



SUPPORT PAYMENTS

WHEN THE DEBTOR
OR CREDITOR RESIDES
OUTSIDE QUÉBEC

www.revenuquebec.ca



REVENU
QUÉBEC



**THE SUPPORT-PAYMENT
COLLECTION PROGRAM
IS JUST ONE OF THE WAYS WE
CONTRIBUTE TO THE WELL-BEING
OF THOUSANDS OF CHILDREN
AND FAMILIES.**

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INTRODUCTION

The Ministère de la Justice du Québec and Revenu Québec can intervene in the enforcement of support judgments where the person required to pay support (the debtor) or the person entitled to support (the creditor) resides outside Québec.

The Ministère de la Justice du Québec is responsible for the application of the *Act respecting reciprocal enforcement of maintenance orders*, whereas we see to the application of the *Act to facilitate the payment of support*.

Under the *Act to facilitate the payment of support*, we collect support from debtors and pay it to creditors. Usually, the judgments we enforce are rendered by Québec courts. The Act applies only in Québec.

What happens when the debtor or the creditor under a judgment rendered in Québec no longer resides in the province?
What happens when the debtor or the creditor under a judgment not rendered in Québec comes to settle in the province?
This publication answers those questions and many more.



GENERAL INFORMATION

Advances

We do not pay support-payment advances if the debtor or the creditor resides outside Québec. In other words, the only amounts we pay to the creditor are those we have received from the debtor and deposited.

Eligibility for direct deposit

A creditor who resides outside Québec can receive support payments by direct deposit only if he or she has an account at a financial institution that has an establishment in Canada.

If support is paid regularly

Debtor no longer residing in Québec

Where a debtor who no longer resides in Québec regularly makes support payments to us, there is no default in payment. Consequently, the debtor can continue to pay support in the usual manner.

Example

A debtor moves from Québec to Florida. We can continue to receive the support payments and pay them to the creditor.

However, the debtor may choose to make support payments directly to the creditor, provided the creditor gives his or her consent and no amount is owing to us.

Creditor no longer residing in Québec

Where a creditor no longer resides in Québec, the debtor must continue to make support payments to us. The debtor remains subject to the *Act to facilitate the payment of support* since he or she still lives in Québec. Therefore, we will continue to collect the support payments and pay them to the creditor, regardless of where he or she resides.

A debtor still living in Québec who wishes to make support payments directly to the creditor, who no longer resides in Québec, must obtain the creditor's consent and apply for an exemption from the obligation to make support payments through us. For more information, refer to the publication *Support Payments: Application for Exemption* (IN-900-V).

If support is not paid regularly

Debtor no longer residing in Québec

Where a debtor who no longer resides in Québec fails to regularly make support payments to us, there is default in payment. Consequently, the procedure for the reciprocal enforcement of support judgments may be initiated. This procedure makes it possible for Québec judgments to be enforced in certain jurisdictions designated by the Québec government, as though they had been rendered by the competent courts of those jurisdictions.

The jurisdictions currently designated by the Québec government under the *Act respecting the reciprocal enforcement of maintenance orders* are the provinces and territories of Canada, and 10 U.S. states—California, Florida, Maine, Massachusetts, New Hampshire, New Jersey, New York, Oregon, Pennsylvania and Vermont.

If the following three conditions are met, we will take the necessary steps to have a judgment enforced in the jurisdiction where the debtor resides:

- The support payments owing to the creditor under a judgment that is enforceable in Québec are not being paid regularly by the debtor.
- We have exhausted all available recourses against the debtor's seizable assets in Québec and the result thereof is insufficient to pay the support in full.
- The debtor resides in a jurisdiction designated by the Québec government.

Example

The debtor and the creditor are living in Québec when their judgment is rendered. Later, the debtor moves to Ontario and stops fulfilling his obligations towards the creditor. In addition, the result of the recourses taken against the debtor is insufficient to ensure full payment of the support. We therefore send the judgment to Ontario so that the necessary steps to collect the support may be taken there. Note that the *Act to facilitate the payment of support* does not apply outside Québec.

If the debtor settles in a jurisdiction that is not designated by the Québec government, we generally have no recourse, unless the debtor still has seizable property in Québec. In such a situation, the creditor may contact legal counsel to assess the possibility of having the Québec judgment recognized and enforced in that other jurisdiction. However, the creditor would have to pay any costs associated with the legal proceeding.

Judgment rendered in a designated jurisdiction

A support judgment rendered in a designated jurisdiction under the law applicable therein and deposited or registered in Québec is treated as though it were a judgment rendered by a competent court in Québec. Revenu Québec can then collect the support payments.

Example

The debtor and the creditor are residing in Ontario when their judgment is rendered. Later, the debtor moves to Québec. Because the obligations towards the creditor are not being fulfilled by the debtor, the Ontario government sends the judgment to Québec so that it may be deposited or registered in Québec according to the applicable law.¹ We then take the necessary steps to collect the support payments.

1. That may be the *Act respecting the reciprocal enforcement of maintenance orders* or the *Divorce Act*.



SPECIFIC POINTS

Distinctive features of some designated jurisdictions

When a judgment is transferred, for enforcement, to the competent authorities of a jurisdiction designated by the Québec government, the laws in force in that jurisdiction apply. Thus, the competent authorities of some designated jurisdictions automatically stop collecting support payments for any child 18 years of age or older, unless the child is attending an educational institution full time. Also, if the debtor dies, it is possible that such authorities will not make a claim against the deceased's estate or succession. Other such authorities refuse to collect support ordered for a former spouse only. Finally, the support payments collected are not always automatically indexed, as they are under Québec law. In that case, we ask the competent authorities of the designated jurisdiction to index such payments.

Timeframe in reciprocal enforcement cases

Where a debtor resides in a designated jurisdiction, the support payments are collected by the competent authorities of that jurisdiction. Because several persons and bodies have to intervene in reciprocal enforcement cases, the creditor must wait longer to receive the support payments in such a case than in a case where both the debtor and the creditor reside in Québec.

However, Québec government authorities are working with the competent authorities of the designated jurisdictions to speed up the processing of such cases.

Modification of support payments

A creditor or a debtor who wishes to have the support payments modified in a case where one of them is not living in Québec can address the competent court of the jurisdiction where the person seeking the modification resides. However, an application for such a modification may be subject to certain limitations, for example, in reciprocal enforcement cases involving the United States.

Recourses in cases of nonpayment

The debtor is subject to all collection measures prescribed by the laws in force in the designated jurisdiction.

For example, where Québec initiates the enforcement procedure against a debtor settled in Florida by contacting the authorities there, the debtor could lose his professional licence and driver's licence if he or she persists in not paying the support he or she owes the creditor.

Role of the Ministère de la Justice du Québec

The Ministère de la Justice du Québec is responsible for the application of the *Act respecting the reciprocal enforcement of maintenance orders* in Québec. It provides the competent authorities of designated jurisdictions with documents relevant to the enforcement of Québec judgments in their jurisdictions. Also, it receives from such authorities documents relevant to the enforcement of their jurisdictions' judgments in Québec.

A creditor whose judgment is subject to the *Act to facilitate the payment of support* does not have to contact the Ministère de la Justice du Québec, because we complete all the necessary formalities.

PAYMENT OF SUPPORT

Support payments may be made by cheque or money order, or electronically, using the **Online Payment** service. Check with your financial services provider to find out whether you can make support payments online.

ARE YOU MOVING?

If so, you must inform us of your new address. You can use either of the following services to make your change of address online:

- the **Change of Address** service available on our website, www.revenuquebec.ca, in which case the change will be made in our files only;
- the Québec government's **Service québécois de changement d'adresse**, at www.adresse.info.gouv.qc.ca, in which case six departments and agencies will be informed of your new address—the Directeur général des élections du Québec, the Ministère du Travail, de l'Emploi et de la Solidarité sociale, Revenu Québec, the Régie de l'assurance maladie du Québec, Retraite Québec and the Société de l'assurance automobile du Québec.

You can also make your change of address by telephone or by mail. Our contact information is given at the end of this publication.

Do not forget to provide the number of your support-payment file.

NEED INFORMATION?

If you reside in Québec, you may contact the person in charge of your file at Revenu Québec. The correspondence we sent you when your file was opened includes that person's contact information.

If you do not reside in Québec or if you do not have a file with Revenu Québec, refer to our contact information at the end of this publication.

For more information regarding the *Act respecting the reciprocal enforcement of maintenance orders*, you may contact the Ministère de la Justice du Québec 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 by telephone or by email:

Telephone : 418 643-5140

1 866 536-5140 (toll-free)

Email: informations@justice.gouv.qc.ca



TO CONTACT US

SUPPORT-PAYMENT COLLECTION PROGRAM

Online

www.revenuquebec.ca

By telephone

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

Québec City 418 652-4413	Elsewhere 1 800 488-2323 (toll-free)
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Persons with a hearing impairment

Montréal 514 873-4455	Elsewhere 1 800 361-3795 (toll-free)
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By mail

Québec City office

Revenu Québec
3800, rue de Marly, secteur QU0501
Québec (Québec) G1X 4A5

Laval office

Revenu Québec
Secteur LL1002
4, Place-Laval, bureau 150
Laval (Québec) H7N 5Y3

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Cette publication est également disponible en français et s'intitule *Le versement des pensions alimentaires – Le débiteur ou le créancier réside à l'extérieur du Québec* (IN-904).