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Legal
Brief*

Vol. 16

Number 11

December 2024

Jerome Discovers that He May Be Alice's Father. Can He Get the Birth Certificate Changed?

Jerome was romantically involved with Sophie from March to June 2021. After the separation, however, they lost touch with each other. In November 2024, Jerome decides to search for Sophie on social media. When he finds her Facebook account, he discovers that she gave birth to Alice in January 2022. He also sees that she indicates that she is in a relationship with Peter, who is identified as Alice's father.

Faced with doubts about his potential paternity of Alice, Jerome decides to go to court to contest Peter's paternity and have his own paternity recognized. Despite the real possibility that he is Alice's father, the court dismisses his application.

Indeed, Alice's declaration of birth was filled out in January 2022, and Peter is named in it as her father. It is therefore Peter who appears as the father on the birth certificate. Moreover, he has always taken care of Alice since her birth, openly and publicly. He has exercised what is known as uninterrupted possession of status with respect to Alice by acting towards her like a father for a minimum period of 24 months since her birth. This definition is set out in **article 524** of the Civil Code of Québec:

Uninterrupted possession of status is established by an adequate combination of facts which indicate the relationship of filiation between the child and the person who acts toward him as his parent. For possession to be uninterrupted, such conduct must begin at the child's birth and continue for a minimum period of 24 months, except in exceptional circumstances.

Uninterrupted possession of status may not be established in cases where it is exercised by more than one person simultaneously.

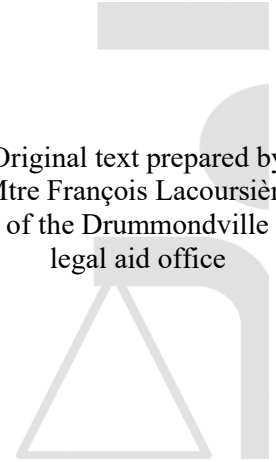
Article 542.19 paragraphs 2 and 3 of the *Civil Code of Québec* specify the following:

Unless otherwise provided by law, no one may contest the status of a person whose uninterrupted possession of status is consistent with their act of birth.

Where uninterrupted possession of status cannot be established because it is exercised by more than one person simultaneously, the person who is biologically related to the child takes precedence. However, in the case of a child born of procreation involving the contribution of a third person, the person who formed a parental project with the child's parent takes precedence.

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

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



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(CONTINUED)**

Therefore, once a parent is named on a child's birth certificate and exercises uninterrupted possession of status, it is no longer possible to contest the filiation between the child and that parent. Even if Jerome is Alice's biological father, he cannot be legally recognized as such, because he did not exercise his recourse in time.

It is therefore important to act quickly if one wants to modify a child's birth certificate, because when uninterrupted possession of status is consistent with the birth certificate, the certificate can no longer be modified, regardless of who the child's biological parent is.

Don't hesitate to have your eligibility for legal aid evaluated by making an appointment at a legal aid office near you. You can also check your eligibility online [here](#).

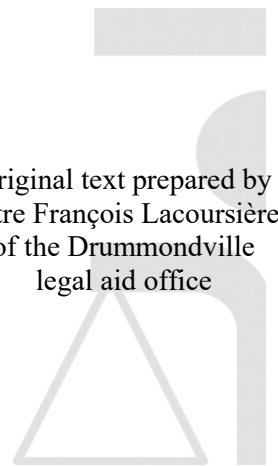
To find the contact information for your legal aid office, please click on the following link www.csj.qc.ca.

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