

## C H A P . 75

## An Act respecting adoption

[Assented to, the 15th of March, 1924]

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

**1.** Any person of the age of twenty-one years or over may, by petition to a judge of the Superior Court of the district in which he has his domicile, ask for authorization to adopt as his own child another person younger than himself, provided that the latter be not the wife, husband, brother or sister of the petitioner.

If the husband or wife of the petitioner is still alive and legally capable of doing so, he or she shall join in the petition, and, in such case, after the adoption, the adopted child shall be considered to be the child of both.

The petitioner who has no domicile in the Province must present his petition to the Superior Court of the domicile of the child whom he proposes to adopt.

**2.** The petition for adoption must be presented in chambers and not before the court nor at one of its sittings and the proceedings upon the petition shall also be taken and adjudged there.

**3. 1.** No judgment may be rendered on a petition for adoption save as hereinafter prescribed, if the petition be not accompanied by the written consent of the following persons, according to circumstances:

*a.* Of the child whose adoption is asked for, if he is fourteen years of age or over;

*b.* Of the father and mother of the child, or, in the event of the death of one of them, of the survivor;

*c.* Of the tutor or curator of the child, if there is one;

*d.* Of the mother of the child only, if known, in the case of an illegitimate child, unless the father has the care of such child, and in such case, of the father.

**2.** Any one of the persons whose consent is required by this section for the adoption to take place may become the petitioner.

**3.** The consent of the party adopting is likewise required in the case of a subsequent adoption of the same person by another.

**4.** The illegitimacy of a child shall never be mentioned in the record of the petition, nor in the judgment, nor in

Entry of age and effect thereof. the registers of the court, but the child's age, if it be possible to establish it, must be mentioned in the judgment and such entry shall constitute the same proof as an *acte* of civil status.

Consent, where child of age. No consent other than child in certain cases.

**4.** The consent of the persons mentioned in the preceding section, except that of the child or of the consort of the child, is not necessary if the latter is of age. In the same way, no other consent than that of the child is required if the person who has to give it:

1. Has voluntarily omitted or neglected to suitably provide for the needs and maintenance of the child during the two years immediately preceding the presentation of the petition;

2. Has, without interruption, for over two years preceding the date of the petition, left the care of the child to a charitable institution, as a pauper.

Procedure by judge where written consent not produced.

**5.** When the written consent to the petition has not been produced, the judge may order that a notice be given to any person whose consent is required, saving the exceptions mentioned in the preceding section, by having the petition served upon him personally with an order mentioning the date and place where it will be presented, or he may at his discretion, if such person is absent from the Province, order the service thereof in the manner he may prescribe or he may dispense with the notice.

Additional notice or consent.

The judge may require any additional notice or consent which he may deem expedient.

When judge may dispense with consent.

**6.** If, after such notice, the persons whose consent is required fail to appear, or, if they appear and do not oppose the adoption or if they oppose it but the objections they make appear insufficient, the judge may dispense with their consent.

Ordering of adoption.

**7.** If the judge is of the opinion that the petitioner has the qualifications necessary to fulfil the obligations and duties of a parent with regard to the child and that the adoption would be an advantage to the latter, he shall order the adoption.

Additional proof where child under fourteen years.

**8.** No petition for the adoption of a child under fourteen years may be granted unless it be in addition proved that the child has lived for the two preceding years with the petitioner and that during such period of time the conduct of the petitioner and the conditions in which the child lived have been good.

The judge may, however, before the expiration of such period but after at least a year has elapsed, authorize the adoption if it be established that the adopter is a person of good conduct, capable of properly bringing up the child and that the latter has been well treated by the adopter and his family during such year of residence.

Discretion of judge, in certain cases.

**9.** The judgment granting or refusing the petition for adoption shall be final and without appeal, but the petition may be renewed if new facts are alleged.

No appeal. Renewal of petition on new facts.

**10.** From and after the judgment granting the adoption:

Effects of adoption.

1. The parents, tutor or persons entrusted with the custody and care of the child shall lose all the rights they possessed and be freed from all the natural obligations which bound them with respect to such child;

2. The child adopted shall in every respect be considered, with regard to such custody, obedience to parents and the obligations of children towards their father and mother, as the adopting parents' own child;

3. The adopting parents shall be bound to maintain and bring up the child as if their own.

**11.** In the judgment granting the petition, the judge may at his discretion order that the child shall thereafter bear the surname of the adopting parent and such child shall then be entitled to such name and shall be legally described thereunder.

Order in judgment as to name of child.

**12.** 1. The adopted person shall take out of the property which the adopting parents may freely dispose of by will, if the latter die intestate, the same share that he would have taken if born to such parents in lawful wedlock, but he shall not succeed to those related or allied to his adopting parents.

Abintestate succession in favour of child.

2. If the person adopted dies intestate:

Id., in favour of child's heirs.

a. The property which he has acquired by himself, or by gift, will or inheritance from his adopting parents, or from one of them, as well as from those related or allied to his adopting parents or to one of them, shall devolve in accordance with the rules of the Civil Code to the persons who would have been his relatives if he had been born to his adopting parents in lawful wedlock;

b. The property acquired by him by gift, will or inheritance from his natural parents and relatives shall devolve in the same way as if he had not been adopted.

Meaning of word "child".

**13.** The word "child" or any other word of the same meaning in any other act or in a deed shall include also an adopted child unless the contrary clearly appears, but it shall not include the adopted child when it relates to a substitution in which the adopter's own children are the institutes or substitutes.

Rights of succession of non-resident where adopted outside Province.

**14.** A person resident outside of the Province, who has been adopted according to the laws of one of the Provinces of Canada or of a foreign country, shall possess in this Province the same rights of succession that he would have had in the province or in the foreign country in which he was adopted.

Effect of second adoption.

**15.** When a second application for adoption is granted, all the legal consequences of the first judgment of adoption shall cease, save with respect to the interest the child may have in the property which devolved to him during the first adoption.

Transcription of judgment.

**16.** The judgment of adoption must be transcribed in the register of civil status of the place of residence of the adopting parents.

Coming into force.

**17.** This act shall come into force on the day of its sanction.

## C H A P . 7 6

An Act to replace the loss of certain registers of civil status of the parish of St. Frederic de Drummondville

[Assented to, the 15th of March, 1924]

Preamble.

**W**HEREAS both duplicate registers containing the original entries of the baptisms, marriages and burials in the parish of St. Frederic de Drummondville, from the 1st of January to the 25th of December, 1921, were burned when the church of the said parish was burned on the 25th of December, 1921;

Whereas the *fabrique* of the said parish, with a view to overcoming the serious disadvantages which might result to a large number of families from the loss of these registers, strove to remake them as completely and correctly as possible;

Whereas such remaking was effected by entering each baptism, marriage or burial which had taken place in the said parish, during the above mentioned period, on a se-