

CHILD SUPPORT RECALCULATION
**QUÉBEC OMBUDSMAN SUPPORTS THE PRINCIPLE BEHIND BILL 64 AND PROPOSES
IMPROVEMENTS FOR THE BENEFIT OF CITIZENS AND THE ADMINISTRATION**

Québec, May 22, 2012 – At the invitation of the Committee on Institutions, Raymonde Saint-Germain, Ombudsperson, presented a brief today on Bill 64, which establishes the Service administratif de révision des pensions alimentaires pour enfants (SARPA).

First, the Ombudsperson expressed her **support for the principle behind the bill**: its dejudicialization and cost-cutting goals satisfy the recommendations reiterated by the Ombudsman to help parents who want to make child support changes.

However, some aspects of the bill deserve to be improved, namely:

- The Act rather than a regulation should specify SARPA's eligibility conditions, the situations where SARPA could collect information from third parties without parental consent, and the cases where a support payment recalculation could apply retroactively;
- SARPA and its staff should come under the jurisdiction of the Québec Ombudsman;
- The principles of the *Act respecting administrative justice*, including the duty to act fairly, should apply to SARPA and its staff;
- A maximum timeframe should be provided in the Act for processing an application to recalculate support payments;
- SARPA should be able to demand that the information needed for reviewing an application to recalculate support payments be submitted within a given timeframe, under threat of penalty.

In conclusion, the Ombudsperson insisted on the need to keep in mind the basic objective of this bill, which is access to justice. “In this sense, I am appealing to preserve the openness that Bill 64 has finally provided,” she said. “The momentum it has created to promote dejudicialization should not be hindered by strict administrative requirements or by the specific interests of certain parties.”

The Ombudsman’s brief is available online at <http://www.protecteurducitoyen.qc.ca/en>.

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