

EXPLANATORY NOTES

APPLICATION TO THE COURT CLERK CONCERNING SECTION 99, PARAGRAPH (1) OR (2), OF THE ACT TO FACILITATE THE PAYMENT OF SUPPORT (1995, c.18) (SJ-765A)

The “Application to the court clerk concerning section 99, paragraph (1) or (2), of the Act to facilitate the payment of support” form allows any person who is a debtor of support before December 1, 1995 as well the creditor of support to file an application with the clerk of the court requesting that the Minister of Revenue be entrusted with collection of the support.

The last page of the form gives the information required to draw up the application. A copy of the judgment rendered before December 1, 1995, ordering payment of the support, must be enclosed with the application filed with the Clerk.

TYPES OF FORMS

- Dynamic PDF:

After completing the form, you can print it on legal-sized paper, i.e. 8.5 inches by 14 inches (215.9 mm by 355.6 mm).

- Paper:

If you complete the form by hand, please write legibly in block letters.

PROCEDURE

Once the form is completed, keep a copy for your files.

The form must be sworn, either before a commissioner for oaths, a clerk or any other person authorized to administer the oath.

FILING AT THE COURT OFFICE

You must then submit the application to the office of the courthouse. To do this, you may use the Digital Court Office of Québec (GNJQ), which is accessible via the website of the Ministère de la Justice at www.justice.gouv.qc.ca.

For further information, as well as the contact information for all [courthouses](#) in the province of Québec, consult the website of the Ministère de la Justice.

APPLICATION TO THE COURT CLERK CONCERNING
SECTION 99, PARAGRAPH (1) OR (2), OF THE ACT
TO FACILITATE THE PAYMENT OF SUPPORT (1995, c.18)

CANADA
PROVINCE OF QUÉBEC
District:
Locality:
File No.:

Please complete in block letters

PART A – INFORMATION CONCERNING THE PARTY WHO IS TO PAY SUPPORT (debtor)

1 Surname(s) _____ Given name(s) _____

2 Surname at birth _____

3 Gender M F **4** Language French English

5 Residential address _____
Postal Code Province _____ Country _____
Telephone at home _____ At work _____
Postal address (if different) _____
Postal Code Province _____ Country _____

6 Date of birth Social insurance number

INFORMATION CONCERNING EMPLOYMENT AND INCOME

7 Employee Self-employed worker
Name of employer and address at work _____
Postal Code Province _____ Country _____
Remuneration _____ Language of communication French English

8 The debtor is unemployed

9 The debtor is receiving income security benefits
File No. (CP 12) _____

10 Other income (Indicate the source and amount of each) _____

ADDITIONAL INFORMATION CONCERNING THE DEBTOR

11 Name (at birth) of the debtor's mother _____

12 Other name(s) used by the debtor _____

PART B – INFORMATION CONCERNING THE PARTY WHO IS TO RECEIVE SUPPORT (creditor)

13 Surname(s) _____ Given name(s) _____

14 Surname at birth _____

15 Gender M F **16** Language French English

17 Residential address _____
Postal Code Province _____ Country _____
Telephone at home _____ At work _____
Postal address (if different) _____
Postal Code Province _____ Country _____

18 Date of birth Social insurance number

18a The creditor is receiving income security benefits
File No. (CP 12) _____

PART C – INFORMATION CONCERNING THE SUPPORT CLAIM

19 Support is payable for the creditor alone the creditor and the child (children)
 the child (children) alone not specified in the judgment

19a The original amount of support is \$ _____, payable _____

20 Support is indexed according to law (Q.P.P.)
 according to the rate determined by the judgment, i.e. _____
 under the terms of the judgment, support is not indexed.

21 The rate of interest applicable to the support payments owed is
 the legal rate the rate determined by the judgment, i.e. _____ % plus the additional indemnity.

PART D – INFORMATION CONCERNING ARREARS

22 Support has been unpaid since _____

23 The balance of the principal or arrears accrued as at today is \$ _____
The balance of interest accrued as at today is \$ _____

PART E – DECLARATION OF CREDITOR (to be filed out only if the application is being made under paragraph (1) of section 99)

24 In support of this application for enforcement, I am filing a copy of the judgment rendered on _____

25 I declare that the information given is accurate and complete and I have signed:
at _____ on this _____ day of _____

Creditor

Declaration made under oath before me at _____ on this _____ day of _____

Person authorized to administer oaths

PART F – DECLARATION OF THE PARTIES (to be filed out only if the application is being made under paragraph (2) of section 99)

26 We jointly ask that the provisions of the **Act to facilitate the payment of support** (1995, chapter 18) be made applicable to us immediately.

27 In support of this application for enforcement, we are filing a copy of the judgment rendered on _____

28 I declare that the information given in my regard is accurate and complete and I have signed:
at _____ on this _____ day of _____

Creditor

Declaration made under oath before me at _____ on this _____ day of _____

Person authorized to administer oaths

28a I declare that the information given in my regard is accurate and complete and I have signed:
at _____ on this _____ day of _____

Debtor

Declaration made under oath before me at _____ on this _____ day of _____

Person authorized to administer oaths

Guide for drawing up the
**APPLICATION TO THE COURT CLERK CONCERNING SECTION 99, PARAGRAPH (1) OR (2),
OF THE ACT TO FACILITATE THE PAYMENT OF SUPPORT (1995, c. 18)**

Note: This information provided as a guide only. In no way does it replace the provisions of the Act to facilitate the payment of support or of the regulations adopted under that Act.

First, please write the name of the judicial district and the file number in the upper left-hand corner of the form. This information appears in the upper left-hand corner of the judgment or order.

PART A – INFORMATION CONCERNING THE PARTY WHO IS TO PAY SUPPORT (debtor)

- 1** Write the complete family name(s) and given name(s) of the debtor.
- 2** Write the debtor's family name at birth only if it is different from the one given in Field 1.
- 3 and 4** Check the appropriate box.
- 5** Give the address of the debtor's place of residence. Give the additional information requested, if known.
- 6** Enter the debtor's date of birth (year, month, day) and the debtor's Social Insurance Number, if known.
- 7** Check the appropriate box concerning the debtor's main employment and give the additional information requested, if known. As regards remuneration, indicate the basis (weekly, monthly, etc.) on which it is paid.
- 8** Check this box only if the debtor does not hold any employment.
- 9** Check this box only if the debtor is receiving last-resort assistance benefits paid by the ministère de la Sécurité du revenu (social aid). Where applicable, indicate the debtor's file number (CP 12) if known.
- 10** In this field, give the details of any additional income not described in fields 7 and 9. In each case, indicate source, amount and payment basis.
- 11** Indicate, if it is known, the name at birth of the debtor's mother.
- 12** Indicate any other name by which the debtor is known, if different from the one given in field 1.

PART B – INFORMATION CONCERNING THE PARTY WHO IS TO RECEIVE SUPPORT (creditor)

- 13** Enter the complete family name(s) and given name(s) of the creditor.
- 14** Enter the creditor's name at birth only if it differs from the one given in field 13. Also indicate any other name, different from the one given in field 13 and/or field 14, by which the creditor is known.
- 15 and 16** Check the appropriate box.
- 17** Enter the address of the creditor's place of residence and any additional information requested.
- 18** Enter the creditor's date of birth (year, month, day) and Social Insurance Number.
- 18a** Check this box only if the creditor is receiving last-resort assistance benefits paid by the ministère de la Sécurité du revenu (social aid). Where applicable, indicate the creditor's complete file number (CP 12).

PART C – INFORMATION CONCERNING THE SUPPORT CLAIM

- 19** Indicate, by checking only one box, the person(s) for whom support is to be paid according to the order, judgment or agreement. (For instance, in the case of support payable by the father, X, to the mother, Y, for herself and the children, the appropriate box is "the creditor and the child (children)".) If in doubt, check the box entitled "not specified in the judgment".
- 19a** Indicate the amount of support as it appears in the order, judgment or agreement, disregarding the effects of indexation. Also indicate the day of the week (e.g.: every Monday) or the day of the month (e.g.: the first day of each month) on which the support is to be paid.
- 20** Check the appropriate box, according to the order, judgment or agreement.
NOTE: If the judgment is silent, i.e. if it makes no mention of indexation of support, the support is indexed automatically, ACCORDING TO LAW. In that case, check the box that says that.
- 21** Check the appropriate box or boxes, according to the order, judgment or agreement.

PART D – INFORMATION CONCERNING ARREARS

- 22** Indicate the date since which support has not been paid. This date should normally correspond to that of the first payment that was not made.
- 23** Indicate the total amount of support arrears, in principal, accrued as at the date of the last payment that was not made. Also indicate, where applicable, the total amount of interest accrued on the arrears.

PART E – DECLARATION OF CREDITOR

NOTE: Part E is to be filled out only if the application is made by the creditor of the support under section 99(1) of the Act to facilitate the payment of support, that is, in case of failure to pay support.

- 24** Indicate the date of the order or judgment under which support must be paid.
- 25** Date and sign the application before a person authorized to take the oath of the creditor.

PART F – DECLARATION OF THE PARTIES

NOTE: Part F must be filled out only if the application is made by the support creditor and the support debtor under section 99(2) of the Act to facilitate the payment of support, that is, when the parties jointly agree to be subject to that Act.

- 26** Do not write anything in this field. It states that the parties are willing to jointly request that the provisions of the Act be made applicable to them as soon as they sign the application.
- 27** Indicate the date of the order or judgment under which support must be paid.
- 28** Date and sign the application before the person authorized to take the oath of the creditor.
- 28a** Date and sign the application before the person authorized to take the oath of the debtor.