



NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION

FORTY-THIRD LEGISLATURE

Bill 91

**An Act establishing the Unified Family
Tribunal within the Court of Québec**

Introduction

**Introduced by
Mr. Simon Jolin-Barrette
Minister of Justice**

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EXPLANATORY NOTES

This bill creates the Unified Family Tribunal within the Court of Québec.

The bill facilitates the judicial process for Québec families by conferring on the Court of Québec an exclusive jurisdiction to hear and determine applications relating to parental union, civil union and the filiation of a child born of a parental project involving surrogacy.

The bill also provides which judges may sit in the Unified Family Tribunal and exercise that jurisdiction within the Tribunal.

The bill provides that, in certain cases, matters relating to parental union or civil union cannot proceed to trial unless the parties have entered into the family mediation process. It also provides for exemptions from this obligation, in particular in the presence of a situation of family, spousal or sexual violence, as well as for the possibility for the Unified Family Tribunal to order the payment of certain legal costs or professional fees in some cases.

The bill also introduces the simplified process for the holding of a conciliation session and a summary hearing for the parties to proceedings relating to parental union or civil union.

Finally, the bill allows for legal aid to be granted to provide parties with the professional services of a lawyer or a notary for the purpose of obtaining a judgment on an agreement submitted in a joint application relating to parental union in certain matters.

LEGISLATION AMENDED BY THIS BILL:

- Act respecting legal aid and the provision of certain other legal services (chapter A-14);
- Code of Civil Procedure (chapter C-25.01);
- Act respecting reciprocal enforcement of maintenance orders (chapter E-19);

- Act respecting the governance of the health and social services system (chapter G-1.021);
- Act to facilitate the payment of support (chapter P-2.2);
- Youth Protection Act (chapter P-34.1);
- Act respecting health services and social services for the Inuit and Naskapi (chapter S-4.2);
- Courts of Justice Act (chapter T-16).

REGULATIONS AMENDED BY THIS BILL:

- Regulation respecting legal aid (chapter A-14, r. 2);
- Regulation respecting the application of the Act respecting legal aid and the provision of certain other legal services (chapter A-14, r. 4);
- Regulation respecting indemnities and allowances payable to witnesses summoned before courts of justice (chapter C-25.01, r. 0.5);
- Regulation respecting the collection of support (chapter P-2.2, r. 1).

Bill 91

AN ACT ESTABLISHING THE UNIFIED FAMILY TRIBUNAL WITHIN THE COURT OF QUÉBEC

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CODE OF CIVIL PROCEDURE

1. Article 35 of the Code of Civil Procedure (chapter C-25.01) is amended by striking out “other than adoption” in the first paragraph.

2. The Code is amended by inserting the following articles after article 37:

“**37.1.** The Court of Québec has jurisdiction, to the exclusion of the Superior Court, to hear and determine applications in matters relating to the filiation of a child born of a parental project involving surrogacy.

“**37.2.** The Court of Québec has jurisdiction, to the exclusion of the Superior Court, to hear and determine applications relating to civil union or parental union concerning child custody, child or spousal support, the partition of the family or parental union patrimony and the other patrimonial rights arising from the community of life as well as the protection of the family residence.

If an application relating to civil union or parental union is already before the Court of Québec, the Court may rule on any related application concerning emancipation, legal tutorship or suppletive tutorship.

The Court of Québec also has jurisdiction, to the exclusion of the Superior Court, to hear and determine applications relating to parental authority presented by the parents as well as applications relating to support claimed by a child of full age where the father and mother or the parents form or formed a civil union or a parental union.”

3. Article 324 of the Code is amended by inserting the following subparagraph after subparagraph 3 of the first paragraph:

“(3.1) one month after the matter is taken under advisement following a summary hearing in civil union or parental union matters;”.

4. Article 409.1 of the Code is amended by inserting “or chief judge” after “chief justice”.

5. The Code is amended by inserting the following chapter after article 416:

“CHAPTER I.1

“CONCILIATION SESSION AND SUMMARY HEARING

“416.1. The parties to a proceeding relating to civil union or parental union may, at any time before the trial, file with the court office an application to hold a conciliation session and a summary hearing, together with a signed agreement regarding the holding of the session and hearing.

The parties who have signed such an agreement may not put an end to the process.

“416.2. At any time before the trial, the judge seized of an application relating to civil union or parental union may suggest to the parties that a conciliation session and a summary hearing be held.

“416.3. The judge designated by the chief judge convenes the parties to a case management conference and, on that occasion, sets the date of the conciliation session.

“416.4. Each party files with the court office and sends to the other party an outline of their case not exceeding five pages in length as well as the exhibits, sworn statements, examination excerpts and other evidence, at least 10 days before the conciliation session is to be held.

“416.5. The conciliation session is held in camera. Anything said, written or done during the conciliation session is confidential. If a settlement is reached, the judge may, on an application, homologate the agreement.

If no settlement is reached on one or more issues during the conciliation session held in the morning, the judge holds a summary hearing in the afternoon and renders judgment.

The judge may, however, decide not to hold a summary hearing, in particular given the estimated length of time required to hold it, or if the case raises a complex issue or a third person is involved. The judge may also decide to put an end to the summary hearing. In such cases, the judge may continue the trial.”

6. The Code is amended by inserting the following articles before article 420:

“419.1. Mediation is governed by the general principles set out in this Code and conducted in keeping with the process provided for in this Code.

“419.2. Any case relating to civil union or parental union, if it is the first originating application and there is a dispute between the spouses concerning child custody, the exercise of parental authority, child or spousal support as well as the partition of the family or parental union patrimony and the other

patrimonial rights arising from the community of life, cannot proceed to trial unless the parties have entered into mediation with a certified mediator of their choice.

Persons who have filed with the court office a statement in which they affirm that they have already jointly participated in mediation or invoke a serious reason, such as the presence of a situation of family, spousal or sexual violence, are exempted from participating in mediation.

Where required by circumstances to ensure proper case management and orderly conduct of proceedings or to prevent prejudice to one of the parties or to their children, the court may try the case without the parties having entered into mediation.

If the judge is aware that a party made a false statement concerning participation in mediation or concerning the serious reason or if the judge considers that a party invoked an insufficient reason or acted in bad faith for the purpose of delaying the mediation or the trial, the judge may order that party to pay the legal costs incurred by the other party. The judge may also, if of the opinion that the person acted in bad faith for the purpose of delaying the mediation or the trial, order that person to pay to the other party an amount that the judge considers fair and reasonable to cover the professional fees of the other party's lawyer or, if the other party is not represented by a lawyer, to compensate that other party for the time spent on the case and the work involved."

- 7.** Article 420 of the Code is amended by striking out the third paragraph.
- 8.** Article 421 of the Code is amended by inserting "or chief judge" after "chief justice" in the second paragraph.
- 9.** Article 425 of the Code is amended by inserting "and of the Court of Québec" after "Superior Court" in the first paragraph.
- 10.** Article 426 of the Code is amended by inserting "or chief judge" after "chief justice".
- 11.** Article 428 of the Code is amended by replacing "chief justice or" by "chief justice or chief judge or to".

COURTS OF JUSTICE ACT

- 12.** The heading of Division I of Part III of the Courts of Justice Act (chapter T-16) is amended by replacing "AND DIVISIONS OF THE COURT" by ", DIVISIONS OF THE COURT AND UNIFIED FAMILY TRIBUNAL".
- 13.** Section 79 of the Act is amended by replacing "and in youth matters" in the first paragraph by "as well as in youth matters and in family matters".

14. Section 80 of the Act is amended by adding the following paragraph at the end:

“The Court shall also include the Unified Family Tribunal.”

15. The Act is amended by inserting the following section after section 82:

“82.1. In family matters, the Court has jurisdiction in matters relating to the filiation of a child born of a parental project involving surrogacy and in those relating to civil union and parental union, within the limits provided for by the Code of Civil Procedure (chapter C-25.01) or by any other Act.

Such jurisdiction shall be exercised, in particular, by the judges assigned to the Youth Division and by those assigned to the Civil Division and shall be exclusive to the Court, except where otherwise provided by law.”

16. Section 83 of the Act is amended by inserting “, for subparagraphs 2 and 4 of the first paragraph, it shall also be exercised by the judges assigned to the Civil Division; it” after “Division and” in the second paragraph.

17. The Act is amended by inserting the following section after section 83.0.1:

“83.0.2. The Unified Family Tribunal is created within the Court of Québec.

The Tribunal has jurisdiction in the civil matters provided for in article 37.2 of the Code of Civil Procedure (chapter C-25.01), in the family matters provided for in the first paragraph of section 82.1 and in the youth matters provided for in subparagraphs 2 and 4 of the first paragraph of section 83.

The judges who may sit in the Tribunal include the judges assigned to the Civil Division and those assigned to the Youth Division.”

18. Section 135 of the Act is amended by inserting “or of the Unified Family Tribunal” after “Court”.

19. Section 137 of the Act is amended by inserting “, for the Unified Family Tribunal” after “division”.

20. Section 146 of the Act is amended

(1) in the first paragraph,

(a) by inserting “or of the judges who may sit in the Unified Family Tribunal” after “Court”;

(b) by inserting “or of the jurisdiction of the Unified Family Tribunal” at the end;

(2) by inserting “or of the judges who may sit in the Tribunal” after “division” in the second paragraph.

ACT RESPECTING LEGAL AID AND THE PROVISION OF CERTAIN OTHER LEGAL SERVICES

21. Section 4 of the Act respecting legal aid and the provision of certain other legal services (chapter A-14) is amended by replacing “in paragraph” in the second paragraph by “in paragraphs 1.01 and”.

22. Section 4.7 of the Act is amended

(1) by replacing “paragraph” in paragraph 1 by “paragraphs 1.01 and”;

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

“(1.01) to provide parties with the professional services of an advocate or a notary for the purpose of obtaining a judgment on an agreement submitted in a joint application relating to parental union which settles all matters concerning, for example, child custody, the exercise of parental authority, child support as well as the partition of the parental union patrimony and the other patrimonial rights arising from the community of life;”;

(3) by inserting “or a notary” after “advocate” in paragraph 1.1.

23. Section 4.11.1 of the Act is amended

(1) in the first paragraph,

(a) by replacing “in paragraph” by “in paragraphs 1.01 and”;

(b) by inserting “or the notary” after “advocate”;

(2) by inserting “or notary” after “advocate” in the second paragraph.

24. Section 5.1 of the Act is amended, in the first paragraph,

(1) by inserting “or a notary” after “advocate”;

(2) by replacing “in paragraph” by “in paragraphs 1.01 and”.

25. Section 62 of the Act is amended

(1) by replacing “in paragraph” in the second paragraph by “in paragraphs 1.01 and”;

(2) by replacing “in paragraph” in the fourth paragraph by “in paragraphs 1.01 and”.

26. Section 66 of the Act is amended by replacing “in paragraph” in the second paragraph by “in paragraphs 1.01 and”.

27. Section 80 of the Act is amended by replacing “in paragraph” in subparagraph *a.9* of the first paragraph by “in paragraphs 1.01 and”.

ACT RESPECTING RECIPROCAL ENFORCEMENT OF MAINTENANCE ORDERS

28. Section 2 of the Act respecting reciprocal enforcement of maintenance orders (chapter E-19) is amended

(1) by inserting “or to the clerk of the Court of Québec, as applicable,” after “Superior Court” in the first paragraph;

(2) by inserting “or to the clerk of the Court of Québec, as applicable,” after “Superior Court” in the second paragraph.

29. Section 6 of the Act is amended by inserting “or the Court of Québec, as applicable,” after “Superior Court”.

30. Section 7 of the Act is amended

(1) by inserting “or the Court of Québec, as applicable,” after “Superior Court” in the first paragraph;

(2) by inserting “or of the Court of Québec, as applicable,” after “Superior Court” in the second paragraph.

ACT RESPECTING THE GOVERNANCE OF THE HEALTH AND SOCIAL SERVICES SYSTEM

31. Section 4 of the Act respecting the governance of the health and social services system (chapter G-1.021) is amended by inserting “or at the Court of Québec” after “Superior Court” in paragraph 4.

ACT TO FACILITATE THE PAYMENT OF SUPPORT

32. Section 54 of the Act to facilitate the payment of support (chapter P-2.2) is amended by inserting “or at the office of the Court of Québec, as applicable” after “Superior Court” in the third paragraph.

33. Section 60 of the Act is amended by inserting “or to the Court of Québec, as applicable” after “Superior Court” in the first paragraph.

YOUTH PROTECTION ACT

34. Section 96 of the Youth Protection Act (chapter P-34.1), amended by section 44 of chapter 22 of the statutes of 2024, is again amended

- (1) in the first paragraph,
 - (a) by striking out “de” in the introductory clause in the French text;
 - (b) by inserting “de” at the beginning of subparagraph *a* in the French text;
 - (c) by replacing “les” in subparagraph *b* in the French text by “des”;
 - (d) by replacing “les” in subparagraph *c* in the French text by “des”;
 - (e) in subparagraph *c.1*,
 - (i) by replacing both occurrences of “le” in the French text by “du”,
 - (ii) by replacing “une” in the French text by “d’une”;
 - (f) by replacing both occurrences of “le” in subparagraph *d* in the French text by “du”;
 - (g) by replacing “le” in subparagraph *e* in the French text by “du”;
 - (h) by inserting “de” at the beginning of subparagraph *g* in the French text;
 - (i) by replacing “le” in subparagraph *h* in the French text by “du”;
 - (j) by replacing “le” in subparagraph *j* in the French text by “du”;
 - (k) by replacing “le” in subparagraph *k* in the French text by “du”;
- (2) by inserting “or of the Court of Québec, as applicable,” after “Superior Court” in the second paragraph.

ACT RESPECTING HEALTH SERVICES AND SOCIAL SERVICES FOR THE INUIT AND NASKAPI

35. Section 82 of the Act respecting health services and social services for the Inuit and Naskapi (chapter S-4.2) is amended by inserting “or at the Court of Québec” after “Superior Court” in the first paragraph.

REGULATION RESPECTING LEGAL AID

36. Section 1 of the Regulation respecting legal aid (chapter A-14, r. 2) is amended by replacing both occurrences of “in paragraph” in the first paragraph by “in paragraphs 1.01 and”.

37. Section 26 of the Regulation is amended by replacing “in paragraph” by “in paragraphs 1.01 and”.

38. Section 27 of the Regulation is amended by replacing “in paragraph” by “in paragraphs 1.01 and”.

39. The heading of Division IV.1 of the Regulation is amended by replacing “IN PARAGRAPH” by “IN PARAGRAPHS 1.01 AND”.

40. Section 37.1 of the Regulation is amended by replacing “in paragraph” in the third paragraph by “in paragraphs 1.01 and”.

REGULATION RESPECTING THE APPLICATION OF THE ACT RESPECTING LEGAL AID AND THE PROVISION OF CERTAIN OTHER LEGAL SERVICES

41. Section 69.1 of the Regulation respecting the application of the Act respecting legal aid and the provision of certain other legal services (chapter A-14, r. 4) is amended, in the first paragraph,

(1) by inserting “and those lying within the jurisdiction of the Unified Family Tribunal provided for in subparagraphs 2 and 4 of the first paragraph of section 83 of the Courts of Justice Act (chapter T-16),” after “Youth Division,”;

(2) by replacing “where the Youth Division sits” by “where that Division or Tribunal holds its sittings”.

42. Section 72 of the Regulation is amended by replacing “in paragraph” in subparagraph *b.1* of the first paragraph by “in paragraphs 1.01 and”.

REGULATION RESPECTING INDEMNITIES AND ALLOWANCES PAYABLE TO WITNESSES SUMMONED BEFORE COURTS OF JUSTICE

43. Section 1 of the Regulation respecting indemnities and allowances payable to witnesses summoned before courts of justice (chapter C-25.01, r. 0.5) is amended by inserting “and the Unified Family Tribunal” after “Division” in the definition of “witness”.

REGULATION RESPECTING THE COLLECTION OF SUPPORT

44. Section 7 of the Regulation respecting the collection of support (chapter P-2.2, r. 1) is amended by replacing “Superior Court” by “the Superior Court or at the office of the Court of Québec, where applicable,” in subparagraph 1 of the first paragraph.

45. Section 9 of the Regulation is amended, in paragraph 1,

(1) by inserting “or at the office of the Court of Québec, where applicable” after “Superior Court” in subparagraph *a*;

(2) by inserting “or at the office of the Court of Québec, where applicable” after “Superior Court” in subparagraph *c*.

TRANSITIONAL AND FINAL PROVISIONS

46. The provisions of this Act are not applicable to proceedings pending on the day of their coming into force.

47. The provisions of this Act come into force on 30 June 2025, except

(1) those of article 37.2 of the Code of Civil Procedure (chapter C-25.01), enacted by section 2 of this Act, and of sections 9, 12 to 20, 28 to 35, 41 and 43 to 45, insofar as they concern civil union, which come into force on the date or dates to be set by the Government but not later than (*insert the date that is six months after the date of assent to this Act*); and

(2) those of sections 3, 5 to 7, 21 to 27, 36 to 40 and 42, which come into force on the date or dates to be set by the Government.

