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## Legal Brief\*

Vol. 13

Number 1

January 2021

### How is Child or Spousal Support Paid?

Henriette and Léopaul have three children. After living together for 12 years, they split up. Following a few mediation sessions, both parents agree that Léopaul will have sole custody of the three children since Henriette has a job that requires her to travel out of town for varying periods of time. Consequently, she will have access to the children when she is in town.

As provided for in their judgment, Henriette must pay child support to Léopaul for their three children. But how will this support be payable?

The *Act to facilitate the payment of support* provides that the debtor of support (the payer) must make the support payments, including arrears, if any, to the Minister of Revenue for the benefit of the creditor of support (the recipient).

Practically speaking, as soon as the judgment is received, the clerk of the court sends the Minister the relevant information so that a Revenu Québec agent can contact the creditor and the debtor to set up the collection procedure. Support payments are collected by means of a deduction at source (e.g., salary) or by means of a payment order (e.g., bank transfer or direct debit) or both.

As a general rule, support payments will be deducted directly from the debtor's salary and paid directly into the creditor's bank account on the 1st and 16th of each month.

The *Act to facilitate the payment of support* provides for the possibility of being exempted from the automatic collection of support payments, where both parties consent and a judgment is rendered to that effect. In such a case, the debtor of support will have to provide Revenu Québec with sufficient security to guarantee support payments for one month. Subsequently, if the debtor of support fails to make a support payment on the due date, the creditor may contact the Revenu Québec agent to advise the agent of this default and request that automatic collection be implemented.

Please note that a person who wishes to change support payments established in a judgment will have no choice but to obtain a new judgment by instituting proceedings in the Superior Court to change the support payments. It is also possible, under certain conditions, to obtain a change in support payments through the Homologation Assistance Service (HAS) or through the Service administratif de rajustement des pensions alimentaires pour enfants (SARPA), a child support recalculation service.

If you have any questions regarding support payments, do not hesitate to consult one of our lawyers or the Revenu Québec website at the following link:

<https://www.revenuquebec.ca/en/support-payments/>.

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To find the contact information for your legal aid office, please visit our website at [www.csj.qc.ca](http://www.csj.qc.ca).

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\* The information set out in this document is not a legal interpretation.

The masculine is used to designate persons solely in order to simplify the text.