



Changing a Divorce Judgment



ēducaloi

INFORMATION EMPOWERS

What is Éducaloi?

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

Electronic Version

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Acknowledgments

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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 divorce judgment.

Important! This guide is for you **if you were married to your ex-spouse when you separated**.

- › If you were not married, you should read our guide [Changing a Judgment \(Common-Law Couples\)](#).

This guide has several parts:

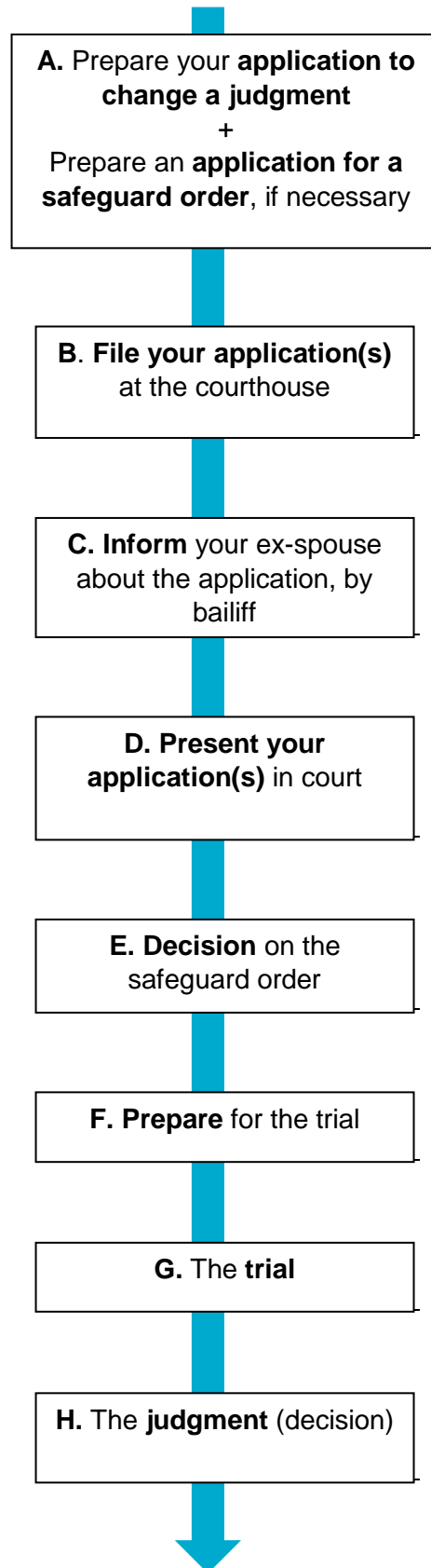
- › an **overview** of the process to amend (change) a judgment
- › detailed information about the **main steps** for asking for a change
- › information about the **documents and forms** you need
- › **models and tools** to help you complete the steps



Important! The steps and rules you must follow to get a divorce judgment are generally the same in all regions. But some rules explained in this guide could be different in your region.

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

STEPS IN AN APPLICATION TO CHANGE A JUDGMENT



CHANGING A DIVORCE JUDGMENT

Sometimes, the situation of the ex-spouses changes after a divorce judgment. (A “judgment” is a court decision.) For example, the incomes of the spouses 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 divorce might be adults now and able to pay all their own expenses.

If the situation has changed, you can ask the court for these changes:

- > change or cancel child support payments
- > change or cancel spousal support payments
- > change child custody arrangements (living arrangements for children)

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

The format of the application is a lot like an application for divorce. It must follow several rules, even if you are acting on your own without a lawyer.

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Important! Services like family mediation, the Homologation Assistance Service (HAS) and the 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 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 should file your application

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

| Your Situation | Judicial District for Filing Application |
|---|--|
| You and your former spouse still live in the judicial district where the divorce judgment was made. | In the same district where the divorce judgment was made. |
| One of you still lives in the judicial district where the divorce judgment was made. | In the same district where the divorce judgment was made or in the district where one of you lives now, but ONLY if both of you agree. |
| You and your ex-spouse no longer live in the judicial district where the divorce judgment was made. | In the district where you now live, or in the district where your ex-spouse now lives. |
| A child is affected by your application to change a judgment (custody or child support). | In the district where the child lives or in one of the 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 divorce judgment was made, you must use the same file number, even if you were divorced 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 ex-spouse 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 your divorce judgment was made, the parties stay the same. For example, if you were the defendant in the divorce judgment, you will be the defendant in the application to change the judgment, even if you are the one filing the application.

In the heading of the application, you must 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 your request for changes to child support payments involves them.

Also, **if the person getting 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 the 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 ex-spouse and any adult children, even if you don’t know their new addresses. The application 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 to Include in Application to Change a Divorce Judgment (see [Éducaloi’s model](#)):

- addresses of the ex-spouses and their current marital status (divorced, single, widowed, etc.)
- children’s names, addresses, ages and sexes
- if you are asking for changes to custody arrangements for children under 18: you must 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.
- details about child custody and access arrangements ordered in the divorce judgment (You can mention the date of the judgment.)
- amount of support currently paid and any new amounts you are asking for
- amount of support that has not been paid, if this applies (called “arrears”)
- any changes in the situation that support your application

Examples: The income of an ex-spouse has changed since the divorce judgment, one of the parents has moved out of the country or a child is now an adult and pays all of his or her own expenses.



Éducaloi'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](#)

[Changing or Cancelling Spousal Support](#)

C. Conclusions

At the end of your application, you must put your 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 children's 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 ex-spouse 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 divorce 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

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 information in the file and in your affidavit. Your affidavit takes the place of having you explain everything in court.

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 the 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 ex-spouse about the date you chose to present your application to change the judgment (see Section 6 below). 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 (the “greffe”) at the courthouse to find out the available dates. You must send your application to your ex-spouse 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 to change a judgment. It gives a lot of information about the application, such as the file number, names of the people involved, type of application (application to amend a judgment), etc.

3.2 OTHER DOCUMENTS TO MENTION AND INCLUDE:

□ copy of the divorce judgment

You don't have to provide a copy of your divorce 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 ex-spouse and, if your 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, example). **You must keep proof that you notified the documents and that the other person got them.**

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

| Your Request | Documents Required | Deadlines to Notify and File in Court |
|--|---|--|
| Change or cancellation of child support payments | > Child Support Determination Form . You can fill it out on your own or with your ex-spouse. You must sign it in front of a commissioner for oaths . (**If you are asking for support from a parent who | You must “notify” (send in an official way) these documents to your ex-spouse and any adult children at the same time as you send 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 Request | Documents Required | Deadlines to Notify and File in Court |
|---|---|--|
| <p>Change or cancellation of child support payments</p> | <p>lives in another province or territory, federal rules apply, and you must use different documents. Éducaloi’s article explains this.)</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 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. | <p>You must also file these documents in the court file as soon as possible.</p> |

| Your Request | Documents Required | Deadlines to Notify and File in Court |
|--|--|--|
| Change or cancellation of child support payments | <ul style="list-style-type: none"> › 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 › Form called “Statement Required under Article 444 of the Code of Civil Procedure” (see Justice Québec’s model) | File in court the “Statement Required under Article 444 of the Code of Civil Procedure.” You don’t have to send it to your ex-spouse or adult child. |
| Change to spousal support payments | <ul style="list-style-type: none"> › “Form III – Statement of Income and Expenditures and Balance Sheet” – You must sign it in front of a commissioner for oaths. › “Statement Required under Article 444 of the Code of Civil Procedure” (see Justice Québec’s model). This statement is not necessary if you already provided it when asking for child support payments. | <p>You must notify these documents to your ex-spouse at the same time as you notify the application to change the judgment.</p> <p>You must file Form III in court at least 10 days before you present the application.</p> <p>Your ex-spouse must also file “Form III – Statement of Income and Expenditures and Balance Sheet”, five days before presentation of the application.</p> <p>File the “Statement Required under Article 444 of the Code of Civil Procedure” in court. You don’t have to send it to your ex-spouse.</p> |
| 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 | File these documents in the court file. |

4. FILING APPLICATION IN COURT AND PAYING COURT FEES

COURT OFFICE

Each courthouse has a court office. (This office is called the “greffe” in French.) This office is like the service counter of the courthouse. 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. These fees are 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
- › one copy, also for the court
- › one copy for your ex-spouse
- › 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 on the copies and gives you a **file number**. This number is important because it will be used from the beginning to end of your application. Note: If you are filing your application in the district where you filed your divorce application, you must use the same file number as your divorce application.

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! Make sure you keep a copy of everything you file in court for your own records.

5. INFORMING YOUR EX-SPOUSE AND ADULT CHILD BY BAILIFF

You must inform your ex-spouse that you have filed your 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**.

BAILIFF AND SERVICE OF THE APPLICATION TO AMEND A JUDGMENT

You must send your ex-spouse (and any adult children) a copy of your application 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.

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

CURRENT ADDRESS OF EX-SPOUSE OR ADULT CHILD NOT KNOWN

When you prepare your application, you can use your ex-spouse's or any adult children'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 to change the divorce judgment is usually not heard by a judge. This first visit is to make sure your file is complete, and to get another 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 when you get there.

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. Try to get to the courtroom a few minutes early to find out 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.

SCHEDULING DATE FOR APPLICATION TO CHANGE DIVORCE 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 come back 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 be heard by a judge.

After you go to court on the date in your notice of presentation, 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 in your presentation notice, but this is rare.

IF YOU ARE 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 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 ex-spouse the same question. 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 if.

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 will have to 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 information in the court file (application, forms, etc.) and affidavits you and your ex-spouse filed. The affidavits replace telling the judge about everything mentioned 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 on the application either the same day or later.

The parties must do what the safeguard order says as soon as the judge gives 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 ex-spouse (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 ex-spouse (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 TO BE HEARD BY A JUDGE

When a judge hears an application to change a judgment, it is similar to a divorce trial. You must **prove** that what you are asking for is justified. You must present evidence supporting 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 explain in detail how a trial works.

8. GETTING A DECISION

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

It is important for you to read the judgment. 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 custody, child support or spousal support 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 your divorce judgment. For more information, see Éducaloi’s article “[When Mediation Is Free for Couples](#).”

HOMOLOGATION ASSISTANCE SERVICE: WHEN YOU AND YOUR EX-SPOUSE AGREE

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

The HAS can help you do these things:

- › change custody arrangements
- › change child support payments for a child under 18 or for an adult child
- › change spousal support payments, but only if you are asking for changes to child support at the same time
- › cancel child support 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 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 be able to use this service. Here are some of them:

- › You and your ex-spouse live in Quebec.
- › The agreement respects the rights of everyone involved.
- › The original divorce judgment ordered child support.
- › The new child support 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 payments 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 be able to use the SARPA service. Here are some of them:

- › The support payments you want to change involve a child under 18.
- › The support payments were calculated using the Quebec Child Support Determination Form.
- › You and your ex-spouse live in Quebec most of the time.
- › The total of your income and your ex-spouse's is less than \$200,000.
- › The situation of the parents or children has changed since the divorce judgment 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 Édoucaloi'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.
- The title 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 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 OF QUEBEC

DISTRICT *DISTRICT WHERE YOU, YOUR EX-SPOUSE
OR YOUR CHILD LIVES*

No:

For an **interactive version** of this model in **Word** format, visit the Separation and Divorce 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 of *Judicial district
where your child lives*

Adult Child

APPLICATION TO MODIFY ANCILLARY MEASURES

It is declared that:

1. The parties were divorced on *[date]*.

RESIDENCE OF THE PARTIES

2. Since *[day, month, year]*, the applicant's usual residence has been at *[address]*.
3. Since, *[day, month, year]*, the defendant's usual residence has been at *[address]*.

CHILDREN OF THE MARRIAGE

4. The children are:

| | Family Name | Given Name | Age | Sex | Address |
|---|-------------|------------|-----|-----|---------|
| 1 | | | | M/F | |
| 2 | | | | M/F | |
| 3 | | | | M/F | |
| 4 | | | | M/F | |
| 5 | | | | M/F | |

5. 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.]

6. The divorce judgment made these decisions regarding child custody and access arrangements: [List the judgment's conclusions about child custody and access arrangements.]
7. 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 "arrears").]

MATRIMONIAL STATUS

8. The applicant is currently [matrimonial status]. The defendant is currently [matrimonial status].

REASONS IN SUPPORT OF THE APPLICATION

9. [Explain any important changes that have happened since the divorce judgment. For example, the income of one of the ex-spouses has increased, or a child is now over the age of 18 and pays all of his or her own expenses. Use short, numbered paragraphs].
10. ...
11. ...
12. The applicant requests a modification to the custody of the children [names].
13. 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

14. Given the urgency of the situation, the applicant requests a safeguard order to [mention the various issues you want settled and explain why the court must act quickly].
15. ...

FOR THESE REASONS:

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

[For example: GRANT sole 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 these children: [insert their names].

CANCEL support payable under 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 sole 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*.

etc.]

Signed at [city], on [date]

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 []. If you wish to challenge the application, you must appear in court on this date.

CHALLENGING THE APPLICATION

If you are applying for child support and your ex-spouse lives in Quebec or outside Canada, 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.

If you are applying for spousal 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:

- Statement of Income and Expenses and Balance Sheet (Form III)

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 _____

_____ Applicant
v. _____
_____ 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 (Only certain people are eligible.) | 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).