



CHILD SUPPORT

Arthur and Marine had been living together for 5 years. They had two children, Philippe and Frédéric.

For some time, things between them had not been going well and they decided to separate. They therefore each found a new place to live and agreed that Marine would have custody of the children and that Arthur would have a right of access every second weekend.

Arthur, a bank manager, earns an annual salary of \$47,000. As for Marine, she works for minimum wage in a store that sells children's clothing and earns income of approximately \$18,200.

Arthur is refusing to pay Marine child support for their two children, despite the fact that he is required to contribute towards their needs. Marine has decided to go to court and is wondering how the court will determine the amount of child support.

Here is some information that may enlighten Marine.

First, the minimum amount of support is established through a calculation made in accordance with the *Regulation respecting the determination of child support payments*.¹ The regulation contains a scale that determines the basic parental contribution, that is, the amount necessary to meet the children's basic needs. This amount is then apportioned between both parents, in proportion to their respective incomes.

The following expenses, which are also shared in proportion to the parents' incomes, may be added to this basic amount: child care expenses, post-secondary education expenses and, under certain conditions, other special expenses (such as orthodontic expenses, private school fees, summer camps...)

Additional needs must be proved in court in order to be included in child support.

Thus, child support payments are calculated according to the scale, taking the following items into consideration:

- the number of children;
 - the income of each parent; and
 - the additional expenses mentioned above;
- as well as:
- the type of custody (shared custody or sole custody); and
 - the number of days of access the non-custodial parent will have.

¹ R.R.Q., c. C-25, r. 6.

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* The information set out in this document is not a legal interpretation.

The masculine is used to designate persons solely in order to simplify the text.



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(Continued)**

It should be noted that the amounts a parent receives as last resort financial assistance (social aid), financial assistance for education expenses from the Ministère de l'Éducation (loans and bursaries) and family-related government transfers, such as family allowance, are not considered to be income for purposes of calculating child support.

Child support calculated in this manner will be payable by the non-custodial parent to the custodial parent. In the case of shared custody, the parent with the higher income may have to pay child support to the other parent.

It should be noted that child support covers the following basic needs:

- food;
- lodging;
- communications;
- housekeeping;
- personal care;
- clothing;
- furniture;
- transportation;
- recreation; and
- basic elementary and high school fees.

You may consult a sample child support determination form as well as the basic parental contribution determination table at:

http://www2.publicationsduquebec.gouv.qc.ca/dynamicSearch/telecharge.php?type=2&file=/C_25/C25R6_A.HTM

(In particular, on the website of the Publications du Québec, under the tab “Laws and Regulations”, click “Compilation of Québec Laws and Regulations” and then “List of laws”, and choose “C-25 - Code of Civil Procedure”, then “Corresponding regulations” and then “C-25, r. 6”)

Note: The sample form is found in Schedule I of the *Regulation respecting the determination of child support payments* and the basic parental contribution determination table is found in Schedule II.

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