



Changing a Judgment (Common-Law Couples)



ēducaloi

INFORMATION EMPOWERS

What is Éducaloi?

Éducaloi informs Quebecers about the law by providing legal information in everyday language.

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Acknowledgments

This guide was made possible thanks to the financial support of the Department of Justice Canada.

We also want to thank our many collaborators for their constructive comments and generosity.



Important Notice

This guide has general information about divorce procedures in Quebec. This information is not meant as legal advice. To learn about rules specific to your situation, [consult a legal professional](#).

This guide is **up to date to March 1, 2017**.

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ABOUT THIS GUIDE

This guide can help you ask for a change to a court decision about child custody and child support.

Important! This guide is for you **if were not married to your ex-spouse when you separated.**

- › If you were married, you should read our guide [Changing a Divorce Judgment](#).

This guide has several parts:

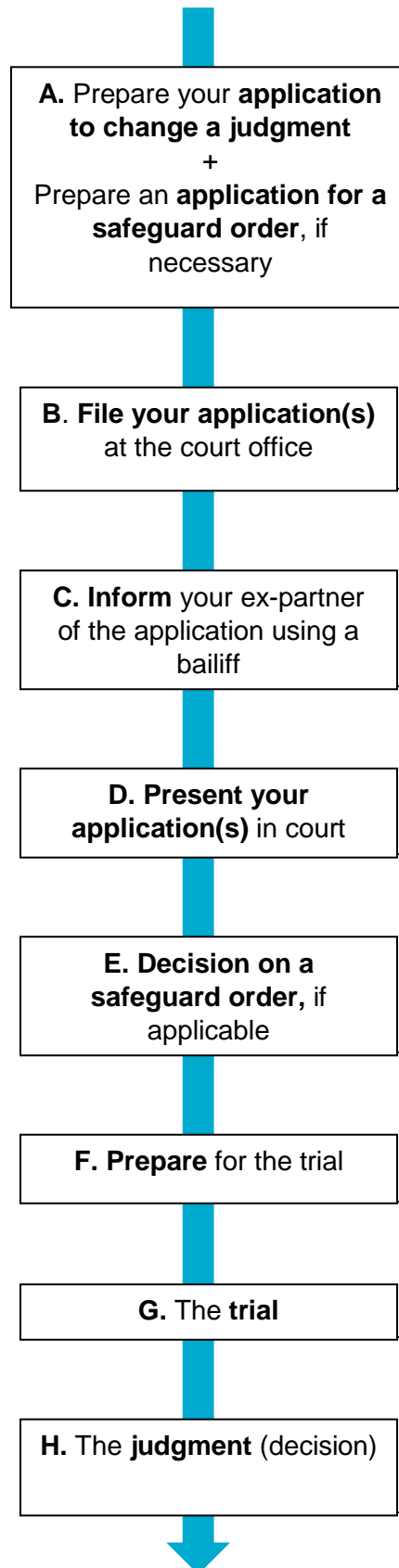
- › an **overview** of the process to change a judgment
- › detailed information about the **main steps** for asking for a change
- › information about **documents and forms** you need
- › **models** to help you complete the steps

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Important! The steps and rules to follow to get change in a court decision are usually the same in all regions. But some rules explained in this guide might be different in your region.

Contact [your courthouse](#) to learn more.

STEPS IN AN APPLICATION TO CHANGE A JUDGMENT



CHANGING A JUDGMENT (COMMON-LAW COUPLES)

Sometimes, the situation of the ex-partners changes after a court makes a decision on child custody and child support. (This decision is called a “judgment.”) For example, the partners’ incomes might have gone up or down. If there are children, their situations can change too. For example, children who were under 18 at the time of the judgment might be adults now and able to pay all their own expenses.

If the situation has changed, you can ask the court to change these parts of the judgment:

- › child support payments (They can be cancelled in some cases.)
- › child custody arrangements

The request for a change is called an “application.” A change is officially called an “amendment.”

The format for this kind of application is a lot like the original application for custody and child support. It must follow several rules, even if you are acting on your own without a lawyer.



Important! Services like family mediation, the Homologation Assistance Service (HAS) and SARPA (child support adjustment service) can help you make changes to a judgment. See Section 9 below.

1. WRITING AN APPLICATION TO CHANGE A JUDGMENT

The application is a formal document and must have certain information in a certain order.

It must have three sections:

- › Heading
- › Statement of the Facts
- › Conclusions (what you are asking for)

Your application must be easy to read. Write it with a computer if possible. It should be printed on one side of the paper only.

A. HEADING

The heading has important technical information:

› **judicial district where you can file your application**

A judicial district is like a region. The judicial district you can choose depends on where you, your ex-partner and any children live.

| Your Situation | Judicial District for Filing Your Application |
|--|--|
| You and your former partner still live in the judicial district where the judgment on child custody and child support was made. | In the same district where the judgment was made. |
| One of you still lives in the judicial district where the judgment on child support and child custody was made. | In the same district where the judgment was made or in the district where one of you now lives, but ONLY if both of you agree. |
| You and your former partner no longer live in the judicial district where the judgment on child support and child custody was made. | In the district where you now live, or in the district where your former partner now lives. |
| A child is affected by your application to amend a judgment (custody or child support) | In the district where the child lives or in one of the three districts described in one of the boxes above, depending on your situation. |

There can be more than one courthouse in a district. Once you identify the right district, you can file your application at any courthouse in that district.

Justice Québec has a [tool to help you find the courthouses in each district](#).

› **name of the court**

Superior Court, Family Division

› **file number**

If you file your application at the courthouse where the judgment on child custody and child support was made, you must use the same file number, even if the original judgment was made many years ago.

If you file your application at a different courthouse, the court office will give you a new number (see Section 4 below).

› **your name and address, and the names and addresses of your former partner and of any other people**

You must mention who is the applicant and who is the defendant.

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Important! If you file your application in the courthouse where the original judgment on child support and child custody was made, the parties stay the same. For example, if you were the defendant in the original case, you will be the defendant in the application to change the judgment, even if you are the one filing the application.

In the heading, you must also include any “**impleaded parties**.” Impleaded parties are other people affected by the application. For example, you must **include any adult children** as impleaded parties if you are asking for changes to child support payments that involve them.

Also, **if the person receiving support payments also gets welfare payments** (“last-resort financial assistance”), you must inform the Ministère de l’Emploi et de la Solidarité sociale (ministry of employment and social solidarity) about your application to change a judgment. You must send a copy of the application by mail or fax. You can find the [address and fax number here](#).

You must take all necessary steps to reach your former partner and any adult children, even if you don't know their new addresses. The application to change a judgment must be served on them by bailiff (see Section 5 below).

B. STATEMENTS

In this section, you must explain the reasons for your request and why the court should decide in your favour. These are called your “statements.”

Each statement must be in a separate, numbered paragraph.

The statements to include depend on what you are asking the court.

Statements Required in an Application to Amend a Judgment (see model):

- › children's names, addresses, age and sex
- › details about child custody, access rights and child support payments ordered in the original judgment (You can mention the date of the judgment.)
- › new child support amounts you are asking for (If you don't know your former partner's income, you can ask the court to decide the amount of the child support. You can also mention the total amount of support payments that have not been made (called “arrears”), if this applies to your situation.
- › new child custody arrangements, if applicable
- › if you are asking for changes to custody arrangements for children under 18: mention if a file has been opened with the Director of Youth Protection (DYP) for one or more of the children, whether the DYP has made a decision regarding the children or whether an agreement has been entered into with the DYP regarding the children. If none of these situations applies, you must say so.
- › any changes in the situation that support your application

Examples: The income of your former partner has changed since the original judgment, one of the parents has moved out of the country, or a child is now an adult and pays all his or her own expenses.



Educaloi's website has more information on the types of changes that can justify your request:

[Support Payments for an Adult Child](#)

[Child Support for an Adult Child Still in School](#)

[The End of Child Support Payments](#)

[Changes in Child Custody](#)

C. CONCLUSIONS

At the end of your application, you must put conclusions. These are the decisions you want the court to make. The conclusions are based on your statements. Here are examples of conclusions:

- > give custody of the children to the applicant (include their names)
- > order the defendant to make support payments to the applicant, payable according to the law and based on the Child Support Determination Form
- > cancel child support payments (include children's names)

2. ASKING FOR A SAFEGUARD ORDER IN URGENT SITUATIONS

You can ask for a **safeguard order** if your **situation is urgent** and you and your former partner don't agree on what should be done.

A safeguard order is a temporary court decision that can apply until you get the decision on your request to change the original judgment. The order mentions how long it lasts. You can ask the court to renew it if necessary.

It can take a few days or a few weeks to get a safeguard order. For the court to act quickly, you must show the situation is urgent.

WRITING AN APPLICATION FOR A SAFEGUARD ORDER

You can add a subtitle in your application to change the judgment and include statements about your request for a safeguard order. You can also ask for a safeguard order in a separate application.

3. DOCUMENTS TO INCLUDE WITH APPLICATION

You must prepare several documents to go with your application.

3.1 DOCUMENTS YOU MUST INCLUDE:

affidavit

An affidavit (also called a sworn statement or a declaration under oath) is a statement you make about your application. The affidavit confirms your identity (full name, occupation and address), and it states that everything you said in your application is true.

You must sign the affidavit in front of a person authorized to administer oaths, such as a lawyer, notary or [commissioner for oaths](#). The [offices of Services Québec](#) also provide this service.

Justice Québec has a [model affidavit](#) you can use. Justice Québec's website also has a search tool to help you find a [commissioner for oaths](#).



If You Are Asking for a Safeguard Order: Other Documents

What you say in your affidavit is very important. The court can only base its decision on the information in the file and in your affidavit. Your affidavit takes the place of you speaking in court about everything in the affidavit.

Your affidavit should include any information not in your application for a safeguard order and that explains why you are asking for the order. For example, you must explain why it is urgent for a court to decide on your application.

Include all important details, but be as brief as you can. Some courthouses limit the length of affidavits to two pages.

notice of presentation

This document informs your former partner about the date you chose to present your application to change the judgment. It also indicates the time and place. If you are applying for a safeguard order (see Section 2 above), you can do it at the same time or on a different day.

Contact the court office at the courthouse (the “greffe” in French) to find out the available dates. You must send your application to your former partner by bailiff at least 10 days before presenting it in court (see Section 5 below).

❑ **backing**

The backing is the last page of the application. It gives a lot of information about the application, such as the file number, names of the people involved, the type of application (application to amend a judgment on child custody and child support), etc.

3.2 OTHER DOCUMENTS TO MENTION AND INCLUDE:

❑ **copy of the original judgment on child custody and child support**

You don't have to provide a copy of the original judgment, but it might be helpful for the court.

- ❑ If you are asking for changes to custody arrangements involving children under 18 years old, and the DYP (director of youth protection) has opened a file or made a decision involving the children, or an agreement was entered into with the DYP, you must include the **relevant documents**.

3.3 OTHER DOCUMENTS, DEPENDING ON YOUR REQUESTS:

Depending on what you are asking for, you might have to file other documents in the court file.

You must also “**notify**” these documents to your former partner, and, if the application affects them, to any adult children. Notifying a document means bringing it to the attention of the other person. Notification can be done in several ways: by bailiff, mail, personal delivery or, if allowed in an agreement, by using technology (email, for example). **You must keep proof that you notified the documents and that the other person got them.**

Depending on your specific situation, these are the documents you might need:

| Your Requests | Documents Required | Deadlines to Notify and File in Court |
|--|--|--|
| Change or cancellation of child support payments | > Child Support Determination Form . You can complete this form on your own or with your former partner. You must sign it in front of a commissioner for oaths . | You must “notify” (send in an official way) these documents to your former partner and any adult children at the same time as you notify the application to change the judgment, unless you agreed (ideally, in writing) that you would notify them at another time. |

Continued on next page >

| Your Requests | Documents Required | Deadlines to Notify and File in Court |
|---|--|--|
| <p>Change or cancellation of child support payments</p> | <ul style="list-style-type: none"> › Your three most recent pay stubs (originals) › Your provincial or federal tax return and notice of assessment for the last tax year, including all schedules (originals) › Financial statements for any business income or self-employment income › Statement of income and expenses for any rental property you own › Any other relevant documents that show your income: employment contracts, amount of benefits you receive, child support payments you make for another child, union and professional dues, etc. › All documents showing childcare expenses: daycare, tuition, medical expenses, etc. › If you are asking to cancel child support payments, proof that your adult child no longer needs them and that the child is financially independent. | <p>You must also file these documents in the court file as soon as possible.</p> |

Continued on next page >

| Your Requests | Documents Required | Deadlines to Notify and File in Court |
|--------------------------------------|--|--|
| | <ul style="list-style-type: none"> › “Statement Required Under Article 444 of the Code of Civil Procedure” (see Justice Québec’s model) | File the “Statement Required Under Article 444 of the Code of Civil Procedure” in the court file. You do not have to notify it to your former partner or adult children. |
| Change to child custody arrangements | <ul style="list-style-type: none"> › All documents that show that the change requested is in the children’s best interests. | You must file these documents in the court file. |

4. FILING APPLICATION IN COURT OFFICE AND PAYING COURT FEES

COURT OFFICE

Each courthouse has a court office. (The office is called the “greffe” in French.) This office is like the service counter of the court house. Bring your documents to this office to file them in the court file.

Employees who work in this office can sometimes guide you, but they aren’t allowed to give legal advice.

COURT FEES

When you file your application, you must pay a fee. This fee is officially called court “costs.”

Justice Québec has a [list of court costs on its website](#). (Look for the “Divorce and separation” section.)

FILING YOUR APPLICATION AND OTHER DOCUMENTS

You must prepare **one original** of your application and the other documents filed with it, plus **a copy of all these documents for your spouse and any adult children** (see Section 3.3 above):

- › one original for the court file

- › one copy, also for the court file
- › one copy for your former partner
- › one copy for each adult child, if your application involves this child

The copies must be identical to the original. You must write “true copy” on the copies and sign them.

The court office puts a stamp or sticker on the original and the copies and gives you a **file number**. This number is important because it will be used from beginning to end of your application. **Note:** If you are filing your application in the same district where you filed your original application for child custody and child support, you must use the same file number.

Each copy of the application must have its own backing (see Section 3.1 above). You must write “Original” on one of them and “Copy” on the others.

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Important! Keep a copy of everything you file in court for your own records.

5. INFORMING YOUR FORMER PARTNER AND ADULT CHILD BY BAILIFF

You must inform your former partner that you have filed an application. You must also inform any adult children, if the application involves them.

Even if you are still on speaking terms, the law says you must send them a copy of the application **by bailiff**.

If you are living in the same home, you can hand-deliver the application to your former partner or any adult children. You must keep proof that you have done this and file it in the court office.

SERVICE OF THE APPLICATION BY BAILIFF

You must send your former partner (and any adult children) a copy of your application to by bailiff. This step is called “service.”

You must serve your application within three months of filing it at the courthouse.

You can find a bailiff in your judicial district by visiting the [website of the Chambre des huissiers de justice du Québec](#) (association of bailiffs) (website in French only). Bailiffs charge fees for serving documents.

PROOF OF SERVICE

The bailiff prepares a certificate proving that your application was served. Afterwards, the bailiff can file the certificate in the court file (there might be an extra fee for this) or give you the certificate for you to file in the court file yourself.



IMPORTANT: The certificate of service must be filed in the court file. It's important to make sure it is there.

CURRENT ADDRESS OF FORMER PARTNER OR ADULT CHILD NOT KNOWN

When you prepare your application, you can use your former partner's or adult child's last known addresses and mention that they are the last known addresses.

However, you must make an effort to find them for the purposes of serving your application. There are different ways to do this. For example, you can ask the court for permission to let them know about the application by email or through a public notice in the newspapers.

6. GOING TO COURT ON THE DATE IN YOUR NOTICE OF PRESENTATION

You should know that, on this date, your application is usually not heard by a judge. This first visit is to make sure your file is complete, and to get a date to be heard by a judge.

Go to the courthouse at the date, time and place mentioned in your notice of presentation (see Section 3.1 above).

The court will probably be looking at several applications on the same day. The list of applications for the day is called the "roll," and your case will be "on the roll" for that day. You can look at the [roll online](#) (website in French only). You can also look at a printed version at the courthouse.

The special clerk, who sits at the front of the courtroom, usually calls out your name and file number when it is your turn. But some courthouses do things differently. So, try to get to the courtroom a few minutes early to learn more about the procedure.

When your name and file number is called, stand up and identify yourself to the special clerk. Tell the clerk you want to schedule a date to have a judgment changed or that you want the court to make a decision about your application for a safeguard order, if you are asking for a safeguard order.

SCHEDULING A DATE FOR APPLICATION TO CHANGE THE JUDGMENT

The special clerk might ask you some questions. Usually, you must stay in the courtroom until the special clerk has called out all the cases on the roll. Once all the cases have been called, the special clerk will call you a second time to tell you if your file is complete. If it is, the clerk will give you a date to come back to court to be heard by a judge. It's very important to write down this information because you won't get any reminders.

If your file is not complete, the special clerk will give you another date to present your application and will ask you to prepare any missing documents before then. If the documents are ready the next time, the clerk will then tell you the date when you will argue your case in front of a judge.

After you go to court this first time, it could take several months before you are heard by a judge. In some courthouses, you might be heard by a judge on the date of the first court visit, but this is rare.

PRESENTING AN APPLICATION FOR A SAFEGUARD ORDER

When you hear your name or file number being called, stand up and identify yourself to the special clerk. **Tell the court that you want to present an application for a safeguard order.**

The special clerk will ask you how much time you need to present your application, which includes reading time by the judge and the time you need to present your arguments:

- › Reading time: This is the time the judge takes to read your documents (application for a safeguard order, affidavit and other documents filed with your application).
- › Time for presenting your arguments: This is the time you will need to present your position to the judge (in other words, to "argue" your application for a safeguard order).

The special clerk will ask your former partner the same questions. Next, the clerk will give you a room number where you will meet the judge. If the judge is busy with other cases, you must wait outside this room.

Even if you end up waiting outside the room for several hours, **stay close by.** You will be called in when it is your turn. If you are not there when your name is called, you will lose your place and must wait until you are called again. In some situations, the judge can refuse to hear your application.

Once you are in the room, you have to convince the judge that your application is urgent and justified. Your affidavit is very important here (see Section 3.1 above).

The judge will base the decision on the information in the court file (application, forms, etc.) and in affidavits you and your former partner filed. The affidavits replace telling the judge everything in the affidavits.

You can [read the law or court decisions](#) (jurisprudence) to help you find legal arguments.

The presentation to the judge must be very short (about 30 minutes). The judge will make a decision either the same day or later.

The parties must do what the safeguard order says as soon as the judge issues the order. The decision granting the safeguard order mentions how long it lasts. You can ask the court to renew it if necessary.

IF YOU NEED A NEW DATE FOR THE PRESENTATION (POSTPONEMENT)

You can change the date for the first visit to the courthouse – the date on your notice of presentation – if you, your ex-spouse or any adult children are not ready. This is called a “postponement.” For example, you can ask for a postponement if you need more time to get your file together.

To get a postponement, you must go to court on the date and at the time mentioned on your notice of presentation. (The room number is also on your notice.) When your name or file number is called, stand up and identify yourself to the special clerk. Explain that you want to postpone the presentation of your application. Tell the clerk whether your former partner (and any adult children, if there are any) agree to the postponement and when you would like to come back to court.

The special clerk will either accept or refuse the postponement. If the clerk refuses the postponement, you must present your application the same day, as scheduled. Therefore, you must be ready to go before a judge that day.

If one of you disagrees with postponing, the court will decide whether to postpone.



Important! If your former partner (and any adult children) agree ahead of time to postpone, you might not have to go to the courthouse. Some courthouses let you ask for a postponement by email or telephone. Contact the [court office](#) to learn more.

DOCUMENTS YOU NEED WHEN YOU FIRST GO TO COURT

It’s a good idea to make copies of all documents in the court file (applications, forms, proof of income, etc.). Identify each document and keep them organized so you can find them easily.

7. PREPARING FOR YOUR APPLICATION TO BE HEARD

When a judge hears your application, it is very similar to a trial.

You must **prove** that what you are asking for is justified. You must present evidence that supports your request, either through witnesses or documents. You must also convince the judge of your position during the argument stage. This is when you must give legal reasons to show your request is justified.

To help you prepare, read [Document L](#) “Preparing for Your Divorce Trial” and [Document M](#) “How a Trial Works” in Éducaloi’s guide [Applying for a Divorce](#). Those documents describe the procedure for a divorce trial, but when a judge hears an application to change child custody or child support, it works the same way.

8. RECEIVING THE DECISION

The judge can give the decision (the “judgment”) right after hearing the application. The judge can also “take the case under advisement”, which means taking time to consider what decision to make.

It’s important for you to read the judgment when you get it. A judgment usually has four main sections. The first summarizes the facts of the case, the second analyzes the law as it applies to the facts and the third explains the various decisions the judge made.

In the fourth section, at the very end, you will see the judge’s detailed decisions on each of your requests. These decisions are called conclusions.

Conclusions about child support and child custody apply immediately and must be respected as soon as the judgment is made.

9. WHERE TO GET HELP

FAMILY MEDIATION

You might qualify for free family mediation sessions to help you negotiate and reach an agreement to change the court decision on child custody and child support. For more information, see Éducaloi’s article [“When Mediation Is Free for Couples.”](#)

HOMOLOGATION ASSISTANCE SERVICE: WHEN YOU AND YOUR FORMER PARTNER AGREE

The Homologation Assistance Service (HAS) can help you change a judgment without going back to court. But you and your former partner must agree on the changes.

The HAS can help you do these things:

- › change custody arrangements.
- › change child support payments for a child under the age of 18 or for an adult child.
- › cancel child support payments for an adult child who is financially independent

For a reasonable fee, a lawyer helps you draw up an agreement. The lawyer also asks the court to approve (“homologate”) the agreement. You usually don’t have to go back to court to have the agreement homologated.

Cost: \$550 (as of January 1, 2017). If you qualify for legal aid, the service is free or less expensive.

You must meet several requirements to use this service. Here are some of them:

- › You and your former partner live in Quebec.
- › The agreement must respect the rights of everyone involved.
- › The original judgment ordered child support.
- › The new payments must be calculated based on the Quebec Child Support Determination Form.

If you have questions about the HAS, visit the website of the [Commission des services juridiques](#), which manages legal aid. (See “Legal Aid”, then “Homologation.”) You can also call your [local legal aid office](#). (See the “Contact us” tab.)

SERVICE ADMINISTRATIF DE RAJUSTEMENT DES PENSIONS ALIMENTAIRES POUR ENFANTS OR “SARPA”

SARPA is a service that lets parents change the amount of child support for **children under 18** without going back to court.

Cost: \$280 (as of January 1, 2017). If you qualify for legal aid, the service is free or less expensive.

You must meet several requirements to use SARPA. Here are some of them:

- › The support payments you want to change involve a child under 18.
- › Support was calculated using the Quebec Child Support Determination Form.
- › You and your former partner live in Quebec most of the time.
- › The total of your income and your ex-spouse’s income is less than \$200,000.

- › The situation of the parents or children has changed since the original judgment on child custody and child support, or since the last time the support payments were changed.

If you have questions about SARPA, visit [SARPA's website](#) or call 1 855-537-2772.

You can also read Éducaloi's article "[Changing Child Support Using the SARPA Service.](#)"

UNDERSTANDING A PLEADING

1. HEADING

The file number stays the same if you file your application in the district where the original judgment was made.

CANADA
PROVINCE OF QUEBEC
DISTRICT OF MONTREAL
No: _____

SUPERIOR COURT
FAMILY DIVISION

2. IDENTIFICATION OF THE "PARTIES"

- If you file your application in the district where the original judgment was made, the applicant and defendant stay the same.
- Include the names of any adult children affected by your application.
- "v." means "versus."

Sophie Green, residing at 1234 Sunshine Street, Montreal, H2X 1N1, judicial district of Montreal,

Applicant

v.

Karim Brown, residing at 6789 Moonbeam Avenue, Montreal, H2Y 9W9, judicial district of Montreal,

Defendant

and

Omar Brown, residing at 4832 Venus Street, Montreal, H2R 1R3, judicial district of Montreal

Adult Child

3. TITLE

- Each type of document filed in court has a different name.
- It gives a general idea of what the document is about.

Application to Amend a Judgment

4. STATEMENTS

- This section has all the information supporting what the applicant is asking for.
- These are called the "**allegations**" or "alleged facts."

It is declared that:

One paragraph
= One statement
= One idea

1. The applicant was born on March 1, 1980, in Sorel-Tracy, as appears from the copy of an act of birth filed as Exhibit P-1.
2. The defendant was born on October 15, 1978 in Bromont, as appears from the copy of an act of birth filed as Exhibit P-2.
3. The marriage of the parties was solemnized on September 4, 2005, in Quebec City, as appears from the copy of an act of marriage filed as Exhibit P-3.
4. At the time of the marriage, the applicant was single and the defendant was single.

The paragraphs are numbered to make the document easy to follow.

Child Support

5. The applicant is requesting a change in child support payment because the defendant's current income is \$80,000.

The paragraphs are grouped into subsections.

Each subsection deals with a different subject.

For example, for the applicant to get what she wants she must do the following:

- **In her statements** (above), **explain why** the court should change the child support payments.

AND

- **In her conclusions** (below), **she must officially ask** the court to SET the amount of the child support and to ORDER the defendant to make support payments according to the law.

The court can decide on things you ask for in the conclusions.

Conclusions

The Applicant therefore asks the court to

SET the amount of child support for the children, Omar and Rima, according to the child support determination rules,

ORDER the defendant to make child support payments in accordance with the *Act to facilitate the payment of support*,
(...)
Without costs.

5. CONCLUSIONS

- This is a **list of decisions** the applicant wants the court to make.
- Each conclusion must **begin with a verb** and provide enough **detail** for the court to make a decision.
- The conclusions are not numbered.

6. SIGNATURE,
PLACE AND
DATE

S. Green

Applicant's signature

Signed at **Montreal** on **December 15, 2016**.

CANADA
PROVINCE DE QUÉBEC

DISTRICT *DISTRICT WHERE YOU, YOUR FORMER
PARTNER OR ADULT CHILD LIVES*

No.

For an **interactive version** of this template in **Word** format, visit the Divorce and Separation section of our website:
www.educaloi.qc.ca/en

SUPERIOR COURT
FAMILY DIVISION

Your first name Your last name residing at *Number Street, City*, Province of Quebec *Postal code*, judicial district of *Judicial district where you live*

Choose one

v.

Your ex-spouse's first name Your ex-spouse's last name, residing at *Number Street, City*, Province of Quebec *Postal code*, judicial district of *Judicial district where your spouse lives*

Choose one

and

Your adult child's first name Your adult child's last name residing at *Number Street, City*, Province of Quebec *Postal code*, judicial district *Judicial district where your child lives*

Adult Child

APPLICATION TO MODIFY CUSTODY AND CHILD SUPPORT

It is declared that:

1. A judgment on custody and child support was made on [date].

CHILDREN

2. The children are:

| | Family Name | First Name | Age | Sex | Address |
|---|-------------|------------|-----|-----|---------|
| 1 | | | | M/F | |
| 2 | | | | M/F | |
| 3 | | | | M/F | |

3. There is no court decision, case before a court or agreement with a director of youth protection involving the children.

[If this kind of decision, pending case or agreement exists, provide details and attach all relevant documents.]

4. The judgment on custody and child support, made on [date], made these decisions: [List the judgment's conclusions about child custody and access arrangements.]
5. The amount of child support payments is: [Indicate the current amount of child support for each child. Also indicate the total amount of any child support that has not been paid (called "arrear").]

REASONS IN SUPPORT OF THE APPLICATION

6. [Explain any important changes that have happened since the original judgment on custody and child support. For example, the income of one of the ex-spouses has increased, or a child is now over the age of 18 and pays for all his or her own expenses. Use short, numbered paragraphs.]
7. ...
8. ...
9. The applicant requests a modification to the custody and access arrangements regarding the children [names].
10. The applicant requests a change/cancellation of child support in accordance with the Child Support Determination Form for these children: [names].

APPLICATION FOR A SAFEGUARD ORDER

11. Given the urgency of the situation, the applicant requests a safeguard order to [mention the issues you wish to have settled and explain why the court must act quickly].
12. ...

FOR THESE REASONS:

[List a conclusion for each decision you want the court to make.]

[For example: GRANT custody of the minor children [insert their names] to the applicant.

SET the amount of child support in accordance with the child support determination rules.

ORDER the defendant to pay the applicant child support in accordance with the *Act to facilitate the payment of support* for the children [insert their names].

CANCEL support payable in accordance with the *Act to facilitate the payment of support* for these children: [insert their names].

etc.]

SAFEGUARD ORDER

GRANT the following safeguard order:

[For example: GRANT custody of these minor children to the applicant: [insert their names].

SET the amount of child support in accordance with the child support determination rules.

ORDER the defendant to pay the applicant child support in accordance with the *Act to facilitate the payment of support*.

etc.]

Signed at [city], on [date]

Applicant's Signature

Notice of Presentation

TAKE NOTICE that this application will be presented before a judge of the Superior Court in the District of [name of district], on [MONTH/DAY/YEAR] at [time], at the [name of courthouse] courthouse located at [address], room [redacted]. If you wish to challenge the application, you must appear in court on this date.

CHALLENGE THE APPLICATION

If you are applying for child support, include this paragraph:

You must notify these documents to the applicant and enter them in the court record at least five (5) days before the date mentioned above:

- Child Support Determination Form (Schedule 1)
- your federal or provincial tax returns for [year] and the notices of assessment
- three (3) recent pay stubs
- any other document indicating your income for [year] (business income, self-employment income, etc.)


You must also file your Statement Required Under Article 444 of the Code of Civil Procedure at court office.

FAILURE TO APPEAR

If you do not appear in court on the scheduled date, a judgment might be made against you.

PLEASE ACT ACCORDINGLY.

[City], [date]


Applicant's signature

No. _____

SUPERIOR COURT
DISTRICT OF _____

v.

Applicant

Defendant

Title:

Original
(or Copy for _____)

Your contact information (first and last names, address, phone number, email address)

USEFUL RESOURCES

FAMILY MEDIATION

| ORGANIZATION | LINKS |
|---------------------------|--|
| Quebec justice department | Information and links to other resources Search for a family mediator |

LEGAL PROCEDURES

| ORGANIZATION | LINKS |
|--|--|
| Bar of Montreal guide | Applying for an “Interim/Safeguard” Family Order - guide |
| Community Justice Centres - legal information in person and sometimes by phone | Centres in various regions: <ul style="list-style-type: none"> - Bas-Saint-Laurent - Gaspé Peninsula-Magdalen Island - Greater Montreal - Outaouais - Québec - Saguenay-Lac-Saint-Jean |
| The Chambre des notaires (notaries' association) | Information on marriage, civil union and common-law couples Legal information phone line: 1-800-668-2473 |
| Fondation du Barreau du Québec | Representing Yourself in Court in Family Matters - guide |
| Quebec justice department | Information on separation, divorce and ending a civil union or common-law relationship |
| Quebec justice department | Information on calculating child support payments in Quebec and links to forms |

LEGAL RESEARCH

| | LINKS |
|--|--|
| Collection de droit de l'École du Barreau du Québec – Volume 3 – Personnes, famille et successions (**French only) | <p>Examples of relevant chapters:</p> <ul style="list-style-type: none"> - La séparation de corps et le divorce : aspects généraux du traitement du litige conjugal (Overview of legal procedures for separation and divorce) - Le patrimoine familial (family patrimony) - Le partage et certains recours en cas de litige conjugal (Division of assets and certain legal proceedings) - Les aspects procéduraux (Procedural aspects of separation and divorce) |
| Consult laws and regulations | <p>Code of Civil Procedure</p> <p>Regulation of the Superior Court of Québec in family matters</p> <p>Civil Code of Québec</p> <p>Divorce Act</p> |
| Find court decisions in family law cases | <p>Centre d'accès à l'information juridique (CAIJ) - Check "Caselaw" (sic) near the top of the page, then enter your search words.</p> <p>Société québécoise d'information juridique (SOQUIJ) (Search tool in French only)</p> <p>CanLII</p> |

FIND A LAWYER

| ORGANIZATION | LINKS |
|---|--|
| Legal Aid – Lawyers for free or at a reduced rate (depending on your eligibility) | Commission des services juridiques (legal aid commission) |
| JurisRéférence - help finding a lawyer | www.jurisreference.ca/en/find-a-lawyer/ |

| | |
|---|--|
| Barreau du Québec – help finding a lawyer | www.barreau.qc.ca/en/public/trouver/avocat/ |
|---|--|

There are other resources depending on which region of Quebec you are in. Consult the [Boussole Juridique](#) (search tool in French only).