

Bill 12

**An Act to reform family law with
regard to filiation and to protect
children born as a result of sexual
assault and the victims of that assault as
well as the rights of surrogates and of
children born of a surrogacy project**

Section 18

AMENDMENT:

Add the following sentence at the end of the third paragraph of proposed article 541.11: "The latter determines, by regulation, any standard relating to the conduct of the information meeting."

Adopte s 18

Bill 12

**An Act to reform family law with
regard to filiation and to protect
children born as a result of sexual
assault and the victims of that assault as
well as the rights of surrogates and of
children born of a surrogacy project**

Section 18

AMENDMENT:

In proposed article 541.13:

1. Replace the first paragraph by:

The surrogacy agreement establishes the nature of the expenses that may be paid or reimbursed to the woman or the person who has agreed to give birth to the child and provides whether the woman or person is entitled to compensation for loss of work income, in accordance with the regulation referred to in article 541.3. The agreement also provides for the deposit, in a trust account of the notary who executes it, of an amount to allow the performance of the obligations of the person alone or the spouses who formed the parental project.

2. Insert “, including cases in which such a deposit need not be made” at the end of the third paragraph.

Adopté 5/11

Bill 12

**An Act to reform family law with
regard to filiation and to protect
children born as a result of sexual
assault and the victims of that assault as
well as the rights of surrogates and of
children born of a surrogacy project**

Section 18

AMENDMENT:

Replace “child’s safety and integrity” in the second paragraph of proposed article 541.31 by “child’s safety and integrity.”

Adepte 5/11

Bill 12

An Act to reform family law with regard to filiation and to protect children born as a result of sexual assault and the victims of that assault as well as the rights of surrogates and of children born of a surrogacy project

Section 18

AMENDMENT:

Insert “or, as the case may be, to the notary” after “advocate” in proposed article 541.25.

Adopté ST

Bill 12

An Act to reform family law with regard to filiation and to protect children born as a result of sexual assault and the victims of that assault as well as the rights of surrogates and of children born of a surrogacy project

Section 18

AMENDMENT:

Add the following sentence at the end of the third paragraph of proposed article 541.29: "The latter determines, by regulation, any standard relating to the conduct of the information meeting."

Adopté 597

Bill 12

An Act to reform family law with regard to filiation and to protect children born as a result of sexual assault and the victims of that assault as well as the rights of surrogates and of children born of a surrogacy project

Section 1

AMENDMENT:

Strike out the second paragraph proposed by paragraph 2.

Adopté STJ

Bill 12

**An Act to reform family law with
regard to filiation and to protect
children born as a result of sexual
assault and the victims of that assault as
well as the rights of surrogates and of
children born of a surrogacy project**

Section 3

AMENDMENT:

Strike out “or the information required under the third paragraph of that article” in the paragraph proposed by paragraph 3.

Adopté SM

Bill 12

An Act to reform family law with regard to filiation and to protect children born as a result of sexual assault and the victims of that assault as well as the rights of surrogates and of children born of a surrogacy project

Section 33

AMENDMENT:

Insert "the woman or" after "surrogacy project, benefits for" in proposed paragraph 5.

Adopté ST

Bill 12

**An Act to reform family law with
regard to filiation and to protect
children born as a result of sexual
assault and the victims of that assault as
well as the rights of surrogates and of
children born of a surrogacy project**

Section 35

AMENDMENT:

1. Insert “*woman or the*” after “*Benefits for the*” in the heading of proposed Subdivision I.
2. Insert “the woman or” after “exclusive benefits for” in the first paragraph of proposed section 12.2.
3. In proposed section 12.3:
 - (a) Insert “the woman or” after “or by blood,” in the first paragraph;
 - (b) Insert “the woman or” after “subsequently entrust the child to” in the second paragraph.

Adopte sn

Bill 12

**An Act to reform family law with
regard to filiation and to protect
children born as a result of sexual
assault and the victims of that assault as
well as the rights of surrogates and of
children born of a surrogacy project**

Section 36

AMENDMENT:

In the third paragraph of proposed section 14:

1. Insert “the woman or” after “the child is entrusted by”.
2. Insert “the woman or” after “subsequently entrusted by those parents to”.

Adopte SM

Bill 12

**An Act to reform family law with
regard to filiation and to protect
children born as a result of sexual
assault and the victims of that assault as
well as the rights of surrogates and of
children born of a surrogacy project**

Section 38

AMENDMENT:

1. In paragraph 1:
 - (a) Replace “separate event for” in the first proposed paragraph by “separate event for the woman or”;
 - (b) Replace “with regard to” in the second proposed paragraph by “with regard to the woman or”.
2. Replace “concurrently” in paragraph 2 by “concurrently to the woman or”.

Adopté STT

Bill 12

An Act to reform family law with regard to filiation and to protect children born as a result of sexual assault and the victims of that assault as well as the rights of surrogates and of children born of a surrogacy project

Section 39

AMENDMENT:

Insert "the woman or" after "between" in the paragraph proposed by paragraph 2.

Adopté SM

Bill 12

**An Act to reform family law with
regard to filiation and to protect
children born as a result of sexual
assault and the victims of that assault as
well as the rights of surrogates and of
children born of a surrogacy project**

Section 40

AMENDMENT:

In the paragraph proposed by paragraph 4:

1. Insert "the woman or" before the first occurrence of "the person".
2. Insert "the woman or" after "weeks to which".

Adopté ST

Bill 12

**An Act to reform family law with
regard to filiation and to protect
children born as a result of sexual
assault and the victims of that assault as
well as the rights of surrogates and of
children born of a surrogacy project**

Section 41

AMENDMENT:

1. Insert "the woman or" before "the person" in subparagraph 1.1 proposed by subparagraph *b* of paragraph 1.
2. Insert "the woman or" after "project, election made by" in paragraph 2.

Adopté S91

Bill 12

**An Act to reform family law with
regard to filiation and to protect
children born as a result of sexual
assault and the victims of that assault as
well as the rights of surrogates and of
children born of a surrogacy project**

Section 42

AMENDMENT:

In the paragraph proposed by paragraph 2:

1. Insert "the woman or" before the first occurrence of "the person".
2. Insert "the woman or" after "entrust the child to".

Adopté 5/17

Bill 12

An Act to reform family law with regard to filiation and to protect children born as a result of sexual assault and the victims of that assault as well as the rights of surrogates and of children born of a surrogacy project

Section 47

AMENDMENT:

Insert “, if applicable,” after “It must also” in proposed article 431.0.4.

Adopté SM

Bill 12

**An Act to reform family law with
regard to filiation and to protect
children born as a result of sexual
assault and the victims of that assault as
well as the rights of surrogates and of
children born of a surrogacy project**

Section 62

AMENDMENT:

Withdraw.

Adopte SM

Bill 12

**An Act to reform family law with
regard to filiation and to protect
children born as a result of sexual
assault and the victims of that assault as
well as the rights of surrogates and of
children born of a surrogacy project**

Section 66

AMENDMENT:

Replace by:

66. Where a child is born of a surrogacy project in which the parties are domiciled in Québec and the pregnancy began during the period from (*insert the date of assent to this Act*) to (*insert the date that is nine months minus one day after the date of assent to this Act*) or on an earlier date set by the Government under paragraph 1 of section 82,

(1) article 541.7 of the Civil Code, enacted by section 18, is to be read as if “in order for the rules allowing the legal or judicial establishment of the child’s filiation to apply to the parental project involving surrogacy” were struck out; and

(2) article 541.20 of the Civil Code, enacted by section 18, is to be read as if “Where a prior condition for the legal establishment of the child’s filiation is not met, the” were replaced by “The”.

Adopté ST

Bill 12

An Act to reform family law with regard to filiation and to protect children born as a result of sexual assault and the victims of that assault as well as the rights of surrogates and of children born of a surrogacy project

Section 69

AMENDMENT:

Replace by:

69. For the purposes of the judicial recognition of an act of birth drawn up abroad or of a foreign decision referred to in article 541.34 of the Civil Code, enacted by section 18, the provisions of articles 541.27, 541.29, 541.31 to 541.33 and 541.35 and of the third and fourth paragraphs of article 541.36 of the Code, enacted by section 18, do not apply if the pregnancy results from a surrogacy project and began during the period from *(insert the date of assent to this Act)* to *(insert the date that is one year minus one day after the date of assent to this Act)* or on an earlier date set by the Government under paragraph 2 of section 82.

Adopté sn

Bill 12

An Act to reform family law with regard to filiation and to protect children born as a result of sexual assault and the victims of that assault as well as the rights of surrogates and of children born of a surrogacy project

Section 16

AMENDMENT:

Replace the second sentence of proposed article 539 by the following sentence:
“However, no bond of filiation may be established with regard to the person who agreed to provide their reproductive material as a third person for the purposes of the project or with regard to the person who wanted to form the project but did not give birth to the child.”

Adopté SM

Bill 12

**An Act to reform family law with
regard to filiation and to protect
children born as a result of sexual
assault and the victims of that assault as
well as the rights of surrogates and of
children born of a surrogacy project**

Section 19

AMENDMENT:

In the second paragraph of proposed article 542.23:

1. Replace “by an act of birth” by “by the acknowledgement of a bond of filiation in the declaration of birth”.
2. Replace “établie” at the end, in the French text, by “établi”.

Adopté s/n

Bill 12

**An Act to reform family law with
regard to filiation and to protect
children born as a result of sexual
assault and the victims of that assault as
well as the rights of surrogates and of
children born of a surrogacy project**

Section 21.1

AMENDMENT:

Insert after section 21:

21.1. Article 569 of the Code is amended by replacing “of filial relationship between the child and his parents by blood” in the second paragraph by “of the child’s filiation under the rules of filiation by birth”.

Adepté ST

Bill 12

An Act to reform family law with regard to filiation and to protect children born as a result of sexual assault and the victims of that assault as well as the rights of surrogates and of children born of a surrogacy project

Section 3.1

AMENDMENT:

Insert after section 3:

3.1. Article 130 of the Code is amended by replacing “by an act” in the second paragraph by “by the acknowledgement of a bond of filiation in the declaration of birth”.

Adepté SM

Bill 12

**An Act to reform family law with
regard to filiation and to protect
children born as a result of sexual
assault and the victims of that assault as
well as the rights of surrogates and of
children born of a surrogacy project**

Section 19

AMENDMENT:

Insert the following paragraph after the first paragraph of proposed article 542.15:

In the case of a parental project involving the use of reproductive material from Québec in the context of assisted procreation activities carried out in a centre for assisted procreation, the third person's identifier assigned by the centre is collected by the person alone or the spouses who formed the parental project.

Adopté SN

Bill 12

**An Act to reform family law with
regard to filiation and to protect
children born as a result of sexual
assault and the victims of that assault as
well as the rights of surrogates and of
children born of a surrogacy project**

Section 19

In proposed article 542.17:

1. Replace “the woman or person who agreed to give birth to the child is then considered to have” in the first paragraph by “the woman or the person who gave birth to the child is then considered to be a person alone having”.

2. Replace the second paragraph by:

In such a case, the woman or person sends to the registrar of civil status, at the time the child’s declaration of birth is made, the name of the third person, the information making it possible to contact the latter and the information concerning the latter’s profile, determined by government regulation. 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.

Adopté SM

Bill 12

An Act to reform family law with regard to filiation and to protect children born as a result of sexual assault and the victims of that assault as well as the rights of surrogates and of children born of a surrogacy project

Section 19

AMENDMENT:

Replace "State of origin of the woman or person" in the second paragraph of proposed article 542.18 by "State of their domicile".

Adopte ST7

Bill 12

**An Act to reform family law with
regard to filiation and to protect
children born as a result of sexual
assault and the victims of that assault as
well as the rights of surrogates and of
children born of a surrogacy project**

Section 31

AMENDMENT:

Replace the second and third paragraphs of proposed section 43.1 by:

If the reproductive material of a third person is used to contribute to the assisted procreation of a child, the centre must, as soon as possible, send that information and the identifier assigned to the third person to the Minister of Employment and Social Solidarity for entry in the register kept in accordance with article 542.10 of that Code. However, if the reproductive material used to contribute to the assisted procreation of a child comes from outside Québec, the centre must instead send to the Minister, for entry in the register, the name and location of the enterprise from which the reproductive material was obtained.

The centre must inform the person alone or the spouses who formed the parental project of their obligation to send to the registrar of civil status the information referred to in article 542.15 of that Code.

Adopté sur

Bill 12

An Act to reform family law with regard to filiation and to protect children born as a result of sexual assault and the victims of that assault as well as the rights of surrogates and of children born of a surrogacy project

Section 61

AMENDMENT:

Withdraw.

Adopté ST7

Bill 12

**An Act to reform family law with
regard to filiation and to protect
children born as a result of sexual
assault and the victims of that assault as
well as the rights of surrogates and of
children born of a surrogacy project**

Section 71.1

AMENDMENT:

Insert after section 71:

71.1. Until the coming into force of section 72 of the Act respecting health and social services information and amending various legislative provisions (2023, chapter 5), section 19 of the Act respecting health services and social services (chapter S-4.2) is to be read

(1) as if “or in section 43.1” were inserted after “41.2” in paragraph 15;
and

(2) as if the following paragraph were added at the end:

“(22) to a person alone or to spouses having formed a parental project involving surrogacy for the purposes of the second paragraph of article 541.18 of the Civil Code.”

Adopté s17

s. 19 (Book Two, Title Two, Chap. II, Div. V, heading)

Bill 12

An Act to reform family law with regard to filiation and to protect children born as a result of sexual assault and the victims of that assault as well as the rights of surrogates and of children born of a surrogacy project

Section 19

AMENDMENT:

Replace "FINANCIAL RESPONSIBILITY" in the proposed heading of Division V of Chapter II of Title Two of Book Two by "FINANCIAL CONTRIBUTION AS SUPPORT".

Adopte sn

Bill 12

An Act to reform family law with regard to filiation and to protect children born as a result of sexual assault and the victims of that assault as well as the rights of surrogates and of children born of a surrogacy project

Section 19

AMENDMENT:

Replace proposed article 542.33 by:

“542.33. A person who commits a sexual assault must, in the absence of a bond of filiation with the child born as a result of the assault, pay to the victim of the assault a financial contribution as support, in the form of a lump sum, to meet the child’s needs from his birth until he attains sufficient autonomy.

The sexual assault may be proved, among other means, by the production of a judgment recognizing its existence.

The Minister of Justice may, by regulation, determine standards according to which the contribution is set, including the minimum amount of the contribution.

Adopté SM

Bill 12

**An Act to reform family law with
regard to filiation and to protect
children born as a result of sexual
assault and the victims of that assault as
well as the rights of surrogates and of
children born of a surrogacy project**

Section 19

AMENDMENT:

Replace “initial indemnity” and “an indemnity to contribute to meeting” in proposed article 542.34 by “initial contribution” and “a contribution to meet”, respectively.

Adopté sn

Bill 12

**An Act to reform family law with
regard to filiation and to protect
children born as a result of sexual
assault and the victims of that assault as
well as the rights of surrogates and of
children born of a surrogacy project**

Section 19

AMENDMENT:

In proposed article 542.35:

1. Replace “article 542.33 or 542.34” and “indemnity” in the first paragraph by “this division” and “contribution”, respectively.
2. Replace “The indemnity” in the second paragraph by “The contribution”.

Adopté 577

Bill 12

**An Act to reform family law with
regard to filiation and to protect
children born as a result of sexual
assault and the victims of that assault as
well as the rights of surrogates and of
children born of a surrogacy project**

Section 19

AMENDMENT:

Replace “to claim an indemnity under article 542.33 or 542.34 is brought by the victim of a sexual assault” in the first paragraph of proposed article 542.37 by “to claim a contribution to meet the needs of a child born as a result of a sexual assault is brought by the victim of the assault”.

Adopte ST

Bill 12

**An Act to reform family law with
regard to filiation and to protect
children born as a result of sexual
assault and the victims of that assault as
well as the rights of surrogates and of
children born of a surrogacy project**

Section 46

AMENDMENT:

Replace “to claim an indemnity by a victim of a sexual assault” in the first paragraph of proposed article 412.1 by “, by a victim of a sexual assault, to claim a financial contribution as support”.

Adopté SM

Bill 12

**An Act to reform family law with
regard to filiation and to protect
children born as a result of sexual
assault and the victims of that assault as
well as the rights of surrogates and of
children born of a surrogacy project**

Section 50

AMENDMENT:

Replace “of the indemnity referred to in article 542.33 or 542.34 of the Civil Code”
by “of a financial contribution as support to meet the needs of a child born as a
result of a sexual assault”.

Adopte SN

Bill 12

**An Act to reform family law with
regard to filiation and to protect
children born as a result of sexual
assault and the victims of that assault as
well as the rights of surrogates and of
children born of a surrogacy project**

Section 51

AMENDMENT:

Replace “the indemnity referred to in article 542.33 or 542.34 of the Civil Code” by “a financial contribution as support to meet the needs of a child born as a result of a sexual assault”.

Adopté SM

Bill 12

**An Act to reform family law with
regard to filiation and to protect
children born as a result of sexual
assault and the victims of that assault as
well as the rights of surrogates and of
children born of a surrogacy project**

Section 82

AMENDMENT:

1. Replace “541.21 of the Civil Code and sections 29, 30, 59, 60 and 62” in paragraph 1 by “541.19 of the Civil Code and sections 29, 30, 59 and 60 and paragraph 2 of section 71.1”.
2. Replace “and sections 49 and 61” in paragraph 3 by “, section 49 and paragraph 1 of section 71.1”.

Adopté ST

Bill 12

**An Act to reform family law with
regard to filiation and to protect
children born as a result of sexual
assault and the victims of that assault as
well as the rights of surrogates and of
children born of a surrogacy project**

Section 81.1

AMENDMENT:

Insert after section 81:

81.1. The Minister must, not later than (*insert the date that is seven years after the date of assent to this Act*), report to the Government on the implementation of the provisions concerning parental projects involving surrogacy.

The report is tabled by the Minister in the National Assembly within 30 days or, if the Assembly is not sitting, within 30 days of resumption.

Adopté SN

Bill 12

**An Act to reform family law with
regard to filiation and to protect
children born as a result of sexual
assault and the victims of that assault as
well as the rights of surrogates and of
children born of a surrogacy project**

Section 0.1

AMENDMENT:

Insert before section 1:

0.1. Article 33 of the Civil Code is amended by inserting “or sexual violence,” after “spousal violence,” in the second paragraph.

Adopté SM

Bill 12

**An Act to reform family law with
regard to filiation and to protect
children born as a result of sexual
assault and the victims of that assault as
well as the rights of surrogates and of
children born of a surrogacy project**

Section 23.1

AMENDMENT:

Insert after section 23:

23.1. Article 606 of the Code is amended

(1) by inserting “or sexual violence,” after “spousal violence,” in the first paragraph;

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

“The deprivation of parental authority is, however, declared with regard to a person where a judgment that has become final finds the person guilty of a criminal offence of a sexual nature involving a child or find the person liable for injury resulting from an act which could constitute such an offence, unless it is shown that such a measure would be contrary to the interest of that person’s child.”

Adopté 5/7