

MARRIAGE AND CIVIL UNION

In Québec, ministers of religion no longer register marriages and issue marriage certificates and copies of act. These functions are now assumed by a civil authority.

This leaflet provides information about marriages performed in Québec. It provides information on:

- ⊕ Persons authorized to perform a marriage
- ⊕ How to declare a marriage
- ⊕ Documents issued by the Directeur de l'état civil

Declaration of marriage

Since 1994 in Québec, only the Directeur de l'état civil (registrar of civil status) may enter a marriage in the register of civil status. Certain formalities must be followed **before**, **during** and **after** the ceremony for the marriage to be entered in the register of civil status. Only **after** completing the registration can the spouses obtain a marriage certificate or copy of act of marriage.

Who may perform a marriage?

Each celebrant who performs a marriage must have a document bearing an authorization number to exercise this function.

Civil marriages are held in courthouses or any other suitable place. They may be performed by:

- ⊕ Clerks or deputy clerks of the Superior Court designated for this purpose
- ⊕ Notaries authorized to execute notarial acts
- ⊕ Mayors, members of municipal or borough councils and municipal officers designated by the Minister of Justice, within the territory defined in their designation of administrative authority
- ⊕ Any other person designated by the Minister of Justice

Each possible celebrant receive a letter from the Directeur de l'état civil with an authorization number.

Religious marriages, for their part, are performed by:

- ⊕ priests
- ⊕ rabbis
- ⊕ pastors
- ⊕ other ministers appointed beforehand by the religious society to which they belong

All celebrants must have a certificate entitled *Autorisation à célébrer les mariages* issued by the Directeur de l'état civil.

Very important

Future spouses must make sure that the person who marries them is authorized to do so. If the celebrant does not satisfy the established requirements, the marriage cannot be entered in the Québec register of civil status and there is therefore no proof of it.

Before the marriage

Future spouses

- ⊕ Appear before a celebrant authorized by the Directeur de l'état civil for a religious marriage, or by the Minister of Justice for a civil ceremony. Both civil and religious celebrants must have an authorization number from the Directeur de l'état civil confirming that they are registered to perform marriages.
- ⊕ Check the qualifications of the celebrant by asking to see his or her *Autorisation à célébrer les mariages*.
- ⊕ Designate two witnesses to attend the marriage ceremony.

The marriage celebrant

- ⊕ Checks the identity, age and civil status of the future spouses. They must be at least 16 years old and, if they are under age 18, have the consent of their parents or guardians.
- ⊕ Checks if they are related by blood, that is, that neither spouse is an ascendant (father, mother), descendant (son or daughter) or brother and sister of the other.
- ⊕ Checks that they are free of any previous matrimonial bond. However, since November 10, 2004, it is possible for two persons in a civil union to continue their conjugal life by getting married, which dissolves their civil union.
- ⊕ Publishes the date and place of the marriage by posting a notice. Dispensation from publication may be authorized for serious reasons.

During the marriage

At the end of the ceremony, the spouses, the two witnesses and the celebrant sign the Declaration of marriage.

The Declaration of marriage states the names and home address of the spouses, their places and dates of birth and of their marriage, the names of their fathers and mothers, the names of the witnesses, the name, place of residence and authority of the celebrant, and the religious society to which he or she belongs, where applicable.

Since the information entered on the Declaration will establish the act of marriage, new spouses must ensure that personal names and place names are spelled correctly and have the proper accents.

After the marriage

The celebrant

- ✦ Gives a copy to the spouses.
- ✦ Sends the Declaration of marriage to the Directeur de l'état civil without delay.

The Directeur de l'état civil

- ✦ Verifies the document and prepares the act of marriage.
- ✦ Enters the act of marriage in the register of civil status.
- ✦ Issues, on request, a marriage certificate, copy of act of marriage or an attestation of marriage.

The new spouses

- ✦ Keep the copy of the Declaration of marriage in a safe place since it proves their union.

Documents issued by the Directeur de l'état civil

Marriage certificate (21.5 cm x 18.5 cm format)

The marriage certificate states the surname and given names of each spouse, the date and place of the marriage, the registration number and date of issue.

Copy of act of marriage (21.5 cm x 26.7 cm format)

A copy of act of marriage reproduces all the information in the act as it was declared.

Note: Normally, only persons named in the act can request a certificate or copy of act. When the request involves another person, the applicant must justify his or her interest to the Directeur de l'état civil by presenting, for example, a proxy, power of attorney or declaration supporting his or her interest in obtaining the document.

Attestation of marriage

The attestation of marriage confirms the presence or absence in the register of an act of marriage or a mention on such an act. For example, it could confirm mention of a divorce on an act of marriage.

How to obtain a certificate or copy of act

Complete the form *Request for certificate or copy of act for marriage or civil union*, taking care to read the instruction sheet attentively and pay the fee.

How to obtain an attestation of marriage

Complete the form *Request for attestation of an event in the register*, paying special attention to the instruction sheet and fee payment.

Where to obtain the forms

Internet address www.etatcivil.gouv.qc.ca*

Service counters of the Directeur de l'état civil*

Offices of Services Québec*

Courthouses

CLSCs

Majority of Caisses Desjardins branches

* The form *Request for attestation of an event in the register* is only available in these places.

Civil union

Civil union consists of a commitment by two persons of the same or opposite sex, aged 18 or older, who publicly express their free and informed consent to live as a couple and respect the rights and obligations of this civil status.

Civil union was introduced in June 2002. Spouses in a civil union have same rights and obligations as married spouses.

Civil union resembles marriage on many points of procedure. For example, future spouses must check their celebrant's qualifications to perform a civil union, name witnesses, fill out and sign the Declaration of civil union during the ceremony.

The person performing the civil union ceremony must verify the identity, age and civil status of the future spouses. He must also ensure that there are no blood ties between them and that they are free of any previous matrimonial bond.

Persons authorized to perform a civil union are the same as those qualified to perform a civil marriage. The civil union ceremony may take place in any suitable location.

Once the event is entered in the register of civil status, spouses will be able to request a certificate or copy of act of civil union by completing the form for this purpose. As in the case of a marriage, when the request comes from a person other than one of the spouses, the applicant must justify his or her interest to the Directeur de l'état civil by presenting, for example, a proxy, power of attorney or declaration justifying his or her interest in obtaining such document. The attestation of civil union may be issued to any person who requests it.

How to contact the offices of the Directeur de l'état civil

Business hours

Monday to Friday
From 8:30 a.m. to 4:30 p.m.

City of Québec

Directeur de l'état civil
2535, boulevard Laurier, ground floor
Québec (Québec) G1V 5C5

Telephone: 418 643-3900
Fax: 418 646-3255

Montréal

Directeur de l'état civil
2050, rue De Bleury, ground floor
Montréal (Québec) H3A 2J5
(Place-des-Arts metro)

Telephone: 514 864-3900
Fax: 514 864-4563

Elsewhere in Québec

Telephone: 1 800 567-3900 (toll free)
E-mail: etatcivil@dec.gouv.qc.ca
Fax: 418 643-3255

Internet address

www.etatcivil.gouv.qc.ca

Aussi disponible en français

