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# NATIONAL ASSEMBLY

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FIRST SESSION

THIRTY-EIGHTH LEGISLATURE

Bill 397

## **An Act to amend the Civil Code as regards adoption**

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### **Introduction**

**Introduced by  
Mr. Éric Laporte  
Member for L'Assomption**

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## **EXPLANATORY NOTES**

*This bill amends the Civil Code in order to recognize an adopted person's right to be informed of his or her adopted status and to make it easier for an adopted person to obtain information enabling him or her to identify and possibly find his or her biological parents.*

*More specifically, the bill recognizes an adopted person's right to obtain such information unless the biological parents have objected to its disclosure for serious reasons.*

*Lastly, the bill includes transitional provisions, in particular to prevent any information enabling the identification of the biological parents from being communicated before the expiry of 12 months after the coming into force of the new provisions in the case of adoptions granted before that time, in order to give the biological parents a reasonable opportunity to file an objection if they so desire.*

## **LEGISLATION AMENDED BY THIS BILL:**

– Civil Code (1991, chapter 64).

## Bill 397

### AN ACT TO AMEND THE CIVIL CODE AS REGARDS ADOPTION

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

**1.** The Civil Code (1991, chapter 64) is amended by inserting the following article after article 543:

**“543.1.** Every adopted person is entitled to be informed of his adopted status.”

**2.** Articles 583 and 584 of the Code are replaced by the following articles:

**“583.** The parents of an adopted child are entitled to obtain information enabling them to find the child if the child has attained full age and has consented to the communication of the information.

Consent may not be solicited; an adopted minor may not be informed of an application made by his father or mother to obtain the information, unless his adoptive parents give their consent.

**“584.** An adopted person of full age or an adopted minor fourteen years of age or over is entitled to obtain information on his social and medical history.

An adopted minor under fourteen years of age is also entitled to obtain such information if his adoptive parents have given their consent.

**“584.1.** An adopted person of full age or an adopted minor fourteen years of age or over is entitled to obtain information enabling him to identify and find his parents unless they have, for a serious reason, objected to the communication of the information.

An adopted minor under fourteen years of age may obtain such information on the same conditions, with the consent of his adoptive parents.

The parents’ objection to the communication of the information must be filed in writing and may be withdrawn in the same manner at any time. The objection ceases to have effect upon their death.

**“584.2.** The court may allow an adopted person, whether a minor or of full age, to obtain the information he requires if his health or the health of any of his close relatives could be seriously harmed were he deprived of the information.

A close relative of the adopted person may also apply to the court for the information he requires if the health of the close relative or of any of his close relatives could be seriously harmed were he deprived of the information.”

**3.** For adoptions granted before the date of coming into force of this Act, no information allowing the parents of an adopted person to be identified may be disclosed under article 584.1 of the Civil Code, enacted by section 2, before the expiry of 12 months after the coming into force of that section.

**4.** Applications for information to which a biological parent has filed an objection before the coming into force of article 584.1 of the Civil Code, enacted by section 2, continue to be governed by article 583 of the Civil Code, as it read before being replaced by section 2.

The objection ceases to have effect, however, upon the parent’s death.

**5.** This Act comes into force on (*insert the date that is six months after the date of assent to this Act*).