



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-NINTH LEGISLATURE

Bill 81

**An Act to amend the Civil Code and other
legislative provisions as regards adoption
and parental authority**

Introduction

**Introduced by
Mr. Jean-Marc Fournier
Minister of Justice**

**Québec Official Publisher
2012**

EXPLANATORY NOTES

The amendments in this bill are mainly to the Civil Code and the Youth Protection Act and they introduce new forms of adoption and ways of exercising parental authority. They also include significant changes to the confidentiality regime that applies to adoption files.

Adoption without severance of filiation—a new form of adoption—preserves the pre-existing bonds of filiation with the child’s father and mother and, accordingly, the child’s original filiation is mentioned in the new act of birth issued after the child’s adoption.

As well, the effects of Aboriginal customary adoption, when it creates a new filiation, are legally recognized. Furthermore, when such an adoption preserves a pre-existing bond of filiation, it may also, according to custom, maintain rights and obligations between the adopted child and his or her original family.

The bill confirms full adoption as the only form of adoption possible when the child is domiciled outside Canada. It specifies the rules that apply to such adoptions and provides for the adoption of children from countries where adoption is not a recognized institution.

The preponderance of Québec’s adoption rules is reaffirmed with respect to all adopters domiciled in Québec. In addition, no adoption-related judgment may be rendered in Québec if the child is in Québec without an authorization to remain permanently in Canada.

Regardless of the form of adoption, adopters and original parents can now enter into an openness agreement to facilitate the communication of information about the child or govern their relations with one another or with the child during the placement or after the adoption, and have the agreement judicially approved, amended or revoked.

New rules are prescribed as regards the disclosure of information about adopted persons and their original parents. These rules do not apply to Aboriginal customary adoptions or international adoptions, which are covered by their own standards. They do, however, guarantee that any information about a minor is to remain confidential until he or she becomes of full age. Under the new rules, adopted children can learn the identity of their original parents and reunite with them, and vice versa, provided no identity disclosure or contact

*veto*es have been registered. For adoptions that took place before the reform, transitional measures provide that identity disclosure or contact vetoes will be registered in the adoption files concerned in the name of persons who had refused to consent to the disclosure of their identity or to reunions. All the measures relating to the disclosure of information will also apply to persons who are declared eligible for adoption but are never adopted.

In addition, a new form of dative tutorship is instituted. The court can now appoint a member of a child's extended family as the child's tutor and delegate the rights and obligations associated with parental authority and the parents' legal tutorship to the tutor. Another measure allows a father or mother who is the sole parent to exercise parental authority over a child to share the exercise of that authority with his or her spouse.

Lastly, the bill contains ancillary civil procedure measures and consequential amendments, including provisions authorizing the Government to make regulations prescribing the mandatory content of adoption files and conditions for the registration or withdrawal of vetoes, and facilitating the collection of the information needed for identity disclosures or reunions under the responsibility of the child and youth protection centre, the youth protection director and the Minister of Health and Social Services.

LEGISLATION AMENDED BY THIS BILL:

- Civil Code of Québec;
- Health Insurance Act (R.S.Q., chapter A-29);
- Code of Civil Procedure (R.S.Q., chapter C-25);
- Youth Protection Act (R.S.Q., chapter P-34.1);
- Act respecting health services and social services (R.S.Q., chapter S-4.2).

MINISTERIAL ORDERS AMENDED BY THIS BILL:

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

– Ministerial Order respecting the certification of intercountry adoption bodies (R.R.Q., chapter P-34.1, r. 3).

Bill 81

AN ACT TO AMEND THE CIVIL CODE AND OTHER LEGISLATIVE PROVISIONS AS REGARDS ADOPTION AND PARENTAL AUTHORITY

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CIVIL CODE OF QUÉBEC

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

“The authority which issues an Aboriginal customary adoption certificate notifies it without delay to the registrar of civil status.”

2. Article 132 of the Code is amended

(1) in the first paragraph,

(a) by striking out “, on the application of an interested person,”;

(b) by replacing “has been notified” by “is notified”;

(c) by adding the following sentence at the end: “The same applies when an Aboriginal customary adoption certificate is notified to the registrar of civil status.”;

(2) by adding the following at the end of the first sentence of the third paragraph: “and, in the case of an adoption that preserves a pre-existing bond of filiation, those relating to that bond, specifying their precedence”.

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

“132.0.1. An Aboriginal customary adoption certificate sets out the name and sex of the child, the place, date and time of birth, the date of the adoption, the names, dates of birth and places of domicile of the original father and mother and those of the adopters and, if applicable, the new name given to the child.

It mentions that the adoption took place in compliance with applicable Aboriginal custom and states whether a pre-existing bond of filiation has been severed or is maintained. If the adoption preserves a pre-existing bond and, according to custom, maintains rights and obligations between the adopted

child and an original parent, the certificate also makes mention of this, specifying those that are maintained.

The certificate must state the date when it is made and the name, capacity and place of residence of its author and must bear the latter's signature."

4. Article 132.1 of the Code is amended by adding the following paragraph at the end:

"The authority which issues an act recognizing an Aboriginal customary adoption notifies it without delay to the registrar of civil status, attaching the act recognized. If the act was issued by a court, the clerk notifies it as soon as the judgment has become final and encloses the act recognized."

5. Article 136 of the Code is amended by adding the following sentences at the end of the second paragraph: "In the case of an Aboriginal customary adoption which preserves a pre-existing bond of filiation, this information is also indicated in the new act of birth. Where according to the certificate or act of recognition of the customary adoption, the adoption maintains rights and obligations between the adopted child and an original parent, this is also mentioned in the new act of birth, with a reference to the altering act. A copy of the altering act may, in this last case, be issued to any interested person."

6. Article 146 of the Code is amended by adding the following sentence at the end of the second paragraph: "In the case of an adoption without severance of filiation, the names of the person's original father and mother may also, on request, be stated on the birth certificate."

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

"SECTION VII

"AUTHORITIES COMPETENT TO ISSUE ABORIGINAL CUSTOMARY ADOPTION CERTIFICATES

"152.1. A list, which must be kept up to date, of the authorities designated as competent to issue Aboriginal customary adoption certificates, and specifying for each the commencement date and, if known, the termination date of the designation, is communicated by the Minister of Justice to the registrar of civil status so that appropriate entries and deletions may be made in a register.

The Aboriginal community or nation that designated such an authority is responsible for informing the Minister without delay if the authority becomes unable to act, is dismissed or dies so that appropriate deletions may be made in the list and in the register."

8. Article 183 of the Code is amended

(1) by inserting “a tutor appointed under article 206.1 and” after “Fathers and mothers,” in the first paragraph;

(2) in the second paragraph,

(a) by inserting “or a tutor appointed under article 206.1” after “a father or mother”;

(b) by replacing “of their child” by “of the minor”.

9. Article 184 of the Code is amended by inserting “other than a tutor appointed under article 206.1” after “A dative tutor” in the first sentence.

10. Article 186 of the Code is amended by inserting “in the place and stead of the father and mother” after “as the person having parental authority”.

11. Article 201 of the Code is amended by replacing the first paragraph by the following paragraph:

“201. The right to appoint a tutor to an orphan belongs exclusively to the last parent to die if that parent still has legal tutorship on the day he or she dies. The right to appoint a tutor in the event of incapacity belongs to the last parent who has the capacity to exercise tutorship if he or she still has legal tutorship on the day the mandate given in anticipation of his or her incapacity takes effect or protective supervision is instituted.”

12. Article 202 of the Code is amended by inserting “in anticipation of his or her death or incapacity” after “appointed by the father or mother” in the first paragraph.

13. Article 203 of the Code is amended by replacing “shall notify the liquidator of the succession and the Public Curator” by “shall notify the Public Curator and, if one has been appointed, the liquidator of the succession”.

14. Article 205 of the Code is amended

(1) by replacing “appointed by the father and mother” in the first paragraph by “by the father or mother in anticipation of his or her death or incapacity”;

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

“Tutorship may also be conferred by the court under article 206.1.”

15. The Code is amended by inserting the following articles after article 206:

“206.1. The father and mother may apply to the court to have a person designated by them appointed as tutor to their child if they are in a situation where they are no longer able to fully exercise their parental authority. Only the spouse of either parent, an ascendant of the child, a relative in the collateral

line to the third degree or the spouse of such an ascendant or relative may be so appointed as tutor to the child.

The application may be filed by the father or mother alone if one of the parents is deceased, unable to express his or her will or deprived of parental authority.

If the sole parent holding parental authority or both parents are unable to express their will, any person who could be appointed as tutor under the first paragraph and has de facto custody of the child may apply to the court for tutorship.

When so conferred, tutorship may not be divided.

“206.2. Tutorship may not be conferred under article 206.1 without the consent of the child if 10 years of age or over, unless the child is unable to express his or her will.

However, if a child under 14 years of age refuses to give consent, the court may confer tutorship despite the child’s refusal. The refusal of a child 14 years of age or over to give consent is a bar to the conferral of tutorship.

“206.3. Any interested person may contest an application for the conferral of tutorship filed under article 206.1 or contest the designation of the tutor.

However, the court may not, without the consent of the father and mother, substitute another person for the tutor designated by the father and mother, unless they are unable to express their will. If one of the parents is deceased, unable to express his or her will or deprived of parental authority, the consent of the other is sufficient.

“206.4. If new facts arise after the conferral of tutorship under article 206.1, the father and mother may be reinstated in their rights and duties by the court, on an application by either parent, the tutor or the minor if 10 years of age or over.”

16. Article 209 of the Code is amended by adding the following sentence at the end: “The same applies to a tutor appointed under article 206.1.”

17. Article 223 of the Code is amended, in the second paragraph,

(1) by inserting “where tutorship is conferred under article 206.1, unless the tutor is required, in respect of the administration of the property of the minor, to make an inventory, to furnish security or to render an annual account of management or” after “No council is established”;

(2) by replacing “a person he has recommended as tutor,” by “a person recommended by the director of youth protection,”.

18. Article 225 of the Code is amended

(1) by replacing “or the father and mother, as the case may be,” in the first paragraph by “or, if applicable, the father and mother or the tutor appointed under article 206.1”;

(2) by inserting “or the tutor appointed under article 206.1” after “The father and mother” in the second paragraph.

19. Article 251 of the Code is amended by adding the following paragraph at the end:

“In the case of tutorship conferred under article 206.1, the court may not, without the parents’ consent, replace the tutor designated by the father and mother, unless they are unable to express their will. If one of the parents is deceased, unable to express his or her will or deprived of parental authority, the consent of the other is sufficient.”

20. Article 255 of the Code is amended by adding the following sentence at the end of the second paragraph: “Moreover, in the case of tutorship conferred under article 206.1, the tutor’s duties terminate on the death of the last surviving parent or on the incapacity of the last capable parent.”

21. Article 542 of the Code is amended, in the second paragraph,

(1) by replacing both occurrences of “seriously harmed” by “harmed”;

(2) by replacing “, confidentiellement,” in the French text by “de manière confidentielle”.

22. The heading of Chapter II of Title Two of Book Two of the Code is replaced by the following heading:

“FILIACTION BY ADOPTION”.

23. The Code is amended by inserting the following after the heading of Chapter II of Title Two of Book Two:

“PRELIMINARY PROVISION

“**542.1.** Adoption establishes a bond of filiation between the child and the adopter.

With respect to the pre-existing bond of filiation between the child and the father or between the child and the mother, adoption is either full or without severance of filiation. Full adoption severs the bond of filiation between the child and the original parent while adoption without severance of filiation preserves that bond to protect a meaningful identification of the child with the original parent.”

24. The Code is amended by inserting the following articles after article 543:

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

Such an adoption which, according to custom, creates a bond of filiation between the child and the adopter is attested, at the request of either of them, by the competent authority of the Aboriginal community or nation of either the child or the parent. The authority issues a certificate attesting that the adoption was carried out according to custom, particularly that the required consents were duly given, and that the child is in the care of the adopter; the authority also makes sure, in light of an objective assessment, that the adoption is in the best interest of the child.

The authority competent to attest to the adoption is a person or body domiciled in Québec, designated in an act notified to the Minister of Justice by the Aboriginal community or nation. The attesting authority cannot be a party to the adoption.

“543.2. No adoption-related judgment may be rendered nor may a customary adoption certificate or an act recognizing a customary adoption be issued in Québec in relation to a child who is in Québec without an authorization to remain permanently in Canada.”

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

“547.1. A person wishing to adopt a minor child must undergo a psychosocial assessment to be conducted as prescribed by the Youth Protection Act (chapter P-34.1), unless special consent to adoption has been given with respect to that person, in which case whether such an assessment is required is at the court’s discretion.”

26. Article 548 of the Code is replaced by the following article:

“548. The consents to adoption referred to in articles 549 to 555 are for full adoption, adoption without severance of filiation or one or the other indiscriminately.

Consents to adoption may not be given on the condition that an openness agreement be made.

Consents to adoption must be given in writing before two witnesses. The same applies to the withdrawal of consent.”

27. Article 552 of the Code is amended by adding the following sentence at the end: “The other parent specifies, for each of the child’s bonds of filiation,

whether the consent is for full adoption, adoption without severance of filiation or one or the other indiscriminately.”

28. Article 553 of the Code is amended by adding the following sentence at the end: “The tutor specifies, for each of the child’s bonds of filiation, whether the consent is for full adoption, adoption without severance of filiation or one or the other indiscriminately.”

29. The Code is amended by inserting the following article after article 561:

“**561.1.** A child is declared eligible for adoption without distinction as to whether it is for full adoption or adoption without severance of filiation.”

30. Article 562 of the Code is amended by adding “until the placement order is issued” at the end.

31. The heading of subsection 5 of Section I of Chapter II of Title Two of Book Two of the Code is amended by adding “*by a person domiciled in Québec*” at the end.

32. The Code is amended by inserting the following article at the beginning of subsection 5 of Section I of Chapter II of Title Two of Book Two:

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

33. Article 563 of the Code is amended

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

34. Article 564 of the Code is amended

- (1) by replacing “The adoption arrangements are” by “Arrangements for the adoption of a minor child must be”;
- (2) by replacing “an order” by “a regulation”.

35. The Code is amended by inserting the following articles after article 564:

“**564.1.** A minor child domiciled in a State whose laws prohibit or do not recognize adoption or placement for adoption may not be adopted in Québec unless

(1) the child has no established bonds of filiation with either his or her father or mother, or both the child's father and mother are deceased;

(2) the child is in the care of a public youth protection authority in that State;

(3) a competent judicial authority in that State has established a form of tutorship for the child's benefit by entrusting the child to the adopter;

(4) the child's definitive transfer outside that State has been authorized by a competent authority;

(5) that State or the competent territorial unit has been designated by the Government on the recommendation of the Minister of Health and Social Services; and

(6) any other condition determined by regulation by the Minister of Health and Social Services has been met.

“564.2. As soon as the child arrives in Québec, the adopter shall take all necessary steps to obtain an adoption judgment or have the adoption decision recognized by the court.

If the arrangements for the adoption of a minor child are not 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 adopter's place and stead, all necessary steps to complete them. If the adoption process is dropped or if the adoption is not granted or recognized for reasons attaching to the adopter, the director may, at the Minister's request and according to the Minister's instructions, ask the court, in accordance with article 565, to grant an order of placement with another adopter for full adoption.”

36. Article 565 of the Code is amended by adding the following paragraph at the end:

“The Aboriginal customary adoption of a child domiciled outside Québec but in Canada which, according to custom, creates a bond of filiation between the child and an adopter domiciled in Québec may be recognized at the request of either of them, if the adoption of the child is confirmed by a juridical act issued under the applicable law in the jurisdiction of the child's domicile. The adoption may be recognized either by the court or by the authority competent to issue a customary adoption certificate for the community or nation of the adopter.”

37. The Code is amended by inserting the following article after article 565:

“565.1. Before recognizing a juridical act, other than a court judgment, evidencing an Aboriginal customary adoption, an authority verifies whether it meets the conditions for the recognition of foreign decisions without undertaking

an examination of its merits. If this is the case, the authority enters, on the act of recognition, the same statements and notations as on an Aboriginal customary adoption certificate, and signs it.”

38. The heading of Section II of Chapter II of Title Two of Book Two of the Code is amended by striking out “AND ADOPTION JUDGMENT”.

39. Article 566 of the Code is replaced by the following article:

“**566.** The adoption of a minor child may, take place only if the child has previously been placed in the adopter’s care.

The adoption placement is ordered by the court and must be for at least six months. The duration of the placement may, however, at the time the placement is ordered, be reduced by up to three months in light of such factors as any period for which the child has lived with the adopter before the issue of the placement order.”

40. Article 568 of the Code is amended

(1) by replacing “and, particularly, that the prescribed consents have been validly given for the purposes of an adoption resulting in the severance of the pre-existing bond of filiation between the child and the child’s family of origin” in the first paragraph by “. If the child is domiciled outside Québec and consents are required, the court also makes sure that consent has been given for an adoption which will sever the child’s pre-existing bonds of filiation.”;

(2) by replacing “requête” in the third paragraph in the French text by “demande”.

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

“**568.1.** The court grants a placement order for full adoption or for adoption without severance of a pre-existing bond of filiation in accordance with the application filed. If the court does not grant the application, it may only deny it.

The court may not grant a placement order for adoption without severance of filiation of a pre-existing bond of filiation unless it is in the best interest of the child to preserve that bond in order to protect a meaningful identification of the child with the original parent.

However, if the child is domiciled outside Québec, the court may only grant a placement order for full adoption that severs all pre-existing bonds of filiation.”

42. Article 569 of the Code is amended

(1) by replacing “the surname and given names chosen by the adopter, which are recorded in the order” in the first paragraph by “the surname and given

names that the court may assign to the child under article 576, which, if so assigned, are recorded in the order”;

(2) by striking out “by blood” at the end of the second paragraph.

43. The Code is amended by inserting the following heading after article 572:

“SECTION II.1

“ADOPTION JUDGMENT”.

44. The Code is amended by inserting the following article after article 573:

“573.0.1. The court grants the adoption in accordance with the provisions of the placement order as regards the severance or preservation of pre-existing bonds of filiation.

In the case of the adoption of a person of full age, the court grants the adoption in accordance with the application filed. If the court does not grant the application, it may only deny it. If the person of full age is domiciled outside Québec, the court may only grant a full adoption that severs all pre-existing bonds of filiation.”

45. Article 574 of the Code is amended

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

“574. Before recognizing an adoption decision made outside Québec, the court makes sure, without otherwise examining its merits, that the rules respecting consent to adoption and eligibility for adoption have been observed and consent has been given for an adoption that severs the child’s pre-existing bonds of filiation.”;

(2) by replacing “requête” in the third paragraph in the French text by “demande”.

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

“574.1. Before recognizing a juridical act evidencing an Aboriginal customary adoption, the court verifies whether it meets the conditions for the recognition of foreign decisions, without undertaking an examination of its merits. If this is the case, the court issues an act of recognition bearing the same statements and notations as an Aboriginal customary adoption certificate as well as the signature of the judge who rendered the judgment.”

47. Article 576 of the Code is amended by adding the following paragraph at the end:

“However, in the case of an adoption without severance of filiation, the court, unless it decides otherwise at the request of the adopter or the adopted person, assigns the adopted person a surname consisting of two parts, one part being taken from the surname of the parent with whom a pre-existing bond of filiation is preserved and the other from the adopter’s surname.”

48. Article 577 of the Code is replaced by the following article:

“577. Adoption confers on the adopted person a filiation which succeeds the person’s pre-existing paternal and maternal filiation.

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

49. Article 578 of the Code is amended by striking out the second paragraph.

50. Article 578.1 of the Code is amended by replacing “the rights and obligations of each parent are determined in the adoption judgment” in the second paragraph by “the rights and obligations of each parent are determined in the adoption judgment, the Aboriginal customary adoption certificate or the act or judgment recognizing the adoption”.

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

“579. When an adoption is granted, the adopted person ceases to belong to his or her original family, subject to any impediments to marriage or a civil union, and in the case of an adoption without severance of filiation, to the preservation of pre-existing bonds of filiation; moreover, the effects of any pre-existing filiation cease. Accordingly, the adopted person and the original parent lose their rights and are released from their obligations with respect to each other. The tutor, if any, loses his or her rights and is released from his or her obligations regarding the adopted person, save the obligation to render accounts. The same applies when the adoption is attested by an Aboriginal customary adoption certificate, subject to any provisions to the contrary in keeping with Aboriginal custom and specified in the certificate.”

52. The Code is amended by inserting the following article after article 579:

“579.1. For the purposes of any law and in juridical acts, unless otherwise provided, a person’s relatives do not include a person with whom a pre-existing bond of filiation is preserved in an adoption without severance of filiation.”

53. Article 581 of the Code is amended

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

“581. The recognition of an adoption decision made outside Québec produces, as of the time the decision was made, the same effects as a judgment granting a full adoption rendered in Québec.”;

(2) by replacing “an adoption judgment” in the second paragraph by “a judgment granting a full adoption”;

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

“The recognition of an Aboriginal customary adoption having taken place outside Québec but in Canada produces, as of the adoption date specified in the act recognizing the adoption, the same effects as an Aboriginal customary adoption certificate.”

54. The Code is amended by inserting the following after article 581:

“SECTION III.1

“OPENNESS AGREEMENT

“581.1. When granting a placement order, the court may approve an agreement between the adopter and the child’s father, mother or tutor regarding the disclosure or sharing of information about the child or regarding their relations with one another or with the child during the placement or after the adoption.

Such an agreement may be made only if it is in the child’s best interest and only if the child consents to the agreement.

“581.2. The court may, at the request of one of the parties or at the child’s request, approve any amendment to the agreement to which the parties and the child have consented.

The court may also, at the request of one of them, revoke the agreement.

“581.3. The parties may revoke the agreement by mutual agreement if the child also consents to its revocation. To become effective, the revocation must be homologated by the special clerk of the court.

“581.4. The consent of children under 10 years of age or unable to express their will is not required under this section.”

55. Article 582 of the Code is amended by replacing “of the parents” in the second paragraph by “of the original parents, of the tutor, if one has been appointed,”.

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

“583. An adopted person, including one under 14 years of age who has obtained the prior approval of his or her father and mother or tutor, has the right to obtain, such the authorities charged by law with making such disclosures, his or her original name, the names of his or her original parents and information allowing them to be contacted.

Likewise, an original parent has the right, once the adopted person is of full age, to obtain the name given to the person and information allowing the person to be contacted.

No names or other information may be disclosed if an identity disclosure veto or a contact veto bars their disclosure or if the veto registration period has not yet lapsed. In the case of the adoption of a child domiciled outside Québec, the names and other information may only be disclosed subject to the conditions set out in article 583.10.

“583.1. An original parent may register an identity disclosure veto within one year after the child’s birth.

The registration of such a veto entails, by operation of law, a veto against the original parent barring the disclosure of the child’s identity.

“583.2. In the case of adoptions that took place before (*insert the date of coming into force of this article*), the adopted person or an original parent may register an identity disclosure veto against the other on or before (*insert the date that occurs 18 months after the date of coming into force of this article*).

After that time limit, the adopted person or original parent may register an identity disclosure veto until a first request is made for the disclosure of information about him or her.

If the adopted person is a minor on (*insert the date of coming into force of this article*), an identity disclosure veto is registered by operation of law against both original parents.

“583.3. An identity disclosure veto registered by an original parent bars the disclosure of both that parent’s name and the adopted person’s original name if it reveals the original parent’s name.

“583.4. At any time before the disclosure, where permitted, of the identity of an adopted person or an original parent, the adopted person or original parent may register a contact veto barring any contact between them or allowing contact subject to specified conditions.

“583.5. Unless he or she is untraceable, the person sought must, before his or her identity is disclosed, be informed of the request for information about him or her and be given the opportunity to register a contact veto against the person making the request.

“583.6. When only a contact veto is registered, the name of the person sought is disclosed on the condition that the contact veto be complied with.

An adopted person or an original parent who obtains that information on that condition but violates the condition is liable toward the person who registered the veto and may also be required to pay punitive damages.

“583.7. An identity disclosure veto or a contact veto may be withdrawn at all times.

An identity disclosure veto ceases to have effect on the first anniversary of the death of the person who registered it.

“583.8. A veto is registered or withdrawn personally by the person concerned in accordance with the rules prescribed under the Youth Protection Act (chapter P-34.1).

However, if the person is of full age but unable to express his or her will, the person’s mandatory, tutor or curator may register or withdraw the veto in the person’s place. If the person is not so represented, the person’s spouse, a close relative or another person who shows a special interest in the person may do so in the person’s place.

“583.9. If a veto is registered by operation of law for the benefit of a minor or registered by a third person other than a legal representative, the person in whose behalf the veto is registered must, at the time the first request for information about him or her is made, be informed of the request and be given the opportunity to maintain or withdraw the veto.

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

“583.10. In the case of adoptions of a child domiciled outside Québec, the disclosure of information about the child or the child’s original parents is subject to the prior consent of the person sought, unless the laws of the child’s State of origin prohibit such disclosures or prohibit or do not recognize adoption, in which case the information is to remain confidential.

However, the disclosure to the child of his or her original name or of information about his or her original parents is allowed, without the latter’s consent, if the laws of the child’s State of origin so provide.

The absence of consent to the disclosure of information bars the disclosure of both information about the person’s identity and information allowing the person to be contacted.

If a person consents only to the disclosure of his or her identity, the person's identity is disclosed on the condition that the person's refusal of contact is complied with. An adopted person or an original parent who obtains that information on that condition but violates the condition is liable toward the person who has refused contact and may also be required to pay punitive damages."

57. Article 584 of the Code is amended

(1) by replacing both occurrences of "serious injury" by "injury";

(2) by replacing "the adopted person to obtain such information" in the first paragraph by "the information to be sent confidentially to the medical authorities concerned".

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

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

59. Article 602 of the Code becomes article 600.1.

60. The Code is amended by inserting the following articles before article 603:

"602. The father or mother who is de facto or de jure the sole parent to exercise parental authority may, with the authorization of the court, share the exercise of parental authority with his or her spouse provided the spouse has been living with the child for at least one year.

To share the exercise of parental authority, the spouse must be of full age or an emancipated minor.

The spouse acts as a holder of parental authority along with the father and mother.

"602.1. The exercise of parental authority may be shared only if it is in the child's best interest.

The exercise of parental authority may be so shared only with the other parent's consent, unless the other parent is deceased, unable to express his or her will or deprived of parental authority, and with the consent of the child if 10 years of age or over, unless the child is unable to express his or her will.

"602.2. The shared exercise of parental authority is general and gratuitous.

“602.3. The shared exercise of parental authority ends

(1) on the child’s attaining full age or becoming emancipated;

(2) if the parent who initiated it is deprived of parental authority or if the shared attributes of parental authority are withdrawn or their exercise is withdrawn, unless the court decides otherwise;

(3) if the parent who initiated it or the parent’s spouse dies or becomes incapable; or

(4) if the spouses’ marriage or civil union breaks down.

Moreover, the shared exercise of parental authority ends on a decision of the court at the request of the father, the mother, the spouse sharing the exercise of parental authority or the child, if 10 years of age or over.”

61. Article 603 of the Code is amended by adding the following sentence at the end: “The same applies for the father and mother and a spouse with whom there is shared exercise of parental authority.”

62. Article 1459 of the Code is amended by adding the following sentence at the end of the second paragraph: “The same applies to the father or mother of a child for whom a tutor has been appointed under article 206.1.”

YOUTH PROTECTION ACT

63. Section 1 of the Youth Protection Act (R.S.Q., chapter P-34.1) is amended by striking out “by the Government” in subparagraph *f* of the first paragraph.

64. Section 11.2 of the Act is amended by inserting “, except Chapter IV.0.1,” after “under this Act”.

65. Section 32 of the Act is amended by inserting the following subparagraph after subparagraph *e* of the first paragraph:

“(e.1) to give approvals in the cases provided for in section 57.4;”.

66. Section 57.2 of the Act is amended by adding “or approve an Aboriginal customary adoption under article 543.1 of the Civil Code” at the end of subparagraph *f* of the first paragraph.

67. The Act is amended by inserting the following section after section 57.3:

“57.4. As soon as the director decides to act on a report regarding a child and until the end of the director’s intervention, no shared exercise of parental authority over the child, no dative tutorship under article 206.1 of the Civil Code and no adoption, including an Aboriginal customary adoption under article 543.1 of that Code, may be arranged without the director’s approval.

In the case of an Aboriginal customary adoption, it is the responsibility of the authority competent to issue an Aboriginal customary adoption certificate to verify that the director has approved the adoption.”

68. The Act is amended by inserting the following after Division VI.1 of Chapter IV:

“DIVISION VI.2

“ADOPTION OF A CHILD WHO IS UNDER THE DIRECTOR’S RESPONSIBILITY

“70.7. If the director is of the opinion that adoption is the measure most likely to protect the interest and rights of a child, the director shall consider adoption by general or special consent, Aboriginal customary adoption under article 543.1 of the Civil Code if it takes place within the child’s community or nation, and adoption on a judicial declaration of eligibility.

In the case of an adoption by special consent or an Aboriginal customary adoption, the director’s approval must be obtained as required under section 57.4. In any other case, the director shall proceed as described in section 71.”

69. The headings preceding section 71 of the Act are replaced by the following headings:

“CHAPTER IV.0.1

“ADOPTION

“DIVISION I

“PROVISIONS RELATING TO THE ADOPTION OF A CHILD DOMICILED IN QUÉBEC”.

70. Section 71 of the Act is amended by replacing the part before paragraph 1 by the following:

“71. If of the opinion that adoption by general consent or on a judicial declaration of eligibility is the measure most likely to protect the interest and rights of a child, the director shall take all reasonable means to facilitate such an adoption, in particular,”.

71. The Act is amended by inserting the following sections after section 71:

“71.0.1. Before presenting an application for a placement order, the director must inform the parents, the child and the adopters

(1) of the characteristics of full adoption and adoption without severance of filiation;

(2) of the fact that they have the option of making an openness agreement among themselves for the duration of the placement and after the adoption and of calling on the services of a legal advisor for that purpose; and

(3) of the rules applicable to identity disclosure vetoes and contact vetoes.

“71.0.2. The director must, for every placement order application to be presented by the director or whenever the court so requests,

(1) conduct a psychosocial assessment of the adopters;

(2) give an opinion as to whether it is in the best interest of the child to preserve a pre-existing bond of filiation, if the application is for a placement order for adoption without severance of filiation; and

(3) give an opinion as to whether the openness agreement submitted with the application is in the best interest of the child.

“71.0.3. The psychosocial assessment of a person who wishes to adopt a child shall deal in particular with the person’s capacity to meet the child’s physical, psychological and social needs.”

72. Section 71.1 of the Act is amended

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

“71.1. As soon as a placement order is granted on an application by the adopters and the director, the director shall give the adopters a summary of the child’s antecedents on request. The director shall also give the summary to the child, if 14 years of age or over, on the child’s request.”;

(2) by replacing “As well, where requested by the parents” in the second paragraph by “In the same circumstances, if the parents so request.”;

(3) by striking out the third paragraph.

73. Section 71.2 of the Act is amended by inserting “, except in the case of persons who have consented to an adoption without severance of filiation,” after “must preserve the parents’ or the adopter’s anonymity”.

74. The Act is amended by inserting the following sections after section 71.3:

“71.3.1. The file relating to a child’s adoption must contain all the information and documents prescribed by regulation, including with regard to identity disclosure vetoes or contact vetoes registered by the adopted person or the original parents.

“71.3.2. It is the responsibility of adopters to inform their adopted children

- (1) of the fact that they were adopted;
- (2) of their right to know their original name and the names of their original parents, subject to identity disclosure vetoes;
- (3) of their right to obtain information allowing them to contact their original parents, subject to contact vetoes;
- (4) of their right to withdraw an identity disclosure veto registered for their benefit by operation of law; and
- (5) of their right to register a contact veto against their original parents.

The director may, however, provide the information described in the first paragraph to adopted persons who so request, including adopted persons under 14 years of age who have obtained the prior approval of their father and mother or tutor. The director may also provide that information to adopted persons of full age on receiving a request for information about them.

“71.3.3. The director may demand any information or documents needed to identify or find an adopted person or an adopted person’s original parents for the purposes of article 583 of the Civil Code, including

- (1) the information contained in the judicial records concerning the child’s adoption or in the adoption judgment in the possession of the courts;
- (2) the adoption notice in the possession of the Ministère de la Santé et des Services sociaux;
- (3) the information contained in the register of civil status, including the information contained in the adopted person’s original act of birth in the possession of the registrar of civil status, despite article 149 of the Civil Code;
- (4) the signature of the original parent contained in the user record in the possession of an institution; and
- (5) from documents in the possession of government departments, public bodies or institutions, the past or recent name and contact information of the person known or presumed by the director to be the adopted person, original parent or ascendant of the adopted person or their spouse, as well as the person’s sex, date and place of birth and, if applicable, date and place of marriage, civil union or de facto union and death.

Documents and information obtained under this section form part of the adoption files.

“71.3.4. Sections 71.1, 71.2, 71.3.1 and 71.3.3 apply to children who are eligible for adoption because consent to their adoption has been given or

because they have been judicially declared eligible for adoption and to their parents, even if the children are never adopted.”

75. The heading preceding section 71.4 of the Act is replaced by the following:

“DIVISION II

**“PROVISIONS RELATING TO THE ADOPTION OF A CHILD
DOMICILED OUTSIDE QUÉBEC BY A PERSON DOMICILED IN
QUÉBEC**

“71.3.5. The provisions of this division, except the second paragraph of section 71.9 and section 71.10, do not apply to an Aboriginal customary adoption of a child domiciled in Canada that is recognized in accordance with article 565 of the Civil Code.”

76. Section 71.6 of the Act is amended, in the second paragraph,

(1) by replacing “Where a ministerial order is made under article 564 of the Civil Code” by “The Minister may, in a regulation made under article 564 of the Civil Code”;

(2) by replacing “the order shall specify” by “determine”.

77. Section 71.9 of the Act is amended by replacing “of a motion for recognition of the decision granting an adoption made abroad” in the second paragraph by “of an application for the recognition of an adoption decision made abroad or for the recognition of an Aboriginal customary adoption of a child domiciled in Canada”.

78. The Act is amended by inserting the following section after section 71.9:

“71.9.1. The clerk of the court that rendered an adoption judgment or a judgment recognizing an adoption shall notify the judgment to the Minister as soon as it has become final, together with the certificate issued pursuant to article 573.1 of the Civil Code.”

79. The Act is amended by inserting the following section after section 71.11:

“71.11.1. It is the responsibility of adopters to inform their adopted children

(1) of the fact that they were adopted;

(2) of the rules applicable to the disclosure of their original name or of information about their original parents; and

(3) of their right to refuse that any information about them be disclosed to their original parents.

The Minister may, however, provide the information described in the first paragraph to adopted persons who so request, including adopted persons under 14 years of age who have obtained the prior approval of their father and mother or tutor. The Minister may also provide that information to adopted persons of full age on receiving a request for information about them.”

80. Section 71.13 of the Act is replaced by the following section:

“71.13. The Minister may demand any information or documents needed to identify or find an adopted person or an adopted person’s original parents for the purposes of article 583 of the Civil Code, including

(1) the information contained in the judicial records concerning the child’s adoption or the adoption judgment or judgment recognizing the adoption in the possession of the courts;

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

(3) from documents in the possession of government departments, public bodies or institutions, the past or recent name and contact information of the person known or presumed by the Minister to be the adopted person, original parent or ascendant of the adopted person or their spouse, as well as the person’s sex, date and place of birth and, if applicable, date and place of marriage, civil union or de facto union and death.”

81. The Act is amended by inserting the following section after section 71.13:

“71.13.1. Documents and information obtained under section 71.12 or 71.13 form part of the adoption files.”

82. The heading preceding section 71.16 of the Act is replaced by the following heading:

“DIVISION III

“CERTIFICATION”.

83. Section 71.17 of the Act is amended by replacing “by an order published in the *Gazette officielle du Québec*” in the second paragraph by “by regulation”.

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

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

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

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

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

87. Section 71.26 of the Act is amended

(1) in the first sentence of the first paragraph,

(a) by replacing “appeal to” by “contest the decision before”;

(b) by striking out “to be appealed”;

(2) by replacing “The appeal” in the third paragraph by “The proceeding”.

88. The Act is amended by striking out the heading preceding section 71.28.

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

90. Section 72 of the Act is amended by replacing “, a regulation or a ministerial order” by “or the regulations”.

91. Section 95.0.1 of the Act is amended by adding “or, in the case of an Aboriginal customary adoption, by decision of the court on an application by the director, once the new act of birth is drawn up by the registrar of civil status” at the end of the second paragraph.

92. Section 132 of the Act is amended

(1) by inserting the following subparagraphs after subparagraph *e* of the first paragraph:

“(e.1) to prescribe the information and documents that an adoption file must contain;

“(e.2) to establish a register of the identity disclosure vetoes and contact vetoes registered by adopted persons and their original parents;

“(e.3) to determine conditions for the registration or withdrawal of an identity disclosure veto or a contact veto;

“(e.4) to establish a register of consents or refusals of consent as regards the disclosure of information making it possible, in the case of children

domiciled outside Québec before their adoption, to identify or contact the adopted person or his or her original parents;

“(e.5) determine conditions for the registration of a consent or a refusal of consent to the disclosure of information;”;

(2) by striking out the second paragraph.

93. Section 133 of the Act is repealed.

94. The Act is amended by inserting the following section after section 135:

“135.0.0.1. An adopted person or an adopted person’s original parent who obtains identifying information on the condition of complying with a contact veto or a refusal of contact and violates that condition is guilty of an offence and is liable to a fine of \$2,500 to \$25,000.”

95. Section 135.2 of the Act is amended by inserting “, 135.0.0.1” after “135”.

96. Section 135.2.1 of the Act is amended by inserting “135.0.0.1,” after “any of sections” in the first paragraph.

OTHER AMENDING PROVISIONS

HEALTH INSURANCE ACT

97. Section 65 of the Health Insurance Act (R.S.Q., chapter A-29) is amended by replacing the ninth paragraph by the following paragraph:

“The Board may transmit to the director of youth protection of a child and youth protection centre or the Minister of Health and Social Services, on request, the name, date of birth, sex, address and telephone number of any person entered in its register of insured persons and, if applicable, the person’s date of death and address at the time of death for the purpose of enabling the director or the Minister to identify or find, for the purposes of article 583 of the Civil Code, an adopted person or his or her original parents. The name of the spouse of the person entered in the register may also be transmitted if the other information has not enabled the director or the Minister to find the adopted person or the original parents.”

CODE OF CIVIL PROCEDURE

98. Article 44.1 of the Code of Civil Procedure (R.S.Q., chapter C-25) is amended

(1) by striking out “et sur” at the end of subparagraph 1 of the first paragraph in the French text;

(2) by striking out the second sentence of the second paragraph;

(3) by inserting the following paragraphs after the second paragraph:

“The special clerk may also homologate an agreement to revoke a court-approved openness agreement relating to an adopted person.

A homologated agreement has the same effects and the same binding force as a court judgment.”

99. Article 45 of the Code is amended, in the second paragraph,

(1) by replacing “In the case of an application referred to in the second paragraph of article 44.1” in the first sentence by “In the case of an application for homologation under the second or third paragraph of article 44.1”;

(2) by replacing “a party’s consent” in the first sentence by “the consent of a party or that of the children, when required.”;

(3) by replacing “the consent of the parties, summon and hear the parties” in the second sentence by “the consent of the persons involved, summon and hear them”.

100. Article 814.1 of the Code is amended by inserting “or third” after “second”.

101. The Code is amended by inserting the following article at the beginning of Section I of Chapter VI of Title Four of Book Five:

“822.6. An application relating to the adoption of a child must state the child’s place of residence and the child’s status as a Canadian citizen, permanent resident or person authorized to remain or settle in Canada permanently. If the original parents are domiciled outside Québec, the application must also specify their State of domicile.”

102. Article 823 of the Code is amended

(1) in the first paragraph,

(a) by replacing “Applications in matters pertaining to the adoption of a minor must be served” by “An application relating to the adoption of a minor child must be served”;

(b) by adding the following sentence at the end: “In the latter case, the application must also be served on the Minister of Health and Social Services.”;

(2) by replacing “The director may” in the second paragraph by “The director and the Minister may”.

103. Article 823.1 of the Code is amended

(1) by replacing “the anonymity of the adopters to the father, mother and tutor, and vice versa” at the end of the first sentence by “anonymity between the adopters and the father, the mother or the tutor, except in the case of persons who consented to an adoption without severance of filiation”;

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

“The anonymity rule also applies when an application must be served on a party or on an interested person.”

104. Article 823.2 of the Code is amended by adding “, except in the case of persons who consented to an adoption without severance of filiation” at the end.

105. Article 823.4 of the Code is amended by adding “or in the case of an application for the recognition of an Aboriginal customary adoption under article 574.1 of the Civil Code” at the end.

106. Article 825 of the Code is amended by adding the following paragraph at the end:

“Such an application may also be presented by a relative of the child or a relative’s spouse who, acting alone in either case, made an application for a declaration of eligibility for adoption in accordance with article 560 of the Civil Code.”

107. Article 825.1 of the Code is amended by replacing the second paragraph by the following paragraph:

“In the case of an adoption by special consent or an adoption resulting from a declaration of eligibility for adoption, notice of the application for placement is notified by the applicant. If the child is domiciled outside Québec, notice of the application is served by the director of youth protection on the Minister of Health and Social Services, who may intervene as of right as regards the application.”

108. The Code is amended by inserting the following articles after article 825.1.1:

“825.1.2. A notice of the application for placement, stating the names of the child and the child’s parents, the child’s date of birth and their place of domicile, is notified by the applicant to the director of youth protection having jurisdiction in the child’s place of residence if the director is not a party to the application.

“825.1.3. The application for placement may be accompanied by an application for the approval of an openness agreement regarding the child.

An application for the amendment or revocation of an openness agreement is presented by one of the parties to the agreement or by the child.

An application relating to an openness agreement must be served on the parties to the agreement and the child if 10 years of age or over. It must also be served on the director of youth protection, unless special consent to adoption has been given.

The court may, if it considers it necessary to verify the consent given by the parties and the child, summon and hear them, even separately, in the presence of their attorneys, if any.”

109. Article 825.6 of the Code is replaced by the following article:

“825.6. An application for the recognition of an adoption granted outside Québec or an adoption having taken place in Canada according to Aboriginal custom is presented by the adopter or the adopted person.

To be admissible, the application must be accompanied by certified copies of the adoption decision or the document certifying the adoption, and of the foreign law.”

110. Article 825.7 of the Code is amended by striking out “and the alteration of the register of civil status” at the end.

111. The Code is amended by inserting the following article at the beginning of Chapter VII of Title Four of Book Five:

“825.15. An application for authorization to share the exercise of parental authority is presented by the child’s parent and the parent’s spouse. It must be served on the child’s other parent and the child if 10 years of age or over when their consent is required.

An application to terminate the shared exercise of parental authority may be presented by any of those persons and must be served on the others.

A notice of the application, stating the names of the child, the child’s parents and the spouse, the child’s date of birth and their place of domicile, is notified by the applicant to the director of youth protection having jurisdiction in the child’s place of residence.”

112. Article 863.4 of the Code is amended by adding the following paragraph at the end:

“This article does not apply to an application relating to either the appointment or the replacement of a tutor under article 206.1 of the Civil Code.”

113. The Code is amended by inserting the following articles at the beginning of Chapter VI.1 of Book Six:

“876.1.1. An application for the appointment of a tutor to a child under article 206.1 of the Civil Code presented by the child’s mother and father or by either parent must be presented jointly with the designated tutor.

An application presented by a person who could be appointed as tutor must be served on the child’s father and mother when their consent is required.

Any application must be served on the child if 10 years of age or over when the child’s consent is required.

A notice of the application, stating the names of the child and the child’s parents, the child’s date of birth and their place of domicile, is notified by the applicant to the director of youth protection having jurisdiction in the child’s place of residence.

“876.1.2. An application to reinstate the father and mother in their rights and duties must be served on the persons who were party to the application for the appointment of a tutor and on the child if 10 years of age or over.”

ACT RESPECTING HEALTH SERVICES AND SOCIAL SERVICES

114. Section 19 of the Act respecting health services and social services (R.S.Q., chapter S-4.2) is amended by adding the following paragraph after paragraph 12:

“(13) to the director of youth protection or the Minister of Health and Social Services, in accordance with section 71.3.3 or 71.13 of the Youth Protection Act (chapter P-34.1), if the information is needed to identify or find an adopted person or an adopted person’s original parents for the purposes of article 583 of the Civil Code.”

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

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

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

117. Section 1 of the Order is replaced by the following section:

“1. This regulation governs the adoption of a child domiciled outside Québec by a person domiciled in Québec when the adoption arrangements are

made without a body certified by the Minister under the Youth Protection Act (R.S.Q., c. P-34.1).

It does not apply to adoptions under article 564.1 of the Civil Code of Québec.”

118. Section 2 of the Order is amended

- (1) by replacing “rencontrent les” in the French text by “satisfont aux”;
- (2) by replacing “Order” by “regulation”.

119. Section 3 of the Order is amended

- (1) by replacing “rencontre les” in the French text by “satisfait aux”;
- (2) by replacing “Order” by “regulation”.

120. Sections 5, 10, 23 and 24 of the Order are amended by replacing all occurrences of “Order” by “regulation”.

121. Section 30 of the Order is replaced by the following section:

“30. As soon as the adopter receives the court’s decision, he or she must send a copy to the Minister.”

MINISTERIAL ORDER RESPECTING THE CERTIFICATION OF INTERCOUNTRY ADOPTION BODIES

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

123. Sections 1, 7, 9, 25 and 28 of the Order are amended by replacing all occurrences of “Order” by “regulation”, except in the title of the Order set out in section 28.

TRANSITIONAL AND FINAL PROVISIONS

124. Any refusal, by an adopted person or either of his or her original parents, to consent to the disclosure of their identity or to a reunion registered in the adoption file before (*insert the date of coming into force of article 583 of the Civil Code enacted by section 56*) is replaced by an identity disclosure veto and a contact veto that may be withdrawn at any time by the person concerned.

In the case of an adoption of a child domiciled outside Québec, the registration of any refusal to consent to identity disclosure or a reunion

registered before (*insert the date of coming into force of article 583.10 of the Civil Code enacted by section 56*) is maintained.

125. Acts of birth drawn up before (*insert the date of coming into force of article 543.1 of the Civil Code enacted by section 24*) following an Inuit customary adoption are validated insofar as they were not drawn up on the basis of a legislative provision.

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

