

Regulations and other Acts

Gouvernement du Québec

O.C. 622-2018, 16 May 2018

Code of Civil Procedure
(chapter C-25.01)

Family mediation —Amendment

Regulation to amend the Regulation respecting family mediation

WHEREAS, under the third paragraph of article 619 of the Code of Civil Procedure (chapter C-25.01), the Government, by regulation, may determine what services are payable by the Family Mediation Service, set the tariff of professional fees the Service may pay certified family mediators and determine the time limit and procedure for claiming such professional fees and the applicable terms of payment;

WHEREAS, under this paragraph, the Government may determine the tariff of professional 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 7 March 2018 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.

ANDRÉ FORTIER,
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 section 11 by the following:

“**11.** Where the adopter and original family members wish to enter into or review an agreement referred to in article 579 of the Civil Code, as replaced by section 32 of the Act to amend the Civil Code and other legislative provisions as regards adoption and the disclosure of information (2017, chapter 12), after the order of placement has been granted or whenever a dispute arises on how the agreement is to be applied, the fees payable by the Service, for the services provided by one or two mediators pursuant to article 442.1 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 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 resort to the mediation to review such an agreement or where a dispute occurs regarding its application.

The first paragraph of section 10.3 applies, with the necessary modifications, to the fees payable by the parties.”

2. This Regulation comes into force on 16 June 2018.

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