

Support Payments

When the Debtor or
Creditor Resides
Outside Québec



This brochure is provided for information purposes only. It does not constitute a legal interpretation of the *Act to facilitate the payment of support* or any other legislation.

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Introduction

The Ministère de la Justice is responsible for applying the *Act respecting reciprocal enforcement of maintenance orders* and Revenu Québec is responsible for applying the *Act to facilitate the payment of support*. The Ministère de la Justice and Revenu Québec may therefore intervene in the enforcement of support judgments where the person who is required to pay support (the debtor) or the person entitled to receive support (the creditor) resides outside Québec.

This brochure deals mainly with the role of Revenu Québec.

Under the *Act to facilitate the payment of support*, Revenu Québec collects support from debtors and pays it to creditors. Most judgments enforced by Revenu Québec are handed down in Québec, and the Act applies only in Québec.

But what happens when a debtor or creditor leaves Québec to take up residence elsewhere? Or what if the support is awarded under a judgment handed down outside Québec, but the debtor or creditor comes to live in Québec? This brochure answers these questions and many more.



General information

Support that is paid regularly

The debtor no longer lives in Québec.

The debtor pays the support regularly to Revenu Québec. In other words, there is no default on payment. The payment procedure established by Revenu Québec may continue to apply.

Example

Will Scott leaves Québec and goes to live in Virginia. Revenu Québec may continue to receive the support from him and pay it to the creditor.

Mr. Scott may, however, choose to pay the support directly to his former spouse.

The creditor no longer lives in Québec.

The debtor is still a Québec resident and remains subject to the *Act to facilitate the payment of support*. Therefore, the debtor must continue to pay the support to Revenu Québec. Revenu Québec then remits the support to the creditor, regardless of where he or she lives.

A debtor who wishes to pay the support directly to the creditor must apply to be exempted from Revenu Québec's support-payment collection program. For further information, consult the folder *Support Payments: Application for Exemption* (IN-900-V).

Support that is not paid regularly

The debtor no longer lives in Québec.

The debtor does not pay the support regularly. In other words, there is a default on payment. In this case, a procedure known as reciprocal enforcement of support judgments may be used. Under this procedure, a judgment handed down in Québec can be enforced in a jurisdiction designated by the Québec government, just as though the judgment had been handed down by a court of the jurisdiction concerned.

At present, the jurisdictions designated by the Québec government, under the *Act respecting reciprocal enforcement of maintenance orders*, are as follows: all Canadian provinces and territories, as well as California, Florida, Maine, Massachusetts, New Hampshire, New Jersey, New York, Oregon, Pennsylvania and Vermont.

Revenu Québec will take steps in collaboration with the Ministère de la Justice to have a judgment enforced in the jurisdiction where the debtor resides only if all of the following conditions are met:

- the debtor has failed to pay support that is owed to the creditor under a judgment enforceable in Québec;
- Revenu Québec has exhausted all available means of recourse on the debtor's seizable property in Québec; and
- the debtor resides in a jurisdiction designated by the Québec government.

Example

At the time that the judgment was rendered, the debtor and creditor lived in Québec. Later, the debtor moved to Ontario and defaulted on his or her support payments. Revenu Québec therefore transmits the Québec judgment to Ontario so that the authorities in that province can collect the support.

As the *Act to facilitate the payment of support* does not apply outside Québec, Revenu Québec has no recourse (unless the debtor has property in Québec that may be seized) if a debtor moves to a jurisdiction not designated by the Québec government and fails to make his or her support payments.

The creditor may of course seek legal advice in order to determine whether the Québec judgment can be recognized and enforced in the jurisdiction concerned. However, such action involves judicial proceedings, the costs of which are at the creditor's expense.

The creditor no longer resides in Québec but the debtor resides in Québec.

Accordingly, the debtor remains subject to the *Act to facilitate the payment of support*. Revenu Québec will continue to take the necessary steps to collect the support owed by the debtor and remit it to the creditor, regardless of where he or she lives.

The judgment was rendered in a designated jurisdiction. Under the procedure of reciprocal enforcement of support judgments, a judgment handed down in a designated jurisdiction can be enforced by Québec, and support can be collected, just as though the judgment had been handed down by a court in Québec.

Example

At the time that the judgment was rendered, the debtor and creditor were residing in Ontario. Later, the debtor moved to Québec and defaulted on his or her support payments. The government of Ontario therefore transmits the judgment to Québec so that it can be deposited or registered under the applicable statute¹. Revenu Québec then undertakes measures to collect the support.



1. The *Act respecting reciprocal enforcement of maintenance orders* or the *Divorce Act*.

Characteristics

Special rules for collection of support in designated jurisdictions

Where the enforcement of a judgment is transferred to the authorities of a jurisdiction designated by the government of Québec, the laws of that jurisdiction apply. Some designated jurisdictions automatically stop collecting support for children over 17 who are not full-time students, and others do not collect support that is for the sole benefit of the spouse. Moreover, while support is automatically indexed in Québec, this is not the case everywhere.

Longer administrative process for reciprocal enforcement files

Where support is collected by the designated jurisdiction in which the debtor resides, it takes longer to receive support payments because there are more people and organizations involved in the file than when the debtor and creditor are resident in Québec. However, the various government departments are working together with the authorities in the designated jurisdictions to ensure speedier processing of such files.

Advances

As soon as the debtor or creditor resides outside Québec, Revenu Québec can pay the creditor only the amounts of support that it has actually collected; it cannot grant advances of support.

Modifications to support payments

Where the debtor and the creditor live in different jurisdictions, the person wishing to have the support payments modified may contact the court of the jurisdiction in which he or she resides.

Recourse available when support is not paid

Once a judgment has been transmitted for enforcement to the designated jurisdiction in which the debtor lives, the laws of that jurisdiction apply. The debtor is therefore subject to the collection measures prescribed by the laws of the jurisdiction concerned.

For example, a debtor living in Florida would be subject, under a reciprocal enforcement procedure, to Florida's laws, which include a provision for the revocation of the debtor's driver's licence and professional licence in cases of non-payment of support.



Role of the Ministère de la Justice

The Ministère de la Justice, which is responsible for applying the *Act respecting reciprocal enforcement of maintenance orders* in Québec, provides designated jurisdictions with the documents they need to enforce Québec judgments; likewise, the designated jurisdictions provide the Ministère de la Justice with the documents needed to enforce judgments handed down in those jurisdictions. A creditor subject to the *Act to facilitate the payment of support* is not required to contact the Ministère de la Justice, as the necessary formalities are taken care of by Revenu Québec.



Further information

If you live in Québec, you may contact the person responsible for your file at Revenu Québec; his or her telephone number is mentioned in the correspondence you received from Revenu Québec when your file was opened.

If you do not live in Québec or do not have a file with Revenu Québec, see the next page.

For more information about the *Act respecting reciprocal enforcement of maintenance orders*, contact the Ministère de la Justice, at the following address:

Ministère de la Justice du Québec
Édifice Louis-Philippe-Pigeon
1200, route de l'Église
Québec (Québec) G1V 4M1

You may also contact the Ministère de la Justice at the following numbers or online:

Telephone: 418 643-5140
1-866-536-5140 (toll-free)

Internet: **www.justice.gouv.qc.ca**



For further information about the support-payment collection program, visit our website at www.revenu.gouv.qc.ca.

You may also 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:

Direction principale des pensions alimentaires

Revenu Québec

3800, rue de Marly, secteur 1-1-1

Québec (Québec) G1X 4A5

Direction principale des pensions alimentaires

Revenu Québec

577, boulevard Henri-Bourassa Est, 2^e étage

Montréal (Québec) H2C 1E2

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Vous pouvez vous procurer la version française de cette publication en demandant la brochure *Le versement des pensions alimentaires - Le débiteur ou le créancier réside à l'extérieur du Québec* (IN-904).

Revenu

Québec



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