

- (1) the Syndicat de l'enseignement du Bas-Richelieu;
- (2) the Syndicat de l'enseignement des Vieilles-Forges;
- (3) the Syndicat professionnel des infirmières et infirmiers de Québec;
- (4) the Syndicat professionnel des infirmières et infirmiers de Trois-Rivières (SPII-3R).

2. Schedule II.1 to the Act respecting the Government and Public Employees Retirement Plan is amended by inserting the following body, in alphabetical order: "The Association professionnelle des inhalothérapeutes du Québec".

3. This Order in Council comes into force on the date it is made by the Government but takes effect on the dates indicated below for each body:

- | | |
|--|---|
| (1) Association professionnelle des inhalothérapeutes du Québec | 1 July 2000 |
| (2) Syndicat de l'enseignement du Bas-Richelieu | 2 March 2000 |
| (3) Syndicat de l'enseignement des Vieilles-Forges | 12 months before the date this Order in Council is made |
| (4) Syndicat professionnel des infirmières et infirmiers de Québec | 3 July 2000 |
| (5) Syndicat professionnel des infirmières et infirmiers de Trois-Rivières (SPII-3R) | 1 January 2000 |

3865

Gouvernement du Québec

O.C. 1117-2000, 20 September 2000

Code of Civil Procedure
(R.S.Q., c. C-25)

Family mediation — Amendments

Regulation to amend the Regulation respecting family mediation

WHEREAS under article 827.3 of the Code of Civil Procedure (R.S.Q., c. C-25) the Government may, by regulation, establish the conditions a mediator must satisfy to be certified;

WHEREAS the Government made the Regulation respecting family mediation by Order in Council 1686-93 dated 1 December 1993;

WHEREAS under sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation to amend the Regulation respecting family mediation was published in Part 2 of the *Gazette officielle du Québec* of 8 March 2000 with an notice that it could be made by the Government upon the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Justice:

THAT the Regulation to amend the Regulation respecting family mediation, attached to this Order in Council, be made.

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting family mediation*

Code of Civil Procedure
(R.S.Q., c. C-25, art. 827.3)

1. The Regulation respecting family mediation is amended by substituting the following for sections 1 and 2:

"1. To be certified, an applicant shall

(1) be a member of the Barreau du Québec, the Chambre des notaires du Québec, the Ordre professionnel des conseillers et conseillères d'orientation du Québec, the Ordre des psychologues du Québec, the Ordre professionnel des travailleurs sociaux du Québec or be an employee of an institution operating a child and youth protection centre within the meaning of the Act

* The Regulation respecting family mediation, made by Order in Council 1686-93 dated 1 December 1993 (1993, *G.O.* 2, 6734), was last amended by the Regulations made by Order in Council 905-99 dated 11 August 1999 (1999, *G.O.* 2, 2817) and 1037-2000 dated 30 August 2000 (2000, *G.O.* 2, 4482). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2000, updated to 1 February 2000.

respecting health services and social services (R.S.Q., c. S-4.2) and, in the latter case, meet the conditions required to be eligible for one of the above-mentioned professional orders;

(2) have taken a 60-hour basic training course in family mediation in the five years preceding the application;

(3) have three years' experience in one of the fields of competence referred to in paragraph 1; and

(4) undertake to carry out, within two years of certification, ten family mediation mandates under the supervision of a certified mediator who has carried out 40 family mediation mandates, and to receive, within the same time period, 45 hours of complementary training in family mediation, to be completed after certification.

2. For the purposes of section 1, the basic training shall pertain to each of the following subjects related to separation, divorce or annulment of marriage and include:

(1) at least 15 hours on the economic, legal and fiscal aspects (particularly the determination of child support and the partition of family patrimony and other patrimonial rights resulting from the marriage, or, for *de facto* spouses, the settlement of any common property interest. However, the requirement for a mediator whose academic training is in law is 6 hours;

(2) at least 15 hours on the psychological and psychosocial aspects, including 3 hours to promote awareness regarding living conditions after a break-up. However, the requirement for a mediator whose academic training is in psychology or a psychosocial field is 6 hours;

(3) at least 24 hours on the mediation process (particularly ethics) and negotiation (particularly obstacles to negotiation and the balance of forces between the parties);

(4) at least 6 hours to promote awareness regarding domestic violence, particularly spousal abuse.

The complementary training shall deal in greater depth with the same subjects as the basic training course and shall include:

(1) 15 hours on the mediation process and negotiation;

(2) 30 hours on subjects complementary to the applicant's academic training, that is, on the economic,

legal and fiscal aspects if the mediator's academic training is in psychology or a psychosocial field, or on the psychological or psychosocial aspects if the mediator's academic training is in law.".

2. Section 3 is amended

(1) by adding the words "or, in the case of *de facto* spouses, the settlement of any common property interests" at the end of the first paragraph; and

(2) by substituting "(4 issues, including the partition of the family patrimony and of other patrimonial rights resulting from the marriage)" for "(4 issues)" in subparagraph 1 of the second paragraph.

3. Section 4 is amended

(1) by substituting the word "order" for the word "corporation in the first paragraph;

(2) by substituting "The application shall mention the name of the mediator who will supervise the first mediation mandate, be accompanied with fees of \$65" for "The application must be accompanied with fees of \$35" in the second paragraph; and

(3) by deleting the third paragraph.

4. The following is inserted after section 4:

"4.1 A certifier shall extend the two-year period within which the mediator must comply with the conditions of his undertaking, if the mediator applies therefor and demonstrates that he was unable to comply with that undertaking for reasons related, in particular, to illness, an accident, pregnancy, parental leave, absence from Québec or a change of career. The application shall include fees of \$65 for its examination and the required vouchers and be supported by an affidavit. An extension shall be granted for a period of time equal to the time in the two-year period during which the mediator was unable to comply with his undertaking. However, no extension may exceed two years.

Whether or not a mediator has prevailed himself of the first paragraph, the certifier shall also extend the two-year period by one year if the mediator applies therefor to the certifier for the first time, at least three months before the expiry of the two-year period, and claims that he has been unable to carry out the mediation mandates required.

In the latter case, the mediator shall include in his application:

(1) fees of \$65 for its examination;

(2) an affidavit from the supervisor for the supervised mandates, if any; and

(3) attestations for the completed complementary training courses.

When applying for the extension provided for in the second and third paragraphs, a mediator may replace his undertaking to carry out ten family mediation mandates by an undertaking to carry out only five mediation mandates and to receive 21 hours of practical training including, in particular, simulation and role-playing exercises on fictitious cases. In such case, the mandates shall meet the conditions provided for in section 3, except for subparagraph 3 of the second paragraph.”.

5. The following paragraph is added at the end of section 5:

“He shall also organize supervision services for mediators.”.

6. The words “or whose undertaking was extended by the certifier or has been completed” are inserted after the word “certifies” and the word “order” is substituted for the word “corporation” in the first paragraph of section 6.

7. The following is substituted for subparagraph 3 of the first paragraph of section 7:

“(3) who has failed to establish that he has complied with the undertaking given under subparagraph 4 of section 1 and, where applicable, under section 4.1 by providing the certifier with a course certificate and an affidavit from his supervisor.”.

8. Section 8 is revoked.

9. The word “order” is substituted for the word “corporation” in the first paragraph of section 9.

10. The following is inserted after section 9:

“9.1 Following a revocation, the certifier, upon request by a mediator, shall grant him a new certification in the following cases and on the following conditions:

(1) if the mediator has complied with his undertaking and if his certification has been cancelled for less than five years, a new certification shall be granted to him; the application must include fees of \$65 for its examination;

(2) if the mediator has complied with his undertaking and if his certification has been cancelled for more than five years, he shall undertake to take the complementary training again within one year and shall include fees of \$65 for the examination of his application;

(3) if the mediator has not complied with his undertaking, he shall, within two years, meet the conditions prescribed in section 4.1, adapted as required, provided that not more than two years have elapsed since the cancellation; otherwise, he shall submit a new application for certification.”.

11. Any person who was certified before 19 October 1998 and who, on 19 October 2000, has not complied with his undertaking may, within three months of the coming into force of this Regulation, apply for an extension in accordance with section 4.1 of the Regulation respecting family mediation, made by section 4 of this Regulation. However, a person who has not completed the complementary training shall provide attestations for the complementary training courses already taken and a schedule of the remaining courses to be completed within six months of the coming into force of this Regulation.

Any person not referred to in the first paragraph and whose undertaking period ends within four months of the coming into force of this Regulation may apply for an extension from 19 October 2000 to 19 February 2001 at the latest, even if the application is not submitted three months before the end of his undertaking period.

12. The certification of a mediator whose undertaking period had expired since 1 March 2000 and who complies with his undertaking before 19 October 2000 shall be maintained, on the condition that he provides the certifier with an attestation for the completed complementary training, an affidavit from his supervisor and fees of \$65, within three months of the coming into force of this Regulation.

13. Sections 1 and 2 of the Regulation respecting family mediation, made by section 1 of this Regulation, and the amendment to the second paragraph of section 4 of the Regulation respecting family mediation, made by paragraph 2 of section 3 of this Regulation, do not apply to a person who applied for certification before 19 October 2000. Notwithstanding the foregoing, for applications for certification submitted on or after that date, training courses taken in the five years preceding the date of the application shall be taken into account.

14. This Regulation comes into force on 19 October 2000.