

The law on adoption and the disclosure of information

Information document for citizens

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, in particular concerning

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

About 200,000 adoptions have been granted since 1940.

The Act responds to the needs of people seeking information about their origins while maintaining a balance with the right to privacy.

Several major changes have been introduced with regard to Aboriginal customary adoption and suppletive tutorship in Aboriginal communities. For more information, see: *The law on adoption and the disclosure of information – Information document for Aboriginals.*

1. RECOGNITION OF PRE-EXISTING BONDS OF FILIATION

Filiation is the link between a child and his or her parents. It is important to remember that in Québec, adoption breaks a child's bond of filiation with the parents of origin and terminates the parents' rights and obligations.

The recognition of pre-existing bonds of filiation, however, now makes it possible to include the names of the parents of origin on the adoptee's act of birth. In addition, the child may be given a surname combining parts of the surnames of the parents of origin and the adoptive parents.

The recognition of pre-existing bonds of filiation is authorized by the court where it is in the interest of the child, and provided consent is obtained from the parents of origin and from the child if aged 10 or over.

Who is affected by this measure?

The recognition of pre-existing bonds of filiation applies only to orders of placement or adoptions that occur after June 16, 2018.

For more information about the recognition of pre-existing bonds of filiation, contact a legal advisor.

2. COMMUNICATION AGREEMENT

A communication agreement is a written contract between an adopter and the members of the child's family of origin. No court process is required to make it binding on the parties. The agreement may facilitate the exchange of information or facilitate interpersonal relationships.

Examples:

- The parties may agree that once every year the adoptive parents will send a photograph of the adoptee to the parents of origin.
- The parties may agree that twice every year the parents and grandparents of origin will have a right to visit the adoptee.

The agreement may be entered into at any time, but only if it is in the child's interest.

Who can sign a communication agreement?

A communication agreement can be signed by

- an adopter;
- one or more members of the child's family of origin (father, mother, brother, sister, grandparent, uncle, aunt, etc.);
- the child, if aged 10 or over.

Only the consent of the adoptive parents is required if the child is aged under 10.

What services are available to people who want to sign a communication agreement?

❖ **Before an order of placement is granted: the Directeur de la protection de la jeunesse**

The [Directeur de la protection de la jeunesse](#) provides support services for the adopters, the child and the members of the family of origin to help them enter into a communication agreement.

When the parties want to preserve the anonymity of the discussions, the Directeur de la protection de la jeunesse may intervene to facilitate the discussions.

❖ **After an order of placement is made: the family mediation**

The Ministère de la Justice offers family mediation services to help the parties negotiate a communication agreement. The Ministère will pay part of the fees charged by an accredited family mediator for this purpose, as follows:

- up to five hours of mediation to conclude a communication agreement;
- up to two hours and thirty minutes of mediation to revise a communication agreement or settle a dispute concerning the application of the agreement.

For more information, see the "[Family mediation program](#)" page under the "programs and services" tab on the Ministère de la Justice website at: www.justice.gouv.qc.ca.

3. DISCLOSURE OF INFORMATION RELATING TO IDENTITY OR TO ESTABLISHING CONTACT

Through the disclosure of information, an adoptee can obtain his or her original name, the names of his or her parents of origin, and information that may lead to the establishment of contact with the parents of origin.

3.1 DISCLOSURE OF INFORMATION RELATING TO IDENTITY

Information relating to identity includes:

- an adoptee's original surname and given name;
- the surname and given name of the adoptee's parents of origin.

The information may be disclosed to

- the adoptee, if aged 14 or over;
- the adoptee if aged under 14, with the prior approval of his or her adoptive parents;
- the parents of origin, if the adoptee is aged 18 or over.

The disclosure of information between an adoptee and his or her brother or sister is also possible if they have respectively indicated, to an institution operating a child and youth protection centre, their desire to find each other. However, the information cannot be disclosed if it would reveal the identity of a parent of origin who has registered a veto that is still valid (see the section *Identity disclosure veto*).

Where can the information be obtained?

❖ **Adoption in Québec**

The information can be obtained from an institution operating a child and youth protection centre. Applications must be sent to the [Centre intégré de santé et de services sociaux \(CISSS\)](#) or the [Centre intégré universitaire de santé et de services sociaux \(CIUSSS\)](#) in the region or territory where the adoption judgment was granted.

For more information:

Telephone: 1-888-441-7889

E-mail: infoadoption.ciassme16@ssss.gouv.qc.ca

Website: Quebec.ca/info-adoption

❖ **International and interprovincial adoption**

An adoption is considered to be an interprovincial adoption when either the adoptee or adopter was not domiciled in Québec at the time of the adoption, but in another province. It is considered to be an international adoption when the adoptee or adopter was not domiciled in Québec at the time of the adoption, but in another country.

In both cases, you must contact the Secrétariat à l'adoption internationale.

Telephone: 1-800-561-0246 or 514-873-5226

E-mail: rasri@msss.gouv.qc.ca

What can prevent the disclosure of information relating to identity?

Information about the adoptee cannot be disclosed when:

- the adoptee is aged under 18;
- the adoption was granted before June 16, 2018;
- the adoption was granted after June 16, 2018 and the parent of origin registered an identity disclosure veto in the year following the child's birth.

Information about the parents of origin cannot be disclosed when:

- the application is made by an adoptee aged under 14 without the consent of the adoptive parents;
- an identity disclosure veto has been registered (see the section *Identity disclosure veto*);
- no consent was given during the transitional period from June 16, 2018 to June 19, 2019 (see the section *Identity disclosure veto*).

The identity of an adoptee under the age of 18 who receives information about his or her original name or the identity of his or her parents of origin will remain confidential, unless the adoptee consents to its disclosure.

Identity disclosure veto

❖ **Adoption granted before June 16, 2018**

A parent of origin can use the transitional period ending on June 16, 2019 to register an identity disclosure veto. After that date, the identity of a parent of origin will be protected until the first request for the disclosure of information is made.

The identity of an adoptee will always be protected, unless he or she has consented to the disclosure of information.

An identity disclosure veto made by a parent of origin or adoptee may be withdrawn at any time. In addition, the veto will be lifted on the first anniversary of the death of the parent of origin or adoptee concerned.

However, because of the transitional period, the identity of a parent of origin who dies before June 16, 2019 will be disclosed only on the first anniversary of his or her death.

A team is available to provide support for people who want to register or withdraw an identity disclosure veto.

For more information:

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Website: Quebec.ca/info-adoption

❖ Adoption granted after June 16, 2018

Information about a parent of origin cannot be disclosed if he or she registers an identity disclosure veto in the year following the birth of the adoptee. If the parent of origin does not register a veto, the information may be disclosed to the adoptee without the need to obtain consent from the parent of origin.

The identity of an adoptee under the age of 18 will always be protected. After the adoptee reaches full age (18 or over), information about his or her identity may be disclosed without the need to obtain the adoptee's consent. However, the adoptee's identity will remain protected if the parent of origin registers a veto in the year following the adoptee's birth.

An identity disclosure veto registered by a parent of origin or adoptee may be withdrawn at any time. In addition, the veto will cease to have effect on the first anniversary of the death of the parent of origin or adoptee.

The identity of an adoptee aged 18 or over or a parent of origin who dies without having registered an identity disclosure veto will be disclosed immediately to an applicant.

In all cases, an adoptee or parent of origin who is **unable to express his or her will** may be represented by a tutor, curator or mandatary. An adoptee or parent of origin who is not so represented may be represented by a spouse, a close relative or another person who has shown a special interest.

The situation of an adoptee or parent of origin who cannot be represented will remain unchanged. For example, any veto registered will remain in effect.

3.2 ESTABLISHING CONTACT

A person who is sought, whether an adoptee or parent of origin, and who agrees to the disclosure of information about his or her identity may still refuse contact with the other party, or authorize contact only on specified conditions.

For example, the person sought may

- require the presence of a social worker at all meetings;
- demand that family members not be informed;
- limit contact to written exchanges.

The institution operating a child and youth protection centre where the adoption was granted will contact the person sought, who may then agree or refuse contact. If the person cannot be found, a contact veto will be applied.

A team is available to provide support for people who want to register or withdraw a contact veto.

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Information relating to identity cannot be used to contact the person sought if he or she has refused contact. In addition, any conditions for contact set by the person sought must be respected.

A failure to comply with the rules may lead to judicial proceedings for damages.

ADOPTABLE PERSONS WHO ARE NOT ADOPTED

All the measures for the disclosure of information relating to identity and to establishing contact apply to adoptable persons who are not adopted and to their parents.

4. DISCLOSURE OF MEDICAL INFORMATION

Medical information about an adoptee, parents of origin or a family member may now be disclosed directly to the medical authorities if required by a person's state of health.

The person whose medical information is needed must give consent, but his or her anonymity will be preserved. If consent is not given, an application to the court must be made to obtain the information.

Where can medical information be obtained?

The physician of the patient concerned must contact [the institution operating a child and youth protection centre](#) in order to be put in contact with the person whose medical information is needed, or with that person's physician.

ADOPTABLE PERSONS WHO ARE NOT ADOPTED

All the measures for the disclosure of medical information apply to adoptable persons who are not adopted, and to their parents of origin and family members.

5. SUPPLETIVE TUTORSHIP

[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 single person may be designated either to act jointly with a parent (sharing of parental duties) or to act alone (delegation of parental duties). When two people are designated, they act together to exercise all parental duties. 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.

Who can be designated as a suppletive tutor?

Only the following people from the family circle can be designated:

- the spouse of the father or mother;
- an ascendant of the child (for example, a grandparent);
- a relative of the child in the collateral line to the third degree (for example, a brother, sister, uncle or aunt);
- the spouse of an ascendant or relative in the collateral line to the third degree.

How is a suppletive tutor designated?

The designation of a suppletive tutor must be authorized by the court at the request of the parents. However, if the parents cannot give consent and if the child has already been placed in the care of a family member, the family member may apply to the court to be designated as a suppletive tutor.

The court must ensure that the parents, and the child if aged 10 or over, consent to the designation of the suppletive tutor. It may still authorize the designation if it is in the child's interest, except if the child is aged 14 or over and opposes the designation.

End of suppletive tutorship

Suppletive tutorship ends

- when the child reaches the age of 18 or obtains full emancipation;
- when the child or tutor dies;
- when the last living relative dies;
- when the last able relative becomes incapable;
- when the tutor is replaced;
- when the tutor is relieved of his or her responsibilities by the court;
- when the court returns parental duties to the parent.

For more information on suppletive tutorship, contact a legal advisor.

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