

Denial of Liability Clause

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Remaining obligations after a separation or a divorce

Financial support

When spouses get divorced, one spouse can ask the other to pay support. **Spousal support** is money one spouse pays the other to help meet financial needs. (This kind of support is often commonly called alimony.)

Child support is money one parent pays to the other parent for the financial needs of children after the parents break up. By law, both parents must continue to contribute to the needs of children after a separation.

Child custody

The most important factor in deciding who gets custody is the **best interests of each child**.

Judges must decide which type of custody is in the best interest of the children, given all of the circumstances. These are the two types of custody: **joint custody** or **sole custody, with or without visiting rights**.

For joint custody to be in the best interests of a child, both parents must :

- be able to give the child the stability he or she needs to develop properly,
- be able to take care of the child,
- communicate with each other without arguing, and
- live close to each other.

Family home

If you are married or in a civil union, declaring a family residence can provide legal protection even if you do not own the home. If you have made a declaration of family residence, your spouse cannot sell or give away the family home or the belongings used by your family without your consent.

This declaration may be: A mention in a document registered in the Québec land register; A notice to the landlord of the apartment rented by the couple. This notice, preferably in writing, can be made in the lease.

Domestic violence

What is domestic violence ?

Domestic violence is based on the domination of a perpetrator on its victim.

There are five forms of domestic violence : verbal, psychological, physical, sexual and economic abuse. Victims might suffer from isolation, harassment, denigration, humiliation, intimidation, depreciation, threats, physical and sexual violence, emotional blackmail or injuries.

Domestic violence involves a criminal element. Therefore, police intervention and sometimes legal procedures are necessary and desirable in some cases. If you think you are a victim, please contact the resources listed below.

External resources :

- *Police*
- *Aide juridique*
- *S.O.S. Violence conjugale*
- *Centres d'aide aux victimes d'actes criminels (CAVAC)*
- *Centre de santé et de services sociaux (CSSS)*
- *Centres d'aide et de lutte contre les agressions à caractère sexuel (CALACS)*
- *Indemnisation des victimes d'actes criminels (IVAC)*
- *Centre de solidarité lesbienne*
- *Centre jeunesse – DPJ*
- *Tel-Jeunes*
- *Centre de Référence du Grand Montréal*
- *Association Québécoise de prévention du suicide*

Liens pertinents à consulter :

Domestic violence :

<http://domesticviolence.gouv.qc.ca>

Services Québec – Citoyens :

<http://www4.gouv.qc.ca/>

Régie du logement :

1-800-683-2245

Registre foncier du Québec :

1-866-226-0977

Justice Canada :

Justice.gouv.qc.ca



My couple, my marriage, my rights

Marriage

Common-law union

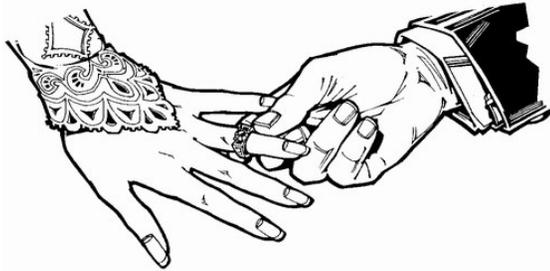
Legal separation

Divorce



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Informations tirées de justice.gouv.qc.ca et educaloi.qc.ca



Marriage

1. Two people

In Canada, marriage can only take place between two people. As of July 20, 2005, same-sex partners can get married in Canada.

2. At least 16 years old

The minimum age for getting married in Quebec is 16. But 16 and 17-year-olds must get permission from a court.

3. Not married to anyone else

The future spouses can't already be married to anyone else. In other words, they must be single, divorced or widowed. They can also marry someone new if their previous marriage was annulled.

4. Consent

The future spouses must be able to fully agree to the marriage or, in legal terms, give their **free and informed consent**.

- i. First, consent must be given freely: a **person can't be forced into marriage**, whether by the future spouse or anyone else, including a parent.
- ii. Second, consent must be informed. This means it is wrong to **mislead someone into making an error**. Here are examples of marriages that can be annulled (undone) because of a problem with consent that involves error:

De facto separation

De facto separation refers to the situation of a couple who stops living together. The spouses must make an agreement setting out the terms of their separation. De facto separation does not dissolve a marriage or civil union. The spouses must continue to respect the rights and obligations of their union. In addition, they are still required to provide mutual aid to one another. Each spouse retains his or her rights and obligations toward their children.

Remember that no agreement between parents provides legal protection unless it has been confirmed by the court.

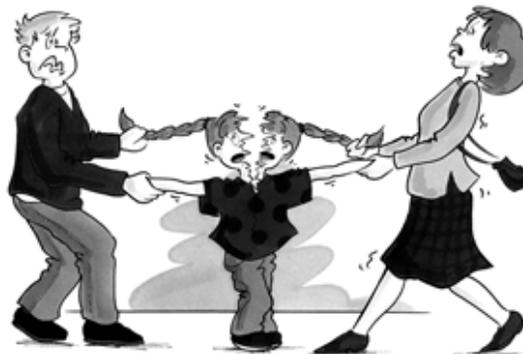
Legal separation

The official name for legal separation is "separation from bed and board."

Spouses who want a separation from bed and board must file a request in court. This request must be based on the fact that they don't want to live together anymore.

Separation from bed and board means that the spouses can do these things:

- stay married without living together ;
- decide on the consequences of their separation ;
- get a court judgment (decision) that explains their rights and responsibilities.



Divorce

Only a divorce can bring your marriage to a definitive end. You can file for divorce if :

1. the spouses have lived separate and apart for at least one year ;
2. the spouse against whom the divorce proceeding is brought has
 - (i) committed adultery, or
 - (ii) treated the other spouse with physical or mental cruelty of such a kind as to render intolerable the continued cohabitation of the spouses.

A court in a province has jurisdiction to hear and determine a divorce proceeding if either spouse has been ordinarily resident in the province for at least one year immediately preceding the commencement of the proceeding.

Dividing property

Family patrimony

The family patrimony includes all the property acquired by a couple during their union, regardless of which spouse actually owns the property. It includes the family home, your furniture, your vehicles and the credits accrued in each spouse's pension plan. **Whatever your matrimonial regime and whether or not you have children, each spouse is entitled to half of the value of the family patrimony following a separation.**

Matrimonial regime property

Couples can choose their matrimonial regimes. A matrimonial regime sets the rules for managing property and debts accumulated during marriage (excluding property that falls under the family patrimony) and how they will be divided up if they divorce or if one of them dies. Often, couples only discover all of the consequences of their matrimonial regimes at the end of a marriage.