

chapter C-25.01, r. 0.4

**Regulation respecting the determination of child support payments**

Code of Civil Procedure  
(chapter C-25.01, art. 443)



*The former alphanumerical designation of this Regulation was: chapter C-25, r. 6.*

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**SCHEDULE I**

**SCHEDULE II** (*Implicitly replaced by the Regulation respecting the Basic Parental Contribution Determination Table (chapter C-25.01, r. 12)*)

**1.** These Rules, including the form and the table to which they refer, apply to any application concerning the parents' obligation of support toward their minor child.

They also apply to an application filed by a parent in respect of a child of full age who is not able to support himself, particularly because he is pursuing full-time studies.

O.C. 484-97, s. 1; O.C. 1138-2004, s. 1.

**2.** The Court may fix the support payable for a child of full age at a level that departs from the level of support which would be provided under these Rules, if it considers it appropriate, taking into account all the circumstances in which the child finds himself, particularly his age, health condition, level of education or nature of his studies, civil status, place of residence, as well as his level of autonomy and, where applicable, the time needed by the child to acquire sufficient autonomy.

O.C. 484-97, s. 2.

**3.** The support payable by a parent for his child shall be established, on an annual basis, taking into account the basic parental contribution to which the parents should be bound jointly in respect of the child, the child care expenses, post-secondary education expenses and special expenses relating to the child, the disposable income of that parent in relation to that of both parents and the custody time he assumes in respect of the child, in accordance with the following Rules and the form in Schedule I.

The basic parental contribution of both parents shall be established on the basis of their disposable income and of the number of children, in accordance with the table in the Regulation respecting the Basic Parental Contribution Determination Table (chapter C-25.01, r. 12).

O.C. 484-97, s. 3.

**4.** A parent who assumes more than 60% of the custody time of a child shall be considered to have sole custody for the purposes of these Rules.

Where only one parent has sole custody of all children, the support payable by the other parent shall be calculated following Division 1 of Part 5 of the form; notwithstanding the foregoing, if the non-custodial parent has visiting and prolonged outing rights, that is, if he assumes between 20% and 40% of the custody time in respect of the children, the support payable by that parent shall be calculated following Division 1.1 of that part of the form.

O.C. 484-97, s. 4.

**5.** Custody is also considered to be sole custody where each parent has sole custody of at least one child. In that case, the support payable by a parent shall be calculated following Division 2 of Part 5 of the form.

O.C. 484-97, s. 5.

**6.** Where each parent assumes at least 40% of the custody time in respect of a child, custody of that child is considered shared custody for the purposes of these Rules.

Where both parents have shared custody of all children, the support payable by a parent shall be calculated following Division 3 of Part 5 of the form.

O.C. 484-97, s. 6.

**7.** In situations involving both sole custody and shared custody, that is, where at least one parent has sole custody of at least one child and where both parents have shared custody of at least another child, the support payable by a parent shall be calculated following Division 4 of Part 5 of the form.

This also applies in situations involving

— sole custody and sole custody with visiting and prolonged outing rights, that is, where at least one parent has sole custody of at least 2 children and where the other parent has, in addition, visiting and prolonged outing rights in respect of at least one of those children;

— shared custody and sole custody with visiting and prolonged outing rights, that is, where the parents have shared custody in respect of at least one child and where at least one parent has sole custody of one or more other children while the other parent has, in addition, visiting and prolonged outing rights in respect of at least one of those other children;

— shared custody, sole custody and sole custody with visiting and prolonged outing rights, that is, where the parents have shared custody in respect of at least one child, where at least one parent has sole custody of one or more other children and where the other parent has, in addition, visiting and prolonged outing rights in respect of at least one of those other children.

O.C. 484-97, s. 7; O.C. 1312-2003, s. 1.

**8.** Unless the Court decides otherwise considering, in particular, the parent’s assets, the support payable by a parent in respect of his child may not exceed half his disposable income. Part 6 of the form shows how to calculate the support payable pursuant to this Rule.

O.C. 484-97, s. 8.

**9.** For the purposes of these Rules, including the related form and table,

(1) “**expenses**” means

— child care expenses, in addition to the annual child care expenses required to fulfil the child’s needs, the child care expenses that the custodial parent must incur in particular to hold employment or to receive training or by reason of the parent’s health condition;

— post-secondary education expenses, that is, the annual expenses incurred so that a child may pursue post-secondary studies, including in particular, in addition to tuition fees and expenses for required pedagogical materials, transportation or accommodation expenses incurred for that purpose;

— special expenses, that is, annual expenses other than child care expenses and post-secondary educational expenses, such as medical expenses, expenses for primary or secondary studies or for any other educational program and expenses related to extracurricular activities, where those expenses are linked to the needs required by the particular situation experienced by the child.

The child care expenses, post-secondary education expenses and special expenses are reduced, where applicable, by any related advantage, subsidy, deduction or tax credit, including any sum granted by the Minister of Education, Recreation and Sports, less the related tax burden, where applicable. The amount of each of the expenses thus reduced is deemed to be equal to zero when the amount is negative;

(2) “**annual income**” means income from any source, in particular wages, salaries and other remuneration, support paid by a third party and received for one’s own needs, employment insurance benefits, parental insurance benefits and other benefits granted under a statutory pension or compensation plan, taxable amounts of dividends, interest and other investment income, net income from rental activities and net income from the operation of a business or from self-employment; despite the foregoing, this definition excludes government family transfers, last-resort financial assistance and any sums granted by the Minister of Education, Recreation and Sports and received under a financial assistance program for education expenses.

Non-taxable income is converted into a taxable equivalent.

The income considered is that of the current year, unless the use of that reference period is not advisable given the circumstances, in which case the income is the income foreseeable for 12 months following the filing of the application.

If a parent, under section 5 of the Act to promote access to justice through the establishment of the Service administratif de rajustement des pensions alimentaires pour enfants (chapter A-2.02), fails to provide to the Service administratif de rajustement des pensions alimentaires pour enfants (SARPA) information or the documents that would allow his or her annual income to be determined, that income is then determined, under that section, in accordance with the rules prescribed by government regulation;

(3) “**disposable income**” means the annual income, less the amounts mentioned in Part 3 of the form as the basic deduction and deductions for union and professional dues;

(4) “**custody time**” means the time during which a parent has the custody of a child or exercises visiting and outing rights in respect of a child, whether or not the child is in the care of a third person during that time.

O.C. 484-97, s. 9; O.C. 1312-2003, s. 2; O.C. 1192-2005, s. 1; O.C. 148-2014, s. 1; I.N. 2017-01-01.

**10.** The percentage in the table in the Regulation respecting the Basic Parental Contribution Determination Table (chapter C-25.01, r. 12) for the part of the parents’ disposable income exceeding \$200,000 is given for information purposes only; therefore, the Court may, if it considers it appropriate, fix for that part of the disposable income an amount different from the amount that would be obtained using that percentage.

O.C. 484-97, s. 10; I.N. 2016-08-01.

**11.** *(Implicitly replaced).*

O.C. 484-97, s. 11; I.N. 2016-08-01.

**12.** *(Revoked).*

O.C. 484-97, s. 12; O.C. 1312-2003, s. 3.

**13.** *(Omitted).*

O.C. 484-97, s. 13.