

## DIVISION XI FINAL PROVISIONS

**29.** This Regulation replaces the Rules of practice in civil matters of the Superior Court (District of Québec) (chapter C-25.01, r. 5) and comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

102607

### Notice of adoption

Code of Civil Procedure  
(chapter C-25.01)

#### Superior Court — Regulation of the Superior Court of Québec in family matters

Notice is hereby given that, in accordance with articles 63 to 65 of the Code of Civil Procedure (chapter C-25.01), the Regulation of the Superior Court of Québec in family matters, appearing below, was adopted on 20 May 2016 and will come into force on 16 June 2016.

THE HONOURABLE JACQUES R. FOURNIER,  
*Chief Justice of the Superior Court*

### Regulation of the Superior Court of Québec in family matters

Code of Civil Procedure  
(chapter C-25.01, a. 63)

#### CHAPTER I GENERAL

**1. Application:** This Regulation applies in all judicial districts of Québec.

#### CHAPTER II APPEALS FROM DECISIONS OR ORDERS OF THE COURT OF QUÉBEC IN YOUTH PROTECTION AND YOUTH CRIMINAL JUSTICE MATTERS

##### DIVISION I YOUTH PROTECTION

**2. Definitions:** In this Chapter, “Court” means the Superior Court of Québec and “Court of Québec” means the Court of Québec, Youth Division.

**3. Introduction of appeal:** Appeals are heard by the Court in the Family Chamber, unless referred by a judge to the Criminal Chamber.

**4. Notice of appeal:** In addition to the provisions of section 104 of the Youth Protection Act (chapter P-34.1), the notice of appeal contains the object of the complaint, the conclusions of the decision or order appealed from, and the names of the parties’ lawyers in first instance.

The Court may make any appropriate order under section 112 of the Youth Protection Act.

The notice of appeal is signed by the appellant or the appellant’s lawyer and gives the address to which any communication may be directed.

The appellant may invoke grounds not stated in the notice of appeal by filing with the clerk of the Court a notice stating such grounds precisely and concisely, together with proof of service upon the respondent or the respondent’s lawyer, before the appeal is heard and not later than 15 days after the filing of the complete transcript of the proceedings.

**5. Representation statement:** A lawyer representing a party before the Court must file a representation statement at the court office within 10 days of the filing of the notice of appeal.

##### **6. Preparation of record:**

1. Upon receipt of the notice of appeal, unless the Court orders otherwise upon application by the appellant, the clerk of the Court of Québec takes all necessary steps to obtain as soon as possible a complete transcript of the proceedings, the evidence adduced and the decisions rendered both in the course of proceedings and at the time of the final decision and, where applicable, the order.

2. As soon as the transcript is completed, the clerk of the Court of Québec sends the original to the court office with copies to the parties or their lawyers. Where it appears impossible to obtain a complete transcript, the clerk of the Court of Québec advises the clerk of the Court and the parties, giving reasons.

**7. Setting down on the roll:** Upon the expiry of the time allotted for the answer, the clerk of the Court sets the appeal down on the roll of the Family Chamber, 15 days thereafter or on the first day of the next session, and gives notice to the parties or their lawyers.

On the day fixed, the parties or their lawyers must be present to inform the Court of the nature of the case and the duration of the hearing. The judge then sets a definitive date for the hearing of the appeal, which proceeds on that date without further notice.

If a party is absent or is not represented on the day fixed, the Court may apply the powers provided for in section 11 of this Regulation.

**8. Argument in writing.** Any party who wishes to submit an argument in writing must have it served and file it within 15 days of the deposit of the complete transcript of the proceedings; the written argument must, where applicable, state the relevant facts with appropriate references to the transcript and set out the arguments with reference to the authorities relied upon.

**9. Depositions:** When the Court hears additional evidence, it must be recorded in a way that allows testimony to be stored and reproduced, or recorded by an appropriate independent system that, although not connected to a master system, ensures the integrity of the deposition.

**10. Powers of the Court:** The Court may

(a) dismiss the appeal, where the appellant is not ready to proceed when the case is called;

(b) allow the appellant to proceed outside the presence of a respondent who is not ready to proceed when the case is called;

(c) upon application or on its own initiative, dismiss an appeal initiated in contravention of the formalities prescribed by law or by the rules of the Court.

**11. Applications:** All applications must be served on the adverse party or that party's lawyer with a notice of presentation of at least three days. The judge may, however, change the time limit if the judge considers it necessary.

**12. Copies of judgments:** The clerk of the Court notifies a copy of the judgment to the judge who rendered the decision appealed from and to the clerk of the Court of Québec, as well as to the persons listed in section 94 of the Youth Protection Act (chapter P-34.1). A copy of the judgment may be notified using technological means to parties and lawyers that have provided the required contact information.

**13. Record:** Upon the expiry of the time limit for appeal to the Court of Appeal, the clerk of the Court returns the original record to the clerk of the Court of Québec.

**14. General provision:** The Court may make any decision or order having regard to the best interests of justice.

## DIVISION II YOUTH CRIMINAL JUSTICE

**15. Interim release in the field of youth criminal justice:** The Court may, after the filing of the notice of appeal or an application for review of the sentencing decision, upon a written application presented with at least three days' written notice served on the prosecutor and filed at the court office, order the interim release of the appellant and set conditions.

## CHAPTER III DIVORCE, SEPARATION, ANNULMENT OF MARRIAGE AND FILIATION

### DIVISION I PLEADINGS

#### §1. General

**16. Child custody and tutorship:** A party that applies for custody of a child or tutorship to a child must attest that the child is not the object of a court decision or a pending case before a court or of an agreement with the Director of Youth Protection, or, if such is the case, must give the particulars of such decision or pending case or agreement.

**17. Birth certificates:** Providing children's birth certificates as evidence is not required unless their filiation is in dispute. Photocopies of the parties' birth certificates are sufficient.

#### §2. Application for divorce

**18. Content:** An application for divorce, supported by an affidavit and, where applicable, a notice as to contestation, must be drawn up in accordance with Form I and signed by the applicant.

**19. Attestation of birth:** In every application for divorce, an attestation by each spouse, drawn up in accordance with Form II, must be enclosed with the request for setting down for trial and judgement provided for in article 174 of the Code of Civil Procedure (chapter C-25.01) or, in the case of a joint application, with the application.

A request for setting down for trial and judgment or an application may not be made without such attestations.

The attestation must be attached to the copy of the judgment that is sent to the Registrar of Civil Status.

### §3. *Other originating applications*

**20. Content:** To the extent possible, any application for annulment of marriage, separation as to property or separation as to bed and board, must include the information required under paragraphs 1 to 7, 10 and 11 of Form I.

**21. Joint application:** All exhibits must be filed with the court office at the same time as the joint application.

## DIVISION II PERSONAL SUPPORT FOR APPLICANT

**22. Sworn statement by applicant:** In order to be put on the roll of the Practice Chamber, any application for the purpose of fixing or varying support for the applicant must be accompanied with a sworn statement that reflects the applicant's financial situation and that of the children in the applicant's care; the statement must be prepared in accordance with Form III and be served with the application.

**23. Sworn statement by other party:** At least 5 days before the presentation of the application, the other party must serve on the applicant and file in the record a sworn statement of the other party's financial situation in accordance with Form III, failing which the applicant may, at the Court's discretion, proceed outside the presence of the other party. The notice of presentation of the application must mention this requirement.

**24. Admission of ability to pay:** A party that acknowledges in Form III being able to pay the amounts claimed by the adverse party is not required to provide a detailed financial statement, unless the judge decides otherwise.

**25. Consent or draft agreement:** The consent or draft agreement of the parties or their affidavits for judgment must describe each party's financial resources and situation, unless they have completed and submitted a sworn financial statement in accordance with Form III or, as the case may be, with the child support determination form.

**26. Trial on the merits:** Both parties must serve on each other a statement of their financial situation drawn up in accordance with Form III at least 10 days before the date of the trial on the merits, or at the time fixed by the person who presides over the pre-trial conference.

## DIVISION III FAMILY PATRIMONY

**27. Mandatory information:** In every application for separation as to bed and board, annulment of marriage, or divorce, the party making the request for setting down for trial and judgment in accordance with article 174 of the Code of Civil Procedure must include either a declaration by the parties that they are not subject to the rules governing family patrimony, a renunciation of partition, a declaration that partition is not contested, or a sworn statement of the family patrimony made in accordance with article 413 of the Code of Civil Procedure.

Where the other party contests the statement, that party must communicate and file with the request for setting down for trial and judgment in accordance with article 174 of the Code of Civil Procedure a sworn statement of the family patrimony made in accordance with article 413 of the Code of Civil Procedure.

The statement of the family patrimony is prepared using the form established by order of the Chief Justice and published on the Superior Court website.

**28. Renunciation.** A party that renounces the partition of benefits accrued during the marriage or civil union under a retirement plan or the partition of earnings registered in the name of a spouse pursuant to the Act respecting the Québec Pension Plan (chapter R-9) or a similar plan must confirm that he or she knows the extent of the value which may be partitioned and the possibility of being informed of its exact amount.

## DIVISION IV PARTNERSHIP OF ACQUESTS

**29. Mandatory information:** In every application for separation as to bed and board, the annulment of marriage, or divorce, the party requesting the setting down for trial and judgment in accordance with article 174 of the Code of Civil Procedure must include a sworn statement of the partnership of acquests.

If the other party contests the statement, that party must file with the request for setting down for trial and judgment in accordance with article 174 of the Code of Civil Procedure a sworn statement of the partnership of acquests.

The statement of partnership of acquests is prepared using the form established by order of the Chief Justice and published on the Superior Court website.

## DIVISION V PSYCHOSOCIAL EVALUATION

**30. Application:** Referrals to the Service d'expertise psychosociale attached to the Superior Court of Québec are made only in cases involving minor children.

**31. Order:** In any family case involving the interests of a minor child, the Court may, on initiative or on request, order the Service d'expertise psychosociale attached to the Superior Court to designate an expert to shed light on any question connected with child custody or concerning the child.

Where applicable, consent, drafted in accordance with Form IV and signed by the parties and their lawyers, is filed in the record.

**32. Forwarding of expert report:** In the order made, the judge indicates whether the report is to be forwarded to the Chief Justice or a judge designated by the Chief Justice, or returned to the judge if the judge remains seized of the matter.

**33. Order issued during hearing:** The order is issued from the bench, in the presence of the parties.

The clerk notifies the decision and all other relevant documents to the Service d'expertise psychosociale.

**34. Content of order:** The order, drawn up in accordance with Form V, indicates the specific object of the expert report. The name of the expert, the expert's profession, or the manner in which the evaluation should be carried out, if mentioned in the order, constitute recommendations to the Service. The Court may, if applicable, issue an order in accordance with section 19 of the Act respecting health services and social services (chapter S-4.2) and article 429 of the Code of Civil Procedure, using Form VI.

**35. Submission of report:** The expert submits the report to the Service d'expertise psychosociale, which forwards it to the clerk of the Court. The clerk then forwards it to the judge who ordered the expert report or, if the judge is no longer seized of the matter, to the Chief Justice or the judge designated by the Chief Justice, and to the parties. The judge or the clerk places the report in the record in a sealed envelope.

**36. Expert report and testimony of the expert:** The report of an expert stands in lieu of the expert's testimony. However, the expert may be called to testify in accordance with article 294 of the Code of Civil Procedure.

## DIVISION VI SUPERVISED ACCESS BY A NATURAL PERSON OTHER THAN A SUPERVISION RESOURCE

**37. Supervised access rights:** Every request or offer to exercise supervised access rights with respect to a minor child, made by a natural person other than a supervision resource, must include a written commitment by that designated person.

Failing this, the order fixing supervised access rights must be served on the designated supervisor and include the notice set out in Schedule A of this Regulation.

## DIVISION VII APPLICATION FOR VARIATION

**38. Mandatory information:** Any application to vary, rescind or suspend corollary relief must be supported by an affidavit and contain the following information:

- (a) the current marital status of the parties;
- (b) the address of the residence of the parties and their dependent children's address, age and sex;
- (c) the current terms and conditions of any child custody and access arrangements;
- (d) the current amount of support and the amount requested;
- (e) the amount of arrears, if any;
- (f) the changes in circumstances that support the application.

**39. Previous order issued in another case:** In the case of an application for the variation of an order issued in another case, copies of prior judgments and of the pleadings on which judgment was rendered must be filed in the record unless they have already been included.

## DIVISION VIII CLERK

**40. Judgment or Court order:** The clerk prepares and signs every judgment or order issued by the Court or by a judge, unless such judgment or order has been prepared and signed by the judge.

A divorce judgment must be prepared in accordance with Form VII and bear the date on which it was rendered.

**41. Extract of judgment.** Upon request, the clerk may issue an extract of a judgment that is limited to the conclusions.

The filing of the judgment at the office of the Court must be accompanied by a partial copy that includes the style of cause, the title “Extract of Judgment” and the disposition beginning with the words: “For these reasons...”.

## **DIVISION IX** **DIVORCE OFFICE**

**42. Duties of the clerk.** In each of the judicial districts of Québec, the Divorce Office is administered by the clerk. The duties of the clerk are as follows:

(a) to file separately the divorce records and to keep registers, an index, a court ledger and a special register available to the public where every divorce judgment is entered without delay;

(b) to receive and register applications after ascertaining that they comply with the requirements of the Divorce Act (R.S.C. 1985, c. 3 (2nd Suppl.)) and of the Rules of Practice;

(c) to keep a register of pleadings containing;

i. with respect to each application, the names and addresses of the parties and the date of filing;

ii. with respect to each divorce judgment, the names and addresses of the parties and the date it was rendered;

(d) to fill out the forms required by the Rules of Practice or the regulations made pursuant to the Divorce Act;

(e) once the divorce has taken effect, to issue a certificate of divorce in accordance with Form VIII, upon request;

(f) in accordance with subsection 17(11) of the Divorce Act, to forward, when the Court has issued an order varying a support order or custody order of another court, a certified true copy of the variation order to the other court or to any other court which had varied the original order;

(g) to forward, in the case of a provisional order, the documents provided for in subsections 18(3) and 18(6) of the Divorce Act;

(h) to serve upon the applicant or the applicant’s lawyer the notice provided for in subsection 18(5) of the Divorce Act at least 10 days before the date fixed for submitting further evidence;

(i) to serve upon the parties the notice provided for in subsection 19(2) of the Divorce Act, prepared using Form IX, accompanied by a copy of the documents received from the court which issued the provisional order;

(j) as required by subsection 19(12) of the Divorce Act, to send a certified true copy of any order issued under subsection 19(7) of the Divorce Act;

(k) to forward to the competent court, following a transfer order issued under section 6 of the Divorce Act, a true copy of the record and the order;

(l) to hire the personnel necessary for the performance of the clerk’s duties, including deputy clerks, according to the number of cases filed in the Divorce Office for which the clerk has complete responsibility.

## **DIVISION X** **FINAL PROVISIONS**

**43. Coming into force.** This Regulation replaces the Rules of practice of the Superior Court of Québec in family matters (chapter C-25.01, r. 6) and comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

## SCHEDULE A

### NOTICE TO THE SUPERVISOR OF ACCESS RIGHTS IN ACCORDANCE WITH SECTION 37 OF THIS REGULATION

You have agreed to act as a supervisor of access rights. An **access right** is an Order of the Superior Court permitting a parent to see his or her child(ren) under certain conditions. The “**exercise of access rights**” is the time during which a parent sees his or her child(ren).

The Court has ordered supervised access rights and you have been named to act as the supervisor.

As a result, you must

- be present for each and every exercise of access rights;
- be present for the entire duration of the exercise of access rights.

You cannot choose to stop acting as the supervisor of access rights or have yourself replaced at your own convenience or discretion.

If you are no longer willing or able to act as the supervisor of access rights, you must advise both parents within a reasonable time, in other words well in advance of the next scheduled exercise of access rights.

This notice must be accompanied by the order for supervised access rights.

**FORM I**

(A summons in conformity with the model established by the Minister of Justice must be attached to the application for divorce)

CANADA

SUPERIOR COURT

PROVINCE OF QUÉBEC

Family Chamber

DISTRICT OF

(Divorce)

NO

APPLICANT(S)

and, if appropriate,

DEFENDANT

APPLICATION FOR DIVORCE

It is declared that:

**Matrimonial and family status**

1. The wife was born on (date) \_\_\_\_\_ at (place) \_\_\_\_\_ and is (age) \_\_\_\_\_ years old. She is the daughter of (father's name), \_\_\_\_\_ and (mother's name), \_\_\_\_\_ as appears from the copy of her birth certificate numbered Exhibit P-1;

2. The husband was born on (date) \_\_\_\_\_ at (place) \_\_\_\_\_ and is (age) \_\_\_\_\_ years old. He is the son of (father's name) \_\_\_\_\_ and (mother's name) \_\_\_\_\_ as appears from the copy of his birth certificate numbered Exhibit P-2;

3. The marriage of the parties was solemnized on \_\_\_\_\_ (date) at \_\_\_\_\_ (place) as appears from the copy of their marriage certificate numbered Exhibit P-3;

4. At the time of the marriage the wife was \_\_\_\_\_ the husband was \_\_\_\_\_; (Give the matrimonial status of each party);

5. The matrimonial regime they adopted was \_\_\_\_\_; (file as Exhibit P-4 an authentic copy of the relevant document).

There has been no change of this regime.

(If changes of the matrimonial regime have occurred, specify them and file an authentic copy of the pertinent documents).

6. The name, age, sex and date of birth of each child of the marriage is:



	<b>Family name</b>	<b>Given name</b>	<b>Age</b>	<b>Sex</b>	<b>Date of Birth</b>
1.					
2.					
3.					
4.					
5.					

The copies of the birth certificates of each child dealt with in the application are Exhibit P-5 (optional).

None of the children is the object of a decision of a court, nor a pending case before a court nor of any agreement with a director of youth protection. (If such a decision pending or an agreement exists, give particulars and file relevant supporting documents).

### **Residence**

7. The wife ordinarily resides at: \_\_\_\_\_ (no.) \_\_\_\_\_  
 \_\_\_\_\_ (street) \_\_\_\_\_ (city) \_\_\_\_\_  
 \_\_\_\_\_ (province) \_\_\_\_\_ since \_\_\_\_\_ (day) \_\_\_\_\_  
 \_\_\_\_\_ (month) \_\_\_\_\_ (year) \_\_\_\_\_

The husband ordinarily resides at: \_\_\_\_\_ (no.) \_\_\_\_\_  
 \_\_\_\_\_ (street) \_\_\_\_\_ (city) \_\_\_\_\_  
 \_\_\_\_\_ (province) \_\_\_\_\_ since \_\_\_\_\_ (day) \_\_\_\_\_  
 \_\_\_\_\_ (month) \_\_\_\_\_ (year) \_\_\_\_\_

### **Reasons**

8. There has been a breakdown of the marriage for the following reasons:

(Give here particulars of the grounds for divorce, as provided in Section 8(2) of the Divorce Act, 1985)

**Reconciliation and mediation**

9. Before the signature of the present application:

(A) The lawyer for the applicant has discussed the possibility of reconciliation and informed the applicant as to the existing counselling or guidance facilities. (if not, give reasons).

(B) The lawyer has informed the applicant as to existing mediation facilities which may assist in negotiating matters that may be the subject of a support or custody order and has discussed the advisability of negotiating same.

**Safeguard and provisional measures (if the application contains conclusions to that effect), corollary measures and other claims**

10 A) There is an agreement between the parties as to corollary relief, a copy of which is numbered Exhibit P-6;

or

(B) There is no agreement between the parties as to all safeguard and provisional measures and corollary relief, and

(i) The grounds in support of the conclusions for provisional relief are (enumerate the facts):

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(ii) The grounds in support of corollary relief are (enumerate the facts):

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**Other proceedings**

11. There have been no other proceedings with respect to the marriage; (otherwise, give all details and file a certified copy of all previous judgments).

12. There has been no collusion between the parties.

13. (Where the application is based on Section 8(2) b). There has been no condonation or connivance at the act or conduct complained of.

WHEREFORE, may it please this Court to:

ISSUE the following safeguard orders, if applicable:

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ISSUE the following provisional orders, if applicable:

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PRONOUNCE the divorce of the parties;

ISSUE the following orders of corollary relief (if applicable):

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and GRANT the following additional conclusions (if applicable):

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(or)

RATIFY the agreement between the parties and ORDER the parties to conform therewith, \_\_\_\_\_ costs.

Signed at \_\_\_\_\_, on  
\_\_\_\_\_ 20\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

APPLICANT(S)

LAWYER'S DECLARATION

I, the undersigned lawyer for the applicant(s), hereby certify that I have complied with the requirements of section 9 of the Divorce Act, 1985.

Signed at \_\_\_\_\_, on  
\_\_\_\_\_ 20\_\_\_\_\_

Lawyer(s) for the APPLICANT(S)

\_\_\_\_\_

(where appropriate)

### CERTIFICATE OF CLERK

I, the undersigned, clerk for the District of \_\_\_\_\_,  
certify that there has been received and filed in court office a divorce application,  
a certificate of the lawyer and (if appropriate) a notice to the defendant as to  
contestation.

(place and date)

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CLERK

**FORM II**

CANADA

SUPERIOR COURT

PROVINCE OF QUÉBEC

FAMILY CHAMBER

DISTRICT OF

(Divorce)

NO

APPLICANT(S)

and, where applicable,

DEFENDANT

## ATTESTATION IN RESPECT OF THE REGISTRATION OF BIRTHS

- No party's** birth was registered in Québec. (Do not fill out paragraphs 1 and 2. Enter the date and sign on page 2)
  
- The **wife's** birth was not registered in Québec. (Fill out paragraph 2 only. Enter the date and sign on page 2)
  
- The **husband's** birth was not registered in Québec. (Fill out paragraph 1 only. Enter the date and sign on page 2)

**I hereby declare that:**

(1) The wife was born on \_\_\_\_\_ (date of birth) \_\_\_\_\_ at \_\_\_\_\_ (place of birth) \_\_\_\_\_ and was baptized or her birth was registered on \_\_\_\_\_ (date of baptism or civil registration) \_\_\_\_\_ at \_\_\_\_\_ (parish and municipality, in case of baptism, or municipality, in case of civil registration) \_\_\_\_\_.

She is the daughter of \_\_\_\_\_ and \_\_\_\_\_.

OR (Form to be used where the act of birth was issued by the registrar of civil status.)

The wife is \_\_\_\_\_ years of age and the registration number of her act of birth in the register of civil status is \_\_\_\_\_.

(2) The husband was born on \_\_\_\_\_ (date of birth) \_\_\_\_\_ at \_\_\_\_\_ (place of birth) \_\_\_\_\_ and was baptized or his birth was registered on \_\_\_\_\_ (date of baptism or civil registration) \_\_\_\_\_ at \_\_\_\_\_ (parish and municipality, in case of baptism, or municipality, in case of civil registration) \_\_\_\_\_.

He is the son of \_\_\_\_\_ and \_\_\_\_\_.

OR (Form to be used where the act of birth was issued by the registrar of civil status.)



The husband is \_\_\_\_\_ years of age and the registration number of his act of birth in the register of civil status is \_\_\_\_\_ (place and date)\_\_\_\_\_.

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Party or parties

OR

Lawyer for

**FORM III**

CANADA

PROVINCE OF QUÉBEC

SUPERIOR COURT

DISTRICT OF

Family Chamber

NO \_\_\_\_-\_\_\_\_-\_\_\_\_

\_\_\_\_\_

Party \_\_\_\_\_

v.

\_\_\_\_\_

Party: \_\_\_\_\_

**STATEMENT OF INCOME AND EXPENDITURES AND BALANCE SHEET**

I, the undersigned, \_\_\_\_\_, domiciled at  
\_\_\_\_\_ in the district of  
\_\_\_\_\_, do hereby declare under oath that:

I acknowledge my ability to pay the amounts claimed but deny that the other party is entitled to receive them.

I receive only income security benefits in the amount of \$\_\_\_\_\_ per month.

(1) I am the \_\_\_\_\_ (applicant or defendant) in this case.

(2) I have enclosed with this sworn declaration a copy of my federal and provincial income tax returns, along with notices of assessment for the years \_\_\_\_\_.

(3) All the details pertaining to my financial situation are accurately disclosed hereunder and are true to my personal knowledge.

#### INCOME FOR THE CURRENT YEAR

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<b>Category</b>	<b>Per week</b>	<b>Par month</b>	<b>Par year</b>
Gross salary			
Commissions/tips			
Net income from business or self-employment (attach financial statement)			

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Employment insurance

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Support paid by a third party

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Retirement or disability pension, or other pension

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Interest and dividends

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Net rentals (attach a statement of income and expenses for each property)

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Other (Please specify)

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TOTAL

a)

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Total per week \$ \_\_\_\_\_ x 4.33 = b) \$ \_\_\_\_\_ per month Total per  
year \$ \_\_\_\_\_ ÷ 12 = c) \$ \_\_\_\_\_ per month TOTAL MONTHLY  
INCOME: (a + b + c) = \$ \_\_\_\_\_

EXPENSES ON A MONTHLY BASIS

(To calculate the exact monthly amount, multiply a weekly expenses by 4.33 and divide an annual expense by 12)

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**Category**

**Per month**

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1 Contributions to the Québec Pension Plan and the Canada Pension Plan

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2 Employment insurance premiums

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3 Contributions to a retirement plan

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4 Group insurance premiums

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5 Union dues and professional association fees

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6 Rent/mortgage

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7 Common expenses (co-ownership)

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8 Municipal, school and water taxes

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9 Home insurance premiums

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10 Insurance: life, accident, invalidity

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11 Electricity

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12 Heating

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13 Telephone

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14 Cable T.V.

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15 Repairs to and upkeep of main residence

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16 Housekeeping

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17 Purchase of furniture, appliances and bedding

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18 Repairs to furniture and appliances

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19 Food

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20 Restaurant meals: – For work                          – For leisure

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21 Medicines and toilet articles

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22 Diapers and baby formula

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23 Dental care

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24 Eye glasses, contact lenses and products for their upkeep

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25 Clothing

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26 Laundry and dry-cleaning

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27 Hairdresser and beauty care

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28 Taxis and public transport

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29 Vehicle – Payments/rental   – Insurance   – Licence and registration   –  
Fuel   – Repairs   – Parking

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30 Education costs (tuition, books, supplies, meals, outings,   extra-curricular  
activities, uniform)

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31 Registered education savings plan

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32 Child day care costs (day care, babysitter, day camp) – For work – For leisure

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33 Outings and entertainment

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34 Sports activities

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35 Equipment: sports, leisure activities, etc.

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36 Courses/lessons

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37 Toys, gifts

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38 Books, magazines, newspapers, records and cassettes

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39 Pets

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40 Tobacco and alcohol

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41 Vacations

---

42 Camp

---

43 Children's allowance

---

44 Savings – retirement savings

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45 Payment of debts      1)                              2)                              3)

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46 Lawyer's fees

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47 Secondary residence (enclose details on separate sheet)

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48 Other:                              Anticipated expenditures:

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TOTAL MONTHLY EXPENDITURES

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SUMMARY

Total monthly income (see page 1)                              \$ \_\_\_\_\_

(less)    -

Income tax (before support)\*    \$ \_\_\_\_\_

NET INCOME	\$ _____
(less)	-
Total monthly expenditures	\$ _____
SURPLUS/(DEFICIT)	\$ _____

## SUPPORT AND FINANCIAL IMPACT

## INFORMATION TO BE SUPPLIED BY THE PARTY CLAIMING SUPPORT

Net contribution required of Alimentary debtor	\$ _____
plus	+
Income tax on the support claimed and tax credits lost*	\$ _____
GROSS SUPPORT CLAIMED	\$ _____
	_____

## INFORMATION TO BE SUPPLIED BY THE PARTY FROM WHOM SUPPORT IS CLAIMED

GROSS SUPPORT OFFERED	\$ _____
(less)	-
Income tax savings and tax credits recovered as result of support offered*	\$ _____
Net cost of support offered	\$ _____

\* Indicate source of calculation \_\_\_\_\_

## NAME AND ADDRESS OF EMPLOYER

\_\_\_\_\_

\_\_\_\_\_

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ASSETS

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Indicate cash, accounts in banks or other financial institutions and the market value of assets by category (disregarding any related debts): real estate, furniture, automobiles, works of art, jewellery, shares, bonds, interests in a business, other investments, pension funds, RRSPs, sums owing to you, etc.

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**Category**

**Details**

**Value**

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Total assets \$ \_\_\_\_\_

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LIABILITIES

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In the following table indicate all debts or financial commitments of any kind as loans or granted as credit (hypothecary loans, personal loans, lines of credit, credit cards, instalment sales, surety bonds, etc.) or that you must pay under a statute (tax debts, contributions, dues or other unpaid duties, etc.) or under a court decision (damages, support, overpayment of unemployment insurance or welfare benefits, fines, etc.). Indicate the amount of each debt, the balance of the principal and the name of the creditor.

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Debt	Balance	Name of creditor
(Specify hypothec, personal loan, credit card, etc.)		

---

1.

---

2.

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3.

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4.

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Total liabilities \$ \_\_\_\_\_

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**Summary of assets and liabilities**

Total assets: \$ \_\_\_\_\_

(less) -

Total liabilities: \$ \_\_\_\_\_

NET WORTH \$ \_\_\_\_\_

---

Signature

Oath taken before \_\_\_\_\_ (name and position, profession or  
quality) \_\_\_\_\_ at \_\_\_\_\_ (municipality and province) \_\_\_\_\_, on  
\_\_\_\_\_ (date) \_\_\_\_\_

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(signature of person administering the oath)

**FORM IV**

## CONSENT TO PSYCHOSOCIAL EVALUATION

CANADA

SUPERIOR COURT

PROVINCE OF QUÉBEC

Family Chamber

DISTRICT OF

NO

PLAINTIFF(S)

v.

DEFENDANT

## CONSENT TO PSYCHOSOCIAL EVALUATION

We the undersigned hereby consent, subject to the court's Order, that an evaluation be made by an expert designated by the "Service d'expertise psychosociale" attached to the Family Chamber of the Superior Court, with respect to our minor child(ren):

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(name of child) (name of child) (name of child) (name of child)

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We consent that the evaluation begin after the attestation of the mediation service is filed in accordance with articles 417 and following of the Code of Civil Procedure (chapter C-25.01).

We consent to cooperate on the conduct of interviews with each one of us and our child or children if the expert deems it expedient.

We also consent that the expert may communicate with the persons and establishments hereinafter named, and obtain relevant information from their records, namely:

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We consent that the designated expert be authorized by the Court to take cognizance of the court record, including records and medical reports kept under seal in accordance with section 16 of the Regulation of the Superior Court in civil matters (chapter C-25.01 (*insert the number of the Regulation*)) and authorize the clerk to give the expert access to the record.

We further consent that the expert's report be filed as evidence in the court record, subject to the right of the parties to cross-examine the expert and introduce additional evidence.

AND WE HAVE SIGNED AT

---

this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
LAWYER FOR PLAINTIFF

\_\_\_\_\_  
PLAINTIFF

\_\_\_\_\_  
LAWYER FOR DEFENDANT

\_\_\_\_\_  
DEFENDANT

INTERVENTION

I consent to the granting of access to and the communication of information from the records covered by my parent's consent, and to the filing of the expert's report as evidence.

\_\_\_\_\_  
MINOR CHILD IF 14 YEARS OF AGE OR OLDER



**FORM V**

ORDER FOR PSYCHOSOCIAL EVALUATION

CANADA

SUPERIOR COURT

PROVINCE OF QUÉBEC

Family Chamber

DISTRICT OF

NO

PLAINTIFF(S)

v.

DEFENDANT

ORDER

The Court is seized of an application for

custody of or access to a minor child or children; or

other aspects concerning the child or children (specify):

In light of the evidence and the submissions relating to

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(name(s) of child(ren))

CONSIDERING that in order to make an enlightened decision, it appears appropriate that the Court obtain an expert report from the Service d'expertise psycho-sociale attached to the Superior Court;

CONSIDERING

the  written  oral consent given by the parties to a psychosocial evaluation by an expert of the Service d'expertise psychosociale;

the decision made on the Court's initiative to have a psychosocial evaluation conducted by an expert of the Service d'expertise psychosociale;

FOR THESE REASONS;

ORDERS the Service d'expertise psycho-sociale to designate an expert to conduct a psychosocial evaluation with respect to:

(name of child) (name of child) (name of child) (name of child)

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the evaluation to focus on (specify the focus of the evaluation)

and the written report to be filed on or before  
\_\_\_\_\_ and forwarded to

- the Chief Justice, or
  
- the judge designated by the Chief Justice; or
  
- the undersigned judge.

AUTHORIZES the designated expert to take cognizance of the court record, including any document kept under seal such as medical reports and physical, mental or psychosocial evaluation reports in accordance with section 16 of the Code of Civil Procedure (chapter C-25.01) and section 16 of the Regulation of the Superior Court in civil matters (chapter C-25.01, (*insert the number of the Regulation*)).

Costs to follow suit.

\_\_\_\_\_  
J.S.C.

**FORM VI**

COMMUNICATION OF RECORDS ORDER (s. 19 of the Act respecting health services and social services (chapter S-4.2) and a. 429 of the Code of Civil Procedure (chapter C-25.01))

CANADA

SUPERIOR COURT

PROVINCE OF QUÉBEC

Family Chamber

DISTRICT OF  
\_\_\_\_\_, 20 \_\_\_\_

The \_\_\_\_\_ day of

NO

PLAINTIFF(S)

v.

DEFENDANT

ORDER

IN LIGHT OF the judgment of the Court ordering a psychosocial evaluation, and considering that the court finds it necessary that the expert obtain the records relevant to the evaluation to be made, and given the consent of the parties to the communication of such records to the expert;

FOR THESE REASONS:

The Court orders, in accordance with section 19 of the Act respecting health services and social services (chapter S-4.2) and article 429 of the Code of Civil Procedure (chapter C-25.01))

that

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communicate all relevant records to the expert designated by the Director of the Service d'expertise psychosociale, in order that the said expert's report may be prepared.

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J.S.C.

**FORM VII**

DIVORCE JUDGMENT (s. 8, Divorce Act, 1985)

CANADA

SUPERIOR COURT

PROVINCE OF QUÉBEC

Family Chamber

DISTRICT OF

(Divorce)

NO.

The \_\_\_\_\_ day of

\_\_\_\_\_, 20 \_\_\_\_

HONOURABLE

PRESENT: THE

APPLICANT(S)

and, if applicable,

DEFENDANT

## JUDGMENT OF DIVORCE

GIVEN the divorce application;

GIVEN the evidence made and the documents filed in the record;

CONSIDERING that the application is well founded;

WHEREFORE THE COURT:

Orders the divorce of the parties whose marriage was solemnized on \_\_\_\_\_, to take effect on the thirty-first day after the date of the present judgment.

ORDERS

\_\_\_\_\_  
(corollary relief)

\_\_\_\_\_ costs.

\_\_\_\_\_  
JUDGE OR CLERK

**FORM VIII**

CERTIFICATE OF DIVORCE (s. 12(7), Divorce Act, 1985)

Canada	SUPERIOR COURT
Province of Québec	
District of	
No	
<p><b>CERTIFICATE OF DIVORCE</b>          (Subsection 12(7), Divorce Act)</p>	
I hereby certify that the marriage of	
and	
solemnized at , on the	
has been dissolved by a judgment which took effect on the	
Seal*	Issued at
	on the
	_____
	Clerk

\* On request



**FORM IX**

NOTICE OF HEARING RESPECTING CONFIRMATION OF A PROVISIONAL  
ORDER (s. 19(2) of the Divorce Act, 1985)

CANADA

SUPERIOR COURT

PROVINCE OF QUÉBEC

Family Chamber

DISTRICT OF

(Divorce)

NO

APPLICANT(S)

and, where applicable,

DEFENDANT

NOTICE OF HEARING RESPECTING CONFIRMATION OF A  
PROVISIONAL ORDER

(Subsection 19(2) of the Divorce Act, 1985)

You are hereby notified that an application to confirm the attached provisional  
order of

\_\_\_\_\_ (judge) \_\_\_\_\_ of \_\_\_\_\_ (court) \_\_\_\_\_ made on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_ will be heard in Room \_\_\_\_\_ of the Court House at \_\_\_\_\_ (address) \_\_\_\_\_, at 9:30 a.m. or so soon thereafter as the parties can be heard.

And you are further notified that the Court will take into consideration all documents in support of the application forwarded by the Court which made the provisional order as well as any evidence given to the Court by either party.

And you are further notified that the Court may then make an order to confirm or not the provisional order, or to vary such order.

Signed at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

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CLERK