



SUPPORT PAYMENTS ADVANCES

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REVENU
QUÉBEC



Under the *Act to facilitate the payment of support*, we collect amounts of support from the person required to pay support (the debtor) and pay them to the person entitled to receive support (the creditor). In order to make sure that support is paid regularly, we can advance amounts of support to the creditor. These advances are generally made so that the creditor is not penalized for administrative delays. Advances of support can be made only if we are sure that we can recover the amounts from the debtor. This document explains under what circumstances such advances can be paid.

Advances and administrative delays

The main objective of the support-payment collection program is to make sure that support is paid regularly to creditors. The *Act to facilitate the payment of support* also provides for advancing amounts of support so that creditors are not penalized for administrative delays that may result from longer payment processing times.

An administrative delay is the period between the moment the debtor makes a support payment (by means of one of the two support-collection procedures provided for in the Act) and the moment we receive the payment and record it in the debtor's support-payment file.

Note that the fact that we advance amounts of support does not make us responsible for paying support; the debtor remains solely responsible for paying support.

What amounts can be advanced?

Only current amounts of support, paid on the 1st and 16th day of the month, can be advanced. We cannot advance amounts to pay arrears¹ of support.

What is the maximum amount that can be advanced?

We can advance up to three months' worth of support to creditors, for a maximum of \$1,500.

Examples:

- If you are a creditor who receives \$300 of support per month, we will advance up to \$900 (three months' worth of support).
- If you are a creditor who receives \$600 of support per month, we will advance up to a maximum of \$1,500, even though three months' worth of support is \$1,800.

Is Revenu Québec required to pay advances?

No. We are under no obligation to advance amounts of support. Amounts will be advanced only if we are sure that we can recover them from the debtor. However, there are cases where, despite being certain that we could recover the amounts, we still cannot pay advances.

In what situations does Revenu Québec generally not pay advances?

- The debtor cannot be located, meaning that he or she has no known residence or domicile.
- The debtor has no seizable income. This applies, for example, to a person who receives lastresort financial assistance (social assistance or a social solidarity allowance) or an annuity for the surviving spouse paid by Retraite Québec.
- We sent the debtor a payment order because he or she failed to pay support, arrears or security.¹
- We had to use the security provided by the debtor because he or she did not make a support payment on time.
- The creditor does not live in Québec.
- The creditor owes us an amount under the *Act to facilitate the payment of support because* we paid him or her an amount to which he or she was not entitled. This can happen when support payments are retroactively reduced or cancelled further to a judgment.
- The support payments are made to the Ministère de l'Emploi et de la Solidarité sociale because the creditor receives last-resort financial assistance. For more information, see IN-905-V, *Support Payments: Social Assistance Payments*.
- The creditor notifies us that he or she does not want to receive advances of support.

In these cases, we will pay the creditor only the amounts of support that we have actually received and recorded in the debtor's support-payment file.

¹ An amount equivalent to one month of support that the debtor must give us, as a guarantee, in certain situations (such as when support payments are collected under a payment order).

Is Revenu Québec required to tell the creditor why an advance cannot be made?

No. In fact, it is not always possible for us to inform the creditor of the reason why amounts of support cannot be advanced. We must make sure the debtor's information remains confidential.

Who is responsible for repaying advances?

As a rule, advances must be repaid by the debtor, since we make them on his or her behalf. 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 us**. In that case, the creditor can enter into a repayment agreement with us. If this applies to you, contact us.

If a debtor wants to apply to the court to have support payments or arrears reduced or cancelled, or if a creditor learns of such an application, both parties should contact us to see if there are advances that have not been repaid. They should then consult their legal counsel, if applicable, to find out what measures to take.

If there are advances of support that must be repaid to us, the creditor and the debtor cannot decide among themselves to cancel the amounts in order to avoid repaying them. Remember that we must be kept informed at all times of any agreement, decision or procedure that affects our rights.



TO CONTACT US

SUPPORT-PAYMENT COLLECTION PROGRAM

Online

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By telephone

Monday through Friday: 8:30 a.m. to 4:30 p.m.

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