

Draft Regulation

Civil Code of Québec
(Civil Code; 2023, chapter 13)

Conduct of the mandatory information meeting in the context of certain parental projects involving surrogacy

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation respecting the conduct of the mandatory information meeting in the context of certain parental projects involving surrogacy, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation determines the standards relating to the conduct of the information meeting on the psychosocial implications of a parental project involving surrogacy and the ethical issues it involves. Under the Civil Code, the conduct of the meeting is mandatory in the context of a parental project that allows for the legal establishment of filiation and in a parental project in which the woman or the person who agreed to give birth to the child is domiciled outside Québec. Specifically, the Regulation sets out the elements that must be addressed in the meeting in order to inform the person alone or the spouses having formed a parental project involving surrogacy and the woman or the person who agreed to give birth to the child. The Regulation specifies a minimum duration for such a meeting.

Further information on the draft Regulation may be obtained by contacting Nancy Allaire, Direction du soutien aux orientations, des affaires législatives et de la refonte, Ministère de la Justice, 1200, route de l'Église, 4^e étage, Québec (Québec) G1V 4M1; telephone: 418 643-0424, extension 21688; email: nancy.allaire@justice.gouv.qc.ca.

Any interested person having comments to make on the draft Regulation is asked to send them in writing, before the expiry of the 45-day period, to the Minister of Justice, 1200, route de l'Église, 9^e étage, Québec (Québec) G1V 4M1.

SIMON JOLIN-BARRETTE
Minister of Justice

Regulation respecting the conduct of the mandatory information meeting in the context of certain parental projects involving surrogacy

Civil Code of Québec
(Civil Code, arts. 541.11 and 541.29;
2023 chapter 13, s. 20)

1. This Regulation determines the standards relating to the conduct of the information meeting on the psychosocial implications of a parental project involving surrogacy and the ethical issues it involves. Pursuant to articles 541.11 and 541.29 of the Civil Code, the conduct of the meeting is mandatory in the context of parental projects involving surrogacy that allow for the legal establishment of the child's filiation and in the context of parental projects involving surrogacy in which the woman or the person who has agreed to give birth to the child is domiciled outside Québec.

2. Regarding the psychosocial implications of a parental project involving surrogacy, the information meeting must address

(1) the reasons leading a person alone or spouses to form a parental project and a woman or a person to contribute to such a project by agreeing to give birth to the child;

(2) the elements to consider in matching the person alone or the spouses who formed the parental project with the woman or the person who has agreed to give birth to the child;

(3) the relations between the person alone or the spouses who formed a parental project and the woman or the person who has agreed to give birth to the child at each stage of the process;

(4) the emotional attachment that the woman or the person who has agreed to give birth to the child may experience both during the pregnancy and after giving birth;

(5) the role of the woman or the person who has agreed to give birth to the child, the perception of that role, in particular by third persons, and the recognition of that woman or that person's contribution;

(6) the expectations and concerns of the person alone or the spouses who formed the parental project and of the woman or the person who has agreed to give birth to the child;

(7) the various grieving processes that may be experienced by the person alone or the spouses who formed a parental project and of the woman or the person who has agreed to give birth to the child;

(8) the pressure that may be experienced or felt by the person alone or the spouses who formed the parental project and by the woman or the person who has agreed to give birth to the child;

(9) the disclosure by the person alone or the spouses of the parental project involving surrogacy or by the woman or the person of having agreed to contribute to such a project to their family and friends, as well as any impact that such a project may have on the latter.

3. Regarding the ethical issues associated with a parental project involving surrogacy, the information meeting must address

(1) autonomous decision-making by the woman or the person who has agreed to give birth to the child at each stage of the process;

(2) the importance of the free and informed consent of the woman or the person who has agreed to give birth to the child at each stage of the process;

(3) the importance of the free and informed consent of the person alone or the spouses who formed the parental project before committing to such a project;

(4) the child's right to know their origins;

(5) the importance for the woman or the person who has agreed to give birth to the child to contribute gratuitously to the parental project and the issues relating to socioeconomic inequalities between that woman or that person and the person alone or the spouses who formed the parental project.

4. For a parental project involving surrogacy in which the woman or the person who has agreed to give birth to the child is domiciled outside Québec, the information meeting on the psychosocial implications of such a parental project must also address

(1) the cultural and linguistic differences that the person alone or the spouses who formed the parental project may be confronted with and the impact of those differences on relations;

(2) the impact that geographical distance may have on the relations between the person alone or the spouses who formed the parental project and the woman or the person who has agreed to give birth to the child.

5. The information meeting must have a minimum duration of 3 hours.

6. This Regulation comes into force on the date of coming into force of section 20 of the Act to reform family law with regard to filiation and to protect children born as a result of sexual assault and the victims of that assault as well as the rights of surrogates and of children born of a surrogacy project insofar as it enacts article 541.11 of the Civil Code, except section 4 of this Regulation, which comes into force on the date of coming into force of section 20 of the Act, insofar as it enacts article 541.29 of the Civil Code, and sections 1 to 3 and 5 of this Regulation, which apply to a parental project involving surrogacy in which the woman or the person who has agreed to give birth to the child is, as of that date, domiciled outside Québec.

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Draft Regulation

Educational Childcare Act
(chapter S-4.1.1)

Educational childcare —Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to amend the Educational Childcare Regulation, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation amends the Educational Childcare Regulation (chapter S-4.1.1, r. 2) to extend temporary measures concerning the presence of qualified childcare staff while childcare is being provided. The draft Regulation introduces a requirement that, until 31 March 2027, the holder of a childcare centre permit or day care centre permit must ensure that at least one childcare staff member out of two is qualified and present each day with the children while childcare is being provided. Moreover, the draft Regulation adds two situations to those that make it possible to achieve a qualified staff ratio of one out of three.

Study of the matter has shown no negative impact on enterprises, including small and medium-sized businesses. As regards the public, the draft Regulation aims to prevent potential interruptions in educational childcare services.