

Regulation to amend the Amended basic school regulation for preschool, elementary and secondary education for the 2019-2020 school year

Education Act
(chapter I-13.3, s. 447, 1st par., 2nd par.,
subpar. 1, and 3rd par., subpar. 4)

DIVISION I GENERAL

1. The Amended basic school regulation for preschool, elementary and secondary education for the 2019-2020 school year, made by Order in Council 547-2020 dated 27 May 2020, is amended in section 30 by replacing the second paragraph by the following:

“The results shown in section 2 of the report card must indicate the status of the development of the competencies in the Preschool Education program, if the competencies have been evaluated, or, if it is the last report card for the school year, the level of development achieved by the student for each competency, if the competencies have been evaluated.”

2. The same basic school regulation is amended by adding the following after section 5:

“**5.1** The key related to term 3 in section 2 entitled “**RESULTS**” of the preschool education report card in Schedule IV to the basic school regulation is to be read as follows for that school year:

	Key
Mark	Term 3
A	The student exceeds the program expectations
B	The student meets the program expectations
C	The student partially meets the program expectations
D	The student does not meet the program expectations
NE	The student has not been evaluated

”.

DIVISION II FINAL

3. This Regulation applies despite any inconsistent provision of the Basic school regulation for preschool, elementary and secondary education.

4. This Regulation comes into force on 18 June 2020.

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Gouvernement du Québec

O.C. 649-2020, 17 June 2020

An Act to promote access to justice through the establishment of the Service administratif de rajustement des pensions alimentaires pour enfants (chapter A-2.02)

Application regulation —Amendment

Regulation to amend the Regulation respecting the application of the Act to promote access to justice through the establishment of the Service administratif de rajustement des pensions alimentaires pour enfants

WHEREAS, under the first paragraph of section 2 of the Act to promote access to justice through the establishment of the Service administratif de rajustement des pensions alimentaires pour enfants (chapter A-2.02), an application for recalculation may, in the cases described in a government regulation, be made to SARPA by one or both of the child’s parents and the regulation also determines the application procedure and the information and documents needed for the recalculation that must be provided in support of the application;

WHEREAS, under the first paragraph of section 9 of the Act, SARPA cannot recalculate child support if, after having examined the information and documents provided, it finds that the recalculation applied for requires a judicial assessment, unless there is an agreement between the parents in the cases and in accordance with the terms determined by government regulation;

WHEREAS, under the first paragraph of section 16 of the Act, any parent who makes an application for recalculation of child support must pay the fees set by regulation, in the proportion and according to the terms prescribed;

WHEREAS, under section 19 of the Act, the Government may by regulation determine the cases in which and the extent to which the Commission des services juridiques may reimburse a fee paid by a parent;

WHEREAS the Government made the Regulation respecting the application of the Act to promote access to justice through the establishment of the Service administratif de rajustement des pensions alimentaires pour enfants (chapter A-2.02, r. 1);

WHEREAS, by Order in Council 177-2020 dated 13 March 2020, the Government declared a public health emergency and took certain measures to protect the health of the population;

WHEREAS, under section 12 of the Regulations Act (chapter R-18.1), a proposed regulation may be made without having been published in the *Gazette officielle du Québec* as provided for in section 8 of that Act if the authority making it is of the opinion that the urgency of the situation requires it;

WHEREAS, under section 13 of that Act, the reason justifying the absence of such publication must be published with the regulation;

WHEREAS the Government is of the opinion that the urgency due to the following circumstances justifies the absence of such publication and such coming into force of the Regulation to amend the Regulation respecting the application of the Act to promote access to justice through the establishment of the Service administratif de rajustement des pensions alimentaires pour enfants;

— for certain parents who are separated, the current COVID-19 pandemic results in changes to their situation and the situation of their child that may have an impact on the child support paid, it is therefore necessary that the amendments provided for in the Regulation to increase the cases admissible to SARPA and reduce the fees payable to obtain a recalculation be made soon to allow more parents who are separated to have their child support recalculated at lower costs;

WHEREAS, under section 17 of that Act, a regulation comes into force 15 days after the date of its publication in the *Gazette officielles du Québec*;

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

THAT the Regulation to amend the Regulation respecting the application of the Act to promote access to justice through the establishment of the Service administratif de rajustement des pensions alimentaires pour enfants, attached to this Order in Council, be made.

YVES OUELLET,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the application of the Act to promote access to justice through the establishment of the Service administratif de rajustement des pensions alimentaires pour enfants

An Act to promote access to justice through the establishment of the Service administratif de rajustement des pensions alimentaires pour enfants (chapter A-2.02, ss. 2, 9, 16 and 19)

1. The Regulation respecting the application of the Act to promote access to justice through the establishment of the Service administratif de rajustement des pensions alimentaires pour enfants (chapter A-2.02, r. 1) is amended in paragraph 8 of section 3:

(1) by inserting “more than 20%” before “below”;

(2) by striking out “maternity or paternity leave, adoption leave.”.

2. Section 6 is amended by inserting “, the payment of fees payable” after “receives the application” in the second paragraph.

3. The following is inserted after section 11:

“**11.1.** SARPA may not recalculate child support if the income of either of the child’s parents is below the income taken into account to determine the child support for which the recalculation is requested by reason of leave relating to pregnancy, the birth of a child or adoption occurring since the last judgment determining the child support or, if more recent, since the last recalculation, except if the parents agree on the income resulting from the decrease.

The same applies if the income of either of the child’s parents is below the income taken into account to determine the child support for which the recalculation is requested by reason of sabbatical leave, leave without pay, leave with deferred pay, an alternative work schedule, a resumption of studies, retirement, a change of career, or a voluntary relinquishment of employment occurring since the last judgment determining the child support or, if more recent, since the last recalculation, unless the income is equal to or 20% below the income taken into account to determine the child support for which the recalculation is requested and the parents agree on the income resulting from the decrease.”.

4. Section 14 is amended by adding the following paragraph at the end:

“Despite the foregoing, it may recalculate child support without an agreement if the income of either of the parents includes an amount as taxable dividends, interest or other investment income equal to or less than \$2,000.”

5. Section 19 is amended

(1) by replacing “292” in the first paragraph by “50”;

(2) by replacing the second paragraph by the following:

“The fees are payable at the time an application is made to SARPA by one or both of the child’s parents.”

6. Section 21 is revoked but continues to apply to applications filed before the coming into force of this Regulation and for which a parent has paid fees payable in accordance with section 19 as it read before the coming into force of this Regulation.

7. The fees are payable, for applications made before the coming into force of this Regulation, within 5 days after the coming into force and the application is deemed to be made on the date on which SARPA receives the application and all the information and documents that must be provided in support of the application, if it receives the payment of the fees payable within the 5-day period.

8. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.