

The draft Regulation follows up on the Act to promote access to justice in family matters (2012, chapter 20), which was assented to on 15 June 2012. It amends the tariff to provide that, when the registration or filing of a recalculation notice is required for the purposes of that Act, no court office fees are to be charged for that notice.

To date, study of the matter has revealed no financial impact on enterprises.

Further information on the draft Regulation may be obtained by contacting Pierre Tanguay, Direction des orientations et politiques, Ministère de la Justice, 1200, route de l'Église, 9^e étage, Québec (Québec) G1V 4M1; telephone: 418 646-5580, extension 20197; fax: 418 646-4894.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to the Minister of Justice, 1200, route de l'Église, 9^e étage, Québec (Québec) G1V 4M1.

BERTRAND ST-ARNAUD,
Minister of Justice

Regulation to amend the Tariff of Court Costs in Civil Matters and Court Office Fees

Courts of Justice Act
(chapter T-16, s. 224)

1. The Tariff of Court Costs in Civil Matters and Court Office Fees (chapter T-16, r. 9) is amended in section 23 by adding “Subparagraph 1 of the first paragraph does not apply either where the registration or filing of a recalculation notice is required for the purposes of the Act to promote access to justice in family matters (2012, chapter 20)” at the end of the second paragraph.

2. This Regulation comes into force on the date of coming into force of sections 1 to 28, 42, 45, 51, 53 and 56 of the Act to promote access to justice in family matters (2012, chapter 20) or, if they come into force on different dates, on the latter of those dates.

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Draft Regulation

Code of Civil Procedure
(chapter C-25)

An Act to promote access to justice in family matters
(2012, chapter 20)

Determination of child support payments — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to amend the Regulation respecting the determination of child support payments, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation specifies, to ensure a uniform application, the expenses and income to be used to determine the support payable by a parent for his or her child. It also adjusts the child support determination form (Schedule I to the Regulation).

In particular, the draft Regulation specifies that the amount of each expense (child care expenses, post-secondary education expenses and special expenses), if it is reduced by any related advantage, subsidy, deduction or tax credit, is deemed to be equal to zero when the amount is negative. It also specifies the Universal Child Care Benefit (UCCB) with regard to child care expenses.

The draft Regulation also specifies the dividends and the non-taxable income that must be used to determine the income of a parent. It also includes, in the definition of annual income, the income established in accordance with the rules prescribed by government regulation, under section 5 of the Act to promote access to justice in family matter (2012, chapter 20).

Lastly, the draft Regulation gives priority to the use of the provincial income tax return and the provincial assessment notice in the child support determination form. In addition, it makes technical adjustments to that form.

To date, study of the matter has revealed that the amendments will have no financial impact on enterprises, including small and medium-sized businesses.

Further information on the draft Regulation may be obtained by contacting Pierre Tanguay, Direction des orientations et politiques, Ministère de la Justice, 1200, route de l'Église, 9^e étage, Québec (Québec) G1V 4M1; telephone: 418 6465580, extension 20197; fax: 418 646-4894.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to the Minister of Justice, 1200, route de l'Église, 9^e étage, Québec (Québec) G1V 4M1.

BERTRAND ST-ARNAUD,
Minister of Justice

Regulation to amend the Regulation respecting the determination of child support payments

Code of Civil Procedure
(chapter C-25, art. 825.8)

An Act to promote access to justice in family matters
(2012, chapter 20, s. 5)

1. The Regulation respecting the determination of child support payments (chapter C-25, r. 6) is amended by replacing section 9 by the following:

“**9.** For the purposes of these Rules, including the related form and table,

(1) “expenses” means

— child care expenses, in addition to the annual child care expenses required to fulfil the child’s needs, the child care expenses that the custodial parent must incur in particular to hold employment or to receive training or by reason of the parent’s health condition;

— post-secondary education expenses, that is, the annual expenses incurred so that a child may pursue post-secondary studies, including in particular, in addition to tuition fees and expenses for required pedagogical materials, transportation or accommodation expenses incurred for that purpose;

— special expenses, that is, annual expenses other than child care expenses and post-secondary educational expenses, such as medical expenses, expenses for primary or secondary studies or for any other educational program and expenses related to extracurricular activities, where those expenses are linked to the needs required by the particular situation experienced by the child.

The child care expenses, post-secondary education expenses and special expenses are reduced, where applicable, by any related advantage, subsidy, deduction or tax credit, including any sum granted by the Minister of Education, Recreation and Sports and received by the

child under a financial assistance program for education expenses and the annual amount received as a benefit under section 4 of the Universal Child Care Benefit Act, made by section 168 of the Budget Implementation Act, 2006 (S.C. 2006, c. 4), less the related tax burden, where applicable. The amount of each of the expenses thus reduced is deemed to be equal to zero when the amount is negative;

(2) “annual income” means income from any source, in particular wages, salaries and other remuneration, support paid by a third party and received for one’s own needs, employment insurance benefits, parental insurance benefits and other benefits granted under a statutory pension or compensation plan, taxable amounts of dividends, interest and other investment income, net income from rental activities and net income from the operation of a business or from self-employment; despite the foregoing, this definition excludes government family transfers, last-resort financial assistance and any sums granted by the Minister of Education, Recreation and Sports and received under a financial assistance program for education expenses.

Non-taxable income is converted into a taxable equivalent.

The income considered is that of the current year, unless the use of that reference period is not advisable given the circumstances, in which case the income is the income foreseeable for 12 months following the filing of the application.

If a parent, under section 5 of the Act to promote access to justice in family matters (2012, chapter 20), fails to provide to the child support recalculation service (SARPA) information or the documents that would allow his or her annual income to be determined, that income is then determined, under that section, in accordance with the rules prescribed by government regulation;

(3) “disposable income” means the annual income, less the amounts mentioned in Part 3 of the form as the basic deduction and deductions for union and professional dues;

(4) “custody time” means the time during which a parent has the custody of a child or exercises visiting and outing rights in respect of a child, whether or not the child is in the care of a third person during that time.

2. Schedule I is amended

(1) by replacing the text before Part 1 by the following:

“SCHEDULE I
(s. 3)

CANADA
Province of Québec
District of _____

File No. _____

CHILD SUPPORT
DETERMINATION FORM

FORM: father
mother
produced jointly
established by the court
prepared on _____
Year Month Day

Please complete in block letters

The parents may complete the form together and must provide all required documents. If they do not complete the form together, the parent who completes the form must provide all information and documents in respect of himself or herself. That parent may also indicate any known information about the other parent.

DO NOT STAPLE DOCUMENTS TO THE FORM”;

(2) by replacing the instructions under the heading of Part 2 and before line 200 by the following:

“Indicate income for the current year or foreseeable income for the next 12 months, as the case may be. Provide a copy of the provincial income tax return filed in accordance with the Taxation Act (chapter I-3) and the provincial assessment notice of the Minister of Revenue for the last fiscal year _____ or, if the income tax return has not been filed or the notice has not been sent, provide a copy of the federal income tax return filed in accordance with the Income Tax Act (R.S.C., 1985, c. 1 (5th Supp.)) and the federal assessment notice of the Minister of National Revenue for the last fiscal year _____. Also provide the requested documents and any other document used to establish income.”;

(3) by replacing “Attach pay slip” at line 200 under “Gross salary” by “Provide the last three pay slips”;

(4) by replacing “Attach” at line 202 under “(Gross income less expenses relating to the business or self-employment)” by “(Provide”;

(5) by adding “(Write taxable amount of dividends filed in the provincial income tax return or, where applicable, in the federal income tax return)” at line 206 under “Interest, dividends, and other investment income”;

(6) by replacing “Attach” at line 207 under “(Gross rental income less expenses associated with the rental of immovables)” by “Provide”;

(7) by replacing “pour fin” in the title of Part 3 by “aux fins” in the French text;

(8) by adding “verified by the Court” at the end of the heading of Part 7;

(9) by adding “, in accordance with article 587.3 of the Civil Code,” after “if the parents agree” in Part 7;

(10) by replacing “attach” in Part 9 under “FATHER’S ASSETS” by “provide”;

(11) by replacing “attach” in Part 9 under “FATHER’S LIABILITIES” by “provide”;

(12) by replacing “attach” in Part 9 under “MOTHER’S ASSETS” by “provide”;

(13) by replacing “attach” in Part 9 under “MOTHER’S LIABILITIES” by “provide”.

3. The child support determination form filed during the hearing before the coming into force of this Regulation must contain, where applicable, information to establish child support in accordance with the rules prescribed in section 1 and paragraph 2 of section 2 of this Regulation.

4. This Regulation comes into force on the date of coming into force of sections 1 to 28, 42, 45, 51, 53 and 56 of the Act to promote access to justice in family matters (2012, chapter 20) or, if the sections come into force on different dates, on the last of those dates. However, the last paragraph of paragraph 2 of section 9, introduced by section 1 of this Regulation, applies to child care payments payable following a divorce only from a date which cannot be prior to the date of the agreement provided for in section 25.1 of the Divorce Act (R.S.C. 1985, c. 3 (2nd Supp.)).

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