

Draft Regulations

Draft Regulation

Code of Civil Procedure
(chapter C-25.01)

Family mediation pilot project for couples who have no common dependent children

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation respecting a family mediation pilot project for couples who have no common dependent children, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation proposes to set up a family mediation pilot project for the benefit of couples who have no common dependent children, similar to the provisions that apply to couples with dependent children, and provides that eligible couples will be entitled to three hours of mediation with certified mediators, without charge, as set out in its fee provisions.

The draft Regulation specifies that the family mediation pilot project will cease to have effect on 30 June 2022.

The objective of the draft Regulation is to promote access to justice and diversion of the cases involving separating couples who have no common dependent children by allowing them to access mediation services without charge to assist in resolving the issues of their separation.

Further information on the draft Regulation may be obtained by contacting Annie Gauthier, Direction du soutien aux orientations, des affaires législatives et de la refonte, Ministère de la Justice, 1200, route de l'Église, 4^e étage, Québec (Québec) G1V 4M1, telephone: 418 559-4655; fax: 418 643-9749; email: annie.gauthier@justice.gouv.qc.ca.

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.

SIMON JOLIN-BARRETTE,
Minister of Justice

Regulation respecting a family mediation pilot project for couples who have no common dependent children

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

1. The Family Mediation Service (the Service) is available to couples who have no common dependent children for the partition of patrimonial rights arising from their community of life, on the conditions set forth in this Regulation.

2. The fees payable by the Service for the mediation services so provided 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.

3. The Service pays the fees provided for in section 2 up to a total of 3 hours of mediation, including any time spent on work performed outside the sessions in connection with the mediation.

The Service does not pay the fees for the modification of an agreement or for having a judgment rendered on the principal application reviewed.

4. The fees payable by the parties resorting to the mediation 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 3; 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.

5. For the purposes of this Regulation, 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, as 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.

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

6. Divisions I and II of the Regulation respecting family mediation (chapter C-25.01, r. 0.7) apply to this Regulation, with the necessary modifications.

7. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec* and ceases to have effect on 30 June 2022.

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