



Learn more at educaloi.qc.ca:

- support for adult children
- Quebec and federal calculation rules
- changing support payments
- and much more . . .

To order print documents, go to **Contact Us** on our website.



Educaloï.qc.ca has hundreds of articles on legal topics touching the daily lives of Quebecers.

Businesses and non-profits

Health
Housing **Work**

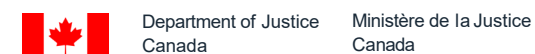
CRIMES, TICKETS AND FINES

Couples and families
Estates and wills
Consumers

HUMAN RIGHTS

The legal system

Financial support from Justice Canada made this guide possible.



educaloi.qc.ca @educaloi
 facebook.com/educaloi @educaloi



Child Support

PROVIDING FOR CHILDREN WHEN PARENTS SEPARATE

Setting the Scene

What is child support? Who has to pay it? How is the amount calculated?

This pamphlet answers these questions.

This pamphlet is up to date to November 11, 2019

It has general information only. If you need legal advice on a specific situation, consult a lawyer or a notary.

What is child support?

After a separation, both parents are legally required to contribute to the needs of their children.

The obligation applies to both married and unmarried couples who separate.

Child support is money that one parent pays regularly to the other parent for the benefit of the children.

Does a new spouse of a parent owe child support?

Only in special cases. For example, this might be the case when someone was married to the child's parent, acted as a parent to the child and later divorced the child's parent.

Important!

The special case explained here does not apply to couples who lived together in a common-law relationship (did not marry).

How do you apply for child support?

There are two ways:

- The two parents can reach an agreement. They can then have it approved by a court. Parents don't have to have their agreement approved, but there are advantages to this. For example, if an agreement is approved, Revenu Québec makes sure that child support is paid. This is explained later.

OR

- Either parent can go to court to ask for child support. Parents can hire a lawyer to prepare this request or they can do it on their own.

How is child support calculated?

Child Under 18

The Quebec government and the federal government have guidelines for calculating the amount.

The Quebec guidelines apply if both parents live in Quebec. These guidelines are in a form called the Child Support Determination Form, also called Schedule I.

The federal guidelines apply if one parent does not live in Quebec and a parent is asking for child support during or after a divorce. These guidelines are in the Federal Child Support Tables.

Both guidelines take into account the financial situation of the parents, the number of children and other factors.

Also, both guidelines have a calculation for a basic amount of child support (for food, housing, clothing, transportation, etc.) and a calculation for special expenses (for example, braces or special sporting or artistic activities).

Important!

Parents can always be more generous than the amount calculated using the guidelines.

Also, in special cases, judges can raise or lower the amount calculated using the guidelines. This could be the case, for example, if paying this amount would result in difficulties for one parent.

Child 18 or Over

There are special rules in these situations. Not all children 18 and over are entitled to child support.

Read our website article on this topic to learn more.

How do you make sure support is paid?

When a judge makes a child support decision, or when parents agree on child support and their agreement is approved by a court, Revenu Québec manages child support payments. Revenu Québec is the provincial tax authority in Quebec.

Revenu Québec collects support from the parent who must pay it and gives it to the other parent.

My financial situation has deteriorated. Do I still have to pay support?

Usually, if a court decision ordered you to pay child support, you must continue to pay it.

Revenu Québec cannot change or cancel the collection of child support until you get a new court decision.

However, there are steps you can take:

- Try to agree with the other parent to adjust or cancel the child support. You can then ask the court to approve your agreement. This approval is called homologation. To get help with court approval, you can use a service called the Homologation Assistance Service. This service is offered through legal aid offices. For more information, contact the Commission des services juridiques, which manages legal aid.
- In some cases, you can use a service called the Service administratif de rajustement des pensions alimentaires pour enfants (SARPA). It lets parents change the amount of child support without going to court. Contact the Commission des services juridiques to find out more.
- If you can't reach an agreement with the other parent, you can go to court and ask a judge to change the child support based on your new financial situation.

DID YOU KNOW?

You can't deny access to children to force a parent to pay support. Instead, you must ask a court to order the other parent to pay support.

FOR MORE INFORMATION
ON RIGHTS AND RESPONSIBILITIES
OF PARENTS,
VISIT OUR WEBSITE.

 educaloi.qc.ca