

Native Legal Info

CHILD SUPPORT

*Éducaloi, in collaboration with the Quebec Native Women's Association, presents **Native Legal Info**. This legal bulletin deals with child support. It is intended to inform Aboriginal women of their rights and legal actions that can allow them to defend those rights.*

Elizabeth sees her childhood friend, Philomene with her baby in her arms on the other side of the street. She rushes to meet her.

Elizabeth : Hi Philomene ! How's it going ? Going back to work wasn't too painful ?

Philomène : Oh, if only I had the choice to stay another 6 months at home to take care of my baby but my maternity leave is over and I need money ! It's nice having a baby but it costs money : diapers, milk, babysitting. I find it harder and harder to make ends meet.

Elisabeth : And the father, he doesn't give any money ?

Philomène : He thinks that because he doesn't live with us, he has nothing to pay.

Elisabeth : Well, he is wrong ! Each parent must contribute according to their financial means for the needs of their children.

Philomène : Oh ? That's right you're studying law. Maybe you can tell me what I can do to force him to help me financially.

Elisabeth : First, you must make sure that the father's name appears on the birth certificate of your child. Then, the father must have revenues other than social assistance.

Philomène : That's all?

Elizabeth : Unfortunately, no ! In order to force the father of a child to pay support, you must make a request for child support to the court and present different documents. Based on this, the judge will set the amount of the support.

Philomène : Can I know, in advance, the amount of support that he should be paying ?

Elizabeth : Yes, by completing the form for fixing child support and by consulting the table, you can get a good idea of the support amount even before presenting it to the court.

Philomène : But my « ex » would never accept to pay me any support !

Elizabeth : He doesn't have a choice. Once a judgement is made, the Law facilitating the payment of child support is automatically applied. Once or twice a month, the amount of child support will be taken from his pay check and given to you later.

Philomène : Thanks for your help. I'm beginning to see clearly now. I'll go see a lawyer tomorrow !

If you face a similar situation and would like to take legal procedures in order to obtain child support to which your child has the right, do not hesitate to contact the legal aid office in your area, if you are eligible for legal aid. or consult with an attorney.

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