

This brochure is for you if you wish to submit to the Court, on your own, a joint application for review of accessory measures after a divorce, separation from bed and board or dissolution of a civil union.

The brochure contains models, forms to be completed and the information required for a review of measures such as child custody, access rights and support.

**If you prefer to obtain low-cost professional assistance in order to submit your review application, you do not need to buy this brochure.**

Thanks to the Service d'aide à l'homologation, parents who are separated, whether or not they are eligible for legal aid, can avail themselves of a simplified procedure for **obtaining a review judgment** in the form of an agreement homologated by a special clerk. To find out more, contact a legal aid office or consult the website of the Commission des services juridiques, at [www.csj.qc.ca](http://www.csj.qc.ca), under the tab "Homologation".

In addition, with the Service administratif de rajustement des pensions alimentaires pour enfants (SARPA), parents who are separated can **have the amount of support for minor children updated** without the Court's intervention. That can be done in simple cases of a change in income, by means of an online service that can be accessed at low cost. To find out more, go to [www.sarpaquebec.ca](http://www.sarpaquebec.ca), or call 514 873-3563 or, toll free, 1 855 LeSARPA (537-2772).

The information in this brochure is consistent with the legislation in effect in April 2014.

# Joint Application for Review of Accessory Measures

after a divorce,  
separation from bed  
and board  
or dissolution  
of a civil union

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for  
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**W**HEN THE COURT RENDERS A JUDGMENT OF DIVORCE, SEPARATION FROM BED AND BOARD OR DISSOLUTION OF CIVIL UNION, IT ALSO RULES ON CERTAIN ISSUES COVERED BY THE TERM ACCESSORY MEASURES\*, ALSO KNOWN AS COROLLARY RELIEF.

CHILD CUSTODY, ACCESS AND SUPPORT PAYMENTS ARE SUCH ISSUES AND MAY BE THE OBJECT OF A JOINT APPLICATION FOR REVIEW BY THE PARTIES TO A JUDGMENT OF DIVORCE, SEPARATION FROM BED AND BOARD OR DISSOLUTION OF CIVIL UNION. TO OBTAIN A REVIEW OF ACCESSORY MEASURES, YOU MUST AGREE ON ALL OF THE ISSUES TO BE DEALT WITH AND PRESENT A JOINT APPLICATION TO THE COURT.

THE STEPS TO HAVING AN AGREEMENT RATIFIED MAY SEEM SIMPLE, BUT SURPRISES CAN BE IN STORE FOR THOSE WHO ARE UNABLE TO ASSESS HOW THE AGREEMENT WILL AFFECT THEM PERSONALLY AND FINANCIALLY. IF YOU FIND YOURSELF IN THAT SITUATION, WE SUGGEST YOU SEEK ADVICE BEFORE TAKING STEPS TOWARD THE HOMOLOGATION\* OF AN AGREEMENT.

ON THE OTHER HAND, THOSE WHO ARE ABLE TO ASSESS HOW THEIR DECISIONS WILL AFFECT THEM WILL FIND IN THE BROCHURE ENTITLED *JOINT APPLICATION FOR REVIEW OF ACCESSORY MEASURES* THE INFORMATION THEY NEED TO TAKE THE STEPS REQUIRED IN COMPLIANCE WITH LAW.

**Note**

Terms marked with an asterisk\* are defined in a glossary at the end of this brochure. See the table of contents.

In order to present a joint application for review of accessory measures, you and your former spouse must agree on all of the details relating to the accessory measures to be changed. The special clerk\* can homologate\* your agreement if it meets legal requirements. Once homologated, your agreement will have the same value as a judgment, without your having to appear before the court.\*

This brochure includes examples of fully drafted pleadings\* and comes with forms to complete and instructions for doing so. The brochure is not intended, however, to answer all questions that may come up regarding the review of accessory measures.

## Useful resources



### MEDIATION

For help negotiating a viable agreement that meets the needs of each member of the family, you might consider family mediation. Family mediation is a conflict-resolution mechanism in which an impartial mediator intervenes with each of the former spouses to help them negotiate a fair agreement to which each can give his or her free and enlightened consent.

**Couples with children**, whether they are divorced or separated from bed and board, or their civil union has been dissolved, can use the services of a professional mediator while negotiating and reaching a settlement on an application for review of accessory measures. Some sessions are **free of charge**. To find out who is qualified as a family mediator in your region, consult the website of the Ministère de la Justice at [www.justice.gouv.qc.ca/english/recherche/mediateur-a.asp](http://www.justice.gouv.qc.ca/english/recherche/mediateur-a.asp).

For more information on family mediation, we suggest you consult:

- the leaflet entitled *Family Mediation*, available in courthouses or from the Ministère de la Justice at:  
1200, route de l'Église  
Québec (Québec) G1V 4M1  
Telephone: 418 643-5140 or 1 866 536-5140  
Fax: 418 646-4449  
E-mail: [informations@justice.gouv.qc.ca](mailto:informations@justice.gouv.qc.ca)
- the website of the Ministère de la Justice du Québec at  
[www.justice.gouv.qc.ca/english/publications/generale/mediation-a.htm](http://www.justice.gouv.qc.ca/english/publications/generale/mediation-a.htm).

## LEGAL ADVICE

Before writing the documents required for a review of accessory measures, each spouse must be able to carefully assess all of the personal and financial consequences of his or her choices. If there is any uncertainty, it is best to seek help from a legal advisor, i.e. a lawyer or notary.

A lawyer can advise the parties or prepare the pleadings\* so that the former spouses can go before the court on their own. If the parties choose to engage the services of a notary, they must realize that, while the notary can advise them and write a draft agreement, he or she cannot prepare their pleadings\*.

If you have questions concerning the content of this brochure, you must ask a legal advisor to clarify things for you. Courthouse staff are not entitled to do so.

# Relevant documents

When you apply for a review of accessory measures, you will have to write a number of documents and complete certain forms. Special rules and standards apply to most pleadings\*. If you do not comply with the rules and standards in their entirety, your application could be dismissed when it is presented to the special clerk\*.

The examples given later will guide you in completing the forms inserted into this brochure. A brief description of the examples follows.

## ***Joint application for review of accessory measures***

An application presented to the court further to an agreement between the parties on the changes to be made to the accessory measures provided for in the judgment of divorce, separation from bed and board or dissolution of civil union, or in any previous judgment ruling on such things as custody, access and support payments.

## ***Agreement***

A document that thoroughly settles the questions raised by the application for review.

## ***Backing sheet***

A sheet that is attached to the back of most of the documents you will be filing at the court office, which serves to identify the document.

## **Sworn Statement under Article 827.5 of the Code of Civil Procedure (SJ-766A)**

A document that must be completed and signed by each of the parties to an agreement concerning a support obligation. The information provided by the parties is transmitted to the Minister of Revenue as soon as the judgment varying support payments is rendered. This brochure does not provide an example of a completed sworn statement. However, the insert includes a form that you can complete yourself. Instructions for doing so are provided on the back of the form.

You may need to **make a copy** of the form.

## **Child Support Determination Form (SJ-789A)**

A form that contains the information required to determine the amount of the child support. The determination is based essentially on the parents' income, the number of children, custody time and, if applicable, certain expenses relating to the children's needs.

If the application concerns a review of the parents' obligation to support their children, then the joint application in the insert **absolutely** must be accompanied by the **Child Support Determination Form**. We suggest that a single form be filed for both former spouses.

The *Sworn Statement under Article 827.5 of the Code of Civil Procedure* (SJ-766A) and the *Child Support Determination Form* (SJ-789A) must be signed before a commissioner for oaths. By virtue of their status, the following persons are authorized to receive oaths:

- court clerks and their assistants;
- lawyers;
- notaries;
- mayors, clerks and secretary-treasurers of municipalities;
- justices of the peace.

You must include with the *Child Support Determination Form* a copy of your **federal and provincial income tax returns** and of your **notices of assessment** for the last fiscal year. You must also include the following, where relevant:

- a pay slip;
- financial statements;
- a statement of income and expenses with regard to an immovable.

The Ministère de la Justice brochure that discusses the Québec model for the determination of child support payments, published by the Ministère de la Justice, explains the rules for the determination of support. It can guide you through the process.

The forms to be filled out and sent with your application are also available in the brochure. It is important for you to work with a copy of the current *Basic Parental Contribution Determination Table* that applies to the year in which you file your application.

You can obtain these publications free of charge from:

- Services Québec offices;
- courthouses;
- most youth centres and from legal and family mediation professionals;
- Ministère de la Justice  
1200, route de l'Église  
Québec (Québec) G1V 4M1  
Telephone: 418 643-5140 or 1 866 536-5140  
Fax: 418 646-4449  
E-mail: [informations@justice.gouv.qc.ca](mailto:informations@justice.gouv.qc.ca)

You can also print the brochures and forms required from the website of the Ministère de la Justice at [www.justice.gouv.qc.ca](http://www.justice.gouv.qc.ca).

**Except for statements of income, the pleadings\* and documents filed in your record must be originals.** Photocopies are not accepted. You can recover the documents when the judgment has been rendered. If you do not claim them, the law allows the clerk to destroy them after one year.

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## ATTENTION

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- When an application for review of accessory measures is presented after a divorce and one of the parties resides outside Québec or Canada, the provisions of the *Federal Child Support Guidelines* apply.

Information kits and a guide on how to use the federal tables are available at courthouses. In addition, the Department of Justice Canada has a toll free telephone information service at 1 888 373-2222 or (613) 946-2222 in the Ottawa area.

You can also consult the website of the Department of Justice Canada at <http://family.justice.gc.ca>.

## FILING YOUR DOCUMENTS

When you have gathered all the documents required to submit your application, you may inquire about the current practices at the courthouse of the judicial district where your judgment of divorce, separation from bed and board or dissolution of civil union was rendered, before going there. If both you and your former spouse no longer live in that judicial district, your application may be filed with the courthouse of the judicial district where either of you lives. To find out which judicial district your municipality is in, you can do a search on the website of the Ministère de la Justice at [www.justice.gouv.qc.ca/english/recherche/district-a.asp](http://www.justice.gouv.qc.ca/english/recherche/district-a.asp).

When you file your application, you will have to pay the related costs:

- in cash;
- by debit or credit card (Visa or MasterCard);
- by postal or bank money order made out to the Minister of Finance of Québec;
- by certified cheque made out to the Minister of Finance of Québec.

If you have been afforded legal aid, you will be exempted from costs upon presentation of your certificate of eligibility.

The special clerk\* can homologate\* any agreement between the parties that completely settles the questions of custody, access and child support. Usually, you do not have to appear before the court.

However, the special clerk\* can either refer the case to a judge or summon the parties to a hearing. You will then have to appear before the court and be heard. As soon as a judgment has been rendered, a copy will be mailed to you.

**In order to be complete, your record must contain:**

- the original of your joint application for review of accessory measures (21.25 cm x 28 cm, or 8.5 in. x 11 in., with backing sheet);
- the original of your agreement (21.25 cm x 28 cm, or 8.5 in. x 11 in., with backing sheet);
- the supporting documents required.

**If relevant, your record must also contain:**

- two *Sworn Statement under Article 827.5 of the Code of Civil Procedure* forms;
- the *Child Support Determination Form* and the documents mentioned at the bottom of page 8.

## Remember

### **MAKING SUPPORT PAYMENTS TO THE MINISTER OF REVENUE**

Since the coming into force of the Act to facilitate the payment of support, the former spouse who is under the obligation of support (support debtor) must make support payments to the Minister of Revenue for the benefit of the person to whom the support is to be paid (support creditor).

The special clerk\* may temporarily suspend the application of this provision of the Act and permit payment of support directly to the support creditor if the former spouses file a joint application seeking a suspension and the clerk is convinced that their consent to the application is free and enlightened.

**The suspension ends four months after the judgment varying support payments is rendered or from the time support is collected by the Minister of Revenue.**

The Act provides that the special clerk\* may also exempt the debtor from making support payments to the Minister of Revenue if:

- the debtor establishes a trust\* guaranteeing the payment of the support and sends a copy of the trust deed\* to the Minister of Revenue within 30 days after the judgment varying support payments is rendered;
- the parties jointly apply for an exemption and the special clerk is satisfied that their consent to the exemption is free and enlightened, and if, within 30 days after the judgment varying support payments is rendered, the debtor provides the Minister of Revenue with a security sufficient to ensure the payment of one month of support. In this case, the special clerk may summon the parties to hear them, together or separately, to ascertain the nature of their consent.

It is also possible to file a joint application for exemption with the special clerk\* after support payments have been determined or varied in a judgment already rendered. In this case, you must prepare an application according to the model given in the brochure entitled *Filing a Joint Motion for Exemption According to Section 3 of the Act to facilitate the payment of support*, which you can obtain free of charge at your courthouse or by contacting the Ministère de la Justice at:

1200, route de l'Église  
Québec (Québec) G1V 4M1  
Telephone: 418 643-5140 or 1 866 536-5140  
Fax: 418 646-4449  
E-mail: [informations@justice.gouv.qc.ca](mailto:informations@justice.gouv.qc.ca)

The brochure can also be consulted on, and printed from, the website of the Ministère de la Justice at [www.justice.gouv.qc.ca/english/publications/generale/requete-a.htm](http://www.justice.gouv.qc.ca/english/publications/generale/requete-a.htm).

### **TRANSMITTING AN AGREEMENT TO THE MINISTER OF LABOUR, EMPLOYMENT AND SOCIAL SOLIDARITY**

If an agreement concerns the variation of support payments and the party who is receiving the payments is a recipient of last resort financial assistance, then that party must inform the Minister of Labour, Employment and Social Solidarity of the content of the agreement to be homologated\* at least 10 days before the date on which the agreement is to be presented to the special clerk\*.

A copy of the agreement must be sent to the following address:

Ministère du Travail, de l'Emploi  
et de la Solidarité sociale  
Centre de recouvrement  
425, rue du Pont, 2<sup>e</sup> étage  
Québec (Québec) G1K 9K5

# Drafting your documents

All of your documents must be legibly handwritten or, preferably, typed.

We recommend that you make a copy of each of your documents for your records.

Underlined passages in the examples of an application, agreement and backing sheet on pages 17 to 20 describe a fictitious situation that is given as an illustration only. You must replace them, in the forms you complete, with passages that describe your personal situation.

The proposed layout must be strictly followed (for example, content indicated on the left must be placed on the left).

## THE JOINT APPLICATION FOR REVIEW OF ACCESSORY MEASURES

1. The application (*Example 1*) must be written on only one side of a 21.25 cm x 28 cm, or 8.5 in. x 11 in., sheet of white paper.
2. Write in the name of the judicial district where you are filing your application, i.e. the judicial district where the judgment you wish to have amended was rendered, unless you and your former spouse no longer live there, in which case you can present your application before the court of a judicial district where either of you is domiciled. To find out which judicial district your municipality is in, consult the website of the Ministère de la Justice at [www.justice.gouv.qc.ca/english/recherche/district-a.asp](http://www.justice.gouv.qc.ca/english/recherche/district-a.asp).
3. If you present your application in a district different from the one in which the judgment you seek to have amended was rendered, the clerk will have to open a new file and give it a number. With your application, you will also have to file copies of any prior judgment or pleadings on which there has been a judgment.
4. The word “Divorce”, shown in the heading of the agreement under “Superior Court” and “Family Division”, must be taken out when your application concerns accessory measures granted after separation from bed and board or dissolution of a civil union.

5. When you describe your personal situation in your application, it is important to mention the following points:
  - the current marital status of the parties;
  - the residential addresses of the parties and of their dependent children and the age and sex of the children;
  - the current terms and conditions of any child custody and access arrangements;
  - the current amount of support and the amount requested;
  - the amount of arrears, if any;
  - the changes invoked in support of the application.
6. If your application deals with child custody, it must mention that any children concerned are not the object of a court decision, of a proceeding\* pending before the court or of an agreement with the Director of Youth Protection. If such is not the case, you must provide the details of the decision, proceeding or agreement in question.
7. You must reproduce, modified as required to fit your situation, the statements shown in *Example 1*. Important: if the first paragraph of statement 6 applies to your situation it must be reproduced in its entirety.

## **THE AGREEMENT**

1. The agreement (*Example 2*) must be written on only one side of a sheet of paper 21.25 cm x 28 cm (8.5 in. x 11 in.) and filed with your pleadings\*.
2. The word “Divorce”, shown in the heading of the agreement under “Superior Court” and “Family Division”, must be taken out when your application concerns accessory measures granted after separation from bed and board or the dissolution of a civil union.
3. We recommend using a single paragraph for each subject of your settlement and numbering the paragraphs. If there is insufficient space in the agreement form in the insert, use additional sheets of paper as required.
4. If applicable, the text of your agreement must clearly distinguish between the support amount paid for children and any amount paid for one of the parents.

5. If you or your former spouse are receiving benefits under a last resort financial assistance program or were receiving them during the period covered by the agreement, it is **mandatory** that you declare them in the agreement submitted for homologation\*, if that agreement covers support payments.

## **THE BACKING SHEETS**

1. You must add a backing sheet (*Example 3*) to the **joint application** for review of accessory measures (corollary relief), to the **agreement** and to the **documents supporting your application**. The backing sheet is a separate sheet attached as the last page of a document or set of documents. It is particular in that the front the backing sheet is left blank, the information appears on the back, on one-half of the page. The entire document with the backing sheet added is then folded in two so that, as shown (*Example 3*), the backing sheet becomes the title page. **Reproduce it** as often as necessary.
2. The word “Divorce”, shown in the example of a backing sheet under “Superior Court” and “Family Division”, must be taken out when your application concerns accessory measures granted after separation from bed and board or dissolution of a civil union.

# Examples

## Example 1 JOINT APPLICATION FOR REVIEW OF ACCESSORY MEASURES

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CANADA  
PROVINCE OF QUÉBEC  
District of Montréal  
No.

SUPERIOR COURT  
Family Division  
(Divorce)

Doris Garner, nurse,  
domiciled at  
42, rue des Pins,  
Montréal (Québec) P2E 3S9

JOINT APPLICANT

AND

George Carstairs, foreman,  
domiciled at  
120, rue Saint-Luc,  
Montréal (Québec) P4Z 8Z4

JOINT APPLICANT

### JOINT APPLICATION FOR REVIEW OF ACCESSORY MEASURES (Art. 111 C.C.P.)

To the Special Clerk of the Superior Court, the joint applicants submit the following:

1. The parties were divorced under a judgment rendered on June 16, 2009 and are still unmarried;
2. In that judgment, the judge granted exclusive custody of the parties' two minor children—Nigel, 12, male, and Ann, 10, female—to the joint applicant Garner, with access according to an agreement between the parties, and set the support payable to the joint applicant Garner by the joint applicant Carstairs at \$500 per month for the two minor children;
3. The parties' minor children, now aged 14 and 12, are still living with the joint applicant Garner;
4. No support was determined for the spouses, they being independent and capable of supporting themselves;
5. One of the parties' minor children, namely, Nigel, aged 14, now wishes to live with the joint applicant Carstairs, to which the parties consent;
6. The parties' children are not the object of a court decision, of a proceeding pending before the court or of an agreement with the Director of Youth Protection  
or  
if such a decision, proceeding or agreement exists, give all the details;

7. It being necessary that the support payable by the joint applicant Carstairs for the parties' minor children be changed accordingly, the parties have filed together with this application the *Child Support Determination Form*, duly completed, and a copy of their federal and provincial income tax returns and of their notices of assessment for 2011 (Exhibit P-1);
8. Each of the parties has filed at the court office a sworn statement under article 827.5 C.C.P. (Exhibit P-2);
9. The parties have filed with this application an agreement, entered into on July 17, 2012, concerning custody of the child Nigel and variation of the support payable (Exhibit P-3);
10. This agreement sufficiently protects the interests of the parties' minor children and the joint applicants have given their consent freely, not under duress;
11. At the date of this agreement, there are no support arrears owed to the creditor of support;
12. The parties agree to temporarily suspend the obligation of the debtor of support, pursuant to section 3.1 of the Act to facilitate the payment of support.

THEREFORE, MAY IT PLEASE THE COURT TO:

ALLOW this joint application for review of the accessory measures ordered in the judgment of divorce rendered on June 16, 2009 in this case;

HOMOLOGATE the agreement entered into between the parties on July 17, 2012 concerning the joint application for review of accessory measures;

THE WHOLE without costs.

Signed at Montréal on July 20, 2012

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Joint applicant

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Joint applicant

Example 2  
**AGREEMENT**

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CANADA  
PROVINCE OF QUÉBEC  
District of Montréal  
No.

SUPERIOR COURT  
Family Division  
(Divorce)

Doris Garner  
JOINT APPLICANT

AND

George Carstairs  
JOINT APPLICANT

AGREEMENT

THE PARTIES AGREE:

A brief outline of subjects that can be addressed in the agreement is given below:

1. child custody and access;
2. exercise of parental authority;
3. support (if the rules for the determination of child support payments apply to you and you agree to a support amount different from that determined by those rules, you must clearly state the reasons for the difference in your agreement);
4. exemption from or temporary suspension of the debtor's obligation to make support payments to the Minister of Revenue for the benefit of the creditor of support;
5. further subjects, as required.

The parties have signed this agreement at Montréal,  
on July 17, 2012

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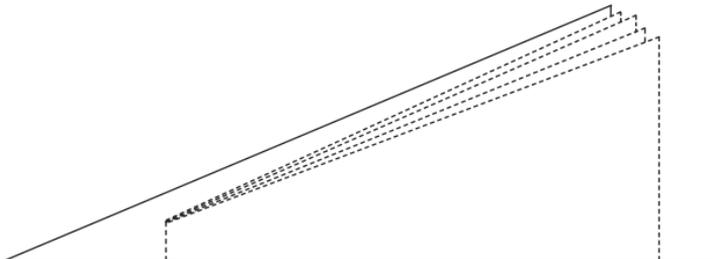
Joint applicant

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Joint applicant

Example 3  
**BACKING SHEET AND FOLDING OF DOCUMENTS**

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No. \_\_\_\_\_

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SUPERIOR COURT  
Family Division  
(Divorce)  
District of Montréal

---

Doris Garner  
Joint applicant  
AND  
George Carstairs  
Joint applicant

---

- Joint application for review of accessory measures  
or  
Agreement  
or  
Documents in support of the application

---

Doris Garner  
42, rue des Pins  
Montréal (Québec)  
P2E 3S9

AND

George Carstairs  
120, rue Saint-Luc  
Montréal (Québec)  
P4Z 8Z4

### LEGAL PROVISIONS

The legislative and regulatory provisions that apply to the review of accessory measures (corollary relief) are quoted below.

#### Code of Civil Procedure

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##### Art. 44.1, 2<sup>nd</sup> para.

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The special clerk may, in the case of applications relating to child custody or obligations of support, homologate any agreement effecting a complete settlement of the matter. Once homologated, such agreements have the same effect and binding force as a judgment of the Superior Court.

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##### Art. 45, 2<sup>nd</sup> para.

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In the case of an application referred to in the second paragraph of article 44.1, the special clerk may refer the application to the judge or the court if he considers that the agreement between the parties does not provide sufficient protection for the interests of the children or that a party's consent was obtained under duress. He may, to evaluate the agreement or the consent of the parties, summon and hear the parties, even separately, [...]

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##### Art. 70, 1<sup>st</sup> para.

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Applications in family cases are taken before the court of the common domicile of the parties or, failing such a domicile, the domicile of either of the parties.

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##### Art. 70.1

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In family cases, if the parties no longer live in the district where the judgment was rendered, applications for review of accessory measures may be brought before the court of the domicile of either of the parties.

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Art. 814.1

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Applications which, pursuant to the second paragraph of article 44.1, are within the jurisdiction of the special clerk are presented directly to the special clerk and do not require a hearing.

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Art. 825.8

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The Government, by regulation, shall establish standards for the determination of the child support payments to be made by a parent, on the basis of the basic parental contribution determined in respect of the child, of the child care expenses, post-secondary education expenses and special expenses relating to the child and of the parents' custodial arrangement in respect of the child. The Government shall prescribe the use of a form and of a related table determining, on the basis of the parents' disposable income and the number of children, the basic parental contribution, as well as the production of evidentiary documents.

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Art. 825.9, 1<sup>st</sup> and 2<sup>nd</sup> paras.

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No application relating to child support may be heard unless it is accompanied by the form prescribed for the determination of child support payments, duly completed by the plaintiff, and by the prescribed documents.

Likewise, no contestation of the application may be heard unless the prescribed form has been produced with the prescribed documents by the defendant.

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Art. 825.11

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The parents may produce the prescribed form and prescribed documents jointly. If they do, they are exempted from service requirements.

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Art. 825.13

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The support to be provided to a child is determined without regard to support claimed by a parent of the child for himself.

A judgment granting support to a child and to a parent of the child must state separately the amount of support to be provided to each.

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Art. 825.14, 1<sup>st</sup> para.

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Parents who make a private agreement stipulating a level of child support that departs from the level of support which would be required to be provided under the rules for the determination of child support payments must state precisely, in their agreement and in the form they file, the reasons for such departure.

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Art. 827.5, 2<sup>nd</sup> para.

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[...] no ruling may be made on an agreement relating to an obligation of support submitted by the parties unless the sworn statement [...] has been filed by each of the parties at the office of the court.

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Art. 827.7

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Any party to an agreement relating to an obligation of support submitted in connection with an application governed by this Title must, where applicable, declare the fact that the party is a recipient under a last resort financial assistance program or received benefits under such a program during the period covered by the agreement.

## **Rules of practice of the Superior Court of Québec in civil matters**

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Rule 5

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Designation of parties and format. Proceedings shall be legibly written on one side of a good quality paper measuring 21.25 cm x 28 cm (8 1/2 x 11 inches) [...]; the nature and object of the proceeding shall be indicated on the back, with the record number and the names of the parties, the party filing it [...].

Agreements to be attached to a judgment shall be drafted on one side only of a good quality paper measuring 21,25 cm by 28 cm (8,5 inches by 11 inches).

Every proceeding introductive of suit shall indicate the name, address and postal code of the parties. [...] If a party is not represented by an attorney, [...], the party shall sign the proceeding personally. [...]

## **Rules of practice of the Superior Court of Québec in family matters**

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### **Rule 18**

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A party who applies for custody of a child [...] must attest that the child is not the object of a court nor a pending case before a court decision 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.

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### **Rule 40**

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In the case of proceedings for variation of an order issued in another case, copies of prior judgments and of the proceedings for which judgment was rendered shall be filed of record unless they have already been included.

## **Individual and Family Assistance Act**

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### **Art. 64, 2<sup>nd</sup> para.**

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The adult must, however, inform the Minister of the content of an agreement concerning the obligation of support at least 10 days before it is presented to the court, or, in the case of a joint procedure for the dissolution of a civil union, at least 10 days before the date on which the agreement is to be executed before a notary.

# Glossary

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## **Accessory measures (corollary relief)**

Provisions of a judgment that resolve issues other than the main one. In a judgment of divorce, separation from bed and board or dissolution of civil union, such measures may concern, among other things, support payments, custody and access.

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## **Homologate**

To approve and validate an agreement so that its legal value is equivalent to that of a judgment.

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## **Obligation of support**

A mutual obligation imposed by the law on certain persons such as ascendants and descendants, married spouses or spouses in a civil union, under which one may claim support from the other, in other words, the amounts necessary for the person's subsistence (food, housing, clothing, health care, etc.).

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## **Pleading**

A document provided for by law that must be written by a party, i.e. an applicant or a defendant. The document is written with a view to commencing legal action, ensuring the proper conduct of the proceeding, suspending or terminating the proceeding, or executing a judicial decision.

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## **Proceeding**

This word designates both the dispute brought before the court and all pleadings filed from the beginning of legal action until a judgment is rendered.

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## **Security**

A guarantee provided by a person to ensure the fulfilment of an obligation.

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## **Special clerk**

An officer of justice who is responsible, under law, for homologating agreements relating to child custody or obligations of support.

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**Trust**

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A provision by which a person entrusts property to another person who, under determined conditions, must give it to a third party after an agreed amount of time has elapsed.

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**Trust deed**

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A legal document establishing a trust.

## **In the same collection**

*Cohabitation Contract*

(Ministère de la Justice)

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*My Will*

(Ministère de la Justice)

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*Application for the Probate of a Will*

(Ministère de la Justice)

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*Joint Application for Divorce on a Draft  
Agreement*

(Ministère de la Justice)

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*Joint Application  
for the Determination of Custody,  
Access and Child Support*

(Ministère de la Justice)

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*My Mandate in Case of Incapacity*

(Public Curator of Québec)

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THEREFORE, MAY IT PLEASE THE COURT TO:

ALLOW this joint application for review of the accessory measures ordered in the judgment of \_\_\_\_\_ rendered on \_\_\_\_\_ in this case;

HOMOLOGATE the agreement entered into between the parties on \_\_\_\_\_ concerning the joint application for review of accessory measures;

THE WHOLE without costs.

Signed at \_\_\_\_\_ on \_\_\_\_\_

\_\_\_\_\_  
Joint applicant

\_\_\_\_\_  
Joint applicant

CANADA  
Province of Québec  
District of

SUPERIOR COURT  
Family Division  
( )

No.

JOINT APPLICANT

and

JOINT APPLICANT

## AGREEMENT

THE PARTIES AGREE:

1.

The parties have signed this agreement at

on

---

Joint applicant

---

Joint applicant

No.

---

SUPERIOR COURT  
Family Division  
(                    )  
District of

---

Joint applicant

AND

Joint applicant

---

•

---

AND

Please complete in block letters

IDENTITY  Applicant  Defendant

1 Surname(s) \_\_\_\_\_ Given name(s) \_\_\_\_\_  
2 Surname at birth \_\_\_\_\_  
3 Sex  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 \_\_\_\_\_  
Y Y Y Y M M D D

II INFORMATION ON EMPLOYMENT AND INCOME

7  Employee  Self-employed worker  
Name and address of employer \_\_\_\_\_  
Postal Code \_\_\_\_\_ Province \_\_\_\_\_ Country \_\_\_\_\_  
Remuneration \_\_\_\_\_ Language of communication  French  English  
8  The deponent is unemployed  
9  The deponent receives income security benefits File No. (CP 12) \_\_\_\_\_  
10 Other income (Indicate the source and amount of each) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

OTHER INFORMATION

11 The name at birth of the deponent's mother \_\_\_\_\_  
12 Other name(s) used by the deponent \_\_\_\_\_  
13 Indicate the nature and date of the application to which this statement is attached  
\_\_\_\_\_  
14 If this statement accompanies an application for revision of support, indicate the date of the judgment awarding support  
\_\_\_\_\_ and the file No., if different \_\_\_\_\_  
Y Y Y Y M M D D

III INFORMATION (IF IT IS KNOWN) CONCERNING THE OTHER PARTY

15 Residential address \_\_\_\_\_  
16 Telephone at home \_\_\_\_\_ At work \_\_\_\_\_  
17 Date of birth \_\_\_\_\_ Social insurance number \_\_\_\_\_  
Y Y Y Y M M D D

SWORN STATEMENT

I declare that the information given is true and complete, and I have signed  
At \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_

Deponent

Sworn before me at \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_

Person authorized to administer oath

**SWORN STATEMENT UNDER ARTICLE 827.5 OF THE  
CODE OF CIVIL PROCEDURE OF QUÉBEC**

**Writing instructions for the deponent**

The **Act to facilitate the payment of support** prescribes that every application relating to an obligation of support must be accompanied with this statement, completed by each party thereto, concerning his own situation. The information required therein is determined by regulation.

You are responsible for completing the statement in full, for signing it and for making a sworn statement on its contents.

**The Act stipulates that such statements are confidential** and they shall be kept by the clerk of the court until the judgment is rendered. If the court does not award support, the statements shall be **obligatorily destroyed** by the clerk.

If support is awarded by judgment, the information shall be entered in the register of support payments kept by the clerk.

**District of**

Indicate the name of the judicial district where is submitted the application relating to an obligation of support.

**File No.**

Indicate the file number of the application relating to an obligation of support.

**Identity**

Check the square corresponding to your designation on the application relating to an obligation of support.

**1 Surname, Given name**

Give surname(s) and given name(s) in full.

**2 Surname at birth**

Please indicate even if identical to item 1.

**3 Sex**

Check the appropriate case.

**4 Language**

Check the appropriate case.

**5 Residential address**

Indicate in full your usual residential address.

**6 Date of birth and SIN**

Indicate the year, month and day of your birth and your social insurance number.

**7 Employee/self-employed worker**

Check the square corresponding to your main employment. Give name of employer and every other information required. As regards remuneration, indicate salary and frequency of payments. If unemployed, check number 8.

**8 Unemployed**

Check if applicable.

**9 Income security benefits**

Check if you are receiving employment-assistance benefits. Where applicable, indicate also your file number with the Ministère de l'Emploi et de la Solidarité sociale (CP12).

**10 Other income**

Indicate every other source of income of any kind whatever (annuities, rents, dividends, other employment, etc.). If required, use a separate sheet.

**11 The name at birth of the deponent mother**

Indicate your mother's surname at birth.

**12 Other name(s) used by the deponent**

Indicate name and/or given name by which you are known if different than those given at items 1 and 2.

**13 Nature and date**

Indicate the nature of the application (e.g.: application for transitory measures) to which your statement is attached and the date of such application.

**14 Application for revision**

If the statement is attached to an application for revision of support already determined by judgment, indicate the date of that judgment and if different, the file number in which the judgment was rendered.

**15 to 17** Give every information required

**Sworn statement**

Indicate the place and date and sign on the line "deponent". The statement must be sworn before any person authorized to administer oath, in particular the clerk of the court.