

Checklist – Surrogacy
Application for judicial recognition
 Art. 541.34 and seq. C.C.Q., art. 431.0.1 and seq. C.C.P.
 and art. 507 C.C.P.

The application for judicial recognition must:	
Jurisdiction (art. 37.1 C.C.P.)	
Be filed with the Court of Québec’s Unified Family Tribunal.	<input type="checkbox"/>
Regarding the timeframe (art. 541.35 C.C.Q.)	
If the pregnancy began after June 6, 2024, be filed as soon as possible after receiving the certificate of compliance from the Minister of Health and Social Services or a notice of the Minister’s refusal to issue the certificate.	<input type="checkbox"/>
Regarding the surrogate child (art. 431.0.1 para. 2 C.C.P.)	
State the child’s name and date and place of birth.	<input type="checkbox"/>
State the child’s place of residence and domicile.	<input type="checkbox"/>
State the child’s nationality and status as a Canadian citizen or permanent resident.	<input type="checkbox"/>
Regarding the surrogate mother and the intended parent(s) (art. 431.0.1 paras. 2 and 3 C.C.P.)	
State their name.	<input type="checkbox"/>
State their place of residence and domicile.	<input type="checkbox"/>
State their nationality and status as a Canadian citizen or permanent resident, if applicable.	<input type="checkbox"/>

To be admissible, the application must be accompanied by: (art. 431.0.4 C.C.P.)	
The child's foreign act of birth or the foreign decision establishing the filiation, as applicable.	<input type="checkbox"/>
The foreign legislation.	<input type="checkbox"/>
Pregnancy begun on or after June 6, 2024	
The certificate of compliance from the Minister of Health and Social Services, if issued.	<input type="checkbox"/>

For the application to be granted, the following conditions must be shown to the court:	
General conditions applicable to all parental projects involving surrogacy	
Show that there is a parental project involving surrogacy and that it was formed by a single person or by spouses prior to the surrogate mother's pregnancy (art. 541.1 C.C.Q.). In the case of spouses, show that they are spouses.	<input type="checkbox"/>
Show that the surrogacy agreement was entered into before the beginning of the surrogate mother's pregnancy (art. 541.2 C.C.Q.).	<input type="checkbox"/>
Show that the surrogate mother was 21 years of age or over when the agreement was entered into (art. 541.2 C.C.Q.).	<input type="checkbox"/>
Show that there has been no combining of reproductive material in the same family (art. 541.2 C.C.Q.).	<input type="checkbox"/>
Show that the surrogate mother's contribution was gratuitous, although certain expenses provided for in the State of their domicile may have been reimbursed, if applicable (art. 541.3 C.C.Q.).	<input type="checkbox"/>
Show that the surrogate mother gave consent after the birth (art. 541.4 C.C.Q.).	<input type="checkbox"/>

Prior conditions applicable to parental projects in which the surrogate mother is domiciled outside Québec	
Pregnancy begun on or after June 6, 2023	
Show that the intended parent(s) had been domiciled in Québec for at least one year when the agreement was entered into (art. 541.28 C.C.Q. and s. 69 of chapter 13, 2023 statutes). As of June 6, 2024, the intended parent(s) must meet the one-year condition before applying for prior authorization (art. 541.28 C.C.Q.).	<input type="checkbox"/>
Show that the foreign State's rules regarding surrogacy have been complied with (art. 541.36 C.C.Q.).	<input type="checkbox"/>
For pregnancies begun between June 6, 2023 and June 5, 2024, show that one of the intended parents is a Canadian citizen or permanent resident. If one of the intended parents is a permanent resident and the other, if any, is not a Canadian citizen, show that the permanent resident has a biological link with the child (art. 541.28 C.C.Q.).	<input type="checkbox"/>
Pregnancy begun on or after June 6, 2024	
In addition to showing that they are domiciled and that the foreign legislation has been complied with as mentioned above, the intended parent(s) must show that they have attended an information session given by a member of a professional order designated by the Minister of Justice (art. 541.29 C.C.Q.).	<input type="checkbox"/>
Show that the surrogate mother is domiciled in a foreign State designated by the Government (art. 541.31 C.C.Q.).	<input type="checkbox"/>
Show that the intended parent(s) have obtained a certificate of compliance from the Minister of Health and Social Services, and attach it to the application (art. 541.33 and 541.36 C.C.Q.).	<input type="checkbox"/>
Regarding the surrogate mother's consent	
The surrogate mother's consent must be given in express terms, in writing or by a judicial declaration (art. 541.30 C.C.Q.).	<input type="checkbox"/>
If consent is given in a language other than French, it must be accompanied by a translation authenticated in Québec (art. 541.30 C.C.Q.).	<input type="checkbox"/>

Notification of the application

(For pregnancies begun on or after June 6, 2024)

The application must be notified to the Minister of Health and Social Services (art. 431.0.2 C.C.P.) at the following address:

Bureau du ministre de la Santé et des Services sociaux
Direction de la grossesse pour autrui hors Québec
201, boul. Crémazie Est, bureau 1.01
Montréal (Québec) H2M 1L2

