



DT9305

GENERAL CONSENT TO ADOPTION
Pursuant to article 544 and subsequent articles
of the Civil Code of Québec

I, the undersigned, _____ born on _____
(Parent's or tutor's surname and given name) Date (Year/month/day)
and residing at _____
Address (Number, street, city, province, postal code)

DECLARE THAT:

1. I am the _____ of a child of _____ gender
(Father, the mother, the tutor) (Male, female)
born in _____, on the _____, registered on the _____
(Place of birth) Date (Year/month/day) Date (Year/month/day)
under the surname and given name of _____ as the son or the daughter
(Child's surname and given name)
of _____ and of _____,
(Mother's surname and given name) (Father's surname and given name)
and baptized on the _____ at _____ (optional).
(Year/month/day) (City/Town, parish)

2. I was appointed tutor of this child by a judgment of the Superior Court of the district of _____,
(Name of district) on _____ in File no. _____.
Date (Year/month/day)

3. I consent to the adoption of the child for the purpose of adoption:

- With recognition of the pre-existing bond(s) of _____ filiation
(Maternal, paternal)
- Without recognition of the pre-existing bond(s) of _____ filiation
(Maternal, paternal)
- With or without recognition of the pre-existing bond(s) of filiation.

4. I consent to the adoption of this child and entrust him or her, to that end, to the Director of Youth Protection of the institution known as the Integrated Health and Social Services Centre or Integrated University Health and Social Services Centre of _____.

5. I acknowledge that I have been informed of my rights and recourses provided for in the articles of the Civil Code of Québec that appear at the end of this form and that have been presented to me, as indicated in the following statements.

Parent's or tutor's initials	
------------------------------	--

User's name	File no.
-------------	----------

I ACKNOWLEDGE THAT:

6. The signing of this consent leads to the delegation of my parental authority to the Director of Youth Protection.
7. I may, within thirty (30) days of the signing of this consent, withdraw it by means of a written document made before two witnesses and given to the Director of Youth Protection within this time limit.
8. After these thirty (30) days, I may apply to the Court in order to request the return of the child at any time before the order of placement.
9. The Director of Youth Protection will inform me, in writing, of the request for the order of placement for adoption provided that it takes place during the year following the signing of this consent.
10. The Court grants an order of placement for adoption in accordance with the application filed and with the consents given. The Court may not grant an order of placement for adoption with recognition of a pre-existing bond of filiation unless it is in the interest of the child to recognize the bond, in order to protect the child's meaningful identification with the parent of origin.
11. Any application for the return of the child must be made before the judgment ordering placement for adoption has been pronounced, except if the Court revokes this order, refuses to grant the adoption, or if the placement for adoption ceases.
12. The adoption judgment to be rendered by the Court will confer on this child a filiation that will replace his/her original filiation, and I will no longer have any rights or responsibilities with regard to this child.

I FURTHER ACKNOWLEDGE THAT:

13. I was informed of the characteristics of adoptions made with or without recognition of a pre-existing bond of filiation.
14. I have received answers to all my requests for information concerning the consequences of this consent.

AND I HAVE SIGNED, in triplicate, after reading this consent before two (2) witnesses

at _____, the _____ day of the month of _____ in the year 20_____.

(Parent's or tutor's signature)

WITNESS 1: _____ (Name in block letters) _____ (Signature)

(Address) _____ (Telephone)

WITNESS 2: _____ (Name in block letters) _____ (Signature)

(Address) _____ (Telephone)

Parent's or tutor's initials	
------------------------------	--

GENERAL PROVISIONS

543. No adoption may take place except in the interest of the child and on the conditions prescribed by law.
No adoption may take place for the purpose of confirming filiation already established by blood.
544. No minor child may be adopted unless his father and mother or his tutor have consented to the adoption or unless he has been judicially declared eligible for adoption.
- 544.1 Consent are given for an adoption with recognition of the pre-existing bond or bonds of filiation, an adoption without such recognition or, indiscriminately, for either.
545. No person of full age may be adopted except by the persons who stood in loco parentis towards him when he was a minor.
The court, however, may dispense with this requirement in the interest of the person to be adopted taking into consideration, among other things, the quality, duration and continuity of relations between the adopter and the person of full age.
546. Any person of full age may, alone or jointly with another person, adopt a child.
547. A person may not be an adopter unless he is at least eighteen years older than the person adopted, except where the person adopted is the child of the spouse of the adopter.
The court may, however, dispense with this requirement in the interest of the person to be adopted.
- 547.1 Every person wishing to adopt a minor child shall undergo a psychosocial assessment made in accordance with the conditions provided in the Youth Protection (chapter P-34.1), unless the adoption is based on a special consent, in which case the assessment is at the discretion of the court.
548. Consent provided for in this chapter shall be given in writing and before two witnesses.
The same rule applies to the withdrawal of consent.

CONSENT

549. No child ten years of age or over may be adopted without his consent, unless he is unable to express his will.
However, when a child under fourteen years of age refuses to give his consent, the court may defer its judgement for the period of time it indicates, or grant adoption notwithstanding his refusal.
550. Refusal by a child fourteen years of age or over is a bar to adoption.
551. When adoption takes place with the consent of the parents, the consent of both parents to the adoption is necessary if the filiation of the child is established with regard to both of them.
If the filiation of the child is established with regard to only one parent, the consent of that parent is sufficient.
552. If either parents is deceased, or if he is unable to express his will, or if he is deprived of parental authority, the consent of the other parent is sufficient and must be given separately for each of the child's bond of filiation.
553. If both parents are deceased, if they are unable to express their will, or if they are deprived of parental authority, the adoption of the child is subject to the consent of the tutor, if the child has a tutor. The tutor's consent must be given separately for each of the child's bonds of filiation.
554. A parent of minor age may himself, without authorisation, give his consent to the adoption of his child.
555. Consent to adoption may be general or special; special consent may be given only in favour of an ascendant of the child, relative and the collateral line to the third degree or the spouse of the ascendant or relative; it may also be given in favour of the spouse of the father or mother. However, in the case of de facto spouses, they must have been cohabiting for at least three years.
556. Until the order of placement, consent to adoption entails, by operation of law, delegation of parental authority to the person to whom the child is given.
557. A person who has given his consent to adoption may withdraw it within thirty days from the date it was given.
The child shall then be returned without formality or delay to the person who has withdrawn his consent.
558. If a person has not withdrawn his consent within thirty days, he may, at any time before the order of placement, apply to the court to have the child returned.

ORDER OF PLACEMENT AND ADOPTION JUDGMENT

566. The placement of a minor may not take place except by order of the court nor may the adoption of a child be granted unless the child has lived with the adopter for at least six months since the court order.
The period may be reduced by up to three months, however, particularly in consideration of the time during which the minor has already lived with the adopter before the order.
567. An order of placement may not be granted before the lapse of thirty days after the giving of consent to adoption.
568. Before granting an order of placement, the court ascertains that the conditions for adoption have been complied with.
Where the placement of a child domiciled outside Québec is made under an agreement entered into by virtue of the Youth Protection Act (R.L.Q., chapter P-34.1), the court also verifies that the procedure followed is as provided in the agreement. Where the placement of a child is made within the framework of the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, the court verifies that the conditions provided therein have been complied with.
Even if the adopter has not complied with the provisions of articles 563 and 564, the placement may be ordered for serious reasons and if the interest of the child demands it. However, the application shall be accompanied with a psychosocial assessment made by the director of youth protection.
- 568.1 The court grants an order of placement for the purposes of an adoption in accordance with the application filed and with the consents given, if any were required.
The court may not grant an order of placement for the purposes of an adoption with recognition of a pre-existing bond of filiation unless it is in the interest of the child to recognize the bond in order to protect a meaningful identification of the child with the parent of origin.
569. The order of placement confers the exercise of parental authority on the adopter; it allows the child, for the term of the placement, to exercise his civil rights under the surname and given names that the court may assign to the child under article 576, which, if assigned, are recorded in the order.
The order is a bar to the return of the child to his parents or to his tutor and to the establishment of filial relationship between the child and his parents by blood.
570. The effects of the order of placement cease if placement terminates or if the court refuses to grant the adoption.
571. If the adopter fails to present his application for adoption within a reasonable time after the expiry of the minimum period of placement, the order of placement may be revoked on the application of the child himself if he is fourteen years of age or over or by any interested person.
572. Where the effects of the order of placement cease and no adoption has taken place, the court, even of its own motion, designates the person who is to exercise parental authority over the child; the director of youth protection who was the legal tutor before the order of placement again becomes the legal tutor.
573. The court grants adoption on the application of the adopters unless a report indicates that the child has not adapted to his adopting family. In this case or whenever the interest of the child demands it, the court may require any additional proof it considers necessary.
The adoption must be granted in accordance with the provisions of the order of placement as to whether a pre-existing bond of filiation is recognized or, in the case of an adoption of a person of full age, in accordance with the person's consent and the application filed.
575. If either of the adopters dies after the order of placement, the court may grant adoption even with regard to the deceased adopter.
The court may also recognize a decision granting an adoption made outside Québec notwithstanding the death of the adopter.

Parent's or tutor's initials	
------------------------------	--

EFFECTS OF ADOPTION

- 577. Adoption confers on the adopted person a filiation which succeeds the person's pre-existing filiations.
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 parent.
Although there may be recognition of the adoptee's pre-existing bonds of filiation, he ceases to belong to his family of origin, subject to impediments to marriage or civil union.
- 577.1. When an adoption is granted, the effects of the pre-existing filiation cease. The adoptee and the parent of origin lose all rights and are released from all obligations with respect to each other. The tutor, if any, loses all rights and is released from all obligations with respect to the adoptee, except the obligation to render accounts. The same applies when an Aboriginal customary adoption certificate is notified to the registrar of civil status, subject to any provisions to the contrary that are in accordance with Aboriginal custom and specified in the certificate.
- 578. Adoption creates the same rights and obligations as filiation by blood. The court may, however, according to the circumstances, permit a marriage or civil union in the collateral line between the adopted person and a member of his or her adoptive family.
- 578.1. If the parents of an adopted child are of the same sex and where different rights and obligations are assigned by law to the father and to the mother, the parent who is biologically related to the child has the rights and obligations assigned to the father in the case of a male couple and those assigned to the mother in the case of a female couple. The adoptive parent has the rights and obligations assigned by law to the other parent.
If neither parent is biologically related to the child, the rights and obligations of each parent are determined in the adoption judgement or in any act which, under the law, produces the effects of adoption in Québec.
When adoption is granted, the effects of the preceding filiation cease; the tutor, if any, loses his or her rights and discharged from his or her duties regarding the adopted person, save the obligation to render account. Notwithstanding the foregoing, a person's adoption of a child of his or her spouse does not dissolve the bond of filiation between the child and that parent.

CONFIDENTIALITY OF ADOPTION FILES

- 582. The judicial and administrative files concerning the adoption of a child are confidential and no information contained in them may be revealed except as required by law.
However, the court may allow an adoption file to be examined for the purposes of study, teaching, research or a public inquiry, provided that the anonymity of the child, of the parents of origin, of the tutor and of the adopter is preserved.
- 583. An adoptee, including one under 14 years of age who has obtained the prior approval of his father and mother or tutor, has the right to obtain, from the authorities responsible under the law for disclosing such information, his original surname and given names, those of his parents of origin and information allowing him to contact them.
Likewise, once the adoptee has reached full age, his parents of origin have the right to obtain the surname and given name assigned to him and information allowing them to contact him.
No such information may be disclosed, however, if an identity disclosure veto or a contact veto, as the case may be, bars their disclosure.
- 583.1. An identity disclosure veto by a parent of origin, in addition to barring disclosure of that parent's name, bars disclosure of the adoptee's original name if it reveals that parent's identity.
- 583.2. When only contact is barred, or when it is authorized on conditions, the name of the person sought or the adoptee's original name is disclosed on the condition that the contact veto or the conditions on which contact is authorized be complied with.
An adoptee or a parent of origin who obtains the information on that condition but violates the condition is liable toward the other person and may also be required to pay punitive damages.

- 583.3. If the adoptee or the parent of origin is unable to express his will concerning disclosure of information, his mandatary, tutor or curator may do so in his place. If the adoptee or parent is not so represented, his spouse, a close relative or another person who has shown a special interest in him may do so in his place.
- 583.4. A parent of origin may register an identity disclosure veto in the year following the birth of the child. In such a case, the child's identity is protected, by operation of law, from that parent.
When the first request for information about the parent of origin is made, the parent of origin must be informed of it so as to have the opportunity to maintain or withdraw the veto.
- 583.5. In the case of an adoption that took place before (insert the date of coming into force of this article), if the adoptee has not yet expressed his will concerning disclosure of information about him to the authorities responsible under the law for disclosing such information, his identity is protected by operation of law and the parent of origin may register an identity disclosure veto until a first request for information about him is made.
- 583.6. An adoptee or a parent of origin may, at any time before his identity is disclosed, register a contact veto barring any contact between them or allowing contact subject to conditions he determines.
- 583.7. Before the identity of the person sought is disclosed, he must be informed of the request for information about him and given the opportunity to register a contact veto. The same applies in the case of a parent of origin whose identity would be revealed if the adoptee's original name were disclosed to the adoptee.
If the person sought is untraceable, disclosure of his identity entails, by operation of law, a contact veto. In the event the person sought is found, he must be given the opportunity to maintain or withdraw the veto.
- 583.8. If a veto is registered by operation of law or by a third person, the person in whose behalf the veto is registered must, at the time the first request for information about him is made, be informed of the request and given the opportunity to maintain or withdraw the veto.
If withdrawal of a veto is requested by such a third person, the person in whose behalf the veto is registered must be informed of the withdrawal request and given the opportunity to oppose it.
- 583.9. An identity disclosure veto or a contact veto may be withdrawn at any time.
An identity disclosure veto ceases to have effect on the first anniversary of the death of the person in whose behalf it was registered.
- 583.10. To the extent that the adoptee and a brother or sister of origin of the adoptee so request, information about the identity of both of them and information making it possible to establish contact between them may be communicated to them, unless disclosure of that information would reveal the identity of the parent of origin although the parent of origin has registered an identity disclosure veto.
- 583.11. It is the adopter's responsibility to inform the child that he was adopted. It is also the adopter's responsibility to inform the child of the rules concerning identity disclosure and the rules for establishing contact.
- 584. This division applies to children who are eligible for adoption because consent to their adoption has been given, to children who are eligible for adoption because they have been judicially declared eligible for adoption, and to their parents, even if the children have never been adopted.

Parent's or tutor's initials	
------------------------------	--