



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-SEVENTH LEGISLATURE

Bill 21
(2004, chapter 5)

**An Act to amend the Civil Code and
the Code of Civil Procedure as regards
the determination of child support
payments**

**Introduced 6 November 2003
Passage in principle 13 November 2003
Passage 20 April 2004
Assented to 22 April 2004**

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EXPLANATORY NOTES

This bill amends the Civil Code and the Code of Civil Procedure as regards the parental obligation to provide support mainly in order to ensure greater equality of treatment for all children. Under the bill, when determining child support payments, the court is authorized to consider the parents' obligation to provide support to their children who are not named in the application for support if it considers the obligation entails hardship for that parent.

Also, under the bill, a parent providing in part for the needs of a child 18 years of age or over who is unable to support himself or herself may institute support proceedings on the child's behalf.

LEGISLATION AMENDED BY THIS BILL :

- Civil Code of Québec (1991, chapter 64);
- Code of Civil Procedure (R.S.Q., chapter C-25).

Bill 21

AN ACT TO AMEND THE CIVIL CODE AND THE CODE OF CIVIL PROCEDURE AS REGARDS THE DETERMINATION OF CHILD SUPPORT PAYMENTS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. Article 366 of the Civil Code of Québec (1991, chapter 64), amended by section 28 of chapter 21 of the statutes of 1996, by section 20 of chapter 53 of the statutes of 1999 and by section 23 of chapter 6 of the statutes of 2002, is again amended by replacing “among such officials as” in the first paragraph of the English text by “, including” and inserting a comma after “municipal officers”.

2. Article 586 of the said Code is amended

(1) by inserting the following paragraph after the first paragraph :

“A parent providing in part for the needs of a child of full age unable to support himself may institute support proceedings on the child’s behalf, unless the child objects.”;

(2) by inserting “or to the parent of the child of full age who instituted the proceedings on the child’s behalf” after “child” at the end of the second paragraph.

3. Article 587.2 of the said Code, enacted by section 1 of chapter 68 of the statutes of 1996, is amended by replacing the second paragraph by the following paragraphs :

“The court may, however, increase or reduce the level of support where warranted by the value of either parent’s assets or the extent of the resources available to the child, or to take account of either parent’s obligation to provide support to children not named in the application, if the court considers the obligation entails hardship for that parent.

The court may also increase or reduce the level of support if it is of the opinion that, in the special circumstances of the case, not doing so would entail undue hardship for either parent. Such hardship may be due, among other reasons, to the costs involved in exercising visiting rights in respect of the child, an obligation to provide support to persons other than children or reasonable debts incurred to meet family needs.”

4. Article 331.9 of the Code of Civil Procedure (R.S.Q., chapter C-25) is amended by adding the following paragraph at the end:

“The form produced by a party for the determination of child support payments is excepted from the above rules.”

5. Article 825.14 of the said Code is amended by inserting “and in the form they file” after “agreement” in the fourth line of the first paragraph.

6. Sections 3 and 5 have no effect in respect of applications presented before 22 April 2004.

7. This Act comes into force on 22 April 2004.