



Child Support: Common Questions

**PROVIDING FOR CHILDREN
WHEN PARENTS SEPARATE**



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INFORMATION EMPOWERS

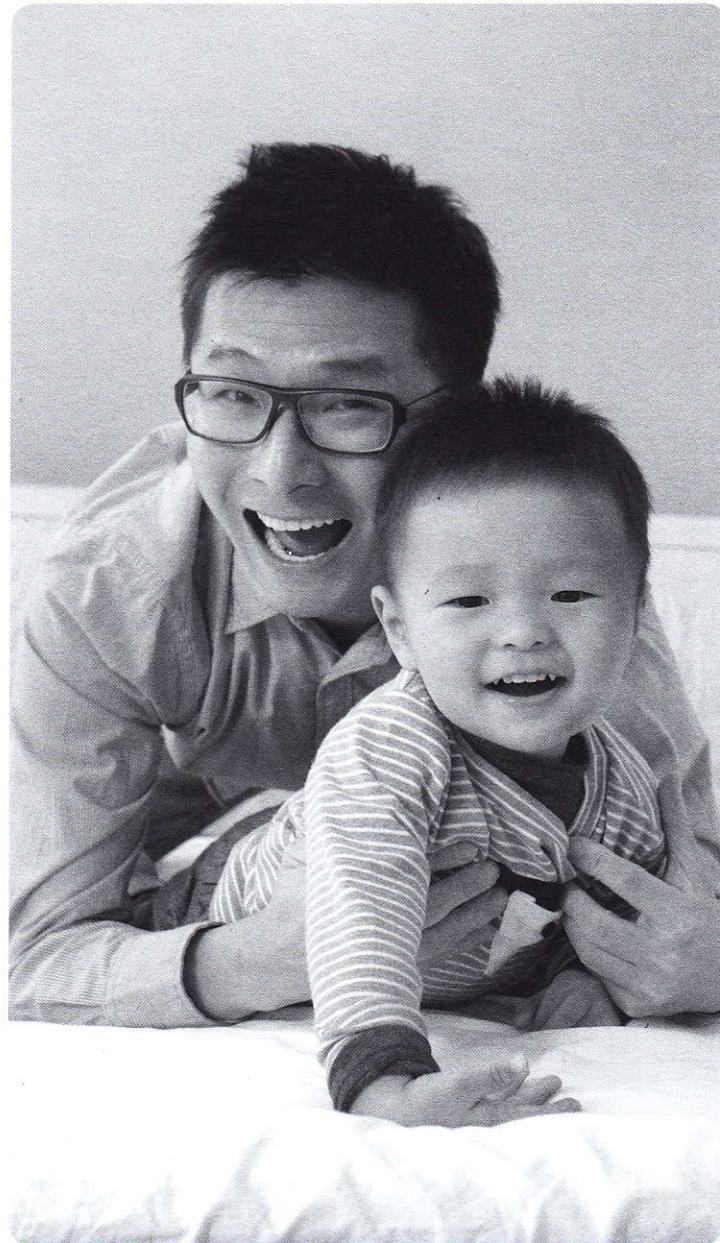
Setting the Scene

When couples with children separate, they often have questions about child support. What is it? Who has to pay it? How is the amount calculated?

This article explains these rules.

This pamphlet is up to date to March 5, 2015.

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



Also at educaloi.qc.ca:

- [Calculating Child Support in Quebec](#)
- [Federal Child Support Rules](#)
- [Changing Support Payments Based on the Quebec Guidelines](#)
- [Revenu Québec Collects Support Payments](#)
- [and much more...](#)

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 ever have to pay child support?

Yes, but only in rare 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 only applies when the parent and the new spouse were married. It 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 officer called a "special clerk." This clerk has some of the powers of a judge. Parents are not obliged to have their agreement approved by the special clerk, but there are advantages to this. For example, if an agreement is approved, Revenu Québec makes sure that child support is paid. See below for more about this.

OR

- Either parent can go to court to ask for child support. Parents can hire a lawyer to prepare and file the request - called a "motion" - or they can do this on their own.

How is the amount of child support calculated?

Child Under 18

The Quebec government and the federal government have created 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 published by the federal government.

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

Also, both sets of 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 that go beyond ordinary activities).

Important!

Parents can always be more generous than the amount calculated using the Quebec or federal 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.

You can read our website article on this topic to learn more.

How do you make sure child 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 special clerk at a courthouse, Revenu Québec manages child support payments. Revenu Québec is the provincial tax authority in Quebec.

Among other things, Revenu Québec collects support from the parent who must pay it and gives it to the parent who is supposed to receive it.

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

As a general rule, 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 based on your new financial situation. You can then ask a special clerk at the courthouse to approve your agreement. This approval, called homologation, has the same effect as a court decision by a judge.

To get help doing this, you can use a service called the Homologation Assistance Service. This service is offered through legal aid offices. For more information on this service, contact the Commission des services juridiques, which manages legal aid.

- 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.
- In some cases, you can use a service called 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.

DID YOU KNOW?

You cannot deny access to children as a way to force a parent to pay child support. Instead, you must ask a court to order the other parent to pay child support.

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