

Checklist – Surrogacy Originating application relating to the filiation of a child

Art. 541.20 and seq. C.C.Q., art. 431.0.1 and seq. 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. 541.20 C.C.Q.)	
The application must be filed within 60 days of the child’s birth, save in exceptional circumstances.	<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:	
The information provided for in the Regulation respecting information on the profile of a person who has contributed to the procreation of a child in the context of a parental project, CCQ, r. 8.1 (art. 431.0.3 C.C.P.).	<input type="checkbox"/>
The form Information on the profile of a person who has contributed to the procreation of a child (PDF 604 KB) may be used.	<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, aside from reimbursement of certain expenses authorized in the Regulation respecting parental projects involving surrogacy in which the parties to the agreement are domiciled in Québec, CCQ, r. 4.2 (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"/>

General conditions applicable to parental projects in which the parties to the agreement are domiciled in Québec	
Show that the intended parent(s) and the surrogate mother had been domiciled in Québec for at least one year when the agreement was entered into (art. 541.7 C.C.Q.).	<input type="checkbox"/>

Regarding the surrogate mother's consent (art. 541.9 C.C.Q.)	
The consent document must include the information provided for in the Regulation respecting parental projects involving surrogacy in which the parties to the agreement are domiciled in Québec, CCQ, r. 4.2	<input type="checkbox"/>
Consent must be given by notarial act en minute or in writing before two witnesses who have no interest in the surrogacy project. It may also be given by a judicial declaration in the course of proceedings relating to the child's filiation. In the case of consent before two witnesses, you may use the following form: Consent (PDF 563 KB) .	<input type="checkbox"/>
If consent is given in a language other than French, it must be accompanied by a translation authenticated in Québec.	<input type="checkbox"/>