spouse or former spouse of the deceased their share in the account balance.

In respect of filiation, the bill recognizes surrogacy and regulates it. In that regard, the bill sets out the general conditions that apply to surrogacy, for instance the obligation to enter into a surrogacy agreement before the beginning of the pregnancy and the obligation to obtain, after the child is born, the consent of the person who gave birth to the child to their bond of filiation with the child being deemed never to have existed and to such a bond of filiation being established with regard to the intended parents. It also provides special rules that apply when all the parties to the agreement are domiciled in Québec, such as the obligation to enter into the agreement by a notarial act en minute or to attend an information session on the psychosocial implications and the ethical issues the project involves. It also provides special rules that apply when the person who has agreed to give birth to the child is domiciled in another province, a territory or a State designated by the Government, such as the obligation to have the project authorized beforehand by the Minister of Health and Social Services. The provisions of the Act respecting parental insurance and the Act respecting labour standards are adapted to take account of surrogacy, among other things, in the granting of the benefits and leaves provided for in those Acts.

The bill also establishes a new right to know ones origins in favour of any person born of procreation involving the contribution of a third person so that they may be informed, in certain circumstances, of the name and profile of that third person and given the information making it possible for them to contact the third person, unless the latter has registered a contact veto. The person is also given the right to obtain, on certain conditions, the documents determined in the bill. To enable the exercise of those rights, the bill entrusts the Minister of Labour, Employment and Social Solidarity with the responsibility of keeping a register containing the relevant information and documents and provides for the communication of information to that Minister by various persons or bodies, including the parents, the registrar of civil status and the assisted procreation centres.

The bill also amends the rules concerning knowledge of ones origins in relation to adoption so as to broaden their scope. Adoptees are given the right to obtain, on certain conditions, a copy of their original act of birth and of the judgments concerning their adoption, as well as the name of their grandparents and siblings of origin, and if they consent to it, the information making it possible for adoptees to contact them. The bill also allows an adoptee's descendants in the first degree, as it does persons born of procreation involving the contribution of a third person, to obtain that same information and those same documents. Lastly, a person's right to know their origins is enshrined in the Charter of human rights and freedoms. The bill also broadens the rules concerning disclosure of medical information in respect of both adoption and procreation involving the contribution of a third person.

As regards the status of persons and civil status, it is provided that a person who meets certain conditions may apply to the registrar of civil status to have a designation of gender identity added to their act of birth, or to have such a designation changed or withdrawn, and have their given names changed accordingly. As a corollary, the conditions to be met to obtain a change in the designation of sex in the act of birth are modified. The bill contains several terminological modifications to take account of various sex- and gender-related realities, in particular with regard to legislative provisions that refer to fathers and mothers.

LEGISLATION ENACTED BY THIS BILL:

- Act respecting remittance of deposits of money to account co-holders who are spouses or former spouses (*insert the year and chapter number of this Act and the number of the section of this Act that enacts the Act respecting remittance of deposits of money to account co-holders who are spouses or former spouses*).

LEGISLATION AMENDED BY THIS BILL:

- Civil Code of Québec;
- Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1);
- Act respecting industrial accidents and occupational diseases (chapter A-3.001);
- Act respecting clinical and research activities relating to assisted procreation (chapter A-5.01);
- Funeral Operations Act (chapter A-5.02);
- Individual and Family Assistance Act (chapter A-13.1.1);
- Act respecting financial assistance for education expenses (chapter A-13.3);
- Act respecting legal aid and the provision of certain other legal services (chapter A-14);
- Automobile Insurance Act (chapter A-25);
- Health Insurance Act (chapter A-29);
- Act respecting prescription drug insurance (chapter A-29.01);
- Act respecting parental insurance (chapter A-29.011);
- Act constituting Capital régional et coopératif Desjardins (chapter C-6.1);
- Charter of human rights and freedoms (chapter C-12);
- Highway Safety Code (chapter C-24.2);

- Code of Civil Procedure (chapter C-25.01);
- Code of Penal Procedure (chapter C-25.1);
- Real Estate Brokerage Act (chapter C-73.2);
- Act respecting duties on transfers of immovables (chapter D-15.1);
- Act respecting elections and referendums in municipalities (chapter E-2.2);
- Act respecting school elections to elect certain members of the boards of directors of English-language school service centres (chapter E-2.3);
- Election Act (chapter E-3.3);
- Act to establish Fondation, le Fonds de développement de la Confédération des syndicats nationaux pour la coopération et l'emploi (chapter F-3.1.2);
- Act to establish the Fonds de solidarité des travailleurs du Québec (F.T.Q.) (chapter F-3.2.1);
- Act respecting offences relating to alcoholic beverages (chapter I-8.1);
- Interpretation Act (chapter I-16);
- Act respecting the Ministère de l'Emploi et de la Solidarité sociale and the Commission des partenaires du marché du travail (chapter M-15.001);
- Act respecting the Ministère de la Famille, des Aînés et de la Condition féminine (chapter M-17.2);
- Act respecting labour standards (chapter N-1.1);
- Notaries Act (chapter N-3);
- Youth Protection Act (chapter P-34.1);
- Act respecting the Québec Pension Plan (chapter R-9);
- Act respecting the Pension Plan of Peace Officers in Correctional Services (chapter R-9.2);

- Act respecting the Government and Public Employees Retirement Plan (chapter R-10);
- Act respecting the Pension Plan of Management Personnel (chapter R-12.1);
- Educational Childcare Act (chapter S-4.1.1);
- Act respecting health services and social services (chapter S-4.2);
- Act respecting the Québec correctional system (chapter S-40.1);
- Courts of Justice Act (chapter T-16).

REGULATIONS AMENDED BY THIS BILL:

- Regulation respecting change of name and of other particulars of civil status (chapter CCQ, r. 4);
- Tariff of duties respecting the acts of civil status and change of name or of designation of sex (chapter CCQ, r. 10).

Bill 2

AN ACT RESPECTING FAMILY LAW REFORM WITH REGARD TO FILIATION AND AMENDING THE CIVIL CODE IN RELATION TO PERSONALITY RIGHTS AND CIVIL STATUS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

PART I

AMENDING PROVISIONS

CHAPTER I

AMENDING PROVISIONS RESPECTING MAINLY PERSONALITY RIGHTS, CIVIL STATUS AND FILIATION

CIVIL CODE OF QUÉBEC

- 1.** Article 5 of the Civil Code of Québec is amended by replacing “under the name assigned to him and stated” by “under the surname and usual given name assigned to him and stated”.
- 2.** Article 33 of the Code is amended by inserting “including, if applicable, the presence of family violence,” after “family environment,” in the second paragraph.
- 3.** The Code is amended by inserting the following article after article 34:

“34.1. For a child to be considered as conceived but not yet born for the purposes of the law, the mother or the person who is to give birth must be pregnant with the child.”
- 4.** Article 50 of the Code is amended by replacing “includes the surname and given names” in the second paragraph by “is comprised of the surname and the given names, including the usual given name. That given name is the one commonly used by a person to identify himself and under which his civil rights are exercised”.
- 5.** Article 51 of the Code is amended
 - (1) by replacing “his mother and father choose, one or more given names” by “his father and mother or his parents choose, one to four given names composed of not more than two parts”;

(2) by adding the following sentence at the end: “If the child is given more than one given name, the parents choose his usual given name from among those given names.”

6. Article 52 of the Code is amended

(1) in the first paragraph,

(a) by inserting “or of one of the parents” after “father”;

(b) by inserting “or of the other parent” after “mother”;

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

“If the disagreement is over the choice of a given name or names, the registrar assigns to the child, as the case may be, two or four given names chosen respectively by the father and mother or by the parents. If the disagreement is over the choice of the usual given name, the registrar assigns to the child such a given name from among the given names received.”

7. Article 53 of the Code is amended by replacing the first paragraph by the following paragraph:

“A child whose filiation is established with regard to only his father or his mother or one of his parents bears the surname of his father, mother or parent, as the case may be, and one to four given names chosen by his father, mother or parent, including the usual given name.”

8. Article 54 of the Code is amended

(1) by inserting “or by the parents” after “mother” in the first paragraph;

(2) in the second paragraph,

(a) by inserting “de famille” after “remplacer le nom” in the French text;

(b) by inserting “, including one designated as the usual given name,” after “use”.

9. Article 55 of the Code is amended by striking out the second paragraph.

10. Article 56 of the Code is amended by replacing “married or civil union spouse” in the second paragraph by “spouse”.

II. The Code is amended by inserting the following division after article 56:

“DIVISION II.1

“SUBSTITUTION OF THE USUAL GIVEN NAME

“56.1. Another given name stated in the act of birth may be substituted for the usual given name on mere notice in writing presented to the registrar of civil status. A person who has been domiciled in Québec for at least one year may be the subject of such a notice. A child under one year of age, born and domiciled in Québec, is considered to have been domiciled in Québec for at least one year.

However, the rules governing a change of name apply to any subsequent substitution, with the necessary modifications.

The content of the notice, the information and documents that must accompany the notice as well as the duties payable by the person presenting the notice are determined by government regulation.

“56.2. A notice of substitution of the usual given name of a minor child may be presented by his tutor or by the minor alone if he is 14 years of age or over.

Except for a compelling reason, the usual given name of a minor child is not substituted if, as the case may be, the father and mother or the parents of the minor child as legal tutors, the tutor, if any, or the minor 14 years of age or over, have not been notified of the notice or if one of them objects to the substitution.

A person who wishes to present such a notice may, if an objection is made, as the case may be, by the father and mother or the parents as legal tutors, by the tutor, if any, or by the minor 14 years of age or over, submit an application to the court before the notice is presented to the registrar of civil status.

“56.3. A substitution of the usual given name produces its effects from the 15th day after the publication of the notice of substitution of the usual given name in accordance with the rules determined by government regulation.

However, the substitution produces its effects from the day of the alteration of the register of civil status in the following situations where publication is not required:

(1) a special exemption from publication has been granted by the Minister of Justice for reasons of general interest;

(2) it is clear that the change requested relates to a modification of the person’s gender identity or the person’s apparent sexual characteristics; or

(3) the change requested concerns a child under 6 months of age.

“56.4. A substitution of the usual given name has, with the necessary modifications, the same effects as a change of name provided for in articles 68 to 70.”

12. Article 58 of the Code is amended by inserting “or of one of the parents” after “mother” in the second paragraph.

13. Article 59 of the Code is amended by striking out “who is a Canadian citizen and” in the first paragraph.

14. Article 60 of the Code is amended by inserting “or of one of the parents” after “mother” in the second paragraph.

15. Article 61 of the Code is amended by inserting “or of the parents” after “mother” in the first paragraph.

16. Article 62 of the Code is amended

(1) by inserting “or the parents” after “mother” in the first paragraph;

(2) by inserting “or of one of the parents” after “mother” in the second paragraph.

17. Article 63 of the Code is amended by inserting “or of the person’s apparent sexual characteristics” after “gender identity” in subparagraph 2 of the first paragraph.

18. Article 64 of the Code is amended by inserting “as well as the persons or categories of persons who may be exempt from paying those duties,” after “making the application”.

19. Article 65 of the Code is amended by inserting “or by one of the parents or both of them” after “mother”.

20. Article 66.1 of the Code is amended by inserting “or by the parents or one of them” after “mother”.

21. Article 67 of the Code is amended by inserting “or of the person’s apparent sexual characteristics” after “gender identity” in subparagraph 2 of the second paragraph.

22. The heading of Division IV of Chapter I of Title Three of Book One of the Code is amended by inserting “AND OF GENDER IDENTITY” after “SEX”.

23. Article 71 of the Code is amended

(1) by replacing the first and second paragraphs by the following paragraphs:

“A person who has undergone medical treatments and surgical operations involving a structural alteration of the person’s sexual organs and designed to permanently change that person’s apparent sexual characteristics may, if the conditions prescribed by this Code and by government regulation have been met, have the designation of sex appearing in their act of birth and, if necessary, their given names changed.

Furthermore, a person who has had a designation of gender identity added to their act of birth may, if the conditions prescribed by this Code and by government regulation have been met, have that designation changed or withdrawn and, if necessary, have their given names changed.”;

(2) by striking out “and is a Canadian citizen” in the third paragraph;

(3) by replacing “telles modifications” in the fifth paragraph in the French text by “tels changements”.

24. The Code is amended by inserting the following article after article 71:

“71.0.1. A person whose designation of sex appears in their act of birth as undetermined or, in the case of a minor, their tutor, must, as soon as it is possible to determine the person’s sex, apply for a change of designation of sex and, if necessary, for a change of the person’s given names. To obtain the change, the person must meet the conditions prescribed for such an application by this Code and those determined by government regulation.

Where a designation of gender identity was assigned to the person at birth, the person may, if the conditions prescribed for such an application have been met, have that designation changed or withdrawn and, if necessary, have their given names changed.”

25. Article 71.1 of the Code is amended

(1) by inserting “or of gender identity” after “designation of sex” in the first paragraph;

(2) by replacing “the change of designation of sex” in the second paragraph by “such a change”.

26. Article 73 of the Code is amended

(1) by inserting “or of gender identity” after “sex”;

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

“A person who has obtained a change of the designation of sex appearing in their act of birth may apply to have the designation “father” or “mother” appearing in the act of birth of their child correspond to the change obtained. The same applies where a change of the designation of gender identity has been obtained, in which case the designation “parent” may also be applied for.

A child 14 years of age or over must be notified of such an application and may object to the change of the designation “father” or “mother”, as the case may be. If an objection is made, where the change concerns a designation of gender identity, the designation “parent” is assigned. A minor under 14 years of age must be informed of the change made to his act.”

27. Article 73.1 of the Code is amended by replacing “of designation of sex for” by “of a designation appearing in the act of birth of”.

28. Article 80 of the Code is amended by inserting “or the parents” after “mother” in the second paragraph.

29. Article 93 of the Code is amended, in the first paragraph,

(1) by replacing “his or her birth” by “the person’s birth”;

(2) by replacing “the spouse, the names of his or her father and mother as well as his or her last domicile, and the date,” by “the person’s spouse and father and mother or parents, as well as the person’s last domicile, and date,”.

30. Article 111 of the Code is amended

(1) by inserting “or of the parent who gave birth to the child” at the end of the second paragraph;

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

“If the sex of the child cannot be determined, the attestation states the designation of sex as undetermined.”

31. Article 113 of the Code is amended

(1) by replacing “, or by either of them,” by “or by the parents, or by one of them,”;

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

“Where the child is born of a parental project involving surrogacy, the declaration must be accompanied by an authentic copy of the notarized surrogacy agreement and by the written consent given, in accordance with article 541.4, after the child’s birth, by the woman or the person who gave birth to the child.

If that woman or person is deceased or incapable of giving consent, the declaration must be accompanied by a document evidencing the death or by a medical certificate evidencing the incapacity, as the case may be.”

32. Article 114 of the Code is amended by replacing the first paragraph by the following paragraphs:

“Only the father or mother or each of the parents may declare the filiation of a child with regard to themselves. The mother or the person who gave birth to the child shall, subject to the rules of filiation for a child born of a parental project involving surrogacy, declare the filiation of the child with regard to themselves.

However, where the child is conceived or born during the marriage, civil union or *de facto* union, one of the spouses may declare the filiation of the child with regard to the other.

In the case of a *de facto* union, the declaring spouse must provide, with the declaration of birth, an affidavit in which the spouse states the facts and circumstances showing that the child was born during the union or within 300 days after the end of the union. The spouse must also attach to the declaration an affidavit from a third person corroborating the spouse’s affidavit and, where applicable, any other evidence proving the union. If need be, the registrar of civil status makes a summary investigation to obtain additional information.”

33. Article 115 of the Code is replaced by the following article:

115. A declaration of birth states the name assigned to the child, the usual given name, where the child has more than one given name, the sex, which must correspond to the sex indicated in the attestation of birth, the place, date and time of birth, and the name and domicile of the child’s father and mother or parents. It also states the family relationship between the declarant and the child. The declarant is then designated as being the father or mother according to the designation of sex appearing in the declarant’s act of birth or, if a designation of gender identity appears in that act, as being the child’s father, mother or parent, according to that designation.

Where the attestation of birth of a child indicates that his designation of sex is undetermined, the declaration of birth may state a designation of male or female gender identity, at the choice of the declarant.”

34. Article 116 of the Code is amended

- (1) by inserting “or parents” after “mother” in the first paragraph;
- (2) by inserting “or of the parents” after “mother” in the second paragraph;

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

“Where the child is born of a parental project involving surrogacy, the declarant must also provide the documents required under the second paragraph of article 113 and, if applicable, the document required under the third paragraph of that article. If the declarant does not have access to an authentic copy of the notarized surrogacy agreement, the declarant must provide the information held in that regard. The registrar of civil status may then obtain from any notary an authentic copy of the notarized surrogacy agreement of which the notary is the depositary.”

35. Article 119 of the Code is amended by inserting “or of the parents” after “mother” in the first paragraph.

36. Article 121.2 of the Code is amended by replacing “and witnesses” by “or of their parents, and of the witnesses” in the first paragraph.

37. Article 126 of the Code is amended

(1) by replacing “and sex” by “, sex and, if it is known by the declarant and appears in the deceased person’s act of birth, gender identity, the”;

(2) by inserting “or of the parents” after “mother”.

38. Article 132.0.1 of the Code is amended by inserting “or of the parents” after “mother” in the first paragraph.

39. The Code is amended by inserting the following article after article 132.1:

132.2. The clerk of the court who has rendered a judgment regarding the filiation of a child born of a parental project involving surrogacy notifies the judgment to the registrar of civil status as soon as it becomes final. On receipt of the judgment, the registrar of civil status alters the act of birth, indicating the particulars in accordance with the judgment.

In the case of a parental project involving surrogacy in which the woman or the person who gave birth to the child is domiciled outside Québec, the clerk notifies the judgment recognizing an act of birth drawn up by a foreign competent authority or recognizing a foreign decision to the registrar of civil status as soon as it becomes final. On receipt of the judgment, the registrar of civil status inserts the act of birth in the register of civil status or draws up the act of birth, indicating the particulars in accordance with the foreign decision and, if applicable, those consistent with the decision relating to a claim of status.”

40. Article 137 of the Code is amended by adding the following sentence at the end of the first paragraph: “The designation of sex appearing in that act, if any, is presumed to be the designation of sex within the meaning of this Code, unless it is proven to the registrar of civil status that a change of the designation of sex was obtained due to the person’s gender identity, in which case the registrar enters the designation of sex within the meaning of this Code and adds, at the request of the person who is the subject of the act, a designation of gender identity to the person’s act of birth, without further consideration.”

41. The Code is amended by inserting the following subdivision after article 140:

“§2.1. — *Addition of a designation of gender identity to the act of birth*

“140.1. Any person who has been domiciled in Québec for at least one year may, if the person meets the conditions prescribed by this Code and those determined by government regulation, apply to the registrar of civil status for the addition of a designation of gender identity to their act of birth and, if applicable, for a change of their given names.

A child under one year of age, born and domiciled in Québec, is considered to have been domiciled in Québec for at least one year.

The conditions determined by government regulation that must be met in order to obtain such an addition may vary, in particular according to the age of the person who is the subject of the application.

“140.2. An application for the addition of a designation of gender identity to the act of birth of a minor child may be made by the minor alone if the minor is 14 years of age or over or by the minor’s tutor with the minor’s consent. In the case of a minor under 14 years of age, the application must be made by the minor’s tutor.

In the latter case, the addition of a designation of gender identity is not granted, unless there is a compelling reason, if the other tutor has not been notified of the application or objects to it.

“140.3. A person who files an application to have a designation of gender identity appear in their act of birth may also apply to have the designation “father” or “mother” appearing in the act of birth of their child correspond to the designation of gender identity applied for, that is, “father”, “mother” or “parent”.

A child 14 years of age or over shall be notified of such an application and may object to the change of the designation “father” or “mother”, as the case may be. If an objection is made, the designation “parent” is assigned. A minor under 14 years of age shall be informed of the change made to his act.

“140.4. The application is made in accordance with the rules prescribed by government regulation and must be accompanied by the documents prescribed by that regulation.

“140.5. Where an application for the addition of a designation of gender identity is granted, the act of birth of the person who is the subject of the application is then altered by the addition of a designation referring to a male, female or non-binary identity, as the case may be. A government regulation determines the letter symbols to be used to represent that designation.

If the addition of such a designation entails a change of given names for the person who is the subject of the application, that change has the same effects as a change of name.

“140.6. A tutor wishing to apply for the addition of a designation of gender identity to the act of birth of a minor under 14 years of age may, if the other tutor objects, submit the application to the court before an application for such an addition is presented to the registrar of civil status.”

42. Article 145 of the Code is amended by adding the following paragraph at the end:

“A copy of an act of birth must, if an alteration was made to the act of birth, indicate that fact.”

43. Article 146 of the Code is replaced by the following article:

“146. A certificate of civil status states the person’s name and sex, or gender identity, if the person has had it added to the act of birth, the place and date of birth as well as the name of the father and mother or of the parents and, if the person is deceased, the place and date of death. It also states, if applicable, the place and date of the person’s marriage or civil union and the name of the spouse.

The registrar of civil status may also issue certificates of birth, marriage, civil union or death bearing only the particulars determined by government regulation.

Certificates of civil status or birth must, if an alteration was made to the act of birth, indicate that fact.”

44. Article 147 of the Code is amended by adding the following paragraph at the end:

“A detailed attestation deals with the information contained in the copy of the attestation of birth transmitted by the accoucheur to the registrar of civil status and with the nature of the changes made to an act of birth, if any.”

45. Article 148 of the Code is amended

(1) by inserting “of birth only to the person whose birth is attested in the act or to the other persons mentioned in it who establish their interest; he issues a copy of an act of death only to the latter persons or to the liquidator of the succession. The registrar issues a copy of an act of marriage or civil union” after “copy of an act” in the first paragraph;

(2) by adding the following sentence at the end of the second paragraph: “He issues detailed attestations only to the person whose birth is attested in the act of birth.”

46. Article 149 of the Code is amended

(1) by striking out the last sentence of the first paragraph;

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

“In cases of adoption, the adoptee may, in accordance with article 583, obtain a copy of the original act. The same applies for the descendants in the first degree of a deceased adoptee. The other persons mentioned in the new act may obtain a copy of it if the court, having ascertained that the other conditions of law have been met, so authorizes. The authorities responsible under the law for disclosing information about the identity of the parent of origin and information making contact with that parent possible may, pursuant to an application by the adoptee or the adoptee’s descendants in the first degree, if applicable, to obtain that information, obtain a copy of the original act.”

47. Article 151 of the Code is amended by replacing “register are fixed” in the third paragraph by “register, as well as the persons or categories of persons who may be exempt from paying the duties, are determined”.

48. Article 171 of the Code is amended by inserting “or of his parents” at the end.

49. Article 178 of the Code is amended by replacing “the father or mother designates a tutor” in the second paragraph by “a tutor is designated by the father or mother or by the parents or one of them, as the case may be,”.

50. Article 183 of the Code is amended

(1) by replacing “Fathers and mothers,” in the first paragraph by “The father and mother or the parents,”;

(2) by replacing “fathers and mothers” in the second paragraph by “the father and mother or the parents”.

51. Article 184 of the Code is amended by inserting “or the parent” after “mother”.

52. Article 186 of the Code is amended by inserting “or the parents” after “mother”.

53. Article 192 of the Code is amended

- (1) by inserting “or the parents” after “mother” in the first paragraph;
- (2) by replacing “The father and mother” in the second paragraph by “They”.

54. Article 193 of the Code is amended

- (1) by inserting “or the parents” after “mother”;
- (2) by replacing “one parent” and “his” by “one of them” and “their”, respectively.

55. Article 195 of the Code is amended by inserting “or the parents” after “mother”.

56. Article 196 of the Code is amended by inserting “or the parents” after “mother” in the first paragraph.

57. Article 198 of the Code is amended by inserting “or a parent” after “mother”.

58. Article 199 of the Code is amended, in the first paragraph,

- (1) by inserting “or the parents” after “the father and mother”;
- (2) by inserting “or his parents” at the end.

59. Article 199.1 of the Code is amended

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

“The father or mother of a minor child or the child’s parents or one of them may designate a person to whom may be delegated or with whom may be shared the offices of legal tutor and of person having parental authority where it is impossible for them or for one of them to fully assume those offices or where there is disengagement toward the child.”;

- (2) in the second paragraph,

(a) by replacing “the father or mother” by “one of them”;

(b) by replacing “or a spouse of that ascendant or relative” by “, a spouse of that ascendant or relative or a member of the child’s foster family”.

60. Article 199.2 of the Code is amended

(1) by inserting “or of the parents or one of them” after “mother” in the first paragraph;

(2) by inserting “or the parents” after “mother” in the second paragraph.

61. Article 199.3 of the Code is amended

(1) by inserting “or of one of the parents” after the first occurrence of “mother”;

(2) by replacing “either the father or the mother” by “either of them”.

62. Article 199.5 of the Code is amended by replacing “mother without the father’s or mother’s consent, unless the father or mother is prevented from expressing his or her wishes” by “the mother or by the parents or one of them without their consent, unless they are prevented from expressing their will”.

63. Article 199.6 of the Code is amended by inserting “or parent” after “mother”.

64. Article 199.7 of the Code is amended by inserting “or one of the parents” after “mother”.

65. Article 199.8 of the Code is amended by inserting “or one of the parents” after “mother”.

66. Article 199.9 of the Code is amended by inserting “or to the parents or one of them” after “mother” in the second paragraph.

67. Article 200 of the Code is amended by replacing “A father or mother may appoint a tutor to his or her” by “The father or mother or one of the parents may appoint a tutor to their”.

68. Article 201 of the Code is amended

(1) by replacing “parent or to the last parent who is able to exercise tutorship, as the case may be, if that parent” and “his” in the first paragraph by “person among the father and mother or among the parents or to the last person among them who is able to exercise tutorship, as the case may be, if that person” and “their”, respectively;

(2) by replacing “both parents” in the second paragraph by “the father and mother or the parents”.

69. Article 202 of the Code is amended by inserting “or one of the parents” after “mother” in the first paragraph.

70. Article 203 of the Code is amended by inserting “or one of the parents” after “mother”.

71. Article 205 of the Code is amended by inserting “or by the parents” after “mother” in the first paragraph.

72. Article 206 of the Code is amended by inserting “or one of the parents” after “mother”.

73. Article 207 of the Code is amended

(1) by inserting “or whose parents” after “whose father and mother”;

(2) by inserting “or to his parents or to one of them” at the end.

74. Article 209 of the Code is amended by inserting “or parents” after “mothers”.

75. Article 218 of the Code is amended by inserting “or the parents” at the end.

76. Article 223 of the Code is amended by inserting “or the parents” after “mother” in the first paragraph.

77. Article 225 of the Code is amended

(1) by replacing “appointed by the father or mother of a minor or the father and mother” in the first paragraph by “, appointed by the father or mother or by one of the parents of a minor, or the parents”;

(2) by inserting “or the parents” after “mother” in the second paragraph.

78. Article 226 of the Code is amended

(1) by inserting “or the parents” after “mother” in the first paragraph;

(2) by inserting “or the lines of each of the two parents” after “lines” in the third paragraph.

79. Article 228 of the Code is amended by inserting “or the lines of each of the two parents” after “lines” in the first paragraph.

80. Article 381 of the Code is amended by inserting “or of the parents” after “mothers” in the second paragraph.

81. Article 513 of the Code is amended by replacing “fathers and mothers” in the second paragraph by “the father and mother or of the parents”.

82. The Code is amended by replacing the heading “*GENERAL PROVISION*” before article 522 by the following:

“CHAPTER I

“GENERAL PROVISIONS”.

83. The Code is amended by inserting the following article after article 522:

“522.1. The filiation of a child is proved by his act of birth, regardless of the manner in which filiation is established.”

84. Chapter I of Title Two of Book Two of the Code is amended by replacing the headings before article 523 by the following:

“CHAPTER II

“FILIACTION BY BIRTH

“DIVISION I

“GENERAL PROVISION

“522.2. All children have a right to the establishment of their filiation in accordance with the conditions provided for in this Chapter, without further consideration.

“DIVISION II

“FILIACTION OF CHILDREN BORN OF PROCREATION NOT INVOLVING THE CONTRIBUTION OF A THIRD PERSON”.

85. Article 523 of the Code is replaced by the following article:

“523. The filiation of a child is established with regard to the mother or the parent by the fact of their having given birth to him and, for the other parent, it is established by the acknowledgement of that parent’s bond of filiation in the declaration of birth in accordance with the rules prescribed by this Code.

In the absence of such an acknowledgement in the declaration of birth, uninterrupted possession of status is sufficient.”

86. Article 524 of the Code is amended

(1) by replacing “the persons of whom he is said to be born” by “the person who acts toward him as his parent. For possession to be uninterrupted, such conduct must begin at the child’s birth and continue for a minimum period of 24 months, except in exceptional circumstances”;

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

“Uninterrupted possession of status may not be established in cases where it is exercised by more than one person simultaneously.”

87. The Code is amended by striking out the following before article 525:

“§2.—*Presumption of paternity*”.

88. Article 525 of the Code is replaced by the following article:

“525. A child born during a marriage, civil union or *de facto* union or within 300 days after its dissolution or annulment or, in the case of a *de facto* union, its end, is presumed to have as the other parent the spouse of his mother or of the parent who gave birth to him.

The presumption is rebutted with regard to the former spouse where the child is born within 300 days of the dissolution or annulment of the marriage or civil union or of the end of the *de facto* union, but after a subsequent marriage, civil union or *de facto* union of his mother or of the parent who gave birth to him.

The presumption is also rebutted if the child is born more than 300 days after the judgment ordering separation from bed and board of married spouses, unless the spouses have voluntarily resumed their community of life before the birth.

The presumption is rebutted as well if the child is born of an assisted procreation activity carried out after the death of the spouse of his mother or of the parent who gave birth to him.”

89. Subdivision 3 of Division I and Division II of Chapter I of Title Two of Book Two of the Code, comprising articles 526 to 537, are repealed.

90. Chapter I.1 of Title Two of Book Two of the Code becomes Division III of Chapter II of Title Two of Book Two and its heading is replaced by the following:

“FILIACTION OF CHILDREN BORN OF PROCREATION INVOLVING
THE CONTRIBUTION OF A THIRD PERSON

“§1.—*Parental project involving the use of the reproductive material of a third person*”.

91. Article 538 of the Code is replaced by the following article:

“538. A parental project involving the use of the reproductive material of a third person exists from the moment a person alone or spouses have decided, before a child is conceived, to use the reproductive material of a person who is not party to the parental project.

The reproductive material may be provided through assisted procreation activities carried out in a centre for assisted procreation. The material may also be provided through artisanal insemination or sexual intercourse. In the latter two cases, the person who provides reproductive material must be informed beforehand of the nature of his contribution to the parental project.

The parental project comprises all children born of it and shall not entail their being dissociated.”

92. Article 538.1 of the Code is replaced by the following article:

“538.1. The filiation of a child born of a parental project involving the use of the reproductive material of a third person is established with regard to the mother or the parent by the fact of their having given birth to the child.

Filiation is established with regard to the other parent, if applicable, by the acknowledgement of that parent’s bond of filiation in the declaration of birth in accordance with the rules prescribed by this Code. In the absence of such an acknowledgment in the declaration of birth, uninterrupted possession of status is sufficient.

Uninterrupted possession of status is established by an adequate combination of facts which indicate the relationship of filiation between the child and the person who acts toward him as his parent. For possession to be uninterrupted, such conduct must begin at the child’s birth and continue for a minimum period of 24 months, except in exceptional circumstances.

Uninterrupted possession of status may not be established in the cases where it is exercised by more than one person simultaneously.”

93. Article 538.2 of the Code is replaced by the following article:

“538.2. A child born of a parental project involving the use of the reproductive material of a third person may not claim filiation with regard to the third person who provided such reproductive material for the purposes of the project. Likewise, that third person may not claim filiation with regard to the child.

However, a filiation claim is possible if the third person who provided his reproductive material through sexual intercourse or artisanal insemination was not informed beforehand of the nature of his contribution to the parental project.”

94. Article 538.3 of the Code is replaced by the following article:

“538.3. A child born of a parental project between spouses involving the use of the reproductive material of a third person and whose birth occurred during the spouses’ union or within 300 days after the dissolution or annulment of their marriage or civil union or the end of their *de facto* union is presumed to have as the other parent the spouse of his mother or of the parent who gave birth to him.

The presumption is rebutted with regard to the former spouse where the child is born within 300 days of the dissolution or annulment of the marriage or civil union or of the end of the *de facto* union, but after a subsequent marriage, civil union or *de facto* union of his mother or of the parent who gave birth to him.

The presumption is also rebutted if the child is born more than 300 days after the judgment ordering separation from bed and board of married spouses, unless the spouses have voluntarily resumed their community of life before the birth.

The presumption is rebutted as well if the child is born of an assisted procreation activity carried out after the death of the spouse of his mother or of the parent who gave birth to him.”

95. Articles 539 to 541 of the Code are repealed.

96. The Code is amended by inserting the following after article 541:

“§2.—*Parental project involving surrogacy*

“I.—*General provisions*

“541.1. A parental project involving surrogacy exists from the moment a person alone or spouses have decided, before a child is conceived, to resort to a woman or a person who is not party to the parental project to give birth to the child. The woman or person must be 21 years of age or over.

If the woman or the person who has agreed to give birth to the child is a sister, an ascendant or a descendant of the person alone or of one of the spouses who formed the parental project, the reproductive material of that woman or person is not to be combined with that of the woman’s or person’s sibling, ascendant or descendant.

The parental project comprises all children born of it and shall not entail their being dissociated.

“541.2. The contribution made to the parental project by the woman or the person who has agreed to give birth to a child must be gratuitous, subject to the right to be reimbursed or paid certain expenses determined by government regulation and to be compensated, if applicable, for the loss of work income resulting from that contribution and, if the woman or person is domiciled outside Québec, subject to the law applicable in the State of that domicile with respect to the reimbursement or payment of certain expenses and compensation for the loss of work income.

The government regulation also prescribes the terms and conditions for the reimbursement or payment of the expenses determined and for the compensation for loss of income.

No claim for expenses reimbursed or paid or for compensation paid to the woman or person who has agreed to give birth to the child may be made against that woman or person, regardless of whether the surrogacy project is terminated before or after the birth of the child.

“541.3. The only persons who may be parties to a surrogacy agreement are the person alone or the spouses who formed a parental project and the woman or the person who has agreed to give birth to a child. The agreement must be entered into prior to the pregnancy of the woman or person.

“541.4. For the parental project involving surrogacy to be carried to completion, the woman or the person who has agreed to give birth to the child shall, after the birth, consent to their bond of filiation with regard to the child being deemed never to have existed and to a bond of filiation being established with regard to the person alone or both spouses who formed the parental project.

Consent shall be given by a notarial act *en minute* or by an act made in writing and before two witnesses who have no interest in the surrogacy project. It may also be given by a judicial declaration in the course of proceedings relating to the filiation of the child.

Consent given in a language other than French shall be accompanied by a translation authenticated in Québec.

A government regulation shall determine the other elements to be covered by such consent.

“541.5. Any renunciation, by the woman or the person who has agreed to give birth to a child, of the obligation to give consent after the child’s birth is without effect.

A clause tending to prevent the woman or the person who has agreed to give birth to a child from expressing consent in a free and enlightened manner, after the child’s birth, is deemed unwritten. A penal clause to the same effect is also deemed unwritten.

“541.6. A child cannot claim filiation with regard to the woman or the person who gave birth to him pursuant to a parental project involving surrogacy to which the woman or person contributed. Likewise, the woman or person cannot claim a bond of filiation with regard to the child once their consent has been given or deemed to have been given to such a bond of filiation being deemed never to have existed and to a bond of filiation being established with regard to the person alone or both spouses who formed the parental project.

“II. — Children born of a parental project in which the parties to the agreement are domiciled in Québec

“541.7. The person alone or the spouses who formed the parental project and the woman or the person who has agreed to give birth to the child shall have been domiciled in Québec for at least one year so that the rules allowing the legal or judicial establishment of the child’s filiation may apply to the parental project involving surrogacy.

“541.8. Only the woman or the person who has agreed to give birth to a child within the context of a parental project involving surrogacy may, at any time before the child’s birth, unilaterally terminate the surrogacy agreement by a notarial notice *en minute* or a notice made in writing and before two witnesses who have no interest in the surrogacy project. A copy of the notice shall be notified to the person alone or to each of the spouses who formed the parental project. Where there is a termination of the pregnancy, the surrogacy agreement is terminated without further formality.

“541.9. The amounts reimbursed for certain expenses and, if applicable, paid as compensation for the loss of work income to the woman or the person who has agreed to give birth to the child, in consideration of their contribution to a parental project involving surrogacy, are exempt from seizure. However, the compensation paid for a loss of work income is seizable with regard to a debt of support, in accordance with articles 694 and following of the Code of Civil Procedure (chapter C-25.01), with the necessary modifications.

“1. — Prior conditions and legal establishment of filiation

“541.10. Before the beginning of the pregnancy, the woman or the person who has agreed to give birth to the child shall, without the person alone or the spouses who formed the parental project being present, have met with a professional qualified to inform the woman or the person of the psychosocial implications of the surrogacy project and of the ethical issues it involves. The same applies to the person alone or the spouses who formed the parental project.

At the end of the meeting, the professional gives a signed attestation to the person or persons the professional met with confirming that they attended the meeting.

The professional must be a member of a professional order designated by the Minister of Justice.

“541.11. Once the information meeting has been held, a surrogacy agreement is to be entered into by way of a notarial act *en minute* between the person alone or the spouses who formed the parental project and the woman or the person who has agreed to give birth to the child.

The agreement is drawn up in French. The parties may be bound only by a version in a language other than French if, after examining the French version, such is their express wish.

The notary shall obtain from each of the parties the attestation received at the information meeting, and mentions having done so in the agreement.

The agreement may be amended with the consent of each of the parties by a notarial act *en minute*.

“541.12. The agreement shall provide for the deposit, in a trust account of the notary who executes the agreement, of an amount to guarantee the amount agreed to by the parties in the agreement for the reimbursement or payment of the expenses or the compensation for loss of income, in accordance with the terms and conditions prescribed by government regulation. The regulation may prescribe the cases in which the parties are exempt from making such a deposit.

The agreement also contains the information concerning the profile of the woman or the person who has agreed to give birth to the child, determined by government regulation.

A government regulation determines the other elements that the agreement must or must not contain and the special terms such an agreement must comply with.

Non-observance of the formalities to which the surrogacy agreement is subject does not necessarily entail the nullity of the agreement. However, if any of those formalities are not observed, only the judicial establishment of the child’s filiation is possible.

“541.13. After his birth, the child is entrusted to the person alone or the spouses who formed the parental project, unless the woman or the person who gave birth to the child objects to it. If the person alone or the spouses are deceased or unable to act, the child is entrusted to the director of youth protection.

Entrusting the child entails, by operation of law, the delegation of the exercise of parental authority and of tutorship to the person alone, the spouses or the director of youth protection, as the case may be.

The delegation may be evidenced in a notarial act *en minute* or in a written document made before two witnesses who have no interest in the surrogacy project.

“541.14. The consent of the woman or the person who gave birth to the child to their bond of filiation with regard to the child being deemed never to have existed and to a bond of filiation being established with regard to the person alone or both spouses who formed the parental project must be given within a maximum period of 30 days from the birth of the child, but not before seven days have elapsed since the birth.

“541.15. If the prior conditions for the legal establishment of filiation are met, the child’s filiation is deemed established with regard to the person alone or each of the spouses who formed the parental project from the child’s birth.

The child’s birth is declared to the registrar of civil status in accordance with the rules prescribed by this Code.

“541.16. If the woman or the person who gave birth to the child does not consent to their bond of filiation with regard to the child being deemed never to have existed and to a bond of filiation being established with regard to the person alone or both spouses who formed the parental project, as the case may be, the child’s filiation is established in accordance with the rules of filiation for children born of procreation not involving the contribution of a third person.

However, the presumption with regard to the spouse of the woman or person who gave birth to the child does not apply.

“541.17. Should the woman or the person who gave birth to the child die before giving consent to their bond of filiation with regard to the child being deemed never to have existed and to a bond of filiation being established with regard to the person alone or the spouses who formed the parental project, such consent is deemed to have been given and the filiation is then deemed established with regard to that person or each of the spouses from the child’s birth. The same applies in cases where the woman or person became incapable of giving consent before giving it, provided the incapacity is certified by a physician. Such a certificate may be communicated by the physician to the person alone or the spouses who formed the parental project, despite that physician being bound by professional secrecy with regard to his patient.

The child’s birth is declared to the registrar of civil status in accordance with the rules prescribed by this Code.

“541.18. If the woman or the person who gave birth to the child disappears with the latter before giving consent to their bond of filiation with regard to the child being deemed never to have existed and to a bond of filiation being established with regard to the person alone or both spouses who formed the parental project, that consent is presumed not to have been given.

The child's filiation is then established in accordance with the rules of filiation for children born of procreation not involving the contribution of a third person. However, the presumption with regard to the spouse of the woman or person who gave birth to the child does not apply.

“541.19. Should the person alone or the spouses who formed the parental project, or one of them, die, be unable to act or disappear, the child's filiation is deemed established with regard to that person or each of the spouses, subject to the woman or the person who gave birth to the child consenting to their bond of filiation with regard to the child being deemed never to have existed and to a bond of filiation being established with regard to the person alone or both spouses who formed the parental project.

The child's birth is declared to the registrar of civil status in accordance with the rules prescribed by this Code.

“2. — Judicial establishment of filiation

“541.20. If the general conditions applicable to a parental project involving surrogacy and the prior conditions allowing for the legal establishment of the child's filiation are met, but the woman or the person who gave birth to the child has not given consent within the prescribed time, and such failure to give consent is not due to the woman's or person's death, incapacity to consent as certified by a physician, or to the fact that consent is presumed not to have been given, given their disappearance with the child, the child's filiation is established in accordance with the rules of filiation for children born of procreation not involving the contribution of a third person, except for the presumption with regard to the spouse of the woman or person who gave birth to the child, which does not apply. In such a case, only the court is authorized to change the filiation. An application to that effect must be submitted to the court within 60 days after the birth, except in exceptional circumstances. The court shall analyze the situation and take into account, in particular and in addition to the interest of the child, the reasons justifying the impossibility of obtaining the consent of the woman or the person who gave birth to the child and the efforts made to obtain such consent.

If the court changes the filiation, it is deemed established with regard to the person alone or the spouses who formed the parental project from the child's birth.

“541.21. Where the prior conditions allowing for the legal establishment of the child's filiation are not met, the child's filiation is established in accordance with the rules of filiation for children born of procreation not involving the contribution of a third person, except for the presumption with regard to the spouse of the woman or person who gave birth to the child, which does not apply. In such a case, only the court is authorized to change the filiation. An application to that effect must be submitted to the court within 60 days after the child's birth, except in exceptional circumstances.

“541.22. Where the court is seized with an application to change a child’s filiation in a case where the prior conditions allowing for the legal establishment of the child’s filiation are not met, the court ascertains that the general conditions for the parental project involving surrogacy have been met. If the court finds that they have not, it declares the parental project involving surrogacy null and dismisses the application.

If the court finds that the general conditions have been met, it confirms the existence of a parental project involving surrogacy and ascertains that the woman or person who gave birth to the child consented to their bond of filiation with regard to the child being deemed never to have existed and to a bond of filiation being established with regard to the person alone or both spouses who formed the parental project, as the case may be. If consent was given, the court changes the child’s filiation by establishing it with regard to that person or each of those spouses. The filiation is then deemed established with regard to them from the child’s birth. In the absence of such consent, the court confirms the filiation already established.

“541.23. Should the woman or the person who gave birth to the child die before giving consent to their bond of filiation with regard to the child being deemed never to have existed and to a bond of filiation being established with regard to the person alone or both spouses who formed the parental project, such consent is deemed to have been given. If the court, after ascertaining that the other general conditions for a parental project involving surrogacy have been met, finds that such a project exists, the court changes the child’s filiation by establishing it with regard to that person or each of those spouses. The filiation is then deemed established with regard to them from the child’s birth. The same rules apply in cases where the woman or the person who gave birth to the child became incapable of giving consent before giving it.

“541.24. If the woman or the person who gave birth to the child disappears with the child before giving consent to their bond of filiation with regard to the child being deemed never to have existed and to a bond of filiation being established with regard to the person alone or both spouses who formed the parental project, that consent is presumed not to have been given. If the court, after ascertaining that the general conditions for a parental project involving surrogacy have been met, finds that such a project exists, it analyzes the situation and confirms or changes the child’s already established filiation.

In the event the woman or person has disappeared without the child before giving their consent, the court, if it finds that a parental project involving surrogacy exists after ascertaining that the general conditions for such a project have been met, analyzes the situation, taking into account, in addition to the child’s interest, the reasons making it impossible to obtain such consent and the efforts made to obtain it. The court then confirms or changes the child’s already established filiation.

If the court changes the filiation, it is deemed established with regard to the person alone or the spouses who formed the parental project from the child's birth.

“541.25. Should the person alone or the spouses who formed the parental project or one of them die, be unable to act or disappear, the court, having found that a parental project involving surrogacy exists after ascertaining that the general conditions for such a project have been met and obtaining the consent of the woman or the person who gave birth to the child to their bond of filiation with regard to the child being deemed never to have existed and to a bond of filiation being established with regard to the person alone or both spouses who formed the parental project, then changes the child's filiation by establishing it with regard to that person or each of those spouses. The filiation is deemed to have been established with regard to the person alone or each of the spouses from the child's birth.

“541.26. Where the court is seized with an application related to the filiation of a child born of a parental project involving surrogacy, it rules, if need be, on the fees payable to the advocate representing the woman or the person who gave birth to the child, which are borne by the person alone or by the spouses who formed the parental project, who are solidarily liable for them.

“III. — Children born of a parental project in which the woman or the person who gave birth to the child is domiciled outside Québec

“1. — Prior conditions

“541.27. Every parental project involving surrogacy in which the woman or the person who has agreed to give birth to a child is domiciled outside Québec must comply with the general conditions applicable to any parental project involving surrogacy and those prescribed by this subdivision, regardless of the nationality of the person alone or the spouses who formed the project, of whether they have a residence in the State of the domicile of the woman or the person who has agreed to give birth to the child or otherwise have a right to act in a foreign State under the applicable law in that State and regardless of whether the filiation of the child born of such a project has been established in a foreign State.

“541.28. A person alone or spouses shall have been domiciled in Québec for at least one year to be able to obtain the prior authorization of the Minister of Health and Social Services to carry out a parental project involving surrogacy in which the woman or the person who has agreed to give birth to the child is domiciled outside Québec.

In the case of a parental project involving surrogacy in which the woman or the person who has agreed to give birth to the child is domiciled outside Canada, the person alone or at least one of the spouses must, in addition, be a Canadian

citizen or permanent resident. If a permanent resident, the latter person or spouse must also provide their reproductive material for the conception of the child who is the subject of the project.

The Government may, by regulation, determine the other conditions to be met by the person alone or the spouses who formed such a parental project.

“541.29. The person alone or the spouses who formed a parental project involving surrogacy in which the woman or the person who has agreed to give birth to the child is domiciled outside Québec are required to have met with a professional qualified to inform them of the psychosocial implications of such a project and of the ethical issues it involves.

At the end of the meeting, the professional gives a signed attestation to the person alone or the spouses the professional met with confirming that they attended the meeting.

The professional must be a member of a professional order designated by the Minister of Justice.

“541.30. A parental project involving surrogacy in which the woman or the person who has agreed to give birth to the child is domiciled outside Québec may be carried out only if that woman or person is domiciled in another Canadian province, a Canadian territory or a foreign State designated by the Government on the joint recommendation of the Minister of Justice and the Minister of Health and Social Services, and, as applicable, of the Minister of International Relations or the minister responsible for Canadian intergovernmental affairs.

“541.31. A Canadian province or territory or a foreign State may be designated by the Government if the Government is of the opinion, among other things, that the rules governing surrogacy and the surrogacy-related practices of the province, territory or State concerned are not contrary to public order and safeguard the interest of the child, once born, including the child’s safety and integrity and the safety and integrity of the other persons involved in a surrogacy project.

A designation may be cancelled by the Government on the joint recommendation of the Minister of Justice and the Minister of Health and Social Services, and, as applicable, of the Minister of International Relations or the minister responsible for Canadian intergovernmental affairs.

“541.32. A parental project involving surrogacy in which the woman or the person who has agreed to give birth to the child is domiciled outside Québec shall, before the process is set in motion, be submitted for prior authorization to the Minister of Health and Social Services by the person alone or the spouses who formed such a project.

The authorization is given provided, in particular, that the person alone or the spouses who formed the parental project provide the attestation received after the information meeting, that the Canadian province, Canadian territory or the State chosen by the person or spouses is a province, territory or State designated by the Government and that the project meets the other conditions prescribed by law.

The Government may, by regulation, impose additional conditions the parental project is required to meet before the authorization is given.

The Minister notifies the registrar of civil status of every parental project involving surrogacy the Minister receives for authorization, whether the project is authorized or not.

“541.33. Once the prior authorization has been obtained, the surrogacy agreement, accompanied by the information concerning the profile of the woman or the person who has agreed to give birth to the child and the documents determined by government regulation, must, before being signed, be submitted to the Minister of Health and Social Services for authorization, according to the terms prescribed by such a regulation.

If the Minister considers that the agreement is compliant, the Minister issues an authorization to proceed with the parental project involving surrogacy.

A copy of the signed agreement is filed with the Minister, together with the necessary documents, by the person alone or the spouses who formed the project.

“541.34. The Minister of Health and Social Services must be notified, by the person alone or the spouses who formed the project, of any birth of a child born of a parental project involving surrogacy that the Minister has authorized. The Minister then ascertains that the project is compliant as a whole, and may require any information or any documents he deems necessary from that person or those spouses.

In analyzing the project, the Minister shall, among other things, ascertain that the child was born in a designated province, territory or State.

If the Minister considers that the surrogacy agreement has been implemented in compliance with the parental project since the last authorization, the Minister issues a certificate of compliance to the person alone or the spouses who formed the project. If the Minister finds otherwise, he informs the person or spouses of the refusal to issue such a certificate and the reasons for the refusal.

“2. — *Judicial recognition of filiation*

“**541.35.** An act of birth drawn up by a foreign competent authority and proving the child’s filiation established with regard to the person alone or the spouses who formed a parental project or one of them, must be recognized by the court in Québec. The same applies to a decision rendered abroad that establishes such a filiation.

In the case of a filiation that is proven or established with regard to only one spouse, an application to claim status concerning the other spouse must be attached to the application for recognition.

“**541.36.** The steps necessary for the recognition of an act of birth drawn up by a foreign authority or of a decision establishing filiation rendered abroad shall be undertaken by the person alone or the spouses who formed a parental project as soon as possible after they receive the certificate of compliance from the Minister of Health and Social Services or the Minister’s refusal to issue the certificate.

If the steps for recognition are not undertaken or completed within a reasonable time, the director of youth protection may, at the request of the Minister of Health and Social Services, take, in the place and stead of the person alone or the spouses who formed the parental project, all necessary measures to undertake or complete those steps or put an end to them.

“**541.37.** The court, where called upon to recognize an act of birth drawn up by a foreign competent authority in which the child’s filiation is established with regard to the person alone or the spouses who formed the parental project involving surrogacy or one of them, or to recognize a decision establishing such a filiation rendered abroad, ascertains that all the rules governing such a project have been complied with, including those concerning the consent of the woman or the person who gave birth to the child.

The court also ascertains that the Minister of Health and Social Services has issued a certificate of compliance. In the absence of such a certificate, the court hears the parties, including the Minister, and, if it finds that the surrogacy project does not comply with the general conditions applicable to any parental project involving surrogacy, it shall refuse to recognize the act or decision.

Recognition may, for serious reasons and if the interest of the child demands it, be granted even if no steps have been undertaken with the Minister by the person alone or the spouses who formed a parental project or if the steps are only partly completed.

The court may, where filiation is proven or established with regard to only one spouse, rule of its own motion on the child’s filiation with regard to the other spouse. When ruling of its own motion or on application, the court shall, in addition to verifying the elements provided for in this article, ascertain the existence of a parental project. For that purpose, the court may take into account the surrogacy agreement, if applicable.

“541.38. The judicial recognition of a child’s act of birth, drawn up by a foreign competent authority and proving the child’s filiation with regard to the person alone or the spouses who formed a parental project or one of them, produces the same effects as an act of birth drawn up in Québec from the time the foreign act is drawn up, unless the law of the place where the act was drawn up provides for another time.

Judicial recognition of a foreign decision establishing a child’s filiation with regard to a person alone or the spouses who formed a parental project or one of them produces the same effects as a judgment establishing filiation rendered in Québec from the time the decision is rendered outside Québec, unless the law of the place where the decision was rendered provides for another time.

97. Article 542 of the Code is replaced by the following:

“§3.— Confidentiality of personal information and documents related to the procreation of a child involving the contribution of a third person and rules for communicating such information and documents

“I.— Confidentiality of personal information and documents related to the procreation of a child involving the contribution of a third person

“542. Personal information and documents relating to the procreation of a child involving the contribution of a third person and held by a centre for assisted procreation, a professional or a public body, as the case may be, are confidential, except as otherwise provided by law.

However, the court may allow that information and those documents to be examined for the purposes of study, teaching, research or a public inquiry, provided that the anonymity of the child, of the third person who contributed to the child’s procreation and of the person alone or the spouses who formed the parental project is preserved.”

98. The Code is amended by inserting the following after article 542:

“II.— Rules respecting communication of personal information and documents relating to the procreation of a child involving the contribution of a third person

“542.1. A person born of procreation involving the contribution of a third person, including a person under 14 years of age who has obtained the prior approval of his father and mother, parents or tutor, is entitled to obtain, from the authority designated by law and to the extent that the information is available, the name of the third person, the information concerning his profile determined by government regulation and, unless a contact veto bars its disclosure, the information making contact with him possible.

The person is also entitled to obtain, according to the terms determined by government regulation, a copy of the surrogacy agreement and of the judgment concerning the person’s filiation, if applicable, as well as a copy of the other

documents contained in the judicial file and of any other documents determined by the regulation. The communication of any document must, however, be made in keeping with any contact veto registered, and the passages that provide information making contact with the third person possible must be deleted or redacted accordingly.

“542.2. It is the responsibility of the child’s parent to inform the child of the fact that he was born of procreation involving the contribution of a third person.

It is also the parent’s responsibility to inform the child of the rules concerning the disclosure of the third person’s identity, of the information concerning the profile of the third person, of the information making contact with him possible and of the documents to which the child is entitled.

“542.3. A person 14 years of age or over who makes an application with the authority designated by law is entitled, provided the authority holds the information requested, to be informed of whether he was born of procreation involving the contribution of a third person. If so, the designated authority also informs the person of the rules concerning the disclosure of the third person’s identity, of the information concerning the profile of the third person, of the information making contact with him possible and of the documents to which the person is entitled.

“542.4. Descendants 14 years of age or over in the first degree of a person born of procreation involving the contribution of a third person may, if the person born of such procreation is deceased, obtain from the authority designated by law the same information and the same documents that that person is entitled to obtain under this subdivision, on the same conditions.

“542.5. A third person who has contributed to the procreation of a child shall, at the time of the first request for information about him, be informed of the request so as to have the opportunity to express his will regarding contact. If the third person is untraceable or is incapable of expressing his will, disclosure of his identity entails, by operation of law, a contact veto. In the event the third person is found or again becomes capable of expressing his will, he must be given the opportunity to maintain or withdraw the veto.

A third person who has registered a contact veto following a first request may, at any time, withdraw the veto by so notifying the authority designated by law.

“542.6. In the event that the person sought is deceased, only the person’s identity, the information concerning his profile and, if applicable, the documents referred to in the second paragraph of article 542.1 are communicated.

“542.7. Where a contact veto is registered or where contact is authorized on conditions, the identity of the person sought is disclosed on the condition that the contact veto or the conditions on which contact is authorized be complied with.

A person who obtains the information on that condition but violates the condition is liable towards the person sought and may also be required to pay punitive damages.

“542.8. In the case of a parental project involving surrogacy in which the woman or the person who gave birth to the child is domiciled outside Québec, the identity of that woman or person, the information concerning their profile, a copy of the surrogacy agreement and of the judgment recognizing the act of birth drawn up outside Québec or the foreign decision and the other documents to which the person born of such a project is entitled are communicated. Communication of the information making contact with the woman or person who gave birth to the child possible is subject to the woman’s or person’s consent, unless the law of the State of the woman’s or person’s domicile provides otherwise.

“542.9. Psychosocial support services are offered to any person who undertakes steps to obtain the communication of information and documents to which the person is entitled, and also to any other person who undertakes or is the subject of such steps, where they express the need for such services to the authority designated by law.

That authority refers those persons to the person or institution designated by the Minister of Health and Social Services to provide such services.

“542.10. The Minister of Employment and Social Solidarity is the designated authority for disclosing to any person born of a parental project involving the use of reproductive material from a third person or involving surrogacy in which all the parties are domiciled in Québec, or to his descendants in the first degree, if applicable, who apply to the Minister, the information and documents held by the Minister and that they are entitled to obtain under this subdivision. That Minister is also the designated authority for disclosing to the physician who provides to the Minister a certificate attesting that the health of the person born of such a project, of the contributing person or of any close relatives genetically linked to them, as the case may be, warrants the communication of medical information, information held by the Minister under this subdivision which the physician is entitled to obtain under article 542.14. To that end, the Minister is responsible for keeping a register in which the information and wishes collected are registered and the documents are filed.

If the Minister has grounds to believe that information or documents are lacking or incomplete, the Minister may make a summary investigation to obtain the required information.

The Minister of Health and Social Services is the designated authority for disclosing to any person born of a parental project involving surrogacy in which the woman or the person who gave birth to the child is domiciled outside Québec, or to his descendants in the first degree, if applicable, who apply to the Minister, the information and documents contained in the register kept by the Minister of Employment and Social Solidarity and that they are entitled to obtain under this subdivision. That Minister is also the designated authority

for disclosing to the physician who provides to the Minister a certificate attesting that the health of the person born of such a project, of the contributing person or of any close relatives genetically linked to them, as applicable, warrants the communication of medical information, information contained in that register which the physician is entitled to obtain under article 542.14. In addition, the Minister is responsible for entering in the register the information and wishes collected in the exercise of the Minister's functions as the designated authority and for filing the documents received in the register.

The Minister of Employment and Social Solidarity and the Minister of Health and Social Services may require from public bodies holding information or documents necessary for locating the person who contributed to the procreation the communication of such information or documents. They may also have access, if applicable, to the judicial file relating to the filiation of a person born of a parental project involving surrogacy.

“542.11. Where the registrar of civil status receives a declaration of birth accompanied by an authentic copy of the surrogacy agreement, the registrar files the authentic copy of the agreement in the register kept by the Minister of Employment and Social Solidarity and enters the child's name and date of birth in the register, after drawing up the child's act of birth.

A government regulation determines the other information to be entered in the register.

“542.12. In the case of a parental project involving the use of the reproductive material of a third person through artisanal insemination or sexual intercourse, the identity of the third person, the information making it possible to contact him and the information concerning the third person's profile determined by government regulation are collected by the person alone or the spouses who formed the parental project. The same applies in the case of a parental project involving the use of reproductive material from outside Québec within the context of assisted procreation activities carried out in a centre for assisted procreation, to the extent that the information is known.

The information is transmitted, at the time the child's declaration of birth is made, to the registrar of civil status by the person alone or the spouses who formed the parental project. After drawing up the act of birth, the registrar of civil status enters that information, the child's name and date of birth, and the other information determined by government regulation, in the register kept by the Minister of Employment and Social Solidarity.

“542.13. Once the judgment recognizing an act of birth drawn up outside Québec or a foreign decision has become final, the Minister of Health and Social Services files that judgment and the surrogacy agreement in the register kept by the Minister of Employment and Social Solidarity and enters therein the identity of the woman or the person who gave birth to the child and the information making it possible to contact the woman or the person. The Minister also enters in the register the information concerning the profile of that woman or that person, determined by government regulation, that accompanied the

agreement that was submitted to the Minister for authorization by the person alone or the spouses who formed a parental project involving surrogacy in which the woman or the person who gave birth to the child is domiciled outside Québec.

“III. — *Disclosure of medical information*

“**542.14.** Where a physician is of the opinion that the health of a person born of procreation involving the contribution of a third person, of that third person or of any close relatives genetically linked to them warrants it, the physician may obtain the necessary medical information from the medical authorities concerned, subject to the consent of the person whose information is requested. In the absence of such consent, the court’s authorization is required to obtain such information.

The authority designated by law shall, after obtaining the consent of the person whose medical information is requested, disclose the information making it possible to identify that person and to contact that person or that person’s physician to the physician who provides the authority with a written attestation certifying that the health of the person born of procreation involving the contribution of a third person, of that third person or of any close relatives genetically linked to them, as applicable, warrants the disclosure of medical information. Where the information requested concerns a woman or a person who gave birth to a child within the context of a parental project involving surrogacy and who is domiciled outside Québec, that obligation applies, provided such disclosure of information is not prohibited by the State of origin of the woman or person.

The anonymity of the persons concerned must be preserved. A physician who receives information referred to in the second paragraph must take appropriate security measures to protect its confidentiality.

“**DIVISION IV**

“**ACTIONS RELATING TO FILIATION**

“**542.15.** No one may claim a filiation contrary to that assigned by their act of birth and the uninterrupted possession of status consistent with that act.

No one may contest the status of a person whose uninterrupted possession of status is consistent with their act of birth.

Where uninterrupted possession of status cannot be established because it is exercised by more than one person simultaneously, the person who is biologically related to the child born of procreation not involving the contribution of a third person shall prevail. In the case of a child born of procreation involving the contribution of a third person, the person having formed a parental project with the child’s parent shall prevail.

“542.16. No one may contest the filiation of a child on the sole ground that he was born of a parental project involving the contribution of a third person.

However, the filiation of a child whose uninterrupted possession of status is not consistent with his act of birth may be contested by providing proof that the person with whom that filiation is established was not a party to the parental project or, as the case may be, that the child was not born of that project.

“542.17. Any interested person, including the father or mother or one of the child’s parents, may, by any means, contest the filiation of a person whose uninterrupted possession of status is not consistent with his act of birth.

“542.18. A child whose filiation appearing in his act of birth is not consistent with the filiation established by uninterrupted possession of status may claim his filiation before the court. Similarly, the father and mother or the parents may claim the filiation of a child whose uninterrupted possession of status is not consistent with his act of birth.

If the child already has another filiation established by an act of birth, by uninterrupted possession of status, or by the effect of the presumption with regard to the spouse of the woman or person who gave birth to him, an action to claim status may not be brought unless it is joined to an action contesting the status thus established.

“542.19. Actions are directed against the child and, if applicable, against the person who is the subject of the claim or contestation.

“542.20. Proof of filiation may be made by any mode of proof. However, testimony is not admissible unless there is a commencement of proof, or unless the presumptions or indications resulting from already clearly established facts are sufficiently strong to permit its admission.

“542.21. Commencement of proof results from the family documents, domestic records and papers, and all other public or private writings originating from a party engaged in the contestation or who would have an interest therein if he were alive.

“542.22. Every mode of proof is admissible to contest an action concerning filiation.

“542.23. Where the court is seized of an action concerning filiation, it may, on the application of an interested person, order the analysis of a sample of a bodily substance so that the genetic profile of a person involved in the action may be established.

However, where the purpose of the action is to establish filiation, the court may not issue such an order unless a commencement of proof of filiation has been established by the person having brought the action or unless the presumptions or indications resulting from facts already clearly established by that person are sufficiently strong to warrant such an order.

The court determines conditions for the sample-taking and analysis that are as respectful as possible of the physical integrity of the person concerned or of the body of the deceased. These conditions include the nature and the date and place of the sample-taking, the identity of the expert charged with taking and analyzing the sample, the use of any sample taken and the confidentiality of the analysis results.

The court may draw a negative presumption from an unjustified refusal to submit to the analysis ordered by the court.

“542.24. The court may establish the filiation of a child born of an assisted procreation activity with a person who was deceased at the time the activity was carried out if it is shown to the court that

(1) the person was a party to the parental project at the time of the death; and

(2) the child was conceived using the reproductive material of that person or, as applicable, the reproductive material that the person had decided to use to have a child.

Participation of that person in the parental project is presumed if that person and the parent with regard to whom filiation with the child is established were spouses at the time of the death and if the child is born of the transfer of an embryo created before the death.

“542.25. Actions relating to filiation are not subject to prescription.

If the child or the child’s father, mother or parent dies, the heirs must act within three years after the death, under pain of forfeiture.”

99. Chapter II of Title Two of Book Two of the Code becomes Chapter III of that Title.

100. Article 543 of the Code is amended by replacing “filiation already established by blood” in the second paragraph by “a filiation already established by birth”.

101. Article 544 of the Code is amended by replacing “mother or his tutor” by “mother, his parents or his tutor”.

102. Article 555 of the Code is amended by inserting “or of either parent” after “mother”.

103. Article 559 of the Code is amended

(1) by inserting “nor his filiation with regard to either of his parents” after “maternal filiation” in paragraph 1;

(2) by replacing “mother, father or tutor” in paragraph 2 by “father and mother or parents or tutor”;

(3) by inserting “or parents” after “mother” in paragraph 3;

(4) by inserting “nor parents” after “mother” in paragraph 4.

104. Article 561 of the Code is amended by replacing “mother or tutor” by “his mother, one of his parents or his tutor”.

105. Article 576 of the Code is amended by inserting “or parents” after “mother”.

106. Article 577 of the Code is amended by inserting “or of one of his parents” after “mother” in the second paragraph.

107. Article 578 of the Code is amended by replacing “by blood” in the first paragraph by “by birth”.

108. Article 578.1 of the Code is repealed.

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

“579. In the case of an adoption of a child domiciled in Québec by a person also domiciled in Québec, exchanges of information concerning the adoptee and members of his family of origin may be provided for, or personal relations between those persons may be maintained or developed, to the extent that establishing such exchanges or maintaining or developing such relations is in the interest of the adoptee. If the adoptee is 10 years of age or over, his consent must be obtained, unless he is unable to express his will. Those exchanges may take place and those relations may be maintained or developed by any means appropriate to the situation and the persons are not required to be in the physical presence of each other. The terms for the exchanges or relations shall be agreed on in writing between the adopter, as the adoptee’s tutor, or the adoptee 14 years of age or over and the members concerned of the family of origin.

Where an adoptee 10 years of age or over, but under 14 years of age, does not consent to exchanging information or to maintaining or developing relations with a parent or grandparent of origin, or if there is a disagreement between the parties in that respect, the exchanges or the maintenance or development of the relations are determined by the court, to the extent that they are in the interest of the adoptee and that they concern persons who are important to him.

In all cases, the consent of the adoptee 14 years of age or over is required to provide for such exchanges or for the maintenance or development of such relations and the adoptee may, from that age, put an end to such exchanges or relations without formality, whether or not an order has been issued by the court.”

110. Article 583 of the Code is replaced by the following article:

“583. An adoptee, including one under 14 years of age who has obtained the approval of his father and mother, of his parents or of his tutor, has the right to obtain, from the authorities responsible under the law for disclosing such information, his original name, the name of his parents of origin, whether or not the bond of filiation has been entered in the original act of birth, and information making it possible for him to contact them.

The adoptee also has the right to obtain a copy of his original act of birth and of the judgments concerning the adoption, according to the terms determined by government regulation.

Likewise, once the adoptee has reached full age, his parents of origin have the right to obtain the name given to him and information making it possible for 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 addition, the communication of a document must be made in keeping with any contact veto registered and the passages providing information making contact with a parent of origin possible must be deleted or redacted accordingly.

The authorities that disclose information concerning a parent of origin whose filiation with regard to the adoptee has not been entered in the original act of birth are not liable for any injury which may result from an error not due to their act or omission in the identification of the parent.”

111. The Code is amended by inserting the following article after article 583:

“583.01. The descendants in the first degree of an adoptee who are 14 years of age or over may, if the adoptee is deceased, obtain from the authorities responsible under the law for disclosing such information and documents, the same information and the same documents that the adoptee may obtain under this division, subject to the same conditions.”

112. Article 583.3 of the Code is repealed.

113. Article 583.4 of the Code is amended

(1) by replacing “in the year following” in the first paragraph by “in the 30 days following”;

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

“Such an identity disclosure veto by the parent of origin ceases to have effect on the adoptee’s eighteenth birthday. The same applies to the identity protection granted, by operation of law, to the adoptee where such a veto is registered by the parent of origin.”

114. Article 583.5 of the Code is amended by striking out “and the parent of origin may register an identity disclosure veto until a first request for information about him is made”.

115. Article 583.6 of the Code is amended

(1) by inserting “Whether or not the bond of filiation has been entered in the original act of birth,” at the beginning;

(2) by replacing “or allowing contact” by “or, where applicable, in the case of the parent of origin, barring any contact between the latter and the adoptee’s descendants in the first degree, or may allow contact”.

116. Article 583.7 of the Code is amended

(1) by inserting “or to maintain or withdraw a veto already registered by him” after “contact veto” in the first paragraph;

(2) in the second paragraph,

(a) by inserting “or incapable of expressing his will” after “untraceable”;

(b) by inserting “or again becomes capable of expressing his will” after “found”.

117. Article 583.8 of the Code is amended

(1) by striking out “or by a third person” in the first paragraph;

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

“If the person is untraceable or incapable of expressing his will, the veto registered by operation of law is maintained. In the event the person is found or again becomes capable of expressing his will, he must be given the opportunity to maintain or withdraw the veto.”

118. Article 583.10 of the Code is replaced by the following article:

“583.10. Unless disclosure of the information would reveal the identity of the parent of origin although the latter has registered an identity disclosure veto, the adoptee, including one under 14 years of age who has obtained the approval of his father and mother, of his parents or of his tutor, has the right to obtain, from the authorities responsible under the law for disclosing such information, the names of his brothers or sisters of origin who have reached full age, whether adopted or not, and those of his grandparents of origin and, to the extent that they consent to it, the information making it possible for the adoptee to contact them.

Likewise, once the adoptee has reached full age, his brothers and sisters of origin, whether adopted or not, including the ones under 14 years of age who have obtained the approval of their father and mother, of their parents or of their tutor, as well as his grandparents of origin have the right to obtain the name given to the adoptee and information making it possible to contact him, to the extent that the adoptee consents to it.”

119. Article 583.12 of the Code is replaced by the following article:

“583.12. In the case of an adoption of a child domiciled outside Québec, the identity of the parent of origin and the documents to which the adoptee is entitled are communicated to the adoptee, to the extent that the law of the child’s State of origin does not provide for different rules. Disclosure of the identity of the adoptee or of another person sought and of information making it possible to contact the adoptee, the parent of origin or another person sought is subject to the consent of that person, unless, as the case may be, the law of the child’s State of origin provides otherwise.”

120. Article 584 of the Code is amended, in the first paragraph,

(1) by replacing “concludes that harm could be caused to the adoptee’s health or to that of a parent of origin or any close relatives” by “is of the opinion that the health of the adoptee, of a parent of origin or of any of their close relatives”;

(2) by replacing “if any of them were deprived of the information the physician requires” by “warrants it”;

(3) by replacing “the latter may obtain the medical information required” by “the physician may obtain the necessary medical information”.

121. Article 597 of the Code is amended by inserting “or to his parents” at the end.

122. Article 598 of the Code is amended by inserting “or of his parents” after “mother”.

123. Article 599 of the Code is amended

(1) by inserting “or the parents” after “mother” in the first paragraph;

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

“They exercise their authority without any violence.”

124. Article 600 of the Code is amended

(1) by inserting “or the parents” after “mother” in the first paragraph;

(2) by replacing “either parent”, “his or her” and “other parent” in the second paragraph by “either of them”, “their” and “other”, respectively.

125. Article 603 of the Code is amended

(1) by inserting “or the parent” after “mother”;

(2) by replacing “he or she is” and “other parent” by “they are” and “other”, respectively.

126. The Code is amended by inserting the following article after article 603:

“603.1. The father or the mother or the parent may, without the other parent’s consent, due to a situation involving family or sexual violence committed by the latter, request health services or social services, including psychosocial support services, recognized by the Minister of Justice, for their child.

To that end, the father or the mother or the parent must first obtain an attestation from a public servant or public officer designated by the Minister of Justice who, on examining the affidavit of the father, mother or parent attesting that there exists such a situation involving family or sexual violence and other factual elements or documents supporting that affidavit provided by persons in contact with the persons who are victims, considers that the request is a measure that is such as to ensure the health and safety of the child. The public servant or public officer must act promptly.”

127. Article 605 of the Code is amended by inserting “or the parents” after “mother”.

128. Article 606 of the Code is amended, in the first paragraph,

(1) by replacing “father, the mother or” by “father and mother or the parents”;

(2) by inserting “, including the presence of family violence,” after “interest of the child”.

129. Article 610 of the Code is amended by inserting “or a parent” after “mother”.

130. Article 611 of the Code is replaced by the following article:

“611. Personal relations may be maintained between the child and his grandparents or between the child and the former spouse of his father, mother or parent to the extent that those persons are important to the child, that maintaining such relations is in the child’s interest and that, if the child is 10 years of age or over, he consents to it, unless he is unable to express his will. Such relations may be maintained by any means appropriate to the situation

and the persons are not required to be in the physical presence of each other. The terms for maintaining such relations may be agreed on in writing between the child's father, mother or parent, as his tutor, the child's tutor, if applicable, or the child 14 years of age or over, and the child's grandparents or the former spouse of his father, mother or parent, as the case may be.

If a child 10 years of age or over, but under 14 years of age, does not give his consent or if there is a disagreement between the parties, maintenance of those relations is determined by the court.

In all cases, the consent of a child 14 years of age or over is required for such relations to be maintained and the child may, from that age, put an end to them without further formality, whether or not an order has been issued by the court."

131. The Code is amended by inserting the following article after article 643:

"643.1. Remittance of a share of the balance of a demand deposit account to the surviving co-holder under section 4 of the Act respecting remittance of deposits of money to account co-holders who are spouses or former spouses (*insert the year and chapter number of this Act and the number of the section of this Act that enacts the Act respecting remittance of deposits of money to account co-holders who are spouses or former spouses*) that exceeds the share to which the co-holder is entitled does not by itself entail acceptance of the succession."

132. Article 655 of the Code is amended by replacing "ties of blood or of adoption" by "bonds of filiation by birth or of filiation by adoption".

133. Article 670 of the Code is amended by inserting "or the parents" after "mother" in the first paragraph.

134. Article 676 of the Code is amended by inserting "or the lines related to each of his parents" after "of the deceased" in the second paragraph.

135. Article 679 of the Code is amended by inserting "or the lines related to each of the parents" after "maternal lines" in the first paragraph.

136. Article 1814 of the Code is amended by replacing "Fathers and mothers or tutors" in the first paragraph by "The father and mother, the parents or the tutor".

137. Article 3084.1 of the Code is amended

(1) in the first paragraph,

(a) by replacing "that appears on" by "or of gender identity that appears in";

(b) by adding the following sentence at the end: “The same applies to the addition of a designation of gender identity to the act of birth.”;

(2) by striking out “and nationality” in the second paragraph.

138. The heading of subdivision 4 before article 3091 of the Code is amended by replacing “*by blood and filiation by adoption*” by “*by birth and filiation by adoption*”.

ACT RESPECTING ACCESS TO DOCUMENTS HELD BY PUBLIC BODIES AND THE PROTECTION OF PERSONAL INFORMATION

139. Section 2 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1) is amended by inserting the following paragraph after paragraph 3.1:

“(3.2) the information and documents relating to the procreation of a child involving the contribution of a third person and contained in the register kept by the Minister of Employment and Social Solidarity, in accordance with article 542.10 of the Civil Code;”.

ACT RESPECTING CLINICAL AND RESEARCH ACTIVITIES RELATING TO ASSISTED PROCREATION

140. Section 1 of the Act respecting clinical and research activities relating to assisted procreation (chapter A-5.01) is amended by inserting “or persons who carry a child and” after “women” in the first paragraph.

141. Section 2 of the Act is amended, in subparagraph 1,

(1) by replacing “in women” by “in a woman or a person”;

(2) by inserting “or a person” after “a woman or a man”.

142. Section 10 of the Act is amended, in the second paragraph,

(1) by inserting “or person who carries the child” after “of the woman”;

(2) by replacing “the woman’s age” by “the age of the woman or person who carries the child”.

143. The Act is amended by inserting the following section after section 10.2:

“10.2.1. Before carrying out any assisted procreation activity within the context of a parental project involving surrogacy within the meaning of the Civil Code, the physician must first obtain a certificate from the notary confirming the existence of a notarial agreement between the person alone or the spouses who formed the parental project and the woman or person who has agreed to give birth to the child.”

144. Section 10.3 of the Act is amended

- (1) by inserting “or person” after “into a woman” in the first paragraph;
- (2) by inserting “or person” and “or person’s” in the second paragraph after “into a woman” and “in the woman’s”, respectively.

145. Section 36.1 of the Act is amended by inserting “, section 10.2.1” after “10.2”.

146. The Act is amended by inserting the following section after section 43:

“43.1. For the purposes of articles 542 and following of the Civil Code, a centre for assisted procreation must, with respect to the person who provides reproductive material for the purpose of contributing to the assisted procreation of a child, collect

- (1) the information concerning the person’s profile determined by regulation in accordance with article 542.1 of the Civil Code;
- (2) the person’s name; and
- (3) information making it possible to contact the person.

Where the reproductive material is used to contribute to the assisted procreation of a child, the information is sent as soon as possible by the centre to the Minister of Employment and Social Solidarity, who enters the information in the register kept in accordance with article 542.10 of the Civil Code.

However, if the reproductive material used to contribute to the assisted procreation of a child comes from outside Québec, the centre must inform the person alone or the spouses who formed the parental project of their obligation to send the information concerning the profile to the registrar of civil status in accordance with article 542.12 of the Civil Code. The centre must, as soon as possible, send the name of the enterprise providing the reproductive material and the place where it is located to the Minister of Employment and Social Solidarity, who enters the information in the register kept in accordance with article 542.10 of the Civil Code.

A government regulation prescribes the other information that the centre is required to send to that authority.”

ACT RESPECTING LEGAL AID AND THE PROVISION OF CERTAIN OTHER LEGAL SERVICES

147. Section 1.1 of the Act respecting legal aid and the provision of certain other legal services (chapter A-14) is amended by inserting “or the parents” after “mother and father” in paragraph 2.

148. Section 1.2 of the Act is amended, in subparagraph 1 of the first paragraph,

- (1) by inserting “or one of the parents,” after “the father or the mother”;
- (2) by inserting “or parent” after “neither married nor the father or mother”;
- (3) by inserting “or parent” after “person nor the father or mother”.

149. The Act is amended by inserting the following section after section 4:

“4.0.1. Legal aid shall be granted free of charge to every minor child, regardless of the child’s financial eligibility and for all the services offered under this Act and the regulations.”

150. Section 80 of the Act is amended by inserting “or one of the parents” after “mother” in subparagraph *a* of the first paragraph.

151. The Act is amended by inserting the following section after section 83.1:

“83.1.1. In addition to the functions and duties assigned to it by Chapter II, the Commission des services juridiques shall see that legal services are offered to a non-represented party, for the examination or cross-examination of the other party or of a child, where the court orders the appointment of an advocate in accordance with article 278 of the Code of Civil Procedure (chapter C-25.01) or orders that a child be examined or cross-examined by an advocate under section 85.4.1 of the Youth Protection Act (chapter P-34.1).”

HEALTH INSURANCE ACT

152. Section 65 of the Health Insurance Act (chapter A-29) is amended

(1) by inserting “or of each of the parents” after “father” in the sixth paragraph;

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

“The Board is bound, at the request of the authority designated by law referred to in article 542.10 of the Civil Code and so that it may identify or locate, for the purposes of articles 542.1 and 542.14 of the Civil Code, the person who contributed to the procreation, to transmit to the authority 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 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 locate the person who contributed to the procreation.”

ACT RESPECTING PARENTAL INSURANCE

153. Section 2 of the Act respecting parental insurance (chapter A-29.011) is amended

(1) by replacing “in connection with a pregnancy or the delivery of a child” in paragraph 1 by “or exclusive benefits for the person, in connection with pregnancy or delivery”;

(2) by inserting “or exclusive benefits for the non-birthing parent” after “paternity benefits” in paragraph 2;

(3) by replacing “exclusive and” in paragraph 3 by “exclusive or”;

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

“(5) in the case of a surrogacy project, benefits for the person who has agreed to give birth to a child and paternity benefits or exclusive benefits for each non-birthing parent, exclusive or shareable parental benefits in connection with the birth of the child born of the project and welcome benefits relating to a parental project involving surrogacy.”

154. The heading of subdivision 1 of Division 1 of Chapter II of the Act is amended by adding “*or exclusive benefits for the person, in connection with pregnancy or delivery*” at the end.

155. Section 7 of the Act is amended

(1) by inserting “or exclusive benefits for the person, in connection with pregnancy or delivery,” after “benefits” in the first paragraph;

(2) by striking out both occurrences of “maternity” in the second paragraph;

(3) in the third paragraph,

(a) by replacing “of maternity benefits” by “of the benefits provided for in the first paragraph”;

(b) by striking out “maternity” before “benefit period”.

156. Section 8 of the Act is amended

(1) by replacing “as in the case of maternity” in the first paragraph by “as those provided for in the first paragraph of section 7”;

(2) by striking out “maternity” in the second paragraph.

157. The heading of subdivision 2 of Division 1 of Chapter II of the Act is amended by adding “*or exclusive benefits for the non-birthing parent*” at the end.

158. Section 9 of the Act is amended by replacing “paternity benefits is 5 or, in the case of an election pursuant to section 18, 3” by “paternity benefits or exclusive benefits for the non-birthing parent is five or, in the case of an election pursuant to section 18, three”.

159. Section 12.1 of the Act is amended by adding the following paragraph at the end:

“If the adoption outside Québec does not materialize, the welcome and support benefits relating to an adoption paid during the weeks preceding the child’s arrival are not recoverable, up to the number of weeks provided for in the third paragraph.”

160. The Act is amended by inserting the following subdivision after section 12.1:

“§4.2. — *Benefits relating to a surrogacy project*

“I. — *Benefits for the person who has agreed to give birth to a child within the context of a surrogacy project*

“**12.2.** The maximum number of weeks of exclusive benefits for the person who has agreed to give birth to a child within the context of a surrogacy project is 18 or, in the case of an election pursuant to section 18, 15. Payment of the benefits shall begin not earlier than the 16th week preceding the expected week of delivery.

A termination of pregnancy occurring after the 19th week of pregnancy gives entitlement to the same benefits as those provided for in the first paragraph.

The payment of the benefits shall end not later than 20 weeks after the week of delivery or the week in which the termination of pregnancy occurs. However, it may end after the expiry of the 20-week period but may not exceed the 52nd week after the week in which the delivery or the termination of pregnancy occurs if, in the cases and for the time determined by regulation of the Conseil de gestion, the benefit period is extended.

“**12.3.** When the filiation of a child born of a surrogacy project is established following the rules of filiation for children born of procreation not involving the contribution of a third person, the person who gave birth to the child is entitled to the same benefits as those provided for in section 10, 10.1, 10.2 or 10.3, as applicable.

Payment may begin, at the earliest, the week of the birth of the child if the child is not entrusted to the parents who are parties to the parental project involving surrogacy or, if the child was entrusted to them, the week they subsequently entrust the child to the person who gave birth to the child. It may not exceed the benefit period.

“II. — Benefits for parents who are parties to a parental project involving surrogacy

“12.4. The number of weeks of benefits to which parents who are parties to a parental project involving surrogacy may be entitled is

(1) 5 weeks of paternity benefits or exclusive benefits for each non-birthing parent or, in the case of an election pursuant to section 18, 3 weeks; and

(2) 32 weeks of shareable parental benefits or, in the case of an election pursuant to section 18, 25 weeks.

Payment may begin, at the earliest, the week the child is entrusted to one of the parents who is a party to the parental project involving surrogacy. It may not exceed the benefit period.

In the case of a birth outside Québec, payment may begin, at the earliest, five weeks before the child is entrusted to one of the parents who is a party to the parental project involving surrogacy. If the surrogacy project does not materialize, the benefits paid during the weeks preceding the time at which the child was expected to be entrusted to one of the parents are not recoverable, up to the number of weeks provided for in this paragraph.

“12.5. For the birth of more than one child within the context of a single parental project involving surrogacy, five weeks of exclusive parental benefits shall be granted to each of the parents who are parties to the project or, in the case of an election pursuant to section 18, three weeks.

“12.6. Where a parent who is a party to the parental project involving surrogacy is the only one mentioned in the act of birth, except in cases of death referred to in section 17, five weeks of exclusive parental benefits shall be granted to that parent or, in the case of an election pursuant to section 18, three weeks.

“12.7. Where each of the parents who are parties to the parental project involving surrogacy has received eight weeks of shareable parental benefits or, in the case of an election pursuant to section 18, six weeks, the number of weeks of shareable parental benefits is increased by four weeks or, in the case of an election, three weeks.

“III. — *Welcome benefits relating to a parental project involving surrogacy*

“**12.8.** The number of weeks of welcome benefits relating to a parental project involving surrogacy to which the parents who are parties to the project may be entitled is 13 weeks of shareable benefits or, in the case of an election pursuant to section 18, 12 weeks.

The second and third paragraphs of section 12.4 apply to the welcome benefits provided for in the first paragraph.”

161. Section 14 of the Act is replaced by the following section:

“**14.** The benefits payable under this plan, except benefits provided for in sections 7 and 12.2, shall be granted only if the parent ensures a regular presence to take care of the child whose birth or adoption gives entitlement to the payment of benefits.

If the parent no longer ensures a regular presence with the child, the child is deemed to be present with the parent until the end of the week in which the separation occurs or, if the child is deceased, until the end of the second week following the week of the child’s death.

In the case of a surrogacy project, the fact that the child is entrusted by the person who gave birth to the child to the parents who are parties to the parental project involving surrogacy or the fact that the child is subsequently entrusted by those parents to the person who gave birth to the child, as the case may be, is deemed to be a separation.

If the child is hospitalized, the child is deemed to be present with the parent throughout the child’s hospitalization, except where the child is born within the context of a surrogacy project and a separation has occurred.

Where two or more weeks of benefits provided for in section 7 or 12.2 are payable after the week of the child’s death, the presumption of presence provided for in the second paragraph does not apply to the mother or to the person who gave birth to the child. If only one of those weeks of benefits remains payable after the week of the child’s death, the child shall be deemed to be present with the mother or the person who gave birth to the child, during the second week following the week of the child’s death, except where the child is born within the context of a surrogacy project and a separation has occurred.

In the case of the birth of more than one child as a result of a single pregnancy or in the case of an adoption of more than one child at the same time, entitlement to exclusive benefits under sections 10.1, 11.1 and 12.5 ends as of the end of the week in which the parent ensures a regular presence with only one of those children or, in the case of a surrogacy project, as of the end of the week in which the separation occurred. However, in the event of a child’s death, that

child shall be deemed to be present with the parents until the end of the second week following the week of the child's death, except where the child is born within the context of a surrogacy project and a separation has occurred."

162. Section 15 of the Act is amended

(1) by inserting the following paragraphs after the first paragraph:

"In the case of a surrogacy project, the birth of the child born within the context of such a project is considered as a separate event for the person who gave birth to the child.

Despite the second paragraph, where the child is not entrusted to the parents who are parties to the parental project involving surrogacy and the child's filiation is established in accordance with the rules of filiation for children born of procreation not involving the contribution of a third person with regard to the person who gave birth to the child and a parent who is a party to the parental project, the birth is considered as a single event and the benefits granted to the parents entered in the act of birth are those provided for in sections 7, 9, 10, 10.1 or 10.3, as the case may be.

Where the child's established filiation with regard to the person who gave birth to the child in accordance with the rules of filiation for children born of procreation not involving the contribution of a third person is changed in favour of the other parent who is a party to the parental project involving surrogacy, the birth is considered as a separate event for that other parent and the benefits to which the latter may be entitled are those provided for in subdivisions II and III.";

(2) by adding the following sentence at the end of the third paragraph: "Moreover, in the case of a surrogacy project, the weeks of parental benefits provided for in subdivision I and the weeks of parental benefits and welcome benefits provided for in subdivisions II and III may not be paid concurrently to the person who gave birth to the child born in the context of that project and to the parents who are parties to the parental project involving surrogacy, except during the week of separation, if applicable."

163. Section 16 of the Act is amended

(1) by replacing "and the weeks of welcome and support benefits relating to an adoption" in the first paragraph by ", the weeks of welcome and support benefits relating to an adoption and the weeks of welcome benefits relating to a parental project involving surrogacy";

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

“In the case of a surrogacy project, the shareable parental benefits may not be shared between the person who gave birth to the child and one of the parents who is a party to the parental project involving surrogacy, unless the child’s filiation has been established in their regard, in accordance with the rules of filiation for children born of procreation not involving the contribution of a third person, and the child has not been entrusted to the parents who are parties to the parental project.”

164. Section 17 of the Act is amended

(1) by replacing “maternity or paternity benefits” in the first paragraph by “benefits provided for in section 7 or 9 or subparagraph 1 of the first paragraph of section 12.4”;

(2) in the third paragraph,

(a) by inserting “and the welcome benefits relating to a parental project involving surrogacy” after “an adoption”;

(b) by striking out “adoptive”;

(3) by inserting “or of the non-birthing parent” after “father” in the fourth paragraph;

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

“In the case of a surrogacy project, despite the first paragraph and subject to the third paragraph of section 15, the weeks of exclusive benefits that have not been paid as at the date of death of the person who gave birth to the child shall not be added to the weeks to which the parents who are parties to the parental project involving surrogacy may be entitled. Likewise, the weeks of exclusive benefits that have not been paid as at the date of death of those parents or one of them shall not be added to the weeks to which the person who gave birth to the child may be entitled.”

165. Section 18 of the Act is amended

(1) in the first paragraph,

(a) by replacing “maternity and paternity benefits” in subparagraph 1 by “maternity benefits or exclusive benefits for the person, in connection with pregnancy or delivery, and the weeks of paternity benefits or exclusive benefits for the non-birthing parent”;

(b) by inserting the following subparagraph after subparagraph 1:

“(1.1) 70% for the weeks of exclusive benefits for the person who has agreed to give birth to a child, the weeks of paternity benefits or exclusive benefits for the non-birthing parent, the first seven weeks of shareable parental benefits provided for in section 12.4, the weeks of exclusive parental benefits for each of the parents provided for in section 12.5 and the weeks of shareable parental benefits added under the first paragraph of section 17;”;

(c) by replacing “and 11.2” in subparagraph 3 by “, 11.2 and 12.6”;

(d) by inserting the following subparagraph after subparagraph 4:

“(4.1) 70% for the weeks of welcome benefits relating to a parental project involving surrogacy provided for in section 12.8;”;

(e) by replacing “and 11.3” in subparagraph 5 by “, 11.3 and 12.7”;

(f) by replacing “and 11” in subparagraph 6 by “, 11 and 12.4”;

(2) by inserting the following sentence after the first sentence in the third paragraph: “In the case of a surrogacy project, the election made by the person who gave birth to the child does not apply to the application of the parent who is a party to the parental project involving surrogacy, except in the case provided for in the third paragraph of section 15.”

166. Section 23 of the Act is amended

(1) by replacing “delivery” in the second paragraph by “birth”;

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

“In the case of a surrogacy project, unless extended in accordance with the regulations of the Conseil de gestion, the benefit period of the parents who are parties to the parental project involving surrogacy may not exceed the 78th week following the week the child is entrusted to one of them. Where the filiation of the child born within the context of the surrogacy project is established in accordance with the rules of filiation for children born of procreation not involving the contribution of a third person, the benefit period of the person who gave birth to the child may not exceed the 78th week following, as the case may be, the week of birth of the child, if the child was not entrusted to the parents who are parties to the parental project involving surrogacy or, if the child was entrusted to them, the week the child is subsequently entrusted to the person by the parents, unless the benefit period is extended in accordance with the regulations of the Conseil de gestion.”

167. Section 24 of the Act is amended by replacing “12.1” in paragraph 3 by “12.8”.

CHARTER OF HUMAN RIGHTS AND FREEDOMS

168. The Charter of human rights and freedoms (chapter C-12) is amended by inserting the following section after section 39:

“**39.1.** Every person has a right, to the extent provided for by law, to know his origins.”

CODE OF CIVIL PROCEDURE

169. Article 108 of the Code of Civil Procedure (chapter C-25.01) is amended by inserting “documents containing information relating to the parent of origin,” after “psychosocial evidence,” in the third paragraph.

170. Article 160 of the Code is amended by inserting “or parents” after “mother” in the first paragraph.

171. Article 278 of the Code is amended by adding the following paragraph at the end:

“The court may, on application or on its own initiative, prevent an unrepresented party from examining or cross-examining the other party or a child, where the unrepresented party has been indicted or is subject to an order, an undertaking or a recognizance under the Criminal Code (Revised Statutes of Canada, 1985, chapter C-46) concerning that other party or that child in relation to family or sexual violence or where the unrepresented party is subject to a civil protection order or to an application, agreement or decision relating to youth protection also concerning that other party or that child or where the court considers that such a context of violence exists. In such a case, the court orders that a lawyer be designated to conduct the examination or cross-examination.”

172. Article 336 of the Code is amended by replacing the third paragraph by the following paragraph:

“A judgment relating to adoption is notified to the parties or their representatives in compliance with the rules governing the publication of judgments in family matters, unless the court decides, on application or on its own initiative, to depart from those rules. Those rules do not apply where the child or the adopter is domiciled outside Québec or where the judgment is notified to the director of youth protection and to the Minister of Health and Social Services. If it is notified to the party entrusted with the parental authority, the judgment ordering the child’s placement or adoption is accompanied by a certificate attesting the parental authority. In the case of a judgment declaring a child judicially eligible for adoption, such certificate may be sent to the person who was entrusted with the parental authority if that person so requests it.”

173. Article 404 of the Code is amended by inserting “or parents” after “mother” in the first paragraph.

174. The Code is amended by inserting the following chapter after article 431:

“CHAPTER IV.1

“APPLICATIONS RELATING TO THE FILIATION OF A CHILD BORN OF A PARENTAL PROJECT INVOLVING SURROGACY

“431.0.1. Applications relating to the filiation of a child born of a parental project involving surrogacy are presented jointly by the parties to the surrogacy agreement or by one of them.

Such applications must state the child’s name, date and place of birth, place of residence and domicile, nationality and status as a Canadian citizen or permanent resident.

They must also state the name of the woman or person who gave birth to the child, their place of residence and domicile, nationality and status as a Canadian citizen or permanent resident, if applicable.

Applications must contain the same information concerning the person alone or the spouses who formed a parental project involving surrogacy.

“431.0.2. Applications relating to the filiation of a child born of a parental project involving surrogacy in which the woman or person who gave birth to the child is domiciled outside Québec are notified to the Minister of Health and Social Services and the latter may intervene as of right as regards those applications.

“431.0.3. To be admissible, an application relating to the filiation of a child born of a parental project involving surrogacy in which all the parties are domiciled in Québec must be filed together with the information concerning the profile of the woman or person who gave birth to the child determined by government regulation.

“431.0.4. To be admissible, an application for recognition of a filiation established outside Québec must be filed together with the child’s foreign act of birth or the decision establishing the filiation and the foreign legislation. It must also be accompanied by the certificate of compliance for the project issued by the Minister of Health and Social Services. An application to claim status must also be attached, if applicable.”

175. Article 432 of the Code is amended by inserting “, the parents” after “mother” in the second paragraph.

176. Article 434 of the Code is amended by inserting “or to one of the parents” after “mother” in the first paragraph.

177. Article 435 of the Code is amended by inserting “or on the parents” after “mother”.

178. The Code is amended by inserting the following article after article 436:

“436.1. To be admissible, an application for placement and an application for an order of placement of a child in relation to an adoption based on special consent while the child is not the subject of a report must be filed together with a document containing the information relating to the parent of origin in order to complete, if applicable, a summary of the child’s family and medical antecedents as provided for in the Youth Protection Act (chapter P-34.1).”

179. Article 437 of the Code is amended by inserting “, parents” after “mother” in the first paragraph.

180. Article 451 of the Code is amended by replacing “by the mother and father, or by either parent” in the second paragraph by “by the father and mother or the parents, or by either of them”.

181. The Code is amended by inserting the following article after article 456.1:

“456.2. The court clerk notifies every judgment concerning the filiation of a child born of a parental project involving surrogacy in which the woman or person who gave birth to the child is domiciled outside Québec to the Minister of Health and Social Services.”

182. The Code is amended by inserting the following article after article 457:

“457.1. The court clerk sends to the Minister of Employment and Social Solidarity, so that the Minister may file it in the register kept under article 542.10 of the Civil Code, the judgment regarding the filiation of a child born of a parental project involving surrogacy in which all the parties involved are domiciled in Québec, as soon as the judgment has become final. The court clerk also sends to the Minister, for the same purpose, the information filed with the application under article 431.0.3.”

INTERPRETATION ACT

183. The Interpretation Act (chapter I-16) is amended by inserting the following section after section 61.1:

“61.2. Subject to special provisions to the contrary, in the expressions “the father and the mother or the parents”, “the father or the mother or the parent”, “the father or the mother or one of the parents”, “the father or mother or the parents or one of them”, “the father and mother or the parents”, “the father or the mother or either parent” or in any other similar expression, a parent is any person with regard to whom a child’s filiation is established in accordance with the rules of the Civil Code.”

ACT RESPECTING THE MINISTÈRE DE L'EMPLOI ET DE LA
SOLIDARITÉ SOCIALE AND THE COMMISSION DES PARTENAIRES
DU MARCHÉ DU TRAVAIL

184. Section 57.2 of the Act respecting the Ministère de l'Emploi et de la Solidarité sociale and the Commission des partenaires du marché du travail (chapter M-15.001) is amended by inserting "56.3," after "articles" in the first paragraph.

ACT RESPECTING LABOUR STANDARDS

185. Section 1 of the Act respecting labour standards (chapter N-1.1) is amended

(1) in the first paragraph,

(a) by inserting "or the parents" after "mother" in subparagraph *b* of subparagraph 3;

(b) by replacing "un salarié employé" and "le salarié" in subparagraph 6 in the French text by "une personne salariée employée" and "la personne salariée", respectively;

(c) by replacing "un salarié" in subparagraph 7 in the French text by "une personne salariée";

(d) by replacing "d'un salarié" in subparagraph 9 in the French text by "d'une personne salariée";

(e) by replacing "salarié" and "ce mot" in subparagraph 10 in the French text by "personne salariée" and "cette expression", respectively;

(f) by replacing "le salarié est lié" in subparagraph 12 in the French text by "la personne salariée est liée";

(2) in the second paragraph,

(a) by replacing "le salarié" in the French text by "la personne salariée";

(b) by replacing "other person" by "employee".

186. Section 74 of the Act is amended

(1) by replacing all occurrences of "du salarié visé" and "du salarié" in the first paragraph in the French text by "de la personne salariée visée" and "de la personne salariée", respectively;

(2) in the second paragraph,

(a) by replacing “un salarié est absent”, all occurrences of “il”, and “Le salarié visé” in the French text by “une personne salariée est absente”, “elle” and “La personne salariée visée”, respectively;

(b) by replacing “on maternity or paternity leave” by “if the employee took the leave provided for in section 81.2 or 81.4”;

(c) by replacing “his” by “the employee’s”;

(3) by replacing “an employee on maternity or paternity leave” in the third paragraph by “an employee who took the leave provided for in section 81.2 or 81.4”;

(4) by replacing “the employee would have been entitled if he had not been absent” in the fourth paragraph by “the employee would have been entitled if the employee had not been absent”.

187. Section 79.6.1 of the Act is amended

(1) by replacing ““relative” means, in addition to the employee’s spouse, the child, father, mother, brother, sister and grandparents of the employee” in the first paragraph by ““relative” means, in addition to the employee’s spouse, the child, father, mother, or one of the parents, brother, sister and grandparents of the employee”;

(2) by replacing the second paragraph in the French text by the following paragraph:

“Est de plus considéré comme membre de la famille de la personne salariée pour l’application de ces articles :

1° une personne ayant agi ou agissant comme famille d’accueil pour la personne salariée ou son conjoint;

2° un enfant pour lequel la personne salariée ou son conjoint a agi ou agit comme famille d’accueil;

3° le tuteur, le curateur ou la personne sous tutelle ou sous curatelle de la personne salariée ou de son conjoint;

4° la personne inapte ayant désigné la personne salariée ou son conjoint comme mandataire;

5° toute autre personne à l’égard de laquelle la personne salariée a droit à des prestations en vertu d’une loi pour l’aide et les soins qu’elle lui procure en raison de son état de santé.”

188. Section 79.7 of the Act is amended

(1) by replacing “Un salarié” and “parent ou d’une personne pour laquelle le salarié” in the first paragraph in the French text by “Une personne salariée” and “membre de la famille ou d’une personne pour laquelle la personne salariée”, respectively;

(2) by replacing “au salarié” in the third paragraph in the French text by “à la personne salariée”;

(3) in the fourth paragraph,

(a) by replacing “Le salarié” in the French text by “La personne salariée”;

(b) by replacing both occurrences of “his” by “the employee’s”;

(4) by replacing “on being credited with three months of uninterrupted service, even if he was absent” in the fifth paragraph by “on being credited with three months of uninterrupted service, even if the employee was absent”.

189. Section 79.8 of the Act is amended

(1) in the first paragraph,

(a) by replacing “Un salarié”, “d’un parent ou d’une personne pour laquelle le salarié” and “ce parent” in the French text by “Une personne salariée”, “d’un membre de la famille ou d’une personne pour laquelle la personne salariée” and “ce membre de la famille”, respectively;

(b) by replacing “he” by “the employee”;

(2) by replacing “du salarié” and “le salarié” in the second paragraph in the French text by “de la personne salariée” and “la personne salariée”, respectively.

190. Section 79.8.1 of the Act is amended

(1) by replacing “Un salarié”, “parent” and “le salarié” in the French text by “Une personne salariée”, “membre de la famille” and “la personne salariée”, respectively;

(2) by replacing “he” and “his” by “the employee” and “the employee’s”, respectively.

191. Section 79.11 of the Act is replaced by the following section:

“79.11. An employee may be absent from work for a period of not more than 104 weeks if the employee’s spouse, child of full age, father, mother or one of the employee’s parents commits suicide.”

192. Section 80 of the Act is amended by replacing “An employee may be absent from work for two days without reduction of wages by reason of the death or the funeral of his spouse, his child or the child of his spouse, or of his father, mother, brother or sister. He” by “An employee may be absent from work for two days without reduction of wages by reason of the death or the funeral of the employee’s spouse or child, the child of the employee’s spouse, the employee’s brother, sister, father, mother or one of the employee’s parents. The employee”.

193. Section 80.1 of the Act is amended

- (1) by replacing “Un salarié” in the French text by “Une personne salariée”;
- (2) by replacing “of the father, mother, brother or sister” by “of a brother, a sister, the father, the mother or one of the parents”;
- (3) by replacing both occurrences of “his” by “the employee’s”.

194. Section 81 of the Act is amended

- (1) in the first paragraph,
 - (a) by replacing “Un salarié” in the French text by “Une personne salariée”;
 - (b) by replacing “his or her” by “the employee’s”;
- (2) in the second paragraph,
 - (a) by replacing “Un salarié” in the French text by “Une personne salariée”;
 - (b) by replacing “of his or her child, father, mother, brother or sister or of a child of his or her spouse” by “of the employee’s child, brother, sister, father, mother, or of one of the employee’s parents, or of a child of the employee’s spouse”;
- (3) in the third paragraph,
 - (a) by replacing “Le salarié” in the French text by “La personne salariée”;
 - (b) by replacing “his or her employer of his or her absence” by “the employer of such an absence”.

195. Section 81.1 of the Act is replaced by the following section:

“81.1. An employee may be absent from work for five days at the birth of the employee’s child, including a child born within the context of a surrogacy project, the adoption of a child or where there is a termination of pregnancy in or after the twentieth week of pregnancy. The first two days of absence shall be remunerated.

The employee who gave birth to a child within the context of a surrogacy project is entitled to the leave provided for in the first paragraph.

The leave may be divided into days at the request of the employee. It may not be taken more than 15 days after the child arrives at the residence of his father or mother or of one of his parents, or, if applicable, after the termination of pregnancy. In the case of a surrogacy project, the 15-day period applies, for the employee who gave birth to the child, from the birth of the child and, for the employee who is a party to the parental project involving surrogacy, from the moment the child was entrusted to the employee.

The employee must advise the employer of such an absence as soon as possible.”

196. Section 81.2 of the Act is replaced by the following section:

“81.2. An employee is entitled to a paternity leave or leave for the non-birthing parent of not more than five consecutive weeks, without pay, on the birth of the employee’s child, including a child born within the context of a parental project involving surrogacy.

An employee who adopts a child is entitled to the leave provided for in the first paragraph in connection with that adoption.

The leave shall not begin before the week of the birth of the child or, in the case of a parental project involving surrogacy or of an adoption procedure, the week the child is entrusted to the employee or the week the employee leaves work to travel outside Québec to be entrusted with the child. The leave shall not end later than 78 weeks after the week of the birth.”

197. Section 81.2.1 of the Act is amended

(1) by replacing “paternity leave” in the first paragraph by “leave provided for in section 81.2”;

(2) in the second paragraph,

(a) by inserting “or the moment the child is entrusted to the employee” after “birth of the child”;

(b) by replacing “date” by “date of birth or of that moment”.

198. Section 81.4 of the Act is amended

(1) in the first paragraph,

(a) by replacing “A pregnant employee is entitled to a maternity leave” by “A pregnant employee is entitled to a maternity leave or personal leave in connection with pregnancy or delivery”;

(b) by replacing “her” by “the employee’s”;

(c) by striking out “maternity” after “consents to a longer”;

(2) in the second paragraph,

(a) by replacing “The employee may spread the maternity leave as she” by “The employee may spread the leave as the employee”;

(b) by striking out “maternity” after “where the”.

199. Section 81.4.1 of the Act is replaced by the following section:

“81.4.1. If the delivery takes place after the expected date, the employee is entitled, after the delivery, to at least two weeks of maternity leave or personal leave in connection with pregnancy or delivery.”

200. Section 81.5 of the Act is amended by replacing “maternity leave” by “leave provided for in section 81.4”.

201. Section 81.5.1 of the Act is amended

(1) in the first paragraph,

(a) by inserting “or the pregnant person” after “mother”;

(b) by replacing “the employee is entitled to a special maternity leave” by “the employee is entitled to a leave”;

(2) by striking out “maternity” in the second paragraph.

202. Section 81.5.2 of the Act is amended

(1) by replacing “the employee is entitled to a special maternity leave” in the first paragraph by “the employee is entitled to a leave”;

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

“If the termination of pregnancy occurs in or after the twentieth week, the employee is entitled to the leave provided for in section 81.4. Section 81.5 applies to that leave, with the necessary modifications.”

203. Section 81.6 of the Act is amended

(1) by replacing “maternity leave” in the first paragraph by “leave provided for in section 81.4”;

(2) by inserting “personne” after “besoin de la” in the second paragraph in the French text.

204. Section 81.8 of the Act is amended

(1) in the first paragraph,

(a) by inserting “personne” after “écrit de la” in the French text;

(b) by replacing “she” by “the employee”;

(2) in the second paragraph,

(a) by inserting “personne” after “Si la” in the French text;

(b) by replacing “her to take her maternity leave immediately by sending her” by “the employee to take the leave provided for in section 81.4 immediately by sending the employee”.

205. Section 81.9 of the Act is amended

(1) by inserting “personne” after “81.6, la” in the French text;

(2) by replacing “her maternity leave. However, the employer may require a medical certificate from an employee” by “the leave provided for in section 81.4. However, the employer may require a medical certificate from an employee”;

(3) by replacing “she” by “the employee”.

206. Section 81.10 of the Act is amended by replacing “of a newborn child, and” by “or the parents of a newborn child, including a child born in the context of a parental project involving surrogacy, and”.

207. Section 81.11 of the Act is replaced by the following section:

“81.11. Parental leave may not begin before,

(1) in the case of a birth, the week of the newborn’s birth or, if the birth occurs in the context of a parental project involving surrogacy, the week the child is entrusted to the employee who is a party to the project or the week the employee leaves work to travel outside Québec to be entrusted with the child; or

(2) in the case of an adoption, the week the child is entrusted to the employee in accordance with the adoption procedure or the week the employee leaves work to travel outside Québec to be entrusted with the child.

It shall end not later than 78 weeks after the week of the birth or, in the case of an adoption or of a parental project involving surrogacy, 78 weeks after the child was entrusted to the employee.

However, in the cases and subject to the conditions prescribed by regulation of the Government, parental leave may end at the latest 104 weeks after the birth or, in the case of an adoption or of a parental project involving surrogacy, 104 weeks after the child was entrusted to the employee.”

208. Section 81.12 of the Act is amended

(1) by replacing “the employee must stay with the newborn child or newly adopted child, or with the mother” by “the employee must stay with the newborn child, including a child born within the context of a parental project involving surrogacy if the child has been entrusted to the employee, with the newly adopted child or, if applicable, with the mother or the person who gave birth”;

(2) by replacing “the state of health of the child or of the mother” by “their state of health”.

209. Section 81.14.1 of the Act is amended

(1) in the first paragraph,

(a) by replacing “the employee, a maternity, paternity or parental leave” by “the employee, a leave provided for in section 81.2, 81.4 or 81.10”;

(b) by replacing “le salarié” in the French text by “la personne salariée”;

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

“At the request of the employee and provided the employer consents thereto, the leave provided for in section 81.2 or 81.10 shall be divided into weeks.”

210. Section 81.14.2 of the Act is amended

(1) in the first paragraph,

(a) by replacing “maternity, paternity or parental leave” by “leave taken under section 81.2, 81.4 or 81.10”;

(b) by replacing “du salarié” in the French text by “de la personne salariée”;

(2) in the second paragraph,

(a) by replacing “le salarié” in the French text by “la personne salariée”;

(b) by replacing “the child or, in the case of a maternity leave, that the state of health of the employee” by “the child or, in the case of the leave taken under section 81.4, that the state of health of the employee”.

211. Section 81.15 of the Act is amended

(1) by replacing both occurrences of “du salarié” in the first paragraph in the French text by “de la personne salariée”;

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

“The Government shall determine, by regulation, the other advantages available to an employee during a leave provided for in section 81.2, 81.4 or 81.10.”

212. Section 81.15.1 of the Act is replaced by the following section:

“81.15.1. At the end of a leave taken under section 81.2, 81.4 or 81.10, the employer shall reinstate the employee in the employee’s former position with the same benefits, including the wages to which the employee would have been entitled had the employee remained at work.

If the position held by the employee no longer exists when the employee returns to work, the employer shall recognize all the rights and privileges to which the employee would have been entitled if the employee had been at work at the time the position ceased to exist.”

213. Section 81.17 of the Act is amended by replacing “a maternity, paternity or parental leave” by “leaves provided for in sections 81.2, 81.4 and 81.10”.

214. Section 89 of the Act is amended

(1) by replacing “du salarié” in paragraph 3 in the French text by “de la personne salariée”;

(2) in paragraph 4,

(a) by replacing “d’un salarié” in the introductory clause in the French text by “de la personne salariée”;

(b) by replacing “du salarié occupé” in subparagraphs *c*, *d*, *e* and *f* in the French text by “de la personne salariée occupée”;

(c) by replacing “du salarié” in subparagraph *g* in the French text by “de la personne salariée”;

(d) by replacing “workers” in subparagraph *h* by “employees”;

(e) by replacing “de salariés visés” in subparagraph *i* in the French text by “de personnes salariées visées”;

(3) by replacing paragraph 6 by the following paragraph:

“(6) the other benefits an employee may receive during an absence for any of the reasons provided for in section 79.1 or in connection with a leave provided for in section 81.2, 81.4 or 81.10, which may vary according to the nature of the leave or, where applicable, its length;”;

(4) by replacing “of adoption, 104 weeks after the child was entrusted to the employee” in paragraph 6.1 by “of an adoption or a parental project involving surrogacy, 104 weeks after the child was entrusted to the employee”;

(5) by replacing “maternity, paternity or parental leave” in paragraph 6.1.1 by “leave provided for in section 81.2, 81.4 or 81.10”.

215. Section 102 of the Act is amended

(1) in the first paragraph,

(a) by replacing “un salarié”, “d’un salarié” and “salariés” in the French text by “une personne salariée”, “d’une personne salariée” and “personnes salariées”, respectively;

(b) by replacing “one of his rights under” by “a right conferred on the employee by”;

(2) by replacing “un salarié est assujetti” in the second paragraph in the French text by “une personne salariée est assujettie”.

216. Section 122 of the Act is amended

(1) in the first paragraph,

(a) by replacing “his agent” and both occurrences of “him” in the introductory clause by “agent of the employer” and “the employee”, respectively;

(b) by replacing “one of his rights” and “under” in subparagraph 1 by “a right” and “conferred on the employee by”, respectively;

(c) by replacing “he” in subparagraph 2 by “the employee”;

(d) by replacing “du salarié” in subparagraph 3 in the French text by “de la personne salariée”;

(e) by inserting “personne” before “salariée” in subparagraph 4 in the French text;

(f) in subparagraph 6,

i. by replacing all occurrences of “le salarié”, “parent” and “il” in the French text by “la personne salariée”, “membre de la famille” and “elle”, respectively;

ii. by replacing all occurrences of “his” and “he” by “the employee’s” and “the employee”, respectively;

(g) by replacing “qu’il” in subparagraphs 16 and 17 in the French text by “que la personne salariée”;

(h) by replacing all occurrences of “un salarié”, “ce salarié” and “le salarié” in the French text by “une personne salariée”, “cette personne salariée” and “la personne salariée”, respectively, with the necessary modifications;

(2) in the second paragraph,

(a) by inserting “personne” before both occurrences of “salariée” in the French text;

(b) by replacing “his”, both occurrences of “her conditions of employment” and “her or her” by “the employer’s”, “the conditions of employment” and “the employee or the employee’s”, respectively.

217. Section 123.2 of the Act is amended by replacing “the employee has returned to work at the end of a maternity or paternity leave or parental leave” by “the employee has returned to work at the end of a leave provided for in section 81.2, 81.4 or 81.10”.

218. Section 124 of the Act is amended, in the first paragraph,

(1) by replacing “Le salarié qui justifie de deux ans de service continu dans une même entreprise et qui croit avoir été congédié” in the French text by “La personne salariée qui justifie de deux ans de service continu dans une même entreprise et qui croit avoir été congédiée”;

(2) by replacing “believes that he has”, “his complaint” and “his dismissal” by “believes they have”, “a complaint” and “the dismissal”, respectively.

219. The Act is amended

(1) by replacing, in all other provisions, all occurrences of “salarié” or “salariée” and “salariés” in the French text by “personne salariée” and “personnes salariées”, respectively, with the necessary modifications;

(2) by replacing all occurrences of the following terms in all other provisions, with the necessary modifications, where the terms are used in reference to an employee:

- (a) “he”, “him” and “she” by “the employee”;
- (b) “his” by “the”, “the employee’s” or “their”, depending on the context;
- (c) “her” by “the” or “the employee’s”, depending on the context;
- (d) “himself” by “themselves”;
- (e) “believes he has” and “believes that he has” by “believes they have”.

NOTARIES ACT

220. Section 40 of the Notaries Act (chapter N-3) is amended by adding the following subparagraph before subparagraph 1 of the second paragraph:

“(0.1) the woman or person who has agreed to give birth to a child within the context of a parental project involving surrogacy;”.

221. Section 44 of the Act is amended by inserting “, unless the act is a surrogacy agreement, in which case the disbursements and fees shall be borne by the person alone or the spouses who formed the parental project” after “fees”.

YOUTH PROTECTION ACT

222. Section 1 of the Youth Protection Act (chapter P-34.1) is amended by inserting “or the parents” after “mother” in the definition of “parents” in subparagraph *e* of the first paragraph.

223. Section 62.1 of the Act is amended

(1) by inserting “or either of his parents” after “mother” in the first paragraph;

(2) by inserting “or either of his parents” after “mother” in the second paragraph.

224. The Act is amended by inserting the following section after section 70.6:

“70.7. The designation of a foster family, or of a member of that family, as a suppletive tutor under article 199.1 of the Civil Code does not put an end to the director’s intervention under this Act or change the roles, responsibilities or rights of the foster family or of any of its members.”

225. Section 71.3.4 of the Act is amended

(1) by replacing “entering into an agreement under” in subparagraph 2 of the first paragraph by “providing for exchanges of information or maintaining or developing personal relations in accordance with”;

(2) by replacing the second and third paragraphs by the following paragraphs:

“In addition, the director must offer support services to the adopter, adoptee and members of the family of origin who wish to provide for exchanges of information or maintain or develop personal relations in accordance with article 579 of the Civil Code before the order of placement is made.

Where only exchanges of information are provided for, the director shall, at the parties’ request, facilitate those exchanges until the adoptee reaches full age. However, the director shall cease to act at the request of one of the parties.”

226. Section 71.3.13 of the Act is amended

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

“Every institution operating a child and youth protection centre is responsible for disclosing to any adoptee, or, if the latter is deceased, his descendants in the first degree, or any parent of origin who so requests the information and documents they are entitled to obtain under article 583 or 583.0.1 of the Civil Code, if applicable. The institution shall also disclose to the adoptee, his descendants in the first degree, his brother or sister of origin, whether adopted or not, or his grandparents of origin the information referred to in article 583.10 of that Code, where the conditions set out in that article are met.

The institution shall disclose to the descendants in the first degree of a deceased adoptee who so request a summary of the adoptee’s family and medical antecedents referred to in section 71.3.6 of this Act.”;

(2) by replacing “the risk of harm” in the second paragraph by “that the health of the adoptee, of the parent of origin or of a close relative genetically linked to them, as the case may be, warrants disclosure of the medical information concerned”.

227. Section 71.3.14 of the Act is amended by striking out “14 years of age or over” in the first paragraph.

228. Section 71.3.15 of the Act is amended by replacing “third” in the first paragraph by “fourth”.

229. Section 71.15.2 of the Act is amended

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

“The Minister is responsible for disclosing to any adoptee, or, if the latter is deceased, his descendants in the first degree, and to his parent of origin, brother or sister of origin, whether adopted or not, or grandparents of origin the information they may obtain under article 583.12 of the Civil Code.

The Minister is also responsible for disclosing to the descendants in the first degree of a deceased adoptee who so request a summary of the adoptee’s family and medical antecedents referred to in section 71.14 of this Act.”;

(2) by replacing “the risk of harm” in the second paragraph by “that the health of the adoptee, of the parent of origin or of a close relative genetically linked to them, as the case may be, warrants disclosure of the medical information”.

230. Section 71.15.5 of the Act is amended, in the first paragraph,

(1) by striking out “14 years of age or over”;

(2) by replacing “adoptee who undertakes or is the subject of such research or steps and needs” by “adoptee and to his descendants in the first degree who undertake or are the subject of such research or steps and need”.

231. The Act is amended by inserting the following section after section 85.4:

“**85.4.1.** The tribunal may, on application or on its own initiative, prevent an unrepresented party from examining or cross-examining a child and order that the child be examined or cross-examined by an advocate.”

ACT RESPECTING HEALTH SERVICES AND SOCIAL SERVICES

232. 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:

“(21) for the purposes of section 43.1 of the Act respecting clinical and research activities relating to assisted procreation (chapter A-5.01).”

233. Section 19.0.1.1 of the Act is amended

(1) by replacing “a user’s biological mother” in the first paragraph by “the biological mother or the person who gave birth to the user”;

(2) by inserting “or the person who gave birth to him” after “mother” in the second paragraph.

234. Section 19.0.2 of the Act is amended by inserting “or of each parent” after “father” in the first paragraph.

235. The Act is amended by inserting the following section after section 21:

“**21.1.** The person alone or spouses who formed a parental project involving surrogacy and who need to have the filiation of the child established in their regard in accordance with the Civil Code are entitled to obtain the information contained in the medical certificate issued by a physician following a medical assessment attesting that the woman or person who gave birth to the child is incapable of giving consent.”

236. Section 27.3 of the Act is amended by replacing “the user’s father or mother” in the fourth paragraph by “the father or mother or one of the parents of the user”.

237. Section 30.1 of the Act is amended, in the fifth paragraph,

- (1) by inserting “or parent” after “child, the person’s mother or father”;
- (2) by inserting “or parent” after “spouse of the person’s mother or father”.

238. Section 131 of the Act is amended, in the third paragraph,

- (1) by inserting “or parent” after “child, the person’s mother or father”;
- (2) by inserting “or parent” after “spouse of the person’s mother or father”.

239. Section 513 of the Act is amended by replacing “the user’s father, mother, both of them” in the second paragraph by “the father, mother or one of the parents of the user, two of them”.

REGULATION RESPECTING CHANGE OF NAME AND OF OTHER PARTICULARS OF CIVIL STATUS

240. The title of the Regulation respecting change of name and of other particulars of civil status (chapter CCQ, r. 4) is replaced by “Regulation respecting the addition of a designation of gender identity, the change of certain particulars of civil status and the substitution of the usual given name”.

241. Section 2 of the Regulation is amended

- (1) by inserting “or gender identity” at the end of paragraph 2;
- (2) by striking out paragraph 5;
- (3) by inserting “or parents” at the end of paragraph 6.

242. Section 3 of the Regulation is amended, in the first paragraph,

(1) by inserting “or parents” after “father and mother” in subparagraph 1;

(2) by replacing “has been deprived” in subparagraph 2 by “or parents or one of them have been deprived”.

243. Section 4 of the Regulation is amended by striking out subparagraph 2 of the first paragraph.

244. Section 8 of the Regulation is amended by inserting “or parents” after “mother”.

245. The heading of Division VII of the Regulation is amended by inserting “, ADDITION OF A DESIGNATION OF GENDER IDENTITY AND CHANGE AND WITHDRAWAL OF THAT DESIGNATION” after “SEX”.

246. Section 23 of the Regulation is amended

(1) by replacing “20” by “16, 19 and 20”;

(2) by replacing “, with the necessary modifications, to a change of designation of sex” by “to a change of designation of sex, to the addition of a designation of gender identity, to a change and to the withdrawal of that designation”.

247. The Regulation is amended by inserting the following section after section 23:

“23.0.1. An application for a change of the designation of sex that appears in a person’s act of birth must be accompanied by, in addition to the documents referred to in section 4, a certificate from the attending physician confirming that the medical treatments and surgical operations undergone by the applicant make it possible to conclude that there has been a structural alteration of the sexual organs which has permanently changed the applicant’s apparent sexual characteristics and a certificate by another physician practising in Québec attesting to the success of the treatments.

However, an application for a change of designation of sex of a person whose sex was undetermined at birth must be accompanied by a certificate from the attending physician confirming the determination of that person’s sex.”

248. Section 23.1 of the Regulation is amended

(1) in the first paragraph,

(a) by replacing “for a change of the designation of sex” in the introductory clause by “to add a designation of gender identity to the act of birth or to change such designation”;

(b) by replacing subparagraph 1 by the following subparagraph:

“(1) the designation of gender identity requested is the designation that best corresponds to the gender the applicant identifies with;”;

(2) by replacing subparagraph 1 of the second paragraph by the following subparagraph:

“(1) the designation of gender identity requested for the minor child is the designation that best corresponds to the gender that child identifies with;”.

249. Section 23.2 of the Regulation is amended

(1) by replacing “for a change of the designation of sex that appears in an act of birth of a person of full age must be accompanied by, in addition to the documents referred to in section 4,” in the first paragraph by “to add a designation of gender identity to the act of birth of a person of full age or to change that designation appearing in the act of birth of such a person, must be accompanied by, in addition to the documents referred to in section 4,”;

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

“An application to add a designation of gender identity to the act of birth of a minor child or to change that designation appearing in the act of birth of such a child must be accompanied by, in addition to the documents referred to in section 4, a letter from a physician, a psychologist, a psychiatrist, a sexologist or a social worker authorized to practise in Canada or in the State in which the child is domiciled who declares having evaluated or followed the child and is of the opinion that the addition of a designation or change of the designation is appropriate.”

250. Section 23.3 of the Regulation is amended by replacing “sex that appears in his or her act of birth, the application, in addition to the documents referred to in sections 4 and 23.2, must also be accompanied by” by “gender identity appearing in the applicant’s act of birth, the application must, in addition to the documents referred to in sections 4 and 23.2, be accompanied by”.

251. The Regulation is amended by inserting the following sections after section 23.3:

“23.4. The withdrawal of a designation of gender identity is made by submitting an application to the registrar of civil status.

“23.5. Where a person has already obtained the withdrawal of the designation of gender identity appearing in their act of birth, any application to add a designation of gender identity that differs from the withdrawn designation is subject to the same rules as those provided for in section 23.3.”

252. Section 24 of the Regulation is amended by inserting “, for the addition of a designation of gender identity, or for a change or the withdrawal of that designation” after “sex”.

253. The Regulation is amended by inserting the following after section 24:

“**24.1.** The designation of a male, female or non-binary gender identity added to an act of birth is represented by one of the following letter symbols, respectively: “M”, “F” or “X”.

“**DIVISION VII.1**

“**SUBSTITUTION OF THE USUAL GIVEN NAME**

“**24.2.** A notice of substitution of the usual given name must include the following information:

- (1) the name of the person who is the subject of the notice of substitution, as recorded on the act of birth;
- (2) the person’s date of birth;
- (3) the new usual given name chosen; and
- (4) the date of the notice.

Where the notice concerns a minor child, it also includes the name, capacity and domiciliary address of the person submitting the notice for the child, and the name and domiciliary address of the person to whom the notice must be notified.

“**24.3.** A notice of substitution of the usual given name must be accompanied by the following information concerning the person who is the subject of the notice:

- (1) the person’s place of birth and the place where the birth was registered;
- (2) the person’s sex or gender identity;
- (3) the person’s domiciliary address on the date on which the notice of substitution is submitted and the number of years the person has been domiciled in Québec;
- (4) the name of the person’s father and mother or parents or, if applicable, of the person’s tutor;
- (5) the person’s civil status and, if the person is married or in a civil union, the spouse’s name and the date and place of their marriage or civil union; and

(6) the name of the person's children, if any, as well as their date of birth and the name of each child's other parent.

The notice concerning a minor child must also be accompanied by the following information concerning the child:

(1) the domiciliary address of the child's father and mother or parents or, if applicable, of the child's tutor on the date on which the notice of substitution is submitted;

(2) if the child's father, mother or parent has been deprived of parental authority by a judicial decision, an indication of that fact;

(3) if the child's filiation has been changed by a judicial decision, an indication of that fact; and

(4) if the child has a tutor, a statement that a tutor has been appointed to the child, either by a judicial decision, or by will or by a declaration filed with the Public Curator in accordance with article 200 of the Civil Code, the tutor's name, the tutor's domiciliary address, the mode of appointment of the tutor, the effective date of the tutorship and an indication as to whether or not the tutor is filing the application for the minor child.

The notice must be accompanied by the documents provided for in section 4, with the necessary modifications.

“24.4. The person submitting the notice of substitution of the usual given name for a minor child shall notify it, in the manner prescribed in Division VI, to the father and mother or the parents of the child, the child's tutor, if applicable, and to the child, if 14 years of age or over.

The person submitting the notice shall provide the registrar of civil status with proof that the notification has been made; otherwise, the person must prove that he was unable to make the required notification.

“24.5. The persons who were notified of the notice of substitution of the usual given name may object to the substitution.

To do so, they shall, in accordance with Division VI, notify the registrar of civil status and the person who gave the notice of their objection not later than the twentieth day following the date of notification of the notice of substitution.

The objection must include the information required under section 13, with the necessary modifications.

“24.6. The person who submitted the notice of substitution of the usual given name of a minor child may reply to the objections stated, within 15 days from the day on which the person receives notification thereof. The person shall, in accordance with Division IV, notify the reply to the registrar of civil status, to the objector and, where applicable, to the other interested persons.

The reply must include the information required under section 15, with the necessary modifications.

“24.7. Unless an objection subsists, the registrar of civil status is to publish on the website of the registrar the notice of substitution that was submitted, with the date on which the new usual given name takes effect, unless such publication is not required under article 56.3 of the Civil Code.”

TARIFF OF DUTIES RESPECTING THE ACTS OF CIVIL STATUS AND CHANGE OF NAME OR OF DESIGNATION OF SEX

254. The title of the Tariff of duties respecting the acts of civil status and change of name or of designation of sex (chapter CCQ, r. 10) is amended by replacing “civil status and change of name or of designation of sex” by “civil status, change of name or substitution of the usual given name and change of designation of sex or gender identity”.

255. Section 1 of the Tariff is amended

(1) by adding the following subparagraph after subparagraph 4 of the first paragraph:

“(5) for a detailed attestation related to the information contained in a copy of an attestation of birth or the nature of the changes made to an act of birth, \$25.”;

(2) by adding the following subparagraph after subparagraph 2 of the second paragraph:

“(3) in the case referred to in subparagraph 5 of the first paragraph, \$60.”

256. The Tariff is amended by inserting the following division after section 8:

“DIVISION II.1

“DUTIES RESPECTING SUBSTITUTION OF THE USUAL GIVEN NAME

“8.1. The duties payable for the substitution of a usual given name for another given name stated in the act of birth are \$125.”

257. The heading of Division III of the Tariff is amended by adding “AND GENDER IDENTITY” after “SEX”.

258. Section 9 of the Tariff is amended by inserting “or of gender identity” after “sex”.

259. Section 10 of the Tariff is amended by inserting “or of gender identity” after “sex”.

260. Section 10.2 of the Tariff is amended

(1) by replacing “subparagraph 4” by “subparagraphs 4 and 5”;

(2) by inserting “8.1,” after “5.1, 6, 7, 8,”.

261. The Tariff is amended by inserting the following division after section 10.2:

“DIVISION III.2

“EXEMPTIONS

“**10.3.** Persons whose name was changed in the context of their stay in an Aboriginal residential school or their descendants who wish to change their name to a traditional Aboriginal name are exempt from paying the duties payable for an application for a change of name until (*insert the date that is five years after the date of coming into force of this section*).

For that period, those persons are also exempt from paying the duties payable for the issuing of copies of acts, certificates and attestations.

“**10.4.** A person whose act of birth indicates a designation of sex as undetermined and who is the subject of an application, in accordance with the Civil Code, to have that designation changed is exempt from paying the duties in respect of the change of designation of sex.”

CHAPTER II

OTHER AMENDING PROVISIONS

ACT RESPECTING INDUSTRIAL ACCIDENTS AND OCCUPATIONAL DISEASES

262. Section 92 of the Act respecting industrial accidents and occupational diseases (chapter A-3.001) is amended

(1) by replacing “*in loco parentis*” in paragraph 1 by “in place of a mother, father or parent”;

(2) in paragraph 2,

(a) by replacing “*in loco parentis* to” in paragraph 2 by “in place of a mother, father or parent to”;

(b) by inserting “or the parent” after “mother”.

263. Section 94 of the Act is amended by inserting “or of his parents or one of them” after “father”.

264. Section 110 of the Act is amended by inserting “or the parents” after “mother”.

FUNERAL OPERATIONS ACT

265. Section 2 of the Funeral Operations Act (chapter A-5.02) is amended, in the first paragraph,

(1) by inserting “or by either of the parents” at the end of the definition of “body” in subparagraph 1;

(2) by inserting “, or either of the parents,” after “father” in the definition of “relative” in subparagraph 3.

INDIVIDUAL AND FAMILY ASSISTANCE ACT

266. Section 23 of the Individual and Family Assistance Act (chapter A-13.1.1) is amended

(1) by inserting “, or of either or both of their parents” after “mother” in the introductory clause;

(2) by replacing “the father or mother” in paragraph 1 by “the father or mother or one of the parents”;

(3) by replacing “the father or mother” in paragraph 2 by “the father or mother or one of the parents”.

267. Section 55 of the Act is amended by inserting “or parents” after “father and mother” in subparagraph ii of subparagraph *f* of subparagraph 2 of the first paragraph.

268. Section 57 of the Act is amended

(1) by replacing “or mother” in subparagraph 1 of the first paragraph by “or mother, or parents or one of them”;

(2) by inserting “or parents” after “mother” in the second paragraph.

269. Section 86 of the Act is amended by replacing “mother or father” in the third paragraph by “father, mother or one or both of the person’s parents”.

270. Section 131 of the Act is amended by replacing “or mother” in paragraph 8 by “or mother or parents or one of them”.

271. Section 132 of the Act is amended by inserting “or parents” after “mother” in paragraph 15.

ACT RESPECTING FINANCIAL ASSISTANCE FOR EDUCATION EXPENSES

272. Section 2 of the Act respecting financial assistance for education expenses (chapter A-13.3) is amended by inserting “or the parents” after “mother” in the definition of “**parents**”.

273. Section 4 of the Act is amended by inserting “or parents or one of them,” after “mother,” in subparagraph 9 of the first paragraph.

AUTOMOBILE INSURANCE ACT

274. Section 2 of the Automobile Insurance Act (chapter A-25) is amended by replacing all occurrences of “*in loco parentis*” by “in place of a mother, father or parent”.

275. Section 60 of the Act is amended by replacing subparagraph 2 of the first paragraph by the following subparagraph:

“(2) mother or father or parent of a victim includes the person who stands in place of a mother, father or parent to the victim at the time of his death;”.

276. Section 69 of the Act is amended by inserting “or his parents” after “mother” in the first paragraph.

ACT RESPECTING PRESCRIPTION DRUG INSURANCE

277. Section 17 of the Act respecting prescription drug insurance (chapter A-29.01) is amended

(1) by replacing “a parent or tutor” in paragraph 1 of the definition of “child” by “a person”;

(2) by replacing “the parent or tutor” and “the person” in paragraph 2 of the definition of “child” by “a person” and “the eligible person”, respectively;

(3) by replacing “the parent or tutor” and “the person” in the definition of “person suffering from a functional impairment” by “a person” and “the eligible person”, respectively.

278. Section 18.1 of the Act is amended by inserting “or the parents” after both occurrences of “mother”.

ACT CONSTITUTING CAPITAL RÉGIONAL ET COOPÉRATIF DESJARDINS

279. Section 4.2 of the Act constituting Capital régional et coopératif Desjardins (chapter C-6.1) is amended by inserting “or parent” after “mother” in the fifth paragraph.

HIGHWAY SAFETY CODE

280. Section 100 of the Highway Safety Code (chapter C-24.2) is amended by inserting “or of one of the driver’s parents” after “mother” in subparagraph 4 of the fourth paragraph.

CODE OF PENAL PROCEDURE

281. Article 28 of the Code of Penal Procedure (chapter C-25.1) is amended by inserting “or on his parents” after “mother”.

REAL ESTATE BROKERAGE ACT

282. Section 3 of the Real Estate Brokerage Act (chapter C-73.2) is amended by inserting “, or one of the parents” after “mother” in paragraph 6.

ACT RESPECTING DUTIES ON TRANSFERS OF IMMOVABLES

283. Section 20 of the Act respecting duties on transfers of immovables (chapter D-15.1) is amended

(1) by inserting “or one of the parents” after all occurrences of “father or mother” in the first paragraph;

(2) by inserting “or the parents” after “father and mother” in the second paragraph;

(3) by inserting “or the parents” after “mother” in the fourth paragraph.

ACT RESPECTING ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

284. Section 131 of the Act respecting elections and referendums in municipalities (chapter E-2.2) is amended by inserting “or one of the parents,” after “mother,” in the second paragraph.

ACT RESPECTING SCHOOL ELECTIONS TO ELECT CERTAIN MEMBERS OF THE BOARDS OF DIRECTORS OF ENGLISH-LANGUAGE SCHOOL SERVICE CENTRES

285. Section 58.3 of the Act respecting school elections to elect certain members of the boards of directors of English-language school service centres (chapter E-2.3) is amended by inserting “or one of the parents,” after “mother,” in the second paragraph.

ELECTION ACT

286. Section 204 of the Election Act (chapter E-3.3) is amended by inserting “or parent” after “mother” in the second paragraph.

ACT TO ESTABLISH FONDATION, LE FONDS DE DÉVELOPPEMENT DE LA CONFÉDÉRATION DES SYNDICATS NATIONAUX POUR LA COOPÉRATION ET L'EMPLOI

287. Section 4.2 of the Act to establish Fondation, le Fonds de développement de la Confédération des syndicats nationaux pour la coopération et l'emploi (chapter F-3.1.2) is amended by inserting “or parent” after “mother” in the fourth paragraph.

ACT TO ESTABLISH THE FONDS DE SOLIDARITÉ DES TRAVAILLEURS DU QUÉBEC (F.T.Q.)

288. Section 4.1 of the Act to establish the Fonds de solidarité des travailleurs du Québec (F.T.Q.) (chapter F-3.2.1) is amended by inserting “or parent” after “mother” in the fourth paragraph.

ACT RESPECTING OFFENCES RELATING TO ALCOHOLIC BEVERAGES

289. Section 103.2 of the Act respecting offences relating to alcoholic beverages (chapter I-8.1) is amended by inserting “or one of his parents,” after “mother” in subparagraph 1 of the second paragraph.

290. Section 103.6 of the Act is amended by replacing “him” and “he or she is the father or the mother” by “them” and “they are the father or the mother or one of the parents”, respectively.

291. Section 103.8 of the Act is amended by replacing “that he or she is the father or the mother of a minor” by “themselves as the father, the mother or one of the parents of a minor or as”.

ACT RESPECTING THE MINISTÈRE DE LA FAMILLE, DES ÂÎNÉS ET DE LA CONDITION FÉMININE

292. Section 3 of the Act respecting the Ministère de la Famille, des Aînés et de la Condition féminine (chapter M-17.2) is amended by replacing paragraph 5 by the following paragraph:

“(5) providing parents with financial support to facilitate access to maternity leave or personal leave, in connection with pregnancy or delivery, or to facilitate access to paternity leave or leave for the non-birthing parent and to parental leave.”

ACT RESPECTING THE QUÉBEC PENSION PLAN

293. Section 86 of the Act respecting the Québec Pension Plan (chapter R-9) is amended, in subparagraph *b* of the first paragraph,

(1) by replacing “*in loco parentis*” by “in place of a father, mother or parent”;

(2) by inserting “or one of the parents” after “mother”.

294. Section 173 of the Act is amended by inserting “or one of the parents” after “mother” in the fourth paragraph.

295. Section 174 of the Act is amended by inserting “or one of his parents” after “mother” in the second paragraph.

ACT RESPECTING THE PENSION PLAN OF PEACE OFFICERS IN CORRECTIONAL SERVICES

296. The title of the Act respecting the Pension Plan of Peace Officers in Correctional Services (chapter R-9.2) is amended by replacing “des agents” in the French text by “du personnel agent”.

297. Section 1 of the Act is amended

(1) by replacing “ses employés” in paragraph 2 in the French text by “les membres de son personnel”;

(2) by replacing both occurrences of “d’employés” in paragraph 4 in the French text by “de personnes employées”.

298. Section 7 of the Act is amended

(1) by replacing “un employé”, “il occupe”, “l’employé” and “il est réputé” in the first paragraph in the French text by “une personne employée”, “elle occupe”, “cette personne” and “elle est réputée”, respectively;

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

“For the purposes of this plan, an employee is deemed to hold pensionable employment when the employee holds full-time or part-time employment, which includes any period during which the employee is absent without pay, is eligible for salary insurance benefits or is on maternity leave or personal leave in connection with pregnancy or delivery. When an employee holds employment for which the basis of remuneration is 200 days, the employee is also deemed to hold pensionable employment until the end of the employment contract if the contract ends on 30 June of any year.”;

(3) by replacing “l’employé est assujéti” in the third paragraph in the French text by “la personne employée est assujétié”;

(4) by replacing “d’employés” in the fourth paragraph in the French text by “de personnes employées”.

299. Section 9 of the Act is amended

(1) by replacing “d’un employé” in the first paragraph in the French text by “d’une personne employée”;

(2) in the second paragraph,

(a) by replacing “employee on maternity leave” by “employee on maternity leave or personal leave in connection with pregnancy or delivery”;

(b) by replacing “she would have been entitled if she had not taken maternity leave” by “the employee would have been entitled if the employee had not taken such leave”;

(3) in the third paragraph,

(a) by replacing “employee on paternity or adoption leave” by “employee on paternity leave or leave for the non-birthing parent or on adoption leave”;

(b) by replacing all occurrences of “il” and “s’il” in the French text by “elle” and “si elle”, respectively;

(4) by replacing “d’un employé”, “cet employé” and “s’il” in the fourth paragraph in the French text by “d’une personne employée”, “cette personne” and “si elle”, respectively;

(5) by replacing “d’un employé” in the fifth paragraph in the French text by “d’une personne employée”.

300. Section 41 of the Act is amended

(1) in the first paragraph,

(a) by replacing “An employee who, while she was” and “she was a teacher within the meaning of the Teachers Pension Plan, ceased to be an employee for the purposes of her pension plan by reason of marriage, pregnancy” by “An employee who, while” and “a teacher within the meaning of the Teachers Pension Plan, ceased to be an employee for the purposes of the pension plan by reason of marriage, maternity, or pregnancy or delivery,”, respectively;

(b) by replacing “her years of teaching prior to 1 January 1968 for which she” by “the employee’s years of teaching prior to 1 January 1968 for which the employee”;

(c) by replacing “if the marriage, pregnancy” by “if the marriage, maternity, or pregnancy or delivery,”;

(d) by replacing “she ceased to be covered by her plan” by “the employee ceased to be covered by the plan”;

(2) by replacing “l’employée” and “Loi sur le régime de retraite des employés du gouvernement et des organismes publics” in the second paragraph in the French text by “la personne employée” and “Loi sur le régime de retraite du personnel employé du gouvernement et des organismes publics”, respectively.

301. Section 42.1.1 of the Act is amended by replacing “employee because of a paternity or adoption leave” by “employee because of a paternity leave or leave for the non-birthing parent or an adoption leave” and by replacing “l’employé ne s’était pas prévalu” in the French text by “la personne employée ne s’était pas prévalue”.

302. Section 139.13 of the Act is amended by replacing “ses employés” in the French text by “les membres de son personnel”.

303. Section 139.17 of the Act is amended by replacing “ses employés” in the French text by “les membres de son personnel”.

ACT RESPECTING THE GOVERNMENT AND PUBLIC EMPLOYEES RETIREMENT PLAN

304. The title of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10) is amended by replacing “des employés” in the French text by “du personnel employé”.

305. Section 3 of the Act is amended

(1) by replacing “employés” and “régime de retraite des agents de la paix en services correctionnels” in the first paragraph in the French text by “personnes employées” and “régime de retraite du personnel agent de la paix en services correctionnels”, respectively;

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

“For the purposes of this plan, an employee within the meaning of the first paragraph is deemed to hold pensionable employment when the employee holds full-time or part-time employment contemplated by the plan, which includes, among other periods, any period during which the employee is absent without pay, is entitled to salary insurance benefits or is on maternity leave or personal leave in connection with pregnancy or delivery. When such an employee holds employment for which the basis of remuneration is 200 days, the employee is also deemed to hold pensionable employment until the end of the employment contract if the contract ends on 30 June of any year.”;

(3) by replacing “l’employé est assujetti” in the third paragraph in the French text by “la personne employée est assujettie”;

(4) by replacing “d’employés” in the fourth paragraph in the French text by “de personnes employées”.

306. Section 14 of the Act is amended

(1) by replacing “d’un employé” in the first paragraph in the French text by “d’une personne employée”;

(2) in the second paragraph,

(a) by replacing “employee on maternity leave” by “employee on maternity leave or personal leave in connection with pregnancy or delivery”;

(b) by replacing “she had not taken maternity leave” by “the employee had not taken such leave”;

(3) in the third paragraph,

(a) by replacing “an employee on paternity or adoption leave” by “an employee on paternity leave or leave for the non-birthing parent or on adoption leave”;

(b) by replacing “paternity or adoption leave for” by “such leave for”;

(c) by replacing both occurrences of “il” and “s’il” in the French text by “elle” and “si elle”, respectively;

(4) by replacing “d’un employé” and “cet employé aurait eu droit s’il” in the fourth paragraph in the French text by “d’une personne employée” and “cette personne aurait eu droit si elle”, respectively;

(5) by replacing “d’un employé ou d’une personne” in the fifth paragraph in the French text by “d’une personne employée ou d’une autre personne”;

(6) by replacing “d’un employé” in the sixth paragraph in the French text by “d’une personne employée”.

307. Section 25.1 of the Act is amended by replacing “maternity, paternity or adoption leave” by “maternity leave or personal leave in connection with pregnancy or delivery, a paternity leave or leave for the non-birthing parent or an adoption leave”.

308. Section 28 of the Act is amended

(1) by replacing “maternity, to a female employee” in the first paragraph by “maternity, or pregnancy or delivery, to an employee”;

(2) in the second paragraph,

(a) by replacing “female employee” by “employee”;

(b) by replacing “her” by “the employee”;

(3) by inserting “personne” after “dans le cas d’une” in the third paragraph in the French text;

(4) in the fourth paragraph,

(a) by replacing “l’employée” in the French text by “la personne employée”;

(b) by replacing “her accumulated” and “her employer” by “the employee’s accumulated” and “the employer”, respectively.

309. Section 28.1 of the Act is amended

(1) by replacing “a female employee” by “an employee”;

(2) by replacing “she” by “the employee”;

(3) by inserting “, or pregnancy or delivery,” after “maternity”;

(4) by replacing “l’employée” in the French text by “la personne employée”.

310. Section 29.2 of the Act is amended

- (1) by replacing “l’employé” in the French text by “la personne employée”;
- (2) by replacing “paternity or adoption leave” by “paternity leave or leave for the non-birthing parent or an adoption leave”;
- (3) by replacing “l’employé ne s’était pas prévalu” in the French text by “la personne employée ne s’était pas prévalue”.

311. Section 74 of the Act is amended, in the first paragraph,

- (1) by replacing “l’employé et à moins d’un avis contraire de celui-ci” in the French text by “la personne employée et à moins d’un avis contraire de celle-ci”;
- (2) by replacing “maternity, paternity or adoption leave” by “maternity leave or personal leave in connection with pregnancy or delivery, a paternity leave or leave for the non-birthing parent or an adoption leave”.

312. The heading of Division II of Chapter V.1 of Title I of the Act is amended by replacing “PREGNANCY” by “MATERNITY, PREGNANCY OR DELIVERY”.

313. Section 85.3 of the Act is amended

- (1) in the first paragraph,
 - (a) by replacing “L’employée” in the French text by “La personne employée”;
 - (b) by striking out both occurrences of “she was”;
 - (c) by inserting “personne” before “enseignante” in the French text;
 - (d) by replacing “her pension plan”, “her years”, “she obtained”, “she ceased” and “her plan” by “the pension plan”, “the years”, “the employee obtained”, “the employee ceased” and “the plan”, respectively;
 - (e) by replacing “of marriage, pregnancy” by “of marriage, maternity, pregnancy or delivery,”;
 - (f) by replacing “if the marriage, pregnancy” by “if the marriage, maternity, pregnancy or delivery,”;
- (2) in the second paragraph,
 - (a) by inserting “personne” after “Cette” in the French text;
 - (b) by replacing both occurrences of “her” by “the employee’s”;

- (c) by replacing “l’employée” in the French text by “la personne employée”;
- (d) by replacing both occurrences of “she” by “the employee”;
- (3) by replacing “a female employee” in the third paragraph by “an employee”;
- (4) in the fourth paragraph,
 - (a) by replacing “l’employée” in the French text by “la personne employée”;
 - (b) by replacing “her accumulated sick leave” and “her employer” by “the employee’s accumulated sick leave” and “the employer”, respectively.

314. Section 115.10.6 of the Act is amended

- (1) in the first paragraph,
 - (a) by replacing “Tout employé” and “il” in the introductory clause in the French text by “Toute personne employée” and “elle”, respectively;
 - (b) by replacing “employés n’étaient pas visés” in subparagraph 1 in the French text by “personnes employées n’étaient pas visées”;
 - (c) by replacing “ses employés ont été intégrés dans un ministère ou un organisme dont les employés” in subparagraph 2 in the French text by “les membres de son personnel ont été intégrés dans un ministère ou un organisme dont les membres du personnel”;
- (2) in the second paragraph,
 - (a) by replacing “l’employé” and “l’employée” in the French text by “la personne employée” and “elle”, respectively;
 - (b) by replacing “availed herself of a maternity leave” by “was on maternity leave or personal leave in connection with pregnancy or delivery”;
 - (c) by replacing “her conditions” by “the employee’s conditions”;
- (3) by replacing all occurrences of “l’employé” in the third paragraph in the French text by “la personne employée”;
- (4) in the fourth paragraph,
 - (a) by replacing all occurrences of “l’employé” in the French text by “la personne employée”;
 - (b) by replacing “his” by “the”;
 - (c) by replacing “il” in the French text by “elle”.

315. Section 170 of the Act is amended by replacing “ses employés” in the French text by “les membres de son personnel”.

316. Section 173.0.1 of the Act is amended by replacing “ses employés” in the French text by “les membres de son personnel”.

317. Section 187 of the Act is amended by replacing “paternity or adoption leave” in the first paragraph by “paternity leave or leave for the non-birthing parent or an adoption leave”.

318. Schedule I to the Act is amended

(1) by replacing “EMPLOYÉS ET PERSONNES VISÉS” in the title in the French text by “PERSONNES EMPLOYÉES ET AUTRES PERSONNES VISÉES”;

(2) by replacing “EMPLOYÉS” in the heading of section 1 in the French text by “PERSONNES EMPLOYÉES”;

(3) by replacing all occurrences of “employés” in section 1 in the French text, except in the names of the bodies listed in that section, by “personnes employées” and “des employés permanents”, “qui ont été embauchés” and “employés intégrés” by “des membres de son personnel employé permanent”, “qui ont été embauchées” and “personnes employées intégrées”, respectively;

(4) by replacing “EMPLOYÉS” in the heading of section 2 in the French text by “PERSONNES EMPLOYÉES”;

(5) by replacing both occurrences of “EMPLOYÉS” and “QU’ILS” in the heading of section 2.1 in the French text by “PERSONNES EMPLOYÉES” and “QU’ELLES”, respectively, and by replacing “MATERNITY LEAVE” in the heading of section 2.1 by “MATERNITY LEAVE OR PERSONAL LEAVE IN CONNECTION WITH PREGNANCY OR DELIVERY”;

(6) by replacing both occurrences of “EMPLOYÉS”, “DEVIENNENT VISÉS” and “SONT NOMMÉS OU EMBAUCHÉS” in the heading of section 2.2 in the French text by “PERSONNES EMPLOYÉES”, “DEVIENNENT VISÉES” and “SONT NOMMÉES OU EMBAUCHÉES”, respectively;

(7) by replacing both occurrences of “EMPLOYÉS” and “EMPLOYÉS NOMMÉS OU EMBAUCHÉS” in the heading of section 2.3 in the French text by “PERSONNES EMPLOYÉES” and “PERSONNES EMPLOYÉES NOMMÉES OU EMBAUCHÉES”;

(8) by replacing “RÉGIME DE RETRAITE DES EMPLOYÉS DU GOUVERNEMENT ET DES ORGANISMES PUBLICS” in the heading of section 12.2 in the French text by “RÉGIME DE RETRAITE DU PERSONNEL EMPLOYÉ DU GOUVERNEMENT ET DES ORGANISMES PUBLICS”.

319. Schedule II to the Act is amended

(1) by replacing “EMPLOYÉS ET PERSONNES VISÉS” in the title in the French text by “PERSONNES EMPLOYÉES ET AUTRES PERSONNES VISÉES”;

(2) by replacing “EMPLOYÉS” in the heading of section 1 in the French text by “PERSONNES EMPLOYÉES”;

(3) by replacing all occurrences of “des employés engagés” and “ils versent” in section 1 in the French text by “des personnes employées engagées” and “elles versent”, respectively, and “employés du Collège”, “engagés après”, “de ses employés réguliers” and “employés travaillant” by “personnes employées du Collège”, “engagées après”, “des membres de son personnel employé régulier” and “personnes employées travaillant”, respectively;

(4) by replacing “EMPLOYÉS” and “DE CEUX” in the heading of section 2 in the French text by “PERSONNES EMPLOYÉES” and “DE CELLES”, respectively.

ACT RESPECTING THE PENSION PLAN OF MANAGEMENT PERSONNEL

320. Section 7 of the Act respecting the Pension Plan of Management Personnel (chapter R-12.1) is amended

(1) by replacing all occurrences of “d’un employé”, and “cet employé”, in the first paragraph in the French text by “d’une personne employée” and “cette personne employée”, respectively;

(2) in the second paragraph in the French text,

(a) by replacing both occurrences of “Loi sur le régime de retraite des employés du gouvernement et des organismes publics” by “Loi sur le régime de retraite du personnel employé du gouvernement et des organismes publics”;

(b) by replacing “d’un employé qui s’est qualifié”, “un tel employé cesse d’être visé”, “s’il occupe” and “il a cessé d’être visé” by “d’une personne employée qui s’est qualifiée”, “une telle personne cesse d’être visée”, “si elle occupe” and “elle a cessé d’être visée”, respectively;

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

“An employee to whom this plan applies is deemed to hold pensionable employment at any time when the employee holds full-time or part-time employment, which includes, among other periods, any period during which the employee is absent without pay, is receiving salary insurance benefits and is on maternity leave or leave in connection with pregnancy or delivery. When

an employee holds employment for which the basis of remuneration is 200 days, the employee is also deemed to hold pensionable employment until the end of the employment contract if the contract ends on 30 June of any year.”;

(4) by replacing “l’employé est assujéti” in the fourth paragraph in the French text by “la personne employée est assujétié”;

(5) by replacing “d’employés” in the fifth paragraph in the French text by “de personnes employées”.

321. Section 25 of the Act is amended

(1) by replacing “d’un employé” in the first paragraph in the French text by “d’une personne employée”;

(2) in the second paragraph,

(a) by replacing “employee on maternity leave” by “employee on maternity leave or personal leave in connection with pregnancy or delivery”;

(b) by replacing “she had not taken maternity leave” by “the employee had not taken such leave”;

(3) by replacing “employee on paternity or adoption leave is the basic salary the employee would have been entitled to receive had the employee not been on such leave for the period during which the employee receives benefits, or would receive benefits if” in the third paragraph by “employee on paternity leave or leave for the non-birthing parent or on adoption leave is the basic salary the employee would have been entitled to receive had the employee not been on such leave for the period during which the employee receives benefits, or would receive benefits if”;

(4) in the fourth paragraph,

(a) by replacing “d’un employé” in the French text by “d’une personne employée”;

(b) by replacing “cet employé aurait eu droit s’il” in the French text by “cette personne aurait eu droit si elle”;

(5) by replacing “d’un employé” in the fifth paragraph in the French text by “d’une personne employée”;

(6) by replacing “d’un employé” in the sixth paragraph in the French text by “d’une personne employée”.

322. Section 39.1 of the Act is amended by replacing “maternity, paternity or adoption leave” by “maternity leave or personal leave in connection with pregnancy or delivery, a paternity leave or leave for the non-birthing parent or an adoption leave”.

323. Section 43.1 of the Act is amended by replacing “employee because of a paternity or adoption leave” by “employee because of a paternity leave or leave for the non-birthing parent or an adoption leave” and by replacing “l’employé ne s’était pas prévalu” in the French text by “la personne employée ne s’était pas prévalue”.

324. Section 111 of the Act is amended, in the first paragraph,

(1) by replacing “l’employé et à moins d’un avis contraire de celui-ci” in the French text by “la personne employée et à moins d’un avis contraire de celle-ci”;

(2) by replacing “a maternity, paternity or adoption leave” by “a maternity leave or personal leave in connection with pregnancy or delivery, a paternity leave or leave for the non-birthing parent or an adoption leave”.

325. Section 118 of the Act is amended

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

“An employee who has had a period of absence without pay at a time the employee held pensionable employment under the Government and Public Employees Retirement Plan may, if the employee applies therefor, be credited with all or part of that period of absence if it consisted of more than 30 consecutive days or, in the case of part-time absence, of more than 20% of the regular time of a full-time employee holding similar employment.”;

(2) by replacing “Loi sur le régime de retraite des employés du gouvernement et des organismes publics” in the second paragraph in the French text by “Loi sur le régime de retraite du personnel employé du gouvernement et des organismes publics”;

(3) by replacing “a maternity, paternity or adoption leave” in the third paragraph by “a maternity leave or personal leave in connection with pregnancy or delivery, a paternity leave or leave for the non-birthing parent or an adoption leave” and by replacing all occurrences of “l’employé” in the French text by “la personne employée”;

(4) by replacing the fourth paragraph by the following paragraph in the French text:

“En outre, la personne employée qui, alors qu’elle occupait une fonction visée par le régime de retraite du personnel employé du gouvernement et des organismes publics ou par le régime de retraite du personnel agent de la paix en services correctionnels, a cessé de participer à ce régime après une période d’absence sans traitement de 30 jours consécutifs ou moins sans que la retenue prévue à l’article 29.0.1 de la Loi sur le régime de retraite du personnel employé du gouvernement et des organismes publics ou à l’article 42.0.1 de la Loi sur

le régime de retraite du personnel agent de la paix en services correctionnels (chapitre R-9.2) n'ait entièrement été effectuée, peut également faire créditer la portion de cette période d'absence n'ayant pas fait l'objet de la retenue."

326. The heading of Division III of Chapter V of the Act is amended by inserting “, PREGNANCY OR DELIVERY,” after “MATERNITY”.

327. Section 128 of the Act is amended

(1) by replacing “maternity, in respect of a female employee” in the first paragraph by “maternity, or pregnancy or delivery, in respect of an employee”;

(2) in the second paragraph,

(a) by replacing “l’employée” in the French text by “la personne employée”;

(b) by replacing “her” by “the employee”;

(3) in the third paragraph,

(a) by replacing “l’employée” in the French text by “la personne employée”;

(b) by replacing “her accumulated” and “her employer” by “the employee’s accumulated” and “the employer”, respectively.

328. Section 129 of the Act is amended

(1) by replacing “a female employee” by “an employee”;

(2) by replacing “she” by “the employee”;

(3) by inserting “, or pregnancy or delivery,” after “maternity”;

(4) by replacing “l’employée occupait une fonction visée par le régime de retraite des employés du gouvernement et des organismes publics” in the French text by “cette personne occupait une fonction visée par le régime de retraite du personnel employé du gouvernement et des organismes publics”.

329. Section 130 of the Act is amended

(1) in the first paragraph,

(a) by replacing “L’employée”, “enseignante” and “de maternité” in the French text by “La personne employée”, “personne enseignante” and “de maternité ou de grossesse ou d’accouchement”, respectively;

(b) by striking out both occurrences of “she was”;

(c) by replacing both occurrences of “her” by “the”;

(d) by replacing “of marriage, maternity”, “she obtained” and “she ceased” by “of marriage, maternity, pregnancy or delivery”, “the employee obtained” and “the employee ceased”, respectively;

(e) by inserting “, pregnancy or delivery,” after “if the marriage, maternity”;

(2) in the second paragraph,

(a) by inserting “personne” after “Cette” in the French text;

(b) by replacing “her basic” and “her application” by “the employee’s basic” and “the application”, respectively;

(c) by replacing both occurrences of “she” by “the employee”;

(d) by replacing “l’employée” in the French text by “la personne employée”;

(3) in the third paragraph,

(a) by replacing “l’employée” in the French text by “la personne employée”;

(b) by replacing “her accumulated” and “her employer” by “the employee’s accumulated” and “the employer”, respectively.

330. Section 152.6 of the Act is amended

(1) in the first paragraph,

(a) by replacing “Tout employé” and “il” in the introductory clause in the French text by “Toute personne employée” and “elle”, respectively;

(b) by replacing “employés n’étaient pas visés” in subparagraph 1 in the French text by “personnes employées n’étaient pas visées”;

(c) by replacing “ses employés ont été intégrés dans un ministère ou un organisme dont les employés” in subparagraph 2 in the French text by “les membres de son personnel ont été intégrés dans un ministère ou un organisme dont les membres du personnel”;

(2) in the second paragraph,

(a) by replacing “the employee was entitled to salary insurance benefits or in which an employee availed herself of a maternity leave” by “the employee was entitled to salary insurance benefits or in which an employee was on maternity leave or personal leave in connection with pregnancy or delivery”;

(b) by replacing “her” by “the employee’s”;

(3) by replacing all occurrences of “l’employé” in the third paragraph in the French text by “la personne employée”;

(4) in the fourth paragraph,

(a) by replacing “l’employé” and “l’employé qui prend sa retraite le jour suivant celui où il” in the French text by “la personne employée” and “la personne employée qui prend sa retraite le jour suivant celui où elle”, respectively;

(b) by replacing “his or her” by “the”.

331. Section 196.4 of the Act is amended by replacing “ses employés” in the French text by “les membres de son personnel”.

332. Section 196.13 of the Act is amended by replacing “ses employés” in the French text by “les membres de son personnel”.

333. Schedule II to the Act is amended

(1) by replacing “EMPLOYÉS ET PERSONNES VISÉS” in the title in the French text by “PERSONNES EMPLOYÉES ET AUTRES PERSONNES VISÉES”;

(2) by replacing “EMPLOYÉS” in the heading of section 1 in the French text by “PERSONNES EMPLOYÉES”;

(3) in section 1,

(a) by replacing all occurrences, in the French text, of “employés” by “personnes employées”, except in the names of the bodies listed in that section, of “engagés” and “ils” by “engagées” and “elles”, respectively, and of “des employés permanents”, “embauchés”, “de ses employés réguliers”, “intégrés” and “qualifiés” by “des membres de son personnel employé permanent”, “embauchées”, “des membres de son personnel employé régulier”, “intégrées” and “qualifiées”, respectively;

(b) by replacing all occurrences of “RÉGIME DE RETRAITE DES EMPLOYÉS DU GOUVERNEMENT ET DES ORGANISMES PUBLICS” in the French text by “RÉGIME DE RETRAITE DU PERSONNEL EMPLOYÉ DU GOUVERNEMENT ET DES ORGANISMES PUBLICS”;

(c) by replacing “LOI SUR LE RÉGIME DE RETRAITE DES EMPLOYÉS DU GOUVERNEMENT ET DES ORGANISMES PUBLICS” in the French text by “LOI SUR LE RÉGIME DE RETRAITE DU PERSONNEL EMPLOYÉ DU GOUVERNEMENT ET DES ORGANISMES PUBLICS”;

(4) by replacing “EMPLOYÉS” and “DE CEUX” in the heading of section 2 in the French text by “PERSONNES EMPLOYÉES” and “DE CELLES”, respectively;

(5) by replacing “EMPLOYÉS” in the heading of section 3 in the French text by “PERSONNES EMPLOYÉES”;

(6) by replacing both occurrences of “EMPLOYÉS”, and “QU’ILS”, in the heading of section 3.1 in the French text by “PERSONNES EMPLOYÉES” and “QU’ELLES”, respectively, and by replacing “MATERNITY LEAVE” in the heading of section 3.1 by “MATERNITY LEAVE OR PERSONAL LEAVE IN CONNECTION WITH PREGNANCY OR DELIVERY”;

(7) by replacing all occurrences of “EMPLOYÉS” in the heading of section 3.2 in the French text by “PERSONNES EMPLOYÉES”, and “SONT NOMMÉS OU EMBAUCHÉS” and “RÉGIME DE RETRAITE DES EMPLOYÉS DU GOUVERNEMENT ET DES ORGANISMES PUBLICS” by “SONT NOMMÉES OU EMBAUCHÉES” and “RÉGIME DE RETRAITE DU PERSONNEL EMPLOYÉ DU GOUVERNEMENT ET DES ORGANISMES PUBLICS”, respectively;

(8) by replacing both occurrences of “EMPLOYÉS”, and “EMPLOYÉS NOMMÉS OU EMBAUCHÉS”, in the heading of section 3.3 in the French text by “PERSONNES EMPLOYÉES” and “PERSONNES EMPLOYÉES NOMMÉES OU EMBAUCHÉES”, respectively;

(9) by replacing “RÉGIME DE RETRAITE DES EMPLOYÉS DU GOUVERNEMENT ET DES ORGANISMES PUBLICS” in the heading of sections 13.2 and 15 in the French text by “RÉGIME DE RETRAITE DU PERSONNEL EMPLOYÉ DU GOUVERNEMENT ET DES ORGANISMES PUBLICS”.

EDUCATIONAL CHILDCARE ACT

334. Section 3 of the Educational Childcare Act (chapter S-4.1.1) is amended by inserting “or parent” after “father”.

ACT RESPECTING THE QUÉBEC CORRECTIONAL SYSTEM

335. Section 49 of the Act respecting the Québec correctional system (chapter S-40.1) is amended

(1) in paragraph 2,

(a) by inserting “or one of his or her parents, his or her” after “mother,”;

(b) by inserting “or parent” at the end;

(2) in paragraph 3,

(a) by inserting “or one of his or her parents, his or her” after “mother,”;

(b) by inserting “or parent” after “father or mother”;

(3) in paragraph 4,

(a) by inserting “, or one of his or her parents,” after “mother”;

(b) by inserting “or parent” after “father or mother”.

336. Section 51 of the Act is amended, in the first paragraph,

(1) by inserting “or parent” after “mother”;

(2) by inserting “or parent” after “father or mother”.

337. Section 140 of the Act is amended

(1) by inserting “or parent” after “mother,”;

(2) by inserting “or parent” at the end.

COURTS OF JUSTICE ACT

338. Section 221 of the Courts of Justice Act (chapter T-16) is amended by inserting “or parents” after “mother”.

CHAPTER III

GENERAL AMENDING PROVISIONS

339. Unless already or otherwise provided for by this Act, all occurrences of the expressions “régime de retraite des agents de la paix en services correctionnels” and “régime de retraite des employés du gouvernement et des organismes publics” are replaced in the French text by “régime de retraite du personnel agent de la paix en services correctionnels” and “régime de retraite du personnel employé du gouvernement et des organismes publics”, respectively, with the necessary modifications, in the following Acts:

(1) the Act respecting the Pension Plan of Peace Officers in Correctional Services (chapter R-9.2);

(2) the Act respecting the Government and Public Employees Retirement Plan (chapter R-10);

(3) the Act respecting the Pension Plan of Management Personnel (chapter R-12.1).

340. Unless the context indicates otherwise, in any Act or regulation,

(1) the expressions “Loi sur le régime de retraite des agents de la paix en services correctionnels” and “régime de retraite des agents de la paix en services correctionnels” are replaced in the French text by “Loi sur le régime de retraite du personnel agent de la paix en services correctionnels” and “régime de retraite du personnel agent de la paix en services correctionnels”, respectively;

(2) the expressions “Loi sur le régime de retraite des employés du gouvernement et des organismes publics” and “régime de retraite des employés du gouvernement et des organismes publics” are replaced in the French text by “Loi sur le régime de retraite du personnel employé du gouvernement et des organismes publics” and “régime de retraite du personnel employé du gouvernement et des organismes publics”, respectively.

341. Unless the context indicates otherwise, in any text or document, whatever the nature or medium,

(1) a reference, in French, to the “Loi sur le régime de retraite des agents de la paix en services correctionnels” is a reference to the “Loi sur le régime de retraite du personnel agent de la paix en services correctionnels” and a reference to the “régime de retraite des agents de la paix en services correctionnels” is a reference to the “régime de retraite du personnel agent de la paix en services correctionnels”;

(2) a reference, in French, to the “Loi sur le régime de retraite des employés du gouvernement et des organismes publics” is a reference to the “Loi sur le régime de retraite du personnel employé du gouvernement et des organismes publics” and a reference to the “régime de retraite des employés du gouvernement et des organismes publics” is a reference to the “régime de retraite du personnel employé du gouvernement et des organismes publics”.

342. Unless already provided for by this Act, all occurrences of the expression “maternity leave” are replaced, depending on the context, by “maternity leave or personal leave in connection with pregnancy or delivery”, “such leave” or “the leave”, with the necessary modifications, in the following Acts:

(1) the Act respecting the Pension Plan of Peace Officers in Correctional Services;

(2) the Act respecting the Government and Public Employees Retirement Plan;

(3) the Act respecting the Pension Plan of Management Personnel.

343. Unless the context indicates otherwise or this Act already provides for it or provides otherwise, all occurrences of “employé” and “employée” are replaced in the French text by “personne employée” and all occurrences of “employés” and “employées” are replaced in the French text by “personnes employées”, with the necessary modifications, in the provisions of the following Acts:

(1) the Act respecting the Pension Plan of Peace Officers in Correctional Services, except the first paragraph of section 74.0.1;

(2) the Act respecting the Government and Public Employees Retirement Plan, except Schedule II.1 when such words are included in names of listed bodies;

(3) the Act respecting the Pension Plan of Management Personnel, except Schedule IV.

In addition, unless the context indicates otherwise or this Act already provides for it or provides otherwise, the provisions of Acts referred to in subparagraphs 1 to 3 of the first paragraph are amended by replacing all occurrences of the following terms when they are used in reference to an employee, with the necessary modifications:

(1) “he”, “him”, “she”, “he or she” and “him or her” by “the employee”;

(2) “his” and “his or her” by “the”, “the employee’s” or “their”, depending on the context;

(3) “her” by “the employee”, “the” or “the employee’s”, depending on the context;

(4) “himself”, “herself” and “himself or herself” by “themselves”;

(5) “female employee” by “employee”.

344. Unless already provided for by this Act, all occurrences of the words “enseignant” and “enseignante” in the French text are replaced by “personne enseignante” and, unless it is used in the expressions “régime de retraite des enseignants” and “Loi sur le régime de retraite des enseignants”, all occurrences of the word “enseignants” are replaced in the French text by “personnes enseignantes”, with the necessary modifications, in the following provisions:

(1) the first and third paragraphs of section 40 of the Act respecting the Pension Plan of Peace Officers in Correctional Services;

(2) section 24.0.1, the first paragraph of section 34, the first and third paragraphs of section 85, the second paragraph of section 85.2, the second paragraph of section 176 and the first paragraph of section 198 of the Act respecting the Government and Public Employees Retirement Plan;

(3) the first paragraph of section 50, the first paragraph of section 121, the first and third paragraphs of section 126 and the second paragraph of section 127 of the Act respecting the Pension Plan of Management Personnel.

In addition, unless the context indicates otherwise or this Act already provides for it or provides otherwise, the provisions referred to in subparagraphs 1 to 3 of the first paragraph are amended by replacing all occurrences of the following terms when they are used in reference to a teacher, with the necessary modifications:

- (1) “he”, “he or she” and “her” by “the teacher”;
- (2) “his” by “the”.

345. All occurrences of the word “fonctionnaire” in the French text are replaced by “personne fonctionnaire” and, unless it is used in the expression “régime de retraite des fonctionnaires” or “fonds de pension des fonctionnaires de l’enseignement”, all occurrences of the word “fonctionnaires” in the French text are replaced by “personnes fonctionnaires”, with the necessary modifications, in the following provisions:

- (1) sections 24.0.1 and 115.5.1, the second paragraph of section 176 and section 222.1 of the Act respecting the Government and Public Employees Retirement Plan;
- (2) the first paragraph of section 121 of the Act respecting the Pension Plan of Management Personnel.

In addition, unless the context indicates otherwise or this Act already provides for it or provides otherwise, the provisions referred to in subparagraphs 1 and 2 of the first paragraph are amended by replacing all occurrences of the following terms when they are used in reference to an officer, with the necessary modifications:

- (1) “he”, “he or she” and “him” by “the officer”;
- (2) “his” by “the”;
- (3) “himself” by “themselves”.

PART II

ENACTMENT OF THE ACT RESPECTING REMITTANCE OF DEPOSITS OF MONEY TO ACCOUNT CO-HOLDERS WHO ARE SPOUSES OR FORMER SPOUSES

346. The Act respecting remittance of deposits of money to account co-holders who are spouses or former spouses, the text of which appears in this Part, is enacted.

“1. An authorized deposit institution within the meaning of the Deposit Institutions and Deposit Protection Act (chapter I-13.2.2) or a bank within the meaning of the Bank Act (Statutes of Canada, 1991, chapter 46) that receives a deposit of money, in Québec, is subject to the provisions of this Act.

“2. Before entering into a contract with spouses or former spouses for the opening of a demand deposit account of which the spouses or former spouses are the only two co-holders, every authorized deposit institution or bank must inform them in writing of the possibility of declaring their respective share in the account balance.

A declaration is used only for the purpose of remitting that share in the event the balance or part of the balance becomes inaccessible due to the death of one of the co-holders.

A declaration is made jointly, in writing, at the time the demand deposit account is opened, or at any other time, by the co-holders who are spouses or former spouses and a copy of it is given to the authorized deposit institution or the bank. The co-holders may, at any time and in the same manner, change the declaration.

The authorized deposit institution or the bank must also inform the spouses or former spouses in writing of the consequences of an omission to make such a declaration and of the spouses' or former spouses' responsibility to inform the institution or bank of any change to their respective share.

“3. After the death of one of the co-holders of a demand deposit account who were spouses or former spouses on the date of the death, the authorized deposit institution or the bank that is the depository must remit to the surviving co-holder or to the liquidator of the deceased co-holder's succession who requests it in writing the share of the account balance that is owed to the surviving co-holder or that the liquidator is in charge of administering, as the case may be, or a part of that share if the request so specifies.

When making a remittance pursuant to the first paragraph, the authorized deposit institution or the bank that is the depository must also remit to the surviving co-holder or to the liquidator of the deceased co-holder's succession who has made no request, as the case may be, the corresponding share or part of the share that is owed to the surviving co-holder or that the liquidator is in charge of administering. If such remittance cannot be made, the deposit institution or the bank reserves that corresponding share or part of the share.

The balance of the account remains in indivision. Any new request for remittance is dealt with in accordance with the rules set out in the preceding paragraphs.

“4. The share of each of the co-holders in the balance of the account is determined in the declaration. If no such declaration is made, their respective share corresponds to half of the account balance.

“5. A deposit institution or bank that contravenes this Act commits an offence and is liable to a fine of \$1,000 to \$40,000. Those amounts are doubled for a subsequent offence.

“6. Where a deposit institution or a bank commits an offence under this Act, its director or representative who was aware of the offence is deemed to be a party to the offence and is liable to a fine of \$600 to \$6,000, unless that person proves to the satisfaction of the court that the offence was committed without the person acquiescing to it.

The amounts provided for in the first paragraph are doubled for a subsequent offence.

“7. A person who accomplishes or omits to accomplish something in order to help a person to commit an offence under this Act, or who advises, encourages or incites a person to commit such an offence, is considered to have committed the same offence and is liable,

(a) in the case of a natural person, to a fine of \$600 to \$6,000; and

(b) in the case of a legal person, to a fine of \$1,000 to \$40,000.

The amounts provided for in the first paragraph are doubled for a subsequent offence.

“8. Penal proceedings for an offence under a provision of this Act are prescribed by two years from the date of the commission of the offence.

“9. If a person commits repeated offences under this Act, the Attorney General, after the Director of Criminal and Penal Prosecutions has instituted penal proceedings, may apply to the Superior Court for an interlocutory injunction enjoining that person, or the person’s directors, representatives or employees to cease perpetrating the alleged offences until final judgment is rendered in the penal proceedings.

After such judgment has been rendered, the Superior Court itself renders final judgment on the application for an injunction.

“10. The Minister of Justice is responsible for the administration of this Act.

“11. The Office de la protection du consommateur oversees the implementation of this Act.”

PART III

TRANSITIONAL AND FINAL PROVISIONS

347. The given name identified by the registrar of civil status before the date of coming into force of section 4 as being the usual given name of a person is presumed to be the person’s usual given name within the meaning of article 50 of the Civil Code, amended by section 4.

The person who ascertains that the given name identified by the registrar of civil status is not the one the person commonly uses for identification purposes may apply to the latter to have the given name commonly used by the person for identification purposes substituted for the usual given name so identified. The procedure provided for in Division II.1 of Chapter I of Title Three of Book One of the Civil Code, enacted by section 11, does not apply to such an application. In addition, such a substitution is made free of charge.

348. Until the coming into force of section 5, article 51 of the Civil Code is to be read by inserting “or his parents” after “his mother and father”.

349. Until the coming into force of section 7, the first paragraph of article 53 of the Civil Code is to be read as follows:

“A child whose filiation is established with regard to only his father or mother or one of his parents bears the surname of his father, mother or parent, as the case may be, and one or more given names chosen by his father, mother or parent.”

350. Until 1 January 2022, article 115 of the Civil Code is to be read by inserting “or of the parents” after “father and of the mother”.

351. Within one year after the date of coming into force of article 542.10 of the Civil Code, enacted by section 98, every centre for assisted procreation within the meaning of the Act respecting clinical and research activities relating to assisted procreation (chapter A-5.01) must send the following information to the Minister of Employment and Social Solidarity, so that the Minister may enter it into the register kept in accordance with article 542.10 of the Civil Code, enacted by section 98:

(1) the identity of any person who has provided their reproductive material in Québec before the date of coming into force of article 542.10 of the Civil Code, enacted by section 98, and whose reproductive material was used to contribute to the assisted procreation of a child, the information making it possible to contact that person, and the information concerning the profile of that person collected at the time the material was provided;

(2) where reproductive material from outside Québec was used to contribute to the assisted procreation of a child before the date of coming into force of article 542.10 of the Civil Code, enacted by section 98, the name of the enterprise from which the material originated and the place where that enterprise is located.

The centre must also send to the Minister of Employment and Social Solidarity, within the same time, the information it holds that makes it possible to connect the information sent under the first paragraph to the child conceived using that material, including the name of the persons who have used the reproductive material.

352. The person alone or the spouses who formed a parental project and who, between (*insert the date of assent to this Act*) and the date of coming into force of article 542.12 of the Civil Code, enacted by section 98, used reproductive material from outside Québec in the course of assisted procreation activities carried out in a centre for assisted procreation must send to the registrar of civil status, with the declaration of birth of the child conceived using that material, the information they know concerning the profile of the person who provided the reproductive material.

The registrar of civil status shall keep the information and, within one year after the date of coming into force of article 542.10 of the Civil Code, enacted by section 98, shall enter the information along with the name and date of birth of the child linked to each particular into the register kept by the Minister of Employment and Social Solidarity in accordance with article 542.10 of the Civil Code, enacted by section 98.

353. As of the date of coming into force of section 96 until the date of coming into force of article 542.10 of the Civil Code, enacted by section 98, the registrar of civil status keeps the authentic copy of any surrogacy agreement accompanying the declaration of birth of a child made to the registrar in accordance with article 113 of the Civil Code, amended by section 31. Within one year after the date of coming into force of article 542.10 of the Civil Code, enacted by section 98, the registrar files the authentic copies of the agreements so kept in the register kept by the Minister of Employment and Social Solidarity in accordance with article 542.10 of the Civil Code, enacted by section 98, and enters into the register the name and date of birth of the child linked to each of those agreements.

During the same period, the office of the court that has rendered a judgment concerning the filiation of a child born of procreation involving surrogacy in which all the parties are domiciled in Québec keeps the information concerning the profile of the woman or the person who gave birth to that child that was filed with the application concerning the filiation of that child in accordance with article 431.0.3 of the Code of Civil Procedure (chapter C-25.01), enacted by section 174. Within one year after the date of coming into force of article 542.10 of the Civil Code, enacted by section 98, the office of the court sends any judgment relating to the filiation of such a child that has become

final, together with the information kept, to the Minister of Employment and Social Solidarity so that the Minister may file the judgments and enter the information into the register kept in accordance with article 542.10 of the Civil Code, enacted by section 98.

During that same period, the Minister of Health and Social Services keeps the information concerning the profile of the woman or the person who gave birth to a child born of a parental project involving surrogacy in which that woman or person is domiciled outside Québec and that was filed with the Minister under the first paragraph of article 541.33 of the Civil Code, enacted by section 96. Within one year after the date of coming into force of article 542.10 of the Civil Code, enacted by section 98, the Minister files any surrogacy agreement and any final judgment recognizing the act of birth drawn up outside Québec or the foreign decision into the register kept by the Minister of Employment and Social Solidarity in accordance with article 542.10 of the Civil Code, enacted by section 98, and enters the information kept into the register.

354. Despite article 542.1 of the Civil Code, enacted by section 98, the confidentiality of the identity of the person who has provided their reproductive material in Québec before the date of coming into force of that article and in the course of assisted procreation activities is preserved. However, that person may, after that date, express to the authority designated by law in accordance with article 542.10 of the Civil Code, enacted by section 98, their will as to the disclosure of their identity and of the information making contact with them possible to the person that was conceived using that person's contribution or, if applicable, to the descendants in the first degree of the person so conceived.

Unless a consent concerning the other information has been given, only the information concerning the profile of the person who provided their reproductive material collected at the time the material was provided and that does not make it possible to identify the person is communicated, to the extent that it is available, to the person that was conceived using their contribution or, as the case may be, to the latter's descendants in the first degree.

355. Any identity disclosure veto by a parent of origin, whether or not the bond of filiation has been registered in the original act of birth, registered before the date of coming into force of section 110, ceases to have effect on the adoptee's eighteenth birthday. The same applies to the protection by operation of law granted to the identity of a child toward a parent of origin in accordance with article 583.4 of the Civil Code, as it read before the date of coming into force of section 113.

356. Where terms of the personal relations between a child and the child's grandparents were determined by the court in accordance with article 611 of the Civil Code as it read before (*insert the date of assent to this Act*), the consent of the child 14 years of age or over is required to maintain the relations and the child may decide to put an end to them without further formality.

357. If a beneficiary’s maternity, paternity or parental benefit period for the birth of a child born of surrogacy is in progress on the date of coming into force of section 96, the number of weeks of benefits provided for in subdivision 4.2 of Division I of Chapter II of the Act respecting parental insurance (chapter A-29.011), enacted by section 160, to which a beneficiary could be eligible if eligibility for those benefits was established, is reduced by the number of weeks of benefits already paid to the beneficiary for each category of benefits.

358. Despite section 357, where the birth of a child born of surrogacy is the subject of an adoption procedure on the date of coming into force of section 96, the paternity or parental benefits as well as the adoption benefits granted to parents who have resorted to surrogacy remain payable until the end, in accordance with the rules applicable before that date. The same applies if the adoption procedure in progress is replaced by any other procedure aimed at having the child’s filiation established or changed by the court. In such a case, the benefits provided for in subdivisions II and III of subdivision 4.2 of Division I of Chapter II of the Act respecting parental insurance, enacted by section 160, do not apply to those parents.

359. Despite section 357, if the parental benefit period of a person who gave birth to a child for others is in progress on the date of coming into force of section 96, parental benefits remain payable in accordance with the rules applicable before that date, unless the child’s filiation with regard to that person is changed by the court. In such a case, payment of the parental benefits ceases at the end of the week in which the court’s judgment is notified to the person.

360. The provisions of this Act come into force on (*insert the date of assent to this Act*), except the provisions of

(1) sections 17, 21 to 27, paragraph 2 of section 30, section 33, except as regards the usual given name, paragraph 1 of section 37, sections 40 to 45, section 137, paragraphs 1 and 2 of section 241, sections 243, 245 to 252, section 253, to the extent that it enacts section 24.1 of the Regulation respecting change of name and of other particulars of civil status (chapter CCQ, r. 4), sections 255 and 257 to 259, paragraph 1 of section 260 and section 261, to the extent that it enacts section 10.4 of Division III.2 of the Tariff of duties respecting the acts of civil status and change of name or of designation of sex (chapter CCQ, r. 10), which come into force on 1 January 2022;

(2) sections 1, 4 and 5, paragraph 2 of section 6, section 7, paragraph 2 of section 8, sections 9 and 11, paragraph 2 of section 31, section 32, to the extent that it enacts the reservation applicable to a parental project involving surrogacy, section 33, as regards the usual given name, paragraph 3 of section 34, section 39, section 95, to the extent that it repeals article 541 of the Civil Code, section 96, sections 126, 143, 145, 153 to 167, 174, 178, 181, 184, 185 to 221, 235 and 240, section 253, to the extent that it enacts Division VII.1 of the Regulation respecting change of name and of other particulars of civil status, and sections 254, 256, 260 and 284 to 286, which come into force on (*insert the date that is one year after the date of assent to this Act*) or on the prior date fixed by the Government;

(3) sections 46 and 97, section 98, to the extent that it enacts subdivision II of subdivision 3 of Division III of Chapter II of Title Two of Book Two of the Civil Code, sections 110 to 119, 139 and 146, paragraph 2 of section 152 and sections 168, 169, 178, 182, 226 to 230 and 232, which come into force on *(insert the date that is two years after the date of assent to this Act)* or on the prior date fixed by the Government.

