

FOURTH SESSION
THIRTY-FIRST LEGISLATURE

ASSEMBLÉE NATIONALE DU QUÉBEC

Bill 13

An Act to amend the Adoption Act

First reading
Second reading
Third reading

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L'ÉDITEUR OFFICIEL DU QUÉBEC

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EXPLANATORY NOTES

The main objects of the submitted amendments to the Adoption Act are:

(a) to determine the terms and conditions of adoption of children domiciled or resident outside Québec, especially by entrusting adoption societies with the assessment of adoptive parents and determining the powers and duties of the Ministère des affaires sociales and of the bodies involved;

(b) to better protect the parties to adoption by entrusting the placement of children who are available for adoption to adoption societies exclusively, except where

- a blood relationship exists between the adopted child and the adopter,*
- the adoptive parent is the consort of the father or mother of the adopted child, and*
- the placement is effected by a body within an agreement with the Minister respecting international adoption; and*

(c) to facilitate the adoption of certain children by providing for the power to grant financial assistance to adoptive parents, on certain terms and conditions.

Sec. 1. *The amendment submitted is entirely new legislation.*

Sec. 2. *The object of this provision is to set forth the general rule governing the placement of children for adoption, and the exceptions that may be permitted.*

The first paragraph of section 16 of the act presently reads as follows:

"16. A child whose adoption is permitted under this act may be placed for adoption by a person other than a recognized adoption society, provided that notice thereof is given to the Minister."

Bill 13

An Act to amend the Adoption Act

HER MAJESTY, with the advice and consent of the Assemblée nationale du Québec, enacts as follows:

1969, c. 64,
s. 13, am.

1. Section 13 of the Adoption Act (1969, chapter 64) is amended by adding at the end the following paragraphs:

Assess-
ment.

“It must proceed with the assessment of any person applying to adopt a child domiciled or resident in or outside Québec, to the extent that the Minister has determined that there are children available for adoption.

Availa-
bility of
children
for
adoption.

The Minister shall determine whether children domiciled or resident outside Québec are available for adoption, taking into account the goals specified by the Ministre de l'immigration under subparagraph *h* of the fourth paragraph of section 3 of the Immigration Department Act (1968, chapter 68).”

1969, c. 64,
s. 16, am.

2. Section 16 of the said act is amended by replacing the first paragraph by the following paragraphs:

Placement
by re-
cognized
adoption
society.

“**16.** A child whose adoption is permitted under this act shall not be placed for adoption except by a recognized adoption society.

Excep-
tions.

However, provided that prior written notice thereof is given to the Minister, such placement may be effected by a person other than a recognized adoption society, in the following cases:

(a) the applicant is an ascendant or a collateral relative within the third degree of the adopted child, or is the consort of such ascendant or relative;

(b) the applicant is the consort of the father or mother of the adopted child;

Sec. 3. *The amendments submitted are entirely new legislation.*

Sec. 4. *Section 41 of the act is amended to provide concordance with section 37-3 of the act submitted by section 3 of the bill.*

(c) the placement is effected through a government, a department or a body acting in conformity with an agreement or covenant contemplated in section 37-1, and an assessment has been effected in conformity with section 13.”

1969, c. 64,
Div. VA,
vB, ss.
37-1 to 37-3,
added.

3. The said act is amended by inserting, after section 37, the following divisions and sections:

“DIVISION VA

“ADOPTION OF CHILDREN DOMICILED OR RESIDENT OUTSIDE QUÉBEC

Agree-
ment with
other gov-
ernments.

“37-1 The Minister may sign, in conformity with the law, an agreement with another government or any department or body thereof for the application of this act.

Covenants.

The Minister may further, for the application of this act, make a covenant with any other body whose main object is the protection of children’s rights, the promotion of their interests and the improvement of their living conditions.

Authorized
inter-
mediary.

“37-2 Only a government, a department or a body acting in conformity with an agreement or covenant contemplated in section 37-1 may act as an intermediary to have a child who is domiciled or resident outside Québec placed for adoption in Québec.

“DIVISION VB

“FINANCIAL ASSISTANCE

Financial
assistance.

“37-3 The Minister may, in the cases and in accordance with the criteria, terms and conditions provided for by regulation, grant an adopter financial assistance to facilitate the adoption of a child.”

1969, c. 64,
s. 41, am.

4. Section 41 of the said act is amended by replacing subparagraph *f* of the first paragraph by the following subparagraphs:

“(f) the cases where the Minister may grant financial assistance provided for by section 37-3 and the criteria he must respect to determine its extent and the terms and conditions of such assistance, and the formalities to be complied with by the adopter benefiting thereby;

“(g) any other matter required for the carrying out of this act.”

Sec. 5. *Section 43 of the act presently reads as follows:*

“43. Any person who places a child for adoption and who fails to give the Minister the notice provided for in section 16, is guilty of an offence and liable, on summary proceeding, in addition to payment of the costs, to a fine not exceeding \$100.”

1969, c. 64,
s. 43,
replaced.

5. Section 43 of the said act is replaced by the following section:

Offences
and
penalties.

"43. Any person who, contrary to section 16, places a child for adoption or fails to notify the Minister, is guilty of an offence and liable, on summary proceeding, in addition to payment of the costs, to a fine not exceeding \$500 or, in default of payment, to imprisonment for not more than three months, in the case of an individual, or to a fine not exceeding \$1 000 in the case of a corporation.

Subse-
quent
offence.

For every subsequent offence, the maximum of the fine and penalty provided for in the preceding paragraph is increased to \$1 000 and six months in the case of an individual and \$2 000 in the case of a corporation."

R.S.,
c. 219,
repealed.

6. The Immigrant Children Act (Revised Statutes, 1964, chapter 219) is repealed.

Coming
into force.

7. This act comes into force on the day of its sanction, except section 37-3 enacted by section 3 and subparagraph *f* of the first paragraph of section 41 enacted by section 4, which will come into force on a later date which may be fixed by proclamation of the Government.