## Canada

## Province de Québec

## District *District where you, your former partner or adult child lives*

## No. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

## Superior Court

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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

1. The children are:

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

1. 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.]

1. The judgment on custody and child support, made on [date], made these decisions: [List the judgment’s conclusions about child custody and access arrangements.]
2. 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”).]

## REASONS IN SUPPORT OF THE APPLICATION

1. [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.]
2. …
3. …
4. The applicant requests a modification to the custody and access arrangements regarding the children [names].
5. 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

1. 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].
2. …

**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 \_\_\_\_\_\_. 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 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Applicant  v.  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Defendant |
| Title: |
| Original  (or Copy for \_\_\_\_\_\_\_\_\_\_\_\_) |
| Your contact information (first and last names, address, phone number, email address) |