



## Civil Unions

- » In June 2002, the National Assembly of Québec passed the *Act instituting civil unions and establishing new rules of filiation*. This created the civil union, a new institution that allows same-sex or opposite-sex couples to make a public commitment to live together and comply with the resulting rights and obligations.



In terms of its form and legal consequences, a civil union is equivalent to a marriage, since the rights and obligations created by a civil union are generally the same as those resulting from a marriage. However, there are a few differences concerning the age at which individuals may form a union and the process for dissolving the union.

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### » Definitions

#### *Support*

Everything required for a person's subsistence, in other words everything needed to feed and provide for a person.

#### *Obligation of support*

A mutual obligation imposed by the law on certain persons such as ascendants and descendants, married spouses or spouses in a civil union, under which one may claim support from the other, in other words, the amounts necessary for the person's subsistence (food, housing, clothing, health care, etc.).

#### *Support payment*

An amount of money paid on a periodic basis by one person to another to meet an obligation of support.

#### Successor

Under the Civil Code of Québec, a person entitled to inherit.

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## » Conditions for forming a civil union

Individuals who wish to form a civil union are subject to the same rules as for a marriage. They must, for example,

- be at least 18 years of age;
- not be close relatives (father, mother, brother, sister, son, daughter);
- be free of any past matrimonial bond or civil union;
- consent to the union in public, before an authorized [celebrant](#), in the presence of two witnesses.

Court clerks, deputy court clerks, notaries and any other individuals designated by the Minister of Justice, such as elected municipal representatives or officials, are authorized to celebrate civil unions. Priests, rabbis, pastors or ministers of religion, previously appointed by the various religious societies to which they belong and authorized by the registrar of civil status, are also entitled to celebrate civil unions. However, no minister of religion can be required to celebrate a civil union if it is against his or her beliefs.

The celebration of a civil union is subject to the [rules](#) that apply to marriage. The celebrant must post a notice 20 days before the date set for celebrating the union, at the place where the ceremony is to take place as well as at the nearest courthouse. The notice states the name, domicile and date and place of birth of both of the future spouses. When the union is formed, the spouses, the celebrant and the witnesses must sign a declaration of civil union. This is then forwarded to the registrar of civil status, who draws up the act of civil union and records it in the register of civil status.

The law does not require the future spouses in a civil union to be residents of Québec. Two non-residents, or a resident and a non-resident, may form a civil union in Québec.

## » Effects of a civil union

The civil union takes effect as soon as it is celebrated. Individuals who are joined in a civil union owe each other respect, fidelity, succour and assistance. They are required to live together as spouses. They enjoy the same rights and obligations as a married couple, particularly with respect to

- the choice of and protection for the family residence;
- the family patrimony, which is shared between the spouses if the union comes to an end;
- an allowance to compensate for the contribution made by a spouse to the family patrimony if the civil union is dissolved;
- the recognition of the surviving spouse as a successor if the deceased spouse did not make a will and if the contract of civil union contains no testamentary clause;
- the direction of the family, the exercise of parental authority and the contribution to household expenses;
- the mutual obligation to provide support;
- the collection of support by the Ministère du Revenu.

As in the case of marriage, the future spouses may choose one of the three matrimonial regimes in effect in Québec: partnership of acquests, separation as to property, or community of property. Spouses who do not choose a specific regime are automatically governed by the regime of partnership of acquests.

Two people planning to join in a civil union may also create their own civil union regime by stipulating, for instance, that only part of their property will be considered as acquests, while the remaining property will be subject to the rules governing separation as to property. Whatever the regime they choose, the couple must sign a notarized contract, but they cannot waive some legal provisions, such as those governing family patrimony, the family residence and the exercise of parental authority.

## »» Dissolution of a civil union

A civil union that is not contracted according to law may be declared null, with the same effects as when a marriage is declared null.

A civil union is automatically dissolved if the spouses subsequently marry each other. Marriage maintains the civil effects of the civil union, which are considered to be the effects of the marriage as of the date on which the civil union was celebrated.

A civil union is also dissolved when

- one of the spouses dies;
- a court orders the dissolution;
- the spouses make a joint declaration before a notary; in this case, and provided that they have not had any children together, the law specifies that they must first settle all the consequences of the dissolution in a notarized document, particularly the sharing of the [family patrimony](#) and the payment of support.

The dissolution of a civil union does not deprive the spouses' children of the advantages they are guaranteed under the law or the civil union contract, and does not terminate the rights and obligations of the parents towards their children.

## »» Civil unions and parenthood

Filiation is the parental bond between a child and his or her parents. At the legal level, filiation must be clearly established to ensure recognition for the resulting rights and obligations. Filiation can be established by blood, by the law in the case of a presumption of paternity or assisted procreation, or by means of an adoption judgment.

In order not to disadvantage the children of same-sex couples, the Act instituting civil unions and establishing new rules of filiation

- establishes a bond of filiation between the spouses in a civil union and the children born of their parental project, that gives the children the same rights and obligations as children with filiation by blood;
- sets out rules governing adoption.



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## »» Natural procreation

If a child is born, through natural procreation, to a couple that is joined in a civil union, a bond of filiation is established with each of the spouses. This is called “filiation by blood”.

The spouse of the mother is presumed to be the father of the child and one of the parents may declare the filiation to the registrar of civil status on behalf of both partners. This is known as a presumption of paternity.

## » Assisted procreation

A parental project involving assisted procreation is a project where a single person, or a same-sex or opposite-sex couple, decides to use genetic material from another person in order to have a child.

If a child is born, as a result of assisted procreation, to an opposite-sex couple in a civil union, a bond of filiation is established with each of the spouses and there is a presumption of paternity. This means that the spouse of the mother is presumed to be the father of the child and one of the parents may declare the filiation to the registrar of civil status on behalf of both parents. This filiation creates the same rights and obligations as filiation by blood.

If a child is born to a couple consisting of two women in a civil union, a bond of filiation is established with each of the spouses, who are both designated as the mothers of the child. The spouse of the woman who gives birth to the child is presumed to be the other parent, and one of the two spouses may declare the filiation to the registrar of civil status on the other's behalf. This filiation confers the same rights and obligations as filiation by blood. The rights and obligations attributed by law specifically to the father are attributed to the woman in the couple who did not give birth to the child. However, in a parental project where genetic material is provided by sexual intercourse, the person who provided the material has one year to apply for the establishment of a bond of filiation with the child born as a result.

This type of filiation may not be established in a couple formed by two men, because the law states that any agreement whereby a woman undertakes to procreate or carry a child for another person a so-called "surrogate mother" contract is absolutely null.

Under the Act, the contribution of genetic material for the purposes of a third-party parental project does not create any bond of filiation between the contributor and the child born of the parental project.

A late declaration of filiation may be filed using the appropriate form available from the office of the registrar of civil status.

## » Adoption

When a couple joined in a civil union adopts a child, a bond of filiation is established with both spouses. The registrar of civil status will alter the details on the act of birth after receiving the adoption judgement.

When the parents of the adopted child are of the same sex, they are both designated as the fathers or the mothers of the child, as the case may be, in the register of civil status.

In some cases, the law attributes different rights and obligations to the father and the mother. If one of the parents has a biological link with the child, that parent will exercise the rights of the father, in the case of a couple consisting of two men, or the rights of the mother, in the case of a couple consisting of two women. The other adopting parent will have the rights and obligations attributed by law to the other parent. When neither of the parents has a biological link with the child, the adoption judgement will determine the rights and obligations of each parent.

## » For more information

Conjugal institutions:

- [Marriage](#)
- [De Facto Union](#)

Persons authorized to solemnize civil unions and the obligations of officiants:

- [Officiants](#)
- [Register of celebrants](#) 

Fees for the solemnization of a civil union by a court clerk:

- [Tariff of Court Costs](#)

What constitutes family patrimony and the rules for partition of the family patrimony:

- [Family Patrimony](#)

Declarations of birth, parental authority and the rules of filiation:

- [Filiation](#)

Declarations of marriage or civil union and how to obtain a certificate of marriage or civil union or a copy of an act of marriage or civil union:

- [Registrar of Civil Status](#) 



The addresses and telephone numbers of Québec courthouses:

- [Courthouses](#)

Which judicial district a municipality is located in:

- [Search for a judicial district](#)

Laws relating to civil unions:

- [Civil Code: Rules respecting the solemnization of civil marriages and civil unions](#)
- [Act instituting civil unions and establishing the rules of filiation](#) 
- [Decision of the Québec Court of Appeal authorizing marriage between persons of the same sex \(summary in French\)](#) 

Forms that relate to Civil Unions:

- [Notice of Civil Union](#) (SJ-834A)
- [Request for the Designation of an Officiant of a Marriage or Civil Union](#) (SJ-893A)
- [Civil Union - General Information](#) (SJ-833A)

### ***Should you wish to***

Contact a notary:

- [Chambre des notaires](#) 

Obtain an official document attesting civil status (birth, death, etc.):

- [Registrar of Civil Status](#) 

Have a document translated into French or English from a language other than French or English:

- [Ordre des traducteurs, terminologues et interprètes agréés du Québec](#) 

Publish a notice of marriage contract or a change to a marriage contract:

- [Register of Personal and Movable Real Rights](#) 

Publish and protect your rights in respect of immovable property:

- [Land Register of Québec](#)  (registry offices)

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**The content of this document is strictly informative and has no legal value.**

If you find some of the information difficult to understand, do not hesitate to [contact us](#).  
**Please note, however, that we cannot interpret the information to apply it to a specific situation.**

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**Please note:** The personnel at the Service de renseignements of the Ministère de la Justice can help you understand the general rules for applying Québec legislation. They cannot, however, interpret these rules to respond to a specific case or situation.

When contacting us by mail or e-mail, please indicate your address and telephone number so that we can contact you when necessary.

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