



DT9439

**CONSENT TO ADOPTION BY A CHILD
WHO IS 10 YEARS OF AGE OR OLDER**
Pursuant to section 543 of the Civil Code of Québec

I, the undersigned, _____ born on _____
(Child's given name and surname) Date (Year/month/day)

DECLARE THAT:

1. I am the child of:

_____ and _____
First name and surname of the mother, father or parent First name and surname of the mother, father or parent

2. I consent to my adoption:

- with recognition of pre existing _____ bond(s) of filiation.
(maternal, paternal or parental)
- without recognition of pre existing _____ bond(s) of filiation.
(maternal, paternal or parental)
- with or without recognition of pre existing bond(s) of filiation.

3. I consent to be adopted by

_____ and _____
First name and surname First name and surname

4. I acknowledge that I have been informed of my rights and recourses under the sections of the Civil Code of Québec that appear at the end of the form and which were presented to me as indicated in the following statements.

I ACKNOWLEDGE THAT:

1. I may, within 30 days following the date the consent form was signed, withdraw my consent by means of a written document drawn up before two witnesses and given to the Director of Youth Protection within this period.
2. The Director of Youth Protection will inform me, in writing, of the application for a placement order for adoption (section 437, CCP).
3. The adoption judgment rendered by the court will confer a filiation on me that will replace my filiation of origin, and my parents of origin will no longer have any rights or responsibilities with respect to me.

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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 a filiation already established by birth.
544. No minor child may be adopted unless his father and mother, his parents or his tutor have consented to the adoption or unless he has been judicially declared eligible for adoption.
- 544.1 Consents to adoption 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 fulfilled the role of a parent 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 18 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 Act (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 OF THE ADOPTED PERSON

549. No child 10 years of age or over may be adopted without his consent, unless he is unable to express his will.
However, when a child under 14 years of age refuses to give his consent, the court may defer its judgment for the period of time it indicates, or grant adoption notwithstanding his refusal.
550. Refusal by a child 14 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 parent is deceased, is unable to express his or her will or is deprived of parental authority, the consent of the other parent is sufficient and must be given separately for each of the child's bonds 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 authorization, 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, a relative in the collateral line to the third degree or the spouse of that ascendant or relative; it may also be given in favour of the spouse of the father or mother or of either parent. 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 entrusted.
557. A person who has given his consent to adoption may withdraw it within 30 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 30 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 30 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 [. . .].
- 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 the child's filiation under the rules of filiation by birth.
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 14 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.
576. The court assigns to the adopted person the surname and given names chosen by the adopter unless, at the request of the adopter or of the adopted person, it allows him to keep his original surname and given names or assigns him a surname consisting of not more than two parts taken from those forming the adopter's surname or the surnames of his father and mother or parents with whom a pre existing bond of filiation has been recognized.

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EFFECTS OF ADOPTION

577. Adoption confers on the adoptee 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 or of one of his parents, 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 birth. The court may, however, according to 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 judgment or in any act which, under the law, produces the effects of adoption in Québec.

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 approval of his father and mother, of his parents or of his tutor, has the right to obtain, from the authorities responsible under the law for disclosing such information, his original name, the name of his parents of origin, whether or not the bond of filiation has been entered in the original act of birth, and information making it possible for him to contact them. The adoptee also has the right to obtain a copy of his original act of birth and of the judgments concerning the adoption, according to the terms determined by government regulation.
- Likewise, once the adoptee has reached full age his parents of origin have the right to obtain the name given to him and the information making it possible for them to contact him. No such information may, however, be disclosed if an identity disclosure veto or a contact veto, as the case may be, bars their disclosure. In addition, the communication of a document must be made in keeping with any contact veto registered and the passages providing information making contact with a parent of origin possible must be deleted or redacted accordingly. The authorities that disclose information concerning a parent of origin whose filiation with regard to the adoptee has not been entered in the original act of birth are not liable for any injury which may result from an error not due to their act or omission in the identification of the parent.
- 583.0.1 The descendants in the first degree of an adoptee who are 14 years of age or over may, if the adoptee is deceased, obtain from the authorities responsible under the law for disclosing such information and documents, the same information and the same documents that the adoptee may obtain under this division, subject to the same conditions.
- 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.

- 583.4 A parent of origin may register an identity disclosure veto in the 30 days 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. Such an identity disclosure veto by the parent of origin ceases to have effect on the adoptee's eighteenth birthday. The same applies to the identity protection granted, by operation of law, to the adoptee where such a veto is registered by the parent of origin.
- 583.5 In the case of an adoption that took place before 16 June 2018, 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.
- 583.6 Whether or not the bond of filiation has been entered in the original act of birth, 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, where applicable, in the case of the parent of origin, barring any contact between the latter and the adoptee's descendants in the first degree, or may allow contact.
- 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 or to maintain or withdraw a veto already registered by him. 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 or incapable of expressing his will, 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. In the event the person sought is found or again becomes capable of expressing his will, he must be given the opportunity to maintain or withdraw the veto.
- 583.8 If a veto is registered by operation of law, 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 the person is untraceable or incapable of expressing his will, the veto registered by operation of law is maintained. In the event the person is found or again becomes capable of expressing his will, he must be given the opportunity to maintain or withdraw the veto.
- 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 Unless disclosure of the information would reveal the identity of the parent of origin although the latter has registered an identity disclosure veto, the adoptee, including one under 14 years of age who has obtained the approval of his father and mother, of his parents or of his tutor, has the right to obtain, from the authorities responsible under the law for disclosing such information, the names of his brothers or sisters of origin who have reached full age, whether adopted or not, and those of his grandparents of origin and, to the extent that they consent to it, the information making it possible for the adoptee to contact them. Likewise, once the adoptee has reached full age, his brothers and sisters of origin, whether adopted or not, including the ones under 14 years of age who have obtained the approval of their father and mother, of their parents or of their tutor, as well as his grandparents of origin have the right to obtain the name given to the adoptee and information making it possible to contact him, to the extent that the adoptee consents to it.
- 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.
- 583.12. In the case of the adoption of a child domiciled outside Quebec, the identity of the parent of origin as well as the documents to which the adoptee is entitled are communicated to him, insofar as the law of the child's State of origin does not provide for different rules. Disclosure of the identity of the adoptee or of another person sought and of information making it possible to contact the adoptee, the parent of origin or another person sought is subject to the consent of that person, unless, as the case may be, the law of the child's State of origin provides otherwise.
584. Where a physician is of the opinion that the health of the adoptee, of a parent of origin or of any of their close relatives genetically linked to them warrants it, the physician may obtain the necessary medical information from the medical authorities concerned, subject to the consent of the person whose information is requested. In the absence of such consent, court authorization is required to obtain such information.
- The anonymity of the persons concerned must be preserved.

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**SPECIAL CONDITIONS AS TO ADOPTION OF A CHILD
DOMICILED OUTSIDE QUÉBEC**

- 562.1. Every person domiciled in Québec wishing to adopt a child domiciled outside Québec shall comply with the provisions of this chapter that concern such an adoption, regardless of the person's nationality or of whether the person has a residence in the State of the child's domicile or otherwise has a right to act in a foreign State under the applicable law in that State, and regardless of whether the adoption is to take place in Québec or in a foreign State.
- 562.2. A person domiciled in Québec may not adopt a child who is in Québec unless that child is authorized to remain permanently in Canada.
563. Every person domiciled in Québec wishing to adopt a minor child domiciled outside Québec shall, even if the person is related to the child, first undergo a psychosocial assessment made in accordance with the conditions provided in the Youth Protection Act (chapter P 34.1).
564. Arrangements for the adoption of a minor child must be made by a body certified by the Minister of Health and Social Services pursuant to the Youth Protection Act (chapter P 34.1), unless that minister prescribes otherwise by regulation.
565. The adoption of a child domiciled outside Québec must be granted abroad or granted by judicial decision in Québec. A judgment granted in Québec is preceded by an order of placement. A decision granted abroad must be recognized by the court in Québec, unless the adoption has been certified by the competent authority of the State where it took place as having been made in accordance with the Convention on Protection of Children and Co operation in Respect of Intercountry Adoption.
- 565.1. The adoption of a child domiciled outside Québec granted or recognized in Québec results in the dissolution of the pre existing bond of filiation between the child and his family of origin. The court must make sure, where applicable, that the consents have been given to that effect.
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 (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.

- 573.1. Where the court, within the framework of the Convention on Protection of Children and Co operation in Respect of Intercountry Adoption, grants an adoption in Québec of a child habitually residing outside Québec, it issues the certificate provided for in the Convention as soon as the adoption judgment becomes final.
574. The court, where called upon to recognize a decision granting an adoption made outside Québec, ascertains that the rules that apply to consent to adoption and eligibility for adoption have been complied with.
Where the decision granting the adoption has been made outside Québec under an agreement entered into by virtue of the Youth Protection Act (chapter P 34.1), 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 563 and 564, recognition may be granted for serious reasons and if the interest of the child demands it. However, the application shall be accompanied with a psychosocial assessment.
3092. The rules that govern consent to adoption and the eligibility of a child for adoption are those provided by the law of the child's domicile.
The effects of adoption are subject to the law of the domicile of the adopter.

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