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# NATIONAL ASSEMBLY OF QUÉBEC

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SECOND SESSION

FORTY-THIRD LEGISLATURE

Bill 598

**An Act to protect children and parents  
who are victims of family violence**

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**Introduction**

**Introduced by  
Madam Christine Labrie  
Member for Sherbrooke**

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## **EXPLANATORY NOTES**

*This bill amends the Civil Code to introduce measures designed to protect children and parents who are victims of family violence.*

*To that end, the bill provides that the exercise of parental authority by both parents cannot be presumed to be in the interest of the child.*

*The bill also introduces the presumption according to which entrusting the sole or shared custody of a child to a parent who is recognized as a perpetrator of family violence is not in the interest of the child, unless there is proof to the contrary.*

*Lastly, the bill provides that allegations of family violence and any behaviour intended to protect oneself or the child are presumed to be irrelevant with regard to the parent who reports or who is a victim of such violence in deciding on the custody of a child or on any other difficulty relating to the exercise of parental authority.*

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

- Civil Code of Québec.

## Bill 598

### AN ACT TO PROTECT CHILDREN AND PARENTS WHO ARE VICTIMS OF FAMILY VIOLENCE

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CIVIL CODE OF QUÉBEC

**1.** Article 33 of the Civil Code of Québec is amended by adding the following paragraphs at the end:

“The fact that the exercise of parental authority by both parents is in the interest of the child cannot be presumed.

However, it is presumed that entrusting a child’s shared or sole custody to a parent who is recognized as a perpetrator of family violence or who is the subject of an affidavit under article 603.1 is not in the interest of the child, unless that parent proves that it is in the interest of the child, that there are sufficient guarantees to ensure the safety of the other parent, and that measures have been taken to prevent or put a stop to any family violence.”

**2.** The Code is amended by inserting the following article after article 2858.1:

“**2858.2.** Unproven allegations of family violence are presumed to be irrelevant with regard to the parent who reports or who is a victim of such violence in deciding on the custody of a child or on any other difficulty relating to the exercise of parental authority.

Such presumption applies to any behaviour intended to protect oneself or the child.”

FINAL PROVISION

**3.** This Act comes into force on (*insert the date of assent to this Act*).

