

The law on adoption and the disclosure of information

Information document for Aboriginals

HIGHLIGHTS

The provisions of the [Act to amend the Civil Code and other legislative provisions as regards adoption and the disclosure of information \(the "Act"\)](#) came into force in their entirety on June 16, 2018. The Act was passed by a unanimous vote of the National Assembly to meet the present-day realities of Québec families and Aboriginal communities. It introduced several key changes, such as

1. Aboriginal customary adoption
2. Suppletive tutorship in Aboriginal communities

The Act also introduced other key changes:

1. The recognition of pre-existing bonds of filiation *
2. Communication agreements *
3. The disclosure of information relating to identity or to establishing contact
4. The disclosure of medical information
5. Suppletive tutorship

For more information, see: *The law on adoption and the disclosure of information – Information document for citizens.*

* These measures may also apply to Aboriginal customary adoptions depending on the situation of the community concerned.

1. ABORIGINAL CUSTOMARY ADOPTION

Aboriginal customary adoption is now recognized in the Civil Code of Québec. It is important to remember that, in Québec, adoption breaks a child's bonds of filiation (family link) with his or her biological parents and terminates the parents' rights and obligations.

Aboriginal customary adoption also breaks the bonds of filiation, but if provided for by custom, allows certain rights and obligations to remain with the parents of origin, such as

- the obligation of support;
- the rules applicable to successions.

The adoption must take place according to Aboriginal custom, and a [competent Aboriginal authority](#) must attest the adoption, ensuring that the child's interest and rights are respected, and also that the parents of origin, the adopting parents and the adoptee, if old enough to understand, consent to the adoption.

The competent authority is a person or entity designated by the Aboriginal community or nation. The competent authority can act for one or more communities.

Register of competent Aboriginal authorities

The [register of competent Aboriginal authorities](#) can be viewed on the website of the Directeur de l'état civil at: www.etatcivil.gouv.qc.ca

Persons interested in the question of Aboriginal customary adoption can also get more information from their band council.

If no authority has been designated by an Aboriginal community or nation, interested persons can contact:

- for the First Nations : the First Nations of Quebec and Labrador Health and Social Services Commission (FNQLHSSC), at 418-842-1540
- For the Inuits: Makivik Corporation, at 418-522-2224, ext. 4
- For the Crees: the Cree Nation Government, at 819-855-6599

Aboriginal customary adoption certificate

Once the competent authority has attested the adoption, it issues an Aboriginal customary adoption certificate, which states any rights and obligations that subsist between the adoptee and this or her family of origin.

The Aboriginal customary adoption certificate can be used by the adoptee to obtain a birth certificate from the Directeur de l'état civil that reflects his or her new situation and enables to enjoy all the rights and advantages of his or her new filiation.

2. SUPPLETIVE TUTORSHIP IN ABORIGINAL COMMUNITIES

Suppletive tutorship in Aboriginal communities is based on the conditions of Aboriginal custom, and must take into account the child's interest and rights and the consent given by the parents, tutor and child, if old enough to understand.

The effects of suppletive tutorship in Aboriginal communities are the same as those set out in the Civil Code of Québec for [suppletive tutorship](#) in general. Suppletive tutorship offers a way to delegate or share duties as a child's legal tutor or person having parental authority, without breaking the bonds of filiation with the child. It applies in cases where one or both of a child's parents are unable to fulfill those duties, for example if they are absent, incapable or deceased.

One or two people may be designated to act as suppletive tutors. A child may not have more than two parental figures.

A suppletive tutor may consent to the care required by a child's state of health, represent the child in contacts with government organizations or other third parties, and manage the child's property.

The rules on the obligation of support, succession and consent to adoption **continue to apply only to the parents**. They also retain the right to designate a tutor in the event of their death or incapacity.

Attestation of suppletive tutorship in Aboriginal communities

To ensure recognition of the effects of a suppletive tutorship in an Aboriginal community, it must be attested by a [competent authority](#), which issues a certificate. The competent authority is a person or entity designated by the Aboriginal community or nation. The competent authority can act for one or more communities.

Since suppletive tutorship does not break the bonds of filiation between the child and his or her biological parents, it does not require any change to the child's birth certificate.

www.justice.gouv.qc.ca/en/adoption