

# All Families Are Equal Act

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The *All Families Are Equal Act* ("AFAEA"), which entered into force on January 1, 2017, reflects the Government of Ontario's desire to implement a broad progressive agenda throughout provincial legislation, recognizing that the underlying basis of the Canadian family unit has evolved over the past few decades. By amending existing statutes, especially the *Children's Law Reform Act* ("CLRA") and the *Succession Law Reform Act* ("SLRA"), the AFAEA aims to transform key aspects of estate and health law, as summarized in the chart below:

<i>All Families Are Equal Act</i>	Effects on Other Legislation
Section 71(1-5)	Amends the definitions of child, issue, parent and found in section 1(1) of the SLRA to include child conceived posthumously via assisted reproduction and broadens the definition of parent to include arrangements other than that of one father and one mother.
Section 71(6-10)	Outlines detailed conditions under which a posthumously born infant may be legally recognized as the child of a deceased parent.
Sections 4-6	Adds new sections to the CLRA, updating the criteria of parentage to create a presumptive exclusion of a person who provides reproductive material or an egg donor, as well as a surrogate who waives their entitlement to parenthood.
Section 7	Adds a new section to the CLRA, introducing a new set of conditions which presumptively render an individual a parent of a child, such as being the spouse of the biological parent at birth, and being in a conjugal relationship with the child's parent within 300 days before birth.
Section 8	Adds a new section to the CLRA, codifying the existing law regarding the presumption of parentage.

	presumption that one parent's spouse will be deemed to be the child's parent even if the child was conceived through assisted reproduction with a third individual.
Section 9	Adds a new section to the CLRA, introducing the concept of a "pre-conception parentage agreement," which allows potential parents included within sections 6-8 of the AFAEA to contractually define their parentage status.
Sections 10-11	Adds new sections to the CLRA, updating Ontario law to provide for surrogacy agreements, with a standard for up to four legal parents, and an extraordinary provision which can accommodate additional parents. These surrogacy agreements are not legally binding, but they serve as evidence of the parties' intentions.

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