



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FOURTH LEGISLATURE

Bill 193

**An Act to amend the Civil Code of
Québec and other legislative
provisions with respect to
international adoption**

Introduction

Introduced by
Mrs Cécile Vermette
Member for Marie-Victorin

**Québec Official Publisher
1992**

EXPLANATORY NOTES

The object of this bill is to facilitate the adoption by parents domiciled in Québec of children domiciled outside Québec by relaxing the present rules governing recognition by the courts of adoption proceedings carried out abroad.

In particular, the bill abolishes the rule whereby judicial recognition in Québec of an adoption effected abroad must necessarily be based on a judgment rendered in the country concerned. The bill gives greater latitude to the competent court in matters of international adoption by providing that the court must ascertain, before granting an order of placement of a child domiciled outside Québec or recognizing an adoption effected outside Québec, that the decision rendered in the place of domicile of the child was rendered by the competent authority according to the law of that domicile.

Bill 193

An Act to amend the Civil Code of Québec and other legislative provisions with respect to international adoption

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The Civil Code of Québec is amended by replacing article 614.3 by the following article:

“614.3 Where a child domiciled outside Québec is entrusted for adoption purposes to parents domiciled in Québec, the adoption judgment is preceded, as in the case of a child domiciled in Québec, by an order of placement.

An adoption effected abroad must be recognized by the court in Québec.”

2. Article 617 of the said Code is replaced by the following article:

“617. Before granting an order of placement in respect of a child domiciled in Québec, the court ascertains that the conditions for adoption have been complied with and, particularly, that the prescribed consents have been validly given.

Before granting an order of placement in respect of a child domiciled outside Québec, the court ascertains that the decision to entrust the child for adoption purposes was rendered by the competent person according to the law of the domicile of the child. For that purpose, the documents issued by the competent authorities of the country concerned constitute *prima facie* proof of their contents.

Where the placement of a child domiciled outside Québec is made under an agreement entered into by virtue of the Youth Protection

Act, the court also verifies that the procedure followed is as provided in the agreement.

Even if the adopter has not complied with the provisions of articles 614.1 and 614.2, the placement may be ordered for serious reasons and if the interest of the child demands it. However, the application must be accompanied with a psychosocial assessment made by the director of youth protection.”

3. Article 622.1 of the said Code is replaced by the following article:

“622.1 The court, when called upon to recognize an adoption effected outside Québec, ascertains that the adoption was effected by the competent authority according to the law of the domicile of the child.

Where an adoption judgment has been rendered outside Québec under an agreement entered into by virtue of the Youth Protection Act, the court also verifies that the procedure followed is as provided in the agreement.

Even if the adopter has not complied with the provisions of articles 614.1 and 614.2, recognition may be granted for serious reasons and if the interest of the child demands it. However, the application must be accompanied with a psychosocial assessment.”

4. Article 623 of the said Code is amended by replacing the second paragraph by the following paragraph:

“The court may also recognize an adoption effected outside Québec notwithstanding the death of the adopter.”

5. Article 626.1 of the said Code is replaced by the following article:

“626.1 The recognition of an adoption produces the same effects as an adoption judgment rendered in Québec from the date on which the adoption is completed outside Québec.”

6. The Code of Civil Procedure (R.S.Q., chapter C-25) is amended by replacing the heading of Section V of Chapter VI of Title IV of Book V by the following heading:

“RECOGNITION OF ADOPTIONS EFFECTED OUTSIDE QUÉBEC”.

7. Article 825.6 of the said Code is amended by striking out the words “and of the foreign law” at the end of the second paragraph.

8. Section 72.3 of the Youth Protection Act (R.S.Q., chapter P-34.1) is amended by replacing the words “granted by judicial decision” in the first line of the second paragraph by the word “effected”.

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