



**SAME-SEX SPOUSES, A REALITY...
KNOW YOUR RIGHTS!**

MARRIAGE

In Québec, since March 19, 2004, it has been possible for same-sex couples to marry or enter into a civil union.

As a result, in the event of a separation or divorce, same-sex couples who are married or in a civil union benefit from the various types of protection provided for at law, including the family patrimony, matrimonial regimes and, in certain cases, the right to support payments. The rules applicable to married couples or couples in a civil union are the same for everyone, whether or not they are a same-sex couple.

CHILDREN

Nowadays, many same-sex couples want to have children. For women, there is a process referred to as a “parental project”, which is defined in article 538 of the *Civil Code of Québec*. In practical terms, this means that a couple comprised of two women can mutually decide to have a child. Conception can take place through medically assisted procreation (artificial insemination in a clinic) or through so-called “friendly” procreation, that is, through sexual intercourse. In the second case, the “good Samaritan” must understand and accept the two women’s parental project, that is, the fact that they will be the child’s parents. Nonetheless, “good Samaritans” can have their bond of filiation established through a judicial recourse undertaken within one year following the birth.

After the child is born, both women comprising the couple can be declared to be the mothers of the child by indicating their names on the declaration of birth sent to the Registrar of civil status.

For a couple comprised of two men, a parental project is not possible, because they would have to resort to the help of a surrogate, which is currently illegal (art. 541 of the *Civil Code of Québec*). Adoption is their only choice. One spouse can adopt the child of the other spouse or both spouses can adopt as a couple under the conditions provided for by law, two options that are also available to couples composed of two women.

Same-sex parents have the same rights and obligations towards their children as all other parents.

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* The information set out in this document is not a legal interpretation.

The masculine is used to designate persons solely in order to simplify the text.

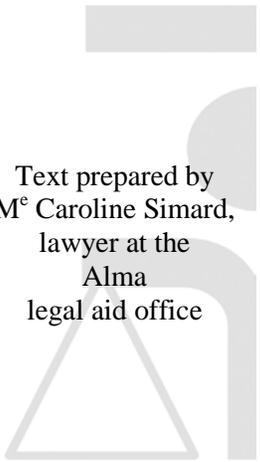


**SAME-SEX SPOUSES, A REALITY...
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(Continued)**

***DE FACTO* SPOUSES**

Same-sex *de facto* spouses have the same rights as opposite-sex *de facto* spouses. For example, if one spouse dies, the other could receive the surviving spouse's pension paid by the Régie des rentes du Québec, based upon how long they cohabited.

Same-sex spouses who are receiving last resort financial assistance must inform the Ministère about their marital situation. Like opposite-sex spouses, after one year of cohabitation, they will be considered to be spouses and will receive benefits accordingly.



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