

TITLE VII

RECOGNITION AND EXECUTION OF DECISIONS REGARDING THE STATUS AND CAPACITY OF PERSONS AND PARTICULARLY THE CUSTODY OF CHILDREN AND ALIMENTARY OBLIGATIONS

1. Decisions regarding the status and capacity of persons and particularly the custody of children and alimentary obligations handed down by jurisdictions sitting in France and in Québec, respectively, have *pleno jure* the authority of *resjudicata* in France and in Québec, if they meet the following conditions:

(a) the decision is issued by a competent jurisdiction according to the rules regarding concurrent jurisdictions obtaining in the territory of the authority where the decision is executed;

(b) the decision has applied the law applicable to the dispute under the rules of solution of conflicts of laws obtaining in the territory of the authority where the decision is executed;

(c) the decision, according to the laws of the political entity in which it was handed down, is not subject to any further ordinary recourse or appeal;

(d) the parties have been regularly summoned, represented or declared in default;

(e) the decision does not include anything contrary to public order under the responsibility of the authority in whose territory it is invoked;

(f) a dispute between the same parties, based on the same facts and having the same object;

— is not pending before a jurisdiction of the petitioned authority;

— has not given rise to a decision rendered by a jurisdiction of the petitioned authority;

— has not given rise to a decision rendered in a third political entity, meeting the conditions necessary for its recognition in the territory of the petitioned authority.

2. No decision regarding the status and capacity of persons and particularly the custody of children and alimentary obligations may give rise to any forced execution by the authorities having recognized them in accordance with the preceding paragraph until it has been declared executory.

3. Exequatur proceedings in respect of the decision are governed by the law of the authority of the place where the decision is executed. The petitioned judicial authority confines itself to verifying whether the decision which is the subject of the