



CHAPTER 78

An Act to amend the Adoption Act

[Assented to, the 13th of April, 1933]

HIS MAJESTY, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows:

1. Section 3 of the Adoption Act (Revised Statutes, R. S., c. 196, 1925, chapter 196) is amended: R. S., c. 196,
s. 3, am.

a. By striking out the words: "who is childless at the time of the adoption," , in the second line of the second paragraph thereof;

b. By adding thereto the following paragraph:

"The adoption of a child of a sex different from that of the adopter is permissible to a widower or a widow, provided that *de facto* adoption took place prior to the decease of the consort." Child of
different
sex.

2. Section 5 of the said act is amended:

R. S., c. 196,
s. 5, am.

a. By adding thereto, after the first paragraph thereof, the following paragraph:

"In the case contemplated by paragraph 2 of section 9, the petition may also be presented to a judge of the Superior Court of the district in which the said institution has its domicile."; Where peti-
tion may be
presented.

b. By replacing the second paragraph thereof by the following:

"The husband or wife of the petitioner, except in the event of death or legal incapacity, shall join in the petition, and, in such case, after the adoption, the adopted child shall be considered to be the child of both." Joint
petition.

3. Section 8 of the said act is amended:

R. S., c. 196,
s. 8, am.

a. By replacing sub-paragraph *d* of subsection 1 thereof by the following:

Written
consent.

"*d*. Of the institution which had, previously and lastly, charge of the illegitimate child, in the event of the father and mother of such child being unknown.";

b. By adding thereto after the word: "fact", in the fourth line of subsection 3 thereof, the words: "and the date";

c. By striking out the words: " , and such entries shall constitute the same proof as an *acte* of civil status" , in the sixth and seventh lines of subsection 3 thereof;

d. By adding thereto, after subsection 3 thereof, the following subsection:

Indication
in petition.

"4. It is permissible to indicate, in the petition and in the judgment, for the adopted child, the name of a god-father and of a godmother."

R. S., c. 196, s. 9, am. **4.** Section 9 of the said act, as replaced by the act 17 George V, chapter 57, section 1, is amended by replacing the first three lines thereof by the following:

Consent not
required.

"**9.** The consent of any of the persons mentioned in sub-paragraphs *b* and *c* of subsection 1 of section 8 shall not be necessary if the person whose consent is required,—".

R. S., c. 196, s. 10, am. **5.** Section 10 of the said act is amended:

a. By replacing the second paragraph thereof by the following:

Notice of
petition.

"Notice of the petition shall also be given to the last institution in which the child has been kept either at the expense of the said institution or of public charity.";

b. By adding thereto, after the third paragraph thereof, the following paragraph:

Idem.

"In all cases, the notice shall be of at least six clear days."

R. S., c. 196, s. 19, am. **6.** Section 19 of the said act, as amended by the act 17 George V, chapter 57, section 3, is again amended by replacing the words: "if justified on", in the first and second lines of the first paragraph thereof, by the word: "for".

Id., s. 24,
replaced.
Exemption
from duties
and fees.

7. Section 24 of the said act is replaced by the following:

"**24.** No duty or fee shall be payable to the Crown upon adoption proceedings, nor shall any fee be payable thereon to the prothonotary of the Superior Court."

R. S., c. 196, s. 25, re-
placed. **8.** Section 25 of the said act is replaced by the following:

"25. 1. The judgment of adoption must be transcribed in the register of civil status of the present or former place of residence of the adopting parents. Transcription of judgment;

2. Such transcription shall then be equivalent to an act of civil status. Act of civil status;

3. The depositary of the register of civil status shall, upon transcribing such judgment, enter in the margin of the register concerned, at the date of birth of the adopted child, together with the latter's surname and Christian names, a reference to the year, and to the page containing the transcription of the judgment of adoption. Entry in register;

4. A certificate of the said marginal note must be sent without delay, by such depositary, to the prothonotary of the Superior Court of the district, and such officer must, without delay, make the entry thereof in the proper place in the duplicate register deposited in the archives. Entry in duplicate register.

9. The said act is amended by adding thereto, after section 25 thereof, the following sections: R. S., c. 196, ss. 26, 27, added.

"26. 1. On application for the certificate of birth of an adopted child, the depositary of the register of civil status shall not transcribe at length the judgment recorded, unless specially required to do so; he shall merely deliver a certificate in the following form: Birth certificate of adopted child.

"The undersigned certifies that (*name of the adopted*), son or daughter of (*name of the adopter*) and of (*name of the adopter's wife*), of the parish of..... Province of Quebec, Dominion of Canada, was born on....., and (*if mentioned in the judgment*) baptized on the.....

Godfather: } (*if mention thereof is made in the judgment*).
Godmother: }

(*Seal*)

(*Signature*)"

2. Every judgment of adoption shall entail an order to every depositary of registers of civil status to deliver a certificate of birth of the adopted child in conformity with this section. Delivery obligatory.

"27. 1. Copy of the judgment of adoption shall be transmitted free of charge, by the prothonotary of the Superior Court, to the last institution in which the adopted child was kept. Transmission of copy of judgment.

2. If the application for adoption be refused, the prothonotary shall notify the institution concerned thereof. Notification of refusal.

10. This act shall come into force on the day of its sanction. Coming into force.