



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-NINTH LEGISLATURE

Bill 105

(2010, chapter 13)

An Act respecting the adoption of Haitian children who arrived in Québec between 24 January and 16 February in the aftermath of the 12 January 2010 earthquake

Introduced 13 May 2010**Passed in principle 20 May 2010****Passed 4 June 2010****Assented to 4 June 2010**

EXPLANATORY NOTES

This Act provides for the adoption of Haitian children who arrived in Québec between 24 January and 16 February in the aftermath of the 12 January 2010 earthquake and for whom arrangements were already underway at that time for their adoption by persons domiciled in Québec.

Bill 105

AN ACT RESPECTING THE ADOPTION OF HAITIAN CHILDREN WHO ARRIVED IN QUÉBEC BETWEEN 24 JANUARY AND 16 FEBRUARY IN THE AFTERMATH OF THE 12 JANUARY 2010 EARTHQUAKE

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. This Act applies to Haitian children for whom arrangements for adoption by persons domiciled in Québec were underway at the time of the 12 January 2010 earthquake and who meet the following conditions:

(1) they were authorized by the Prime Minister of Haiti to leave the country to be adopted;

(2) an attestation of the absence of any grounds for objection to their adoption was issued by the Minister of Health and Social Services under section 71.8 of the Youth Protection Act (R.S.Q., chapter P-34.1); and

(3) they arrived in Québec during the period beginning on 24 January and ending on 16 February 2010.

2. By the operation of this Act, subject to the issue of an adoption certificate under section 4, a child described in section 1 is adopted, as of 4 June 2010, by the persons designated as the adoptive parents in the child's adoption file that is kept by the Minister under paragraph 3 of section 71.4 of the Youth Protection Act.

The adoption produces the same effects as an adoption judgment rendered in Québec.

3. To obtain an adoption certificate from the Minister for the child entrusted to them, the persons designated as the adoptive parents in the child's adoption file kept by the Minister must send to the Minister, not later than 2 September 2010,

(1) the application form provided for that purpose, duly completed;

(2) a declaration made before a witness stating the name they have chosen for the child; and

(3) any other relevant document the Minister may require.

4. The Minister may only issue an adoption certificate if all the required information and documents have been provided and the following conditions are met:

(1) the applicants are the adoptive parents designated in the child's adoption file kept by the Minister; and

(2) the child meets the conditions set out in section 1.

For that purpose, the Minister may allow the applicants to complete their application, or make a summary investigation.

5. An adoption certificate is issued within 45 days of the receipt of a duly completed application.

The certificate includes the name of the adoptive parents, the child's original name and the name chosen for the child, and the effective date of the adoption.

6. The Minister notifies to the director of civil status every adoption certificate issued by the Minister, accompanied by the declaration containing the name chosen for the child.

The director of civil status draws up the child's act of birth on the basis of the documents notified by the Minister.

7. The Minister may issue a corrected adoption certificate to replace one that contains inaccurate information. The new certificate is substituted for the original certificate, and the substitution is noted on the original certificate.

8. The Minister of Health and Social Services is responsible for the administration of this Act.

9. This Act comes into force on 4 June 2010.