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# NATIONAL ASSEMBLY

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FIRST SESSION

THIRTY-SEVENTH LEGISLATURE

Bill 21

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

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**Introduction**

**Introduced by  
Mr. Marc Bellemare  
Minister of Justice**

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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.*

*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 represent the child in juridical situations to assert the child's right to support.*

## **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 586 of the Civil Code of Québec (1991, chapter 64) 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. In such a case, the parent is presumed to be the child’s mandatory.”;

(2) by inserting “or to the mandatory of a child of full age” after “child” at the end of the second paragraph.

**2.** 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 to take account of either parent’s obligation to provide support to children not named in the application or where warranted by the value of either parent’s assets or the extent of the resources available to the child.

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.”

**3.** 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.”

**4.** 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.

- 5.** Sections 2 and 4 have no effect in respect of applications presented before (*insert the date of assent to this Act*).
- 6.** This Act comes into force on (*insert the date of assent to this Act*).