

Gouvernement du Québec

**O.C. 102-2016, 17 February 2016**

Code of Civil Procedure  
(chapter C-25.01)

**Family mediation**  
— **Amendment**

Regulation to amend the Regulation respecting family mediation

WHEREAS, under the first paragraph of article 619 of the Code of Civil Procedure (chapter C-25.01), the Government determines, by regulation, the standards with which the persons, bodies or associations that may certify family mediators must comply;

WHEREAS, under the third paragraph of that article, the Government, by regulation, may also determine what services are payable by the Family Mediation Service, set the tariff of fees the Service may pay certified family mediators and determine the time limit and procedure for claiming such fees and the applicable terms of payment. In addition, it may determine the tariff of fees the parties may be charged for services not covered by the Family Mediation Service or for services provided by a mediator designated by the Service or by more than one mediator;

WHEREAS the Government made the Regulation respecting family mediation (chapter C-25.01, r. 0.7);

WHEREAS it is expedient to amend the Regulation;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting family mediation was published in Part 2 of the *Gazette officielle du Québec* of 11 November 2015, with a notice that it could be made by the Government on 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.

JUAN ROBERTO IGLESIAS,  
*Clerk of the Conseil exécutif*

**Regulation to amend the Regulation respecting family mediation**

Code of Civil Procedure  
(chapter C-25.01, a. 619)

**1.** The Regulation respecting family mediation (chapter C-25.01, r. 0.7) is amended by replacing the heading of Division II by the following:

“**DIVISION II**  
STANDARDS WITH WHICH A PERSON,  
BODY OR ASSOCIATION ACTING  
AS CERTIFIER MUST COMPLY”.

**2.** The heading of Division III of the French text is replaced by the following:

“**SECTION III**  
TARIF DES HONORAIRES”.

**3.** Section 10 is replaced by the following:

“**10.** Where the interests of the parties and their children are at stake, the fees payable by the Family Mediation Service for the services provided by one or two mediators pursuant to articles 417 to 423 and 605 to 618 of the Code of Civil Procedure (chapter C-25.01), are set on the basis of an hourly rate of \$110 for a mediation session and for any work performed outside the sessions in connection with the mediation, such as the drawing up outside the sessions of the summary of the agreements.

The fees are set at \$225 per mediator for a group parenting and mediation information session of a duration of more or less 2½ hours.”.

**4.** Section 10.1 is replaced by the following:

“**10.1.** The Service pays the fees provided for in the first paragraph of section 10 up to a maximum, as the case may be, of 5 hours or 2½ hours of mediation including, where applicable, time spent on work performed outside the sessions in connection with the mediation.

The Service pays those fees up to a maximum of 2½ hours of mediation where the parties were already entitled to payment by the Service of 5 hours or 2½ hours of mediation and again seek mediation to settle another dispute, or the parties have obtained a judgment of separation from bed and board unless, in either case, mediation has been ordered by the court pursuant to articles 420 to 423 of the Code of Civil Procedure (chapter C-25.01). The

Service also pays the fees up to a maximum of 2½ hours of mediation where the parties resort to the mediation to modify an agreement or have a judgment rendered on the principal application reviewed.”.

**5.** Section 10.2 is replaced by the following:

“**10.2.** Where the interests of the parties and their children are at stake, the fees payable by the Service are set at \$50, where the mediator’s report states that the parties did not enter into mediation within the allotted time pursuant to article 423 of the Code of Civil Procedure (chapter C-25.01).”.

**6.** Section 10.3 is replaced by the following:

“**10.3.** Where the interests of the parties and their children are at stake, the fees payable by the parties are set on the basis of

(1) \$110 per hour for a mediation session and for any work performed outside the sessions in connection with the mediation for which the fees are not paid by the Service pursuant to section 10.1; and

(2) \$110 per hour for each session during which the services of an additional mediator are required by the parties, and for any work performed by the mediator outside the sessions in connection with the mediation.

Where the interests of only the parties are at stake, the fees payable by the parties are set on the basis of the hourly rate of \$110 for a mediation session conducted by a mediator designated by the Service pursuant to article 422 of the Code of Civil Procedure (chapter C-25.01) and for any work performed by the mediator outside the sessions in connection with the mediation. Those fees are set at \$50 where the mediator’s report states that the parties did not enter into mediation within the allotted time pursuant to article 423 of the Code.”.

**7.** Section 12 is replaced by the following:

“**12.** For the purposes of this tariff, where the Code of Civil Procedure (chapter C-25.01) provides that the mediator is to file a report with or send a report to the Service, the report must be accompanied by a bill signed by the parties attesting to the number of hours and mediation services they received, where applicable.

The mediator must file the report referred to in article 617 of the Code of Civil Procedure with the Service not later than 12 months after the last mediation session,

whether that session suspends or ends the mediation. Where, however, the mediation is ordered by the court and the parties do not enter into mediation within the allotted time, or the mediation has been entered into but is ended before the dispute is resolved, the mediator must send the report referred to in article 423 of the Code of Civil Procedure to the Service not later than 10 days after the allotted time for entering into the mediation or after the date on which the mediation is ended.

The Service will pay the fees to the mediator only if the documents are filed or sent within the prescribed time.”.

**8.** The Regulation is amended by inserting the following after section 12:

“**12.1.** For the purposes of this tariff, a mediator who gives a group parenting and mediation information session must file a bill with the Service attesting to the session not later than 12 months after the session. The Service will pay the fees to the mediator only if the bill is filed within that time.”.

**9.** Where the mediation ends or is suspended before 10 March 2016, or is ordered by the court and the time allotted for entering into the mediation expires before that date, or the mediation is ended before the dispute is resolved before that date, the time period set out in section 12, as replaced by section 7 of this Regulation, begins to run as of 10 March 2016.

In addition, where the group parenting and mediation information session is given before 10 March 2016, the time period set out in section 12.1, as inserted by section 8 of this Regulation, begins to run as of that date.

**10.** Fees that were payable by the Service before 10 March 2016 for an information session on the mediation process other than a group session held before 1 January 2016, and for a mediator’s report stating the absence of the parties, or one of the parties, at such an information session that should have been held before that date, or mentioning a statement made by a party before 1 January 2016 that the party could not attend an information session for a valid reason, continue to be payable by the Service in accordance with the provisions of the Regulation as it read on 9 March 2016.

**11.** This Regulation comes into force on 10 March 2016.

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