

Workshop Guide

Preparing for Birth

Where Does the Law Come In?

Background

This guide was created to support
La Maison Bleue's legal assistance team.
It is current as of November 1, 2023.

Four other workshops are available
on the following subjects:

- The rights of refugee claimants
- Preparing for a refugee hearing
- Wills
- Parental obligations and responsibilities

Legend:

Questions to ask

Instructions for presenters

Resources

Important information

All of the workshop guides can be found on
[Espace périnatalité sociale](#).

This guide can be used when talking with families
expecting a child, especially migrant families having a child
in Quebec for the first time.

The workshop on preparing for birth covers several legal
topics but should not be considered a replacement for a
one-on-one meeting with a lawyer, as every individual's
circumstances are unique. Though all facts should be
conveyed accurately to participants, we provide
suggestions for adapting the workshop to suit particular
needs.

We have made an effort to use gender-neutral language
(e.g., the singular "they," "birthing parent") throughout.

This guide was made with the financial support of **Justice
Canada** and the **Chambre des notaires du Québec**.
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Preparation

Goal of the Workshop

Familiarizing future parents with their rights, duties and obligations in Quebec before and after the birth of their child.

Explaining the main administrative procedures required before and after birth.

Target Audience

Parents who are expecting or who have recently had a child.



Recommended length
90–120 minutes



Group size
4–12 people

Leading the Workshop

The workshop should ideally be led by two people, such as a lawyer and a social service provider (e.g., social worker). The presenters should divide the information to be shared based on their respective **areas of expertise**.

When the participants are not native speakers of French or English, it is recommended that **interpreters** be hired to ensure comprehension.

The workshop is designed to be informal and leaves plenty of room for discussion.

It is best to hold the workshop in person rather than online.

Visual Aids

The best visual aids are a whiteboard or large blank sheets, as these will allow you to write out information relevant to your group's needs and move away from a lecture format, which can be intimidating.

Complementary Materials

[Éducaloi Guide for young mothers \(only available in French\)](#)

[Blank Declaration of Birth and Attestation of Birth forms](#)

[Overview of Pregnancy, Birth and Adoption Benefits](#)

[La Maison Bleue/PRAIDA/CERDA guide on the RAMQ for children born in Quebec](#)

Starting the Workshop

Introduce yourselves and your areas of specialization. If possible, have all participants introduce themselves. Indicate whether you prefer to take questions throughout the workshop or only at the end. You can also share information on services offered by your organization and others in relation to the topics discussed in this workshop. You will find some useful documents listed in the “Resources” speech bubbles.

Describe the goal of the workshop:

- Familiarizing future parents with their rights, duties and obligations in Quebec before and after the birth of their child.
- Explaining the main administrative procedures required before and after birth.

As participants introduce themselves, ask them whether they are having their first child. If talking with migrants, ask them whether this is their first time having a child in Canada.

Participants' answers will help you gauge their familiarity with the topic and identify individuals who may be able to share their experiences with the rest of the group.



During Pregnancy

Preventive Withdrawal

When a person is pregnant and their job involves potential risks to themselves or the unborn child, they can ask to be reassigned to other duties or to stop work ("preventive withdrawal").

For example, if the job involved standing for extended periods of time or lift heavy objects, it may require a reassignment. If the employer is unable to reassign the person to less hazardous duties, the pregnant person can ask to stop work.

A doctor needs to fill out and sign a preventive withdrawal form to be given to the employer, who will contact the CNESST to get the process started.

In the event of preventive withdrawal, a person is entitled to 100% of their regular wages for the first five days. After that, they are entitled to 90%.

If your organization helps individuals complete these forms, let participants know.



You might need to explain that CNESST stands for Commission des normes, de l'équité, de la santé et de la sécurité du travail and is a body that governs labour standards.



If your organization helps individuals apply for preventive withdrawal or register on La Place 0–5, let participants know. If not, there are numerous community organizations that do offer such services. Ask your partner organizations for more information.

La Place 0–5

La [Place 0–5](#) is a website where parents can put their child on a waiting list for daycare. It is important that they register their child on this site as soon as they know the mother is pregnant, as wait times can be very long.

Please note: As of November 2023, refugee claimants are not entitled to enrol their children in CPEs (i.e., subsidized or low-cost daycares). However, this policy is being challenged in the courts. Check the [Comité Accès Garderie](#) website for the latest developments (available in French).

Refugee claimants are not entitled to accelerated refunds for fees paid to private daycares. However, at the end of the year, they can claim these fees on their tax return in order to obtain a tax credit.

During Pregnancy

Social Assistance

When pregnant, a person can apply for an additional \$55 pregnancy benefit. They need to ask her healthcare professional for a medical certificate to send to the social assistance office.

Discrimination Against Pregnant Persons

A pregnant person should not be treated differently just because they are pregnant.

Discrimination against pregnant individuals is prohibited by law. For example, a pregnant person cannot be turned down for a job or for an apartment simply because of their pregnancy. If a person experiences such discrimination, they can file a complaint with the Commission des droits de la personne et des droits de la jeunesse, a body that promotes and upholds human rights.

Your Body, Your Choice

Remember that being pregnant does not impact a person's rights. They still have the same rights over their body, including the right to an abortion, to medical procedures and to take medications. The other parent cannot make decisions on the pregnant person's behalf. The other parent also does not have the right to see the medical records.



Declaration of Birth

Completing a Declaration of Birth Form

At the hospital, after giving birth, parents will be given a green paper. This document is called an **"Attestation of Birth."** The doctor will sign a white copy of this attestation and send it directly to the Directeur de l'état civil (i.e., the vital statistics office). It is important to hang on to the green copy, just in case any errors are made.

In the 30 days following birth, parents must fill out a **"Declaration of Birth"** form to formally register their child's birth and their name. They can fill out this form online, but it may be easier to ask for a paper copy while they are in the hospital.

If parents do not send in the form within 30 days of their child's birth, they may have to pay a late fee.

It is important that parents double-check the spelling of their child's name as well as the accuracy of the personal information listed for both of them. If they make a mistake, it is possible to ask the Directeur de l'état civil to make modifications, but the process can be a complicated one. Parents should mail in the white section and keep the green copy for their records.

They will subsequently receive a letter to confirm that their child's birth has been registered.

Have copies of the form on hand and distribute them to participants so they know what to expect.



Choosing The Child's Name

It is important that parents write their child's name correctly, as it can be complicated to change it later.

They can give their child either last name or both.

If the parent's federal identity documents show an incorrect last name for either one, and parents want to name their child with that name, they will have to provide proof of the correct name or spelling (e.g., passport from the country of origin).

Declaration of Birth

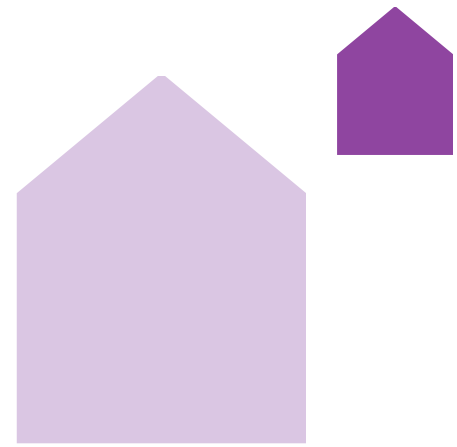
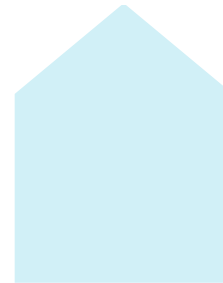
Applying for a Birth Certificate

In the letter confirming receipt of the Declaration of Birth form, parents will receive a code that they can use to request a printed birth certificate.

Obtaining a birth certificate costs \$35 if requested before the deadline and \$51 later.

It is a good idea to have a physical copy of the birth certificate. It is an official document that can be useful for all sorts of administrative procedures for the child (e.g., school enrolment, immigration application, government benefits).

It can take five to six weeks to receive the birth certificate in the mail. Parents should keep it in a safe place, preferably inside a protective plastic sleeve. If they lose the certificate, they can request another copy for a fee.



Declaration of Birth

Designation of Other Parent

A parent can indicate the name of the child's other parent on the Declaration of Birth form but are not required to do so.

What's the difference between designating the other parent and not?

Designating the other parent has consequences, including the following legal obligations:

- Sharing parental authority over the child with the other parent, including:
 - Supervising the child
 - Protecting them
 - Ensuring their health and safety
 - Educating them
 - Maintaining them.
- Financially supporting the child, for example, through child support. In the event of separation, if one parent wants to ask the other for child support, the other parent must be named on the birth certificate.

When the other parent is named on the Declaration of Birth, both parents are officially co-parents for life and must cooperate in making decisions for the child.

If the other parent is designated, they have rights as well as obligations.

- Since parental authority is shared, certain decisions (e.g., the child's living arrangements, religious upbringing, school and education, and health needs) must be made jointly by both parents.
- If the parents separate, custody can be shared equally (50–50). Custody can also be shared unequally (e.g., one parent has the child every other weekend). If the parents cannot agree on a custody arrangement, a judge will decide in the best interests of the child.
- Travel: If the other parent's name appears on the Declaration of Birth, both parents must consent to any travel by the child. Certain countries require a signed consent letter.
- Child benefits: If the other parent has the child for 40% of the time or more, they are entitled to federal and provincial child benefits, and the birthing parent could therefore receive less. Benefits are always calculated based on each household's income.

This can also have an impact on some of the birthing parent's rights:

- If a single parent receiving social assistance decides to designate their partner as the other parent of their child, the social assistance office will ask the single parent to seek child support from the other parent before it provides social assistance.



Declaration of Birth

Designation of Other Parent (continued)

Can the birthing parent write the name of the other parent on a Declaration of Birth form without their consent?

It depends!

- If the partners were not married to each other at the time of conception, the other parent must voluntarily sign the Declaration of Birth form in order to be designated a parent. The other parent cannot be forced to sign.
- If the partners were married at the time of conception, it is presumed that the non-birthing partner is the other parent, and their signature is not required. The birthing parent can simply write the name of their partner on the form.
- If the partners are divorced, but the birth took place within 300 days of the divorce, the non-birthing partner is still officially considered the other parent.

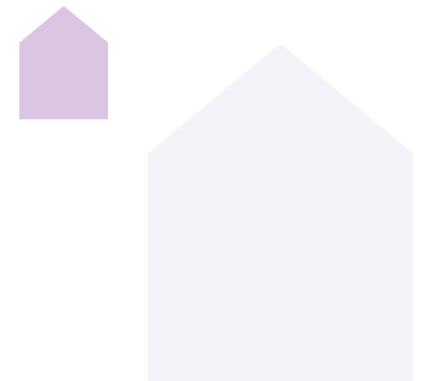
Can the other parent's name be added after the declaration form has been sent in?

- The other parent can voluntarily send a tardy declaration of filiation to the Directeur de l'état civil, as long as the birthing parent agrees, and the child is under 14 years of age. If the child is 14 or older, their consent is required as well.
- If the birthing parent does not consent, the other parent can go to court to request that filiation be recognized. A DNA test is generally required.
- If the birthing parent wishes to designate the other parent, but the latter refuses, the birthing parent can go to court with DNA proof to request recognition of filiation.



Are there any non-birthing parents among the participants?

These sections can be difficult for fathers and other non-birthing parents. Make it clear that the goal is to cover all information related to the Declaration of Birth form, including potentially unhappy circumstances.



After the Birth

Régie de l'assurance maladie du Québec (RAMQ)

- All children born in Quebec are entitled to health coverage from the Régie de l'assurance maladie du Québec (RAMQ), the province's medical insurance provider.
- After parents have sent in the Declaration of Birth form, the RAMQ will issue a letter listing the steps to follow to obtain a health insurance card for the child.
- It is important that they also request prescription drug insurance.
- Please note that health cards for children under 14 do not have photos.

For children born to refugee claimants:

- The child will not have a "brown paper" or be covered by the Interim Federal Health Program (IFHP). It can take up to four months to receive the RAMQ card. The first card is good for one year. The RAMQ will send parents a renewal form when the child is approximately 10 months old. **See the La Maison Bleue/PRAIDA/CERDA guide on the RAMQ for children born in Quebec.**

Child Benefits:

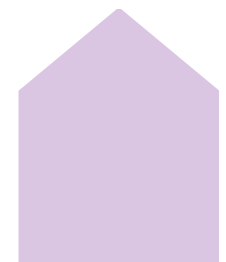
- There are two types of benefits: federal (paid three times per year) and provincial (paid four times per year).
- Parents will receive these benefits from their child's birth until they turn 18.
- These benefits are paid directly to parents. While no one will look into how they use the money, the purpose of the benefits is to meet the child's many needs (e.g., housing, clothing, food).
- If the child's parents are together, the birthing parent will receive the benefits by default.
- The amounts are based on family income and are recalculated every year.
- Parents do not have to do anything other than send in the Declaration of Birth form to receive these benefits.



For Refugee Claimant Parents

To be entitled to benefits, one of the two parents must be a permanent resident or an accepted refugee. Refugee claimant parents will receive a letter from the federal government about benefits, but they do not have to respond if they have not yet been accepted as a refugee. If they apply for and receive benefits as a refugee claimant, they will have to reimburse the money.

Once the refugee claim is accepted, they can apply for benefits from the federal and provincial governments.



After the Birth

Québec Parental Insurance Plan

- The Québec Parental Insurance Plan (QPIP, or RQAP in French) provides parents benefits to replace income after the birth of a child.
- Parents can apply before giving birth (as early as 16 weeks before the due date), but the number of weeks of benefits will be calculated as of that moment. That means they will receive benefits for fewer weeks after giving birth.
- The amount they receive will depend on their income.
- Even if they haven't been in Quebec very long and regardless of their migrant status, parents may still be entitled to QPIP benefits. They must have earned at least \$2,000 over the previous 52 weeks. Both parents are entitled to these benefits.
- Employers are obliged to approve parental leave. Parents have the right to keep their job if they take parental leave after a child's birth.
- [Overview of Pregnancy, Birth and Adoption Benefits](#)

IMPORTANT RESPs/Life Insurance

After the birth, it is possible that parents will receive phone calls from companies that sell life insurance products or Registered Education Savings Plans (RESPs). These companies will say that these products are a way of securing the child's future. Parents do not have to accept their offers. It is very likely that they have other, more pressing concerns, such as debts to pay.

List some resources available in your region relating to **financial literacy** and **household budget management**.

Preparing for Birth

This guide was created to support La Maison Bleue's legal assistance team. It is current as of November 1, 2023.

We have developed a total of five workshop guides to help professionals inform and assist current and soon-to-be parents with aspects of the legal system that they may come into contact with.

La Maison Bleue is a non-profit organization whose mission is to reduce social inequalities by helping pregnant women in vulnerable situations. We promote and foster optimal child development from the womb to age 5.

La Maison Bleue's collection of legal workshop guides is available on Espace périnatalité sociale.



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A initiative
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