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# NATIONAL ASSEMBLY

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FIRST SESSION

THIRTY-THIRD LEGISLATURE

Bill 98

## **An Act to amend the Civil Code in respect of the indexing of support payments**

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**Introduction**

**N V 1 1 87**

**Introduced by  
Mr Herbert Marx  
Minister of Justice**

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#### EXPLANATORY NOTE

*The object of this bill is to index, by operation of law, support payments ordered by court judgment, while leaving discretion to the courts not to index them or to fix a different basis of indexation from that fixed pursuant to the law where circumstances described in the law warrant it.*

## Bill 98

### An Act to amend the Civil Code in respect of the indexing of support payments

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

**1.** Article 638 of the Civil Code of Québec is replaced by the following article:

**“638.** In order to maintain the true monetary value of the claim resulting from the judgment awarding support, the support, if payable as a pension, shall be indexed by operation of law on 1 January each year, in accordance with the annual Pension Index established pursuant to section 119 of the Act respecting the Québec Pension Plan (R.S.Q., chapter R-9).

Notwithstanding the foregoing, where the application of the index brings about a serious imbalance between the needs of the creditor and the means of the debtor, the court may, in exercising its jurisdiction, either fix another basis of indexation or order that the claim not be indexed.”

**2.** This Act comes into force on (*insert here the date of assent to this Act*).