

# Support Payments

Advances



Under the *Act to facilitate the payment of support*, Revenu Québec collects support payments from the persons required to pay (debtors) and pays them to the persons entitled to receive support (creditors). Did you know that, under certain conditions, Revenu Québec can advance amounts of support to creditors? In this folder, we will explain how advances work.



## **What are advances?**

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An advance is an amount of support paid in advance to a creditor by Revenu Québec. The latter cannot advance an amount for the payment of arrears.<sup>1</sup> Revenu Québec does not become responsible for paying the support when it advances an amount of support. Only the debtor is responsible for support payments.

## **Why does Revenu Québec advance amounts of support?**

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The main objective of the support-payment collection program is to make sure that support payments are made regularly to the persons who are entitled to them. That is why Revenu Québec can pay support to creditors before it has received the amounts due. These advances are generally made so that the creditor is not penalized if there are administrative delays.

## **What is an administrative delay?**

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As a rule, support payments are deducted at source when debtors receive amounts on a regular basis (for example, employees). Debtors who do not receive amounts on a regular basis (for example, most self-employed persons) receive a letter (payment order) directing them to remit their support payments to Revenu Québec. For further information on the methods of collecting support payments, see the brochure *The Collection of Support Payments* (IN-901-V).

An administrative delay is a period comprised between the moment the support payment is deducted or made and the moment it is received and registered in the debtor's account at Revenu Québec.

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1. Amount of support that the debtor did not pay when it was due.

## What is the maximum amount that can be advanced?

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Revenu Québec can advance up to three months of support, to a maximum of \$1,500, to the creditor. Please note that Revenu Québec is not obliged to advance this amount.

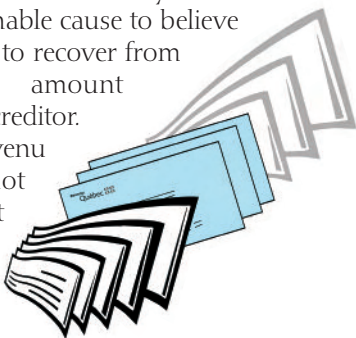
In the case of a support payment of \$300 per month, Revenu Québec can advance the equivalent of three months support, that is, \$900; the maximum amount is also \$900. In the case of a support payment of \$600, the equivalent of three months support is \$1,800; however, the maximum amount that can be advanced is \$1,500.

## Is Revenu Québec obliged to pay advances?

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No, Revenu Québec is never under the obligation to advance an amount to a creditor. An advance can be made only if Revenu Québec has reasonable cause to believe that it will be able to recover from the debtor the amount advanced to the creditor.

In some cases, Revenu Québec does not advance an amount to the creditor.



## What are the principal situations in which Revenu Québec does not pay advances?

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- The debtor cannot be located: he or she has no known residence or domicile.
- The debtor has no income that can be seized. This applies, for example, to a person who receives last-resort financial assistance (social assistance) from the Ministère de l'Emploi et de la Solidarité sociale (MESS) or an annuity for the surviving spouse paid by the Régie des rentes du Québec.
- The debtor received a payment order from Revenu Québec, because he or she failed to pay support, arrears or security.<sup>2</sup>
- Revenu Québec has used the security provided by the debtor because the support payment was not made on time.
- One or both parties (creditor, debtor) are not resident in Québec.
- The creditor owes Revenu Québec an amount under the *Act to facilitate the payment of support* because Revenu Québec paid the creditor an amount to which he or she was not entitled. This can happen when support payments are retroactively reduced or cancelled following a judgment.

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2. An amount equivalent to one month of support that the debtor must remit to Revenu Québec as a guarantee, in certain situations, such as when the support payment is collected under a payment order.

- Support payments are made to the MESS. Such is the case when the creditor receives last-resort financial assistance and support payments are not made regularly by the debtor. For further information, see the brochure *Support Payments: Last-Resort Financial Assistance* (IN-905-V).
- The debtor receives employment insurance benefits.
- The creditor notifies Revenu Québec that he or she does not want to receive advances.

In these cases, Revenu Québec will only pay to the creditor the amounts it has actually received and registered in the debtor's account at Revenu Québec.

### **Does Revenu Québec always have to tell the creditor why an advance cannot be made?**

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No. In order to preserve the confidentiality of the information concerning the debtor, Revenu Québec does not always tell the creditor why it cannot pay an advance.

## Who must repay the advances?

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Advances must be repaid by the debtor. Advances are made by Revenu Québec on behalf of the debtor. Therefore, as a rule, the advances must be recovered from the debtor.

However, if support payments are retroactively reduced or cancelled by a judgment, or if the arrears are reduced or cancelled, **the creditor may be responsible for repaying these amounts to Revenu Québec**. In this case, the creditor can enter into an agreement with Revenu Québec for repayment. If you are in this situation, call the person responsible for your file at Revenu Québec.

A debtor who wishes to apply to the court to have support payments or arrears reduced or cancelled, or a creditor who learns of such an application should contact the person responsible for the file at Revenu Québec in order to verify if there are advances that have not been repaid. They should then consult their legal counsel, if applicable, to find out what measures are to be taken.

If advances of support must be repaid to Revenu Québec, the creditor and the debtor cannot agree to cancel the amounts in order to avoid having to make the repayment. In such a case, Revenu Québec must be informed of any procedures that affect its rights.



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For further information about the support-payment collection program, contact Revenu Québec at one of the following numbers:

In the Québec City area

**(418) 652-4413**

Elsewhere in Québec (toll-free)

**1 800 488-2323**

You may also write to Revenu Québec at one of the following addresses:

3800, rue de Marly, secteur 1-1-1  
Sainte-Foy (Québec) G1X 4A5

577, boul. Henri-Bourassa Est, 2<sup>e</sup> étage  
Montréal (Québec) H2C 1E2

We invite you to visit our Web site at  
**[www.revenu.gouv.qc.ca](http://www.revenu.gouv.qc.ca)**

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Vous pouvez vous procurer la version française de cette publication en demandant le dépliant *Le versement des pensions alimentaires - Les avances* (IN-909).

**Revenu**

**Québec**

