

Support Payments Bulletin

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Advances of support: To avoid certain delays

Revenu Québec can advance an amount of support to the person entitled to receive it (the recipient or “creditor” of support). This is generally done so that the creditor suffers no financial hardship because of administrative delays.

What are the conditions for obtaining advances?

Revenu Québec is not required to advance amounts of support or grant the maximum amount. An advance is made only if Revenu Québec is sure that the amount can be recovered from the person required to pay the support (the payer or “debtor” of support). Advances are paid on behalf of the debtor of support and must be recovered from this person. Advances are paid for a maximum of three months, for a total amount not exceeding \$1,500.

Revenu Québec does not make advances in the following circumstances:

- The debtor has no income or cannot be located. Note that the income earned by the debtor must be seizable (for example, last-resort financial assistance is not seizable).
- The debtor fails to pay the support, and Revenu Québec has sent a demand for payment to him or her.
- Revenu Québec has already used the security provided by the debtor, because the debtor has not complied with the payment order sent by Revenu Québec.



- The creditor is not domiciled in Québec
- The debtor is not domiciled in Québec.
- The creditor owes money to Revenu Québec under the *Act to facilitate the payment of support*. This may occur if Revenu Québec has made an overpayment.
- The support is paid to the Ministère de l'Emploi, de la Solidarité sociale et de la Famille. This situation may occur if the creditor receives last-resort financial assistance and the support is not paid.
- A deduction notice is sent to the Société de l'assurance automobile du Québec, the Commission de la santé et de la sécurité du travail or insurance companies, and the debtor receives amounts from any of these organizations.

- The debtor receives employment insurance benefits.

In any of the above situations, Revenu Québec will pay the creditor only the amounts collected from the debtor.

There is no obligation for Revenu Québec to pay an advance; the power to do so is discretionary. If Revenu Québec refuses to pay an advance, it may be impossible to inform the creditor of the reasons for the refusal in order to keep information concerning the debtor confidential.



Indexation rate for 2005

The *Civil Code of Québec* provides for the automatic indexation of support payments on January 1 of each year. This applies to all support, unless otherwise specified by the judge in his or her judgment. The indexation rate for 2005 is 1.7%.



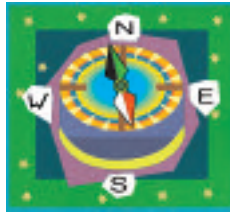
If the debtor of support moves outside Québec, is support still payable? Will Revenu Québec continue to collect the support?

Yes, support is payable and, under certain conditions, Revenu Québec may continue to collect it. The Ministère de la Justice and Revenu Québec may intervene in the enforcement of support judgments outside Québec. This is called reciprocal enforcement. 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*.

Reciprocal enforcement may be used if **the debtor no longer lives in Québec and does not pay the support regularly**. The support provided for in a judgment can be recovered provided the debtor lives in a jurisdiction designated

by the Québec government, and the creditor lives in Québec. 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 Jersey, New York and Pennsylvania.

The *Act to facilitate the payment of support* does not apply outside Québec. Therefore, Revenu Québec has no recourse if the debtor moves to a jurisdiction not designated by the Québec government, unless the debtor has seizable property in Québec. 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 and legal costs.

If the creditor no longer resides in Québec but the debtor resides in Québec, the debtor remains subject to the *Act to facilitate the payment of support*. Revenu Québec will continue to take measures to collect the support owed by the debtor and to remit the support

the creditor, regardless of where he or she lives.

For further information, consult brochure IN-904-V, *The Collection of Support Payments: When the Debtor or Creditor Resides Outside Québec*.


Did you know that...
As at March 31, 2004, Revenu Québec had received 16,644 new support orders and 32,355 variation orders.

Changes to the tax credits for families in 2005

Beginning in 2005, certain tax credits will be paid in advance, or will be replaced by other measures. As a rule, if you have a dependent minor child, you or your former spouse will receive quarterly child assistance payments from the Régie des rentes du Québec.

In addition, you can no longer ask to have child-care expenses taken into account in the calculation of your source deductions. You may, however, ask Revenu Québec to make quarterly advance payments of the tax credit for child-care expenses to which you are entitled.

Important



If you claimed the basic amount respecting dependent minor children, the tax reduction for families, or the tax credit for child-care expenses on the most recent *Source Deductions Return* (form TP-1015.3-V) that you completed, you must be sure to complete the 2005-01 version of the form and submit it to your employer.

**For further information, contact
the Revenu Québec office in your area.**

Montréal area: 1 866 337-0183

Elswhere in Québec: 1 800 267-6299



New: The Service québécois de changement d'adresse

Revenu Québec (income tax, support payments), the Régie des rentes (pensions, family allowance), the SAAQ (driver's licence)... and the list goes on. These are three of the six government departments and agencies to which you can communicate your change of address in a single step.

The Service québécois de changement d'adresse is an innovative service that allows all citizens to communicate with several government departments and agencies at the same time. Since June 1, 2004, this new service has helped people indicate a change of address over the Internet, safely and securely.

Before you use the Service québécois de changement d'adresse, make sure you have the following documents at hand:

- your social insurance card;
- your most recent income tax return (specifically the amount on line 199); and
- your file number (support payments).

- the Régie des rentes du Québec;
- the Régie de l'assurance maladie du Québec;
- the Société de l'assurance automobile du Québec;
- the Directeur général des élections.

For further information on the Service québécois de changement d'adresse, visit the following Web site: www.adresse.info.gouv.qc.ca.

The government departments and agencies listed below will be notified of your change of address:

- Revenu Québec;
- the Ministère de l'Emploi, de la Solidarité sociale et de la Famille;



• Statistics •

Support-payment statistics to November 30, 2004

Number of active files:	128,694
Percentage of creditors who received the full amount of regular support payments on time in fiscal 2003-2004:	79%
Percentage of support payments deducted at source:	54%
Percentage of new judgments respecting which exemptions are granted:	15%
Total support payments made since the inception of the program (December 1995):	\$2.4 billion
Total support payments made for fiscal 2003-2004:	\$411 million
Percentage of support payments made by direct deposit (as opposed to payments by cheque):	65%



If the debtor pays amounts of support directly to the creditor (if the court has granted an exemption, for example), the debtor should ask the creditor to provide a receipt.

? True or false ?

1. A person pays support through source deductions. The person suffers an injury while at home and stops working for an indefinite period of time. The person does not receive wage loss insurance or workers' compensation. Support will therefore not be payable during the disability period.

- True False

2. The obligation to pay support automatically ends when your child turns 18.

- True False

3. You can authorize another person (such as your attorney) to obtain information concerning your support file.

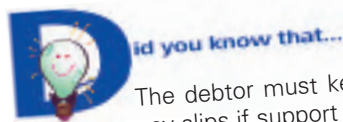
- True False

4. The creditor may have to repay advances of support to Revenu Québec.

- True False

5. At any time, you can contact Revenu Québec to request an advance if your former spouse fails to pay an amount of support.

- True False



The debtor must keep his or her pay slips if support is deducted at source.

Answers on page 4



Online support payments:



A third financial institution to serve you!

In our last issue, we indicated that you could make support payments online using the AccèsD service offered by Desjardins or the TelNat service offered by the National Bank of Canada. This year, Scotiabank is also offering the online payment option, through its Scotia OnLine services.

Registering is easy!

Caisses Desjardins

If you choose to make payments through Desjardins, use the AccèsD service. Go to the "Bill/Tax payments" section of the Web site, choose "Add a bill" and enter "Q" for Québec. Select "Revenu Québec – Support payments" and click on "Validate."

Without using hyphens or spaces, enter your file number (beginning with 9 and ending with the sequence 670000). You will find this number in the top left-hand corner of your remittance slip. Click on "Validate." You may also make support payments by telephone at 1 800 CAISSES.



National Bank of Canada

If you choose to make payments through the National Bank of Canada, use the TelNat service. Go to the "Bills" section of the Web site and click on "Add," followed by "Search Other Suppliers." Enter "MRQ" in the Search box and click on "Search." Then click on "Revenu Québec – Support Payments (MRQ)," followed by "Add."

Without using hyphens or spaces, enter your file number (beginning with 9 and ending with the sequence 670000). You will find this number in the top left-hand corner of your remittance slip.

You may also make support payments by telephone at 1 888 TELNAT-1.

Scotiabank

If you choose to make payments through Scotiabank, use Scotia OnLine services. Go to the "Online Banking" section of the Web site and select "Bill Payment." Then select "Add a Payee/Bill" and enter "R" for Revenu. Select "Government," "Québec" and "Revenu QC - Supp. payments."

Without using hyphens or spaces, enter your file number (beginning with 9 and ending with the sequence 670000). You will find this number in the top left-hand corner of your remittance slip.

You may also make support payments by telephone (through TeleScotia telephone banking services) at 1 800 267-1234.

For further information, contact your financial institution.

Quiz answers ? True or false ?

- False.** Support is payable even if the debtor of support is not working. During this period, the person must make support payments directly to Revenu Québec. The person must appeal to the court in order to change or cancel an amount of support.
- False.** The obligation to pay support ends only once your child is of full age and becomes financially independent. Financial independence must be established by the court. Revenu Québec will close the file once it receives a court judgment cancelling support.
- True.** To authorize the release of information to the person that you wish to designate, you must send a duly signed power of attorney to the person in charge of your file.
- True.** The person who received advances may exceptionally be required to repay them to Revenu Québec where a judgment reduces or cancels support retroactively.
- False.** Revenu Québec cannot pay advances if the debtor fails to pay support.

Important addresses

If you make a support payment before receiving a remittance slip, you must indicate your file number on the front of the cheque. Cheques should be made payable to the Fonds des pensions alimentaires and sent to one of the addresses below, depending on where you live.

If you live in the **Québec City area**, send your cheques to the following address:

Fonds des pensions alimentaires,
référence A 3011
Revenu Québec
3800, rue de Marly
Sainte-Foy (Québec) G1X 4A5

If you live in the **Montréal area**, send your cheques to the following address:

Fonds des pensions alimentaires
Revenu Québec
C.P. 4000, succursale Desjardins
Montréal (Québec) H5B 1A5

Documents other than cheques should be sent to the person in charge of your file at one of the following addresses:

3800, rue de Marly, secteur 1-1-1
Sainte-Foy (Québec) G1X 4A5
577, boulevard Henri-Bourassa Est, 2^e étage
Montréal (Québec) H2C 1E2



This bulletin is provided for information purposes only, and the information it contains does not constitute a legal interpretation of the *Act to facilitate the payment of support* or any other legislation.

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