

Legal Info Sheet

(To Walk Away) and Rebuild

This info sheet is designed to support the seven workshops in the series *(To Walk Away) and Rebuild: Separating or Divorcing in the Context of Immigration*. These workshops teach immigrant women about the impacts of separation and divorce in Quebec, and the resources that are available to them.

Who is this Legal Info Sheet for?

Community organizations and their support workers.

What is this Legal Info Sheet for?

- To help you prepare to lead a workshop by providing all the relevant legal information
- For quick reference to legal information during the workshop
- For reference during interventions, even outside of the workshops

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My Relationship



This section summarizes the legal information presented in the *My Relationship* workshop. It also provides a list of resources you can share with the people you support, and additional tools to further explore the topic.

Key Takeaways

- Married and unmarried partners have rights and obligations within their relationship. For example, they must treat each other with respect and must make decisions about their children together.
- Some people experience violence from their partner.
- Domestic violence is not limited to physical acts. It can take many forms, including psychological and sexual abuse. There is no hierarchy—all forms of violence are unacceptable. People who experience violence are never to blame for the violence or its effects.

Key Legal Information

People in a relationship have obligations towards each other

In Quebec, married people have **rights and obligations towards each other**. Both spouses have **the same rights and obligations**.

For example, they must:

- Show mutual respect
- Support and help each other
- Run the family together and decide together on matters that affect the family. For example, if they have children, they must make decisions about the children's health, education, and religion together
- Share responsibility for caring for their children
- Contribute to household tasks and expenses according to their means. This contribution can take different forms. For instance, one person may contribute through their salary, while the other does so through household tasks

Unmarried couples have all the same rights and obligations when it comes to their children. For example, they must make decisions about their children together.

Disrespect in the relationship can lead to violence

When a person does not respect their spouse or partner, it can lead to domestic violence, whether the couple is married or not.

Domestic violence goes beyond ordinary conflict or tension within a couple. It involves a **power imbalance**, where the perpetrator seeks to control their spouse or partner.

Domestic violence can take many forms. It is not always physical. Other forms include:

- **Psychological violence:** for example, socially isolating the other person, pretending not to see them, sulking for days, etc.
- **Verbal violence:** for example, constantly criticizing, belittling, or insulting the other person, shouting at them, etc.
- **Economic violence:** for example, controlling the other person's spending, hiding or taking away their ID or credit cards, forcing them to be financially dependent, preventing them from working or pursuing their education, etc.
- **Sexual violence:** for example, forcing the other person to have sexual contact when they don't want to, etc.

Resources for the people you support

Resource	Services	Contact information and/or website
Éducaloi	Free legal information online	educaloi.qc.ca/en
Info-Justice Centers	Free legal information (consultations)	info-justice.ca/en
Rebâtir	Free legal advice for people experiencing domestic violence	1-833-732-2847 rebatir.ca (French only website)
SOS violence conjugale	Information, support, and referrals for people experiencing domestic violence	1-800-363-9010 sosviolenceconjugale.ca/en

More Tools

- SOS violence conjugale – Articles : <https://sosviolenceconjugale.ca/en/articles>
- Éducaloi – [“Protecting Yourself From Domestic Violence”](#)
- Éducaloi – [“Domestic Violence After Separation”](#)
- Éducaloi – [“Preventing or Limiting Contact Between a Parent and a Child”](#)
- Éducaloi – [“What Is an “810” \(Peace Bond\)?”](#)
- Éducaloi – [“Making a Domestic Violence Complaint: The Steps Explained”](#)

My Children



This section summarizes the legal information presented in the *My Children* workshop. It also provides a list of resources you can share with the people you support, and additional tools to further explore the topic.

Key Takeaways

- Parents must make important decisions about their children together— even after a separation or divorce, and even if one parent spends more time with the children.
- After a separation or divorce, both parents have the right to request custody of their children. In some cases, the children may spend equal time with each parent. This is known as shared custody. In other cases, one parent may have the children most or all of the time. This is known as sole custody. Custody decisions must always be based on the children’s best interests. Mediation or the courts can help parents reach a decision.
- Both parents must help meet their children’s needs, based on their means. After a separation or divorce, one parent may be required to pay child support to the other parent to help cover the children’s needs.

Key Legal Information

Making decisions about children together

Parents must make important decisions about their children together— **even after a separation or divorce**, and **even if one parent spends more time** with the children. This shared responsibility is called “parental authority”. Parental authority ends when a child turns 18.

For example, parents must jointly decide on the following matters involving their children:

- Health care
- Schooling
- Activities and recreation
- Travel

Custody after a separation or divorce: How does it work?

After a separation or divorce, **both parents** have the right to apply for custody of their children. In some cases, the children may spend equal time with each parent. This is known as shared custody. In other cases, one parent may have the children most or all of the time. This is known as sole custody.

There are **several ways** to decide on child custody.

Agreeing on custody together	Getting help from a mediator	Asking the court to decide
<p>Parents can agree on how to share custody. They can then ask a court to make their agreement official (“homologation”).</p>	<p>If parents cannot agree, a mediator can help them find a solution.</p> <p>Parents are usually eligible for free mediation hours.</p> <p>Many mediators speak languages other than English and French.</p>	<p>If no agreement is possible, either parent can ask the court to decide.</p> <p>The court will choose the option that is in the best interests of the children. It will consider things like the children’s age, their needs, and their relationship with each parent.</p> <p>Some things do not affect the court’s decision. For example, mothers do not have a “better chance” of getting custody. Also, the fact that one parent cheated or is now in a new relationship does not usually impact the court’s decision.</p>

Key Legal Information (cont.)

Child support: Covering children's expenses

Both parents must help meet their children's needs, including **food, financial support**, clothing, care, activities, and other basic expenses.

After a separation or divorce, one parent may have to pay money to the other to help cover these costs. This is called **child support**.

Child support is calculated based on:

- **each parent's financial situation**
- **the number of children**
- **the children's needs**
- **how much time the children spend with each parent**

There are a few ways to determine the amount of child support:

1. **The parents can agree on the amount**, with or without the help of a mediator.
2. Either parent can **ask the court to set the amount**. The court can also **formalize an agreement** the parents have made. Revenu Québec usually deducts the support amount each month from the salary of the parent who must pay it, and gives it to the other parent.

Resources for the people you support

Resource	Services	Contact information and/or website
Éducaloi	Free legal information online	educaloi.qc.ca/en
Info-Justice Centers	Free legal information (consultations)	info-justice.ca/en
Rebâtir	Free legal advice for people experiencing domestic violence	1-833-732-2847 rebatir.ca (French only website)

More Tools

- Éducaloi – [“Parental Authority: Rights and Responsibilities of Parents”](#)
- Éducaloi – [“Child Custody and Visiting Rights During a Breakup”](#)
- Éducaloi – [“Preventing or Limiting Contact Between a Parent and a Child”](#)
- Éducaloi – [“Temporary Decisions About Child Custody and Child Support”](#)
- Éducaloi – [“Child Custody Decisions: Criteria Used and Types of Custody”](#)
- Éducaloi – [“Child Support”](#)
- Éducaloi – [“Child Support: Common Questions”](#)
- Éducaloi – [“How Revenu Québec Manages Support Payments”](#)

My Housing



This section summarizes the legal information presented in the *My Housing* workshop. It also provides a list of resources you can share with the people you support, and additional tools to further explore the topic.

Key Takeaways

- Someone who wishes to stay in their home after a separation or divorce may have options, even if their name is not on the lease.
- Someone who wants to leave their home after a separation or divorce may be able to end their lease early.

Key Legal Information

Staying in the home

In general, the **person whose name is on the lease** has the right to stay in the home. However, they can agree to transfer the lease to their ex. The ex must notify the landlord no later than two months after the separation or divorce in order to officially take over the lease.

If both people are on the lease, both have the right to stay. They must decide together who will leave and who will stay. The courts usually do not require one person to leave in this situation.

If appropriate, a **family mediator** can help them come to an agreement. A **court** may also decide that the parent who has custody of the **children** will remain in the home with them, at least for a time.

Leaving the home

Someone who is separating may want to leave the home before their lease ends. There are a few options for this:

Coming to an agreement with the landlord	Ending the lease because of domestic violence	Transferring the lease or subletting the home
<p>In some cases, the landlord may agree to end the lease early.</p> <p>If the ex is also listed as a tenant, that person must also agree.</p>	<p>The law allows a tenant to end their lease if their safety—or their children’s safety—is at risk due to violence.</p> <p>To do this, the person must follow a specific process, including getting an attestation confirming they are leaving because of a situation involving violence.</p>	<p>A person experiencing violence may transfer their lease to someone else. In this case, they are no longer the tenant and are no longer responsible for paying rent.</p> <p>Alternately, they can sublet their home to someone else. But in that case, they remain the official tenant and must still pay the rent if the subletter does not.</p>

Resources for the people you support

Resource	Services	Contact information and/or website
Éducaloi	Free legal information online	educaloi.qc.ca/en
Project Genesis	Free legal information on housing, welfare, pensions, and family allowances	514-738-2036 genese.qc.ca
Info-Justice Centers – Info-separation service	Free legal information for separation-related issues (consultations)	info-justice.ca/en
Rebâtir	Free legal advice for people experiencing domestic violence	1-833-732-2847 rebatir.ca (French only website)

More Tools

- Éducaloi – [“Separation of Common-Law Couples: Who Stays in a Rented Family Home?”](#)
- Éducaloi – [“Tenants: Leaving Your Place Before the Lease Ends”](#)
- Éducaloi – [“Ending a Lease for Spousal or Sexual Violence”](#)
- Éducaloi – [“Assigning a Lease or Subletting”](#)

My Property



This section summarizes the legal information presented in the *My Property* workshop. It also provides a list of resources you can share with the people you support, and additional tools to further explore the topic.

Key Takeaways

- The way property is divided after a breakup depends on whether the couple was married.
- Married couples usually have to equally divide certain property used by the family when they divorce, whether or not they have children.

For unmarried couples, the rules depend on whether they have children together and when those children were born. If the couple lives together and had children on or after June 30, 2025 (in a “parental union”), certain property used by the family is usually shared equally between them. If the couple doesn’t live together, doesn’t have children together, or had children before June 30, 2025, each person usually keeps the property they own, even if it was used by the family.

- If the couple can’t agree on how to divide their property, they can go to mediation or ask the court to decide.

Key Legal Information

Dividing property: General rules

How is property divided after a separation or divorce?	
<p>Married couples (with or without children)</p>	<p>Certain property used by the family must usually be divided equally between the spouses. This applies even if the property belongs to only one of them. This is called partitioning the family patrimony.</p> <p>Examples of property that is usually divided equally include:</p> <ul style="list-style-type: none"> • Furniture (beds, sofas, tables, etc.) • Appliances (microwaves, coffee makers, etc.) • Vehicles used by the family • The family home (whether owned by one or both spouses) <p>Exceptions: Certain property used by the family is not divided, including anything received as a gift or inheritance.</p>
<p>Unmarried couples who live together and had children together on or after June 30, 2025 (couples in a “parental union”)</p>	<p>Certain property used by the family must usually be divided equally between the spouses. This applies even if the property belongs to only one of them. This is called partitioning the parental union patrimony.</p> <p>Examples of property that is usually divided equally include:</p> <ul style="list-style-type: none"> • Furniture (beds, sofas, tables, etc.) • Appliances (microwaves, coffee makers, etc.) • Vehicles used by the family • The family home (whether owned by one or both spouses) <p>Exceptions: Certain property used by the family is not divided, including anything received as a gift or inheritance. The couple can also agree to add or remove certain items from the parental union patrimony, but this must be done through a notary.</p>
<p>Other unmarried couples This includes couples who:</p> <ul style="list-style-type: none"> • Do not live together • Do not have children together • Have children together who were born before June 30, 2025 	<p>In these cases, each partner usually keeps the property that belongs to them, even if it was used by the family during their relationship.</p> <p>If the partners own an asset together, they must agree on who will keep it and whether one of them will reimburse the other for their share.</p>

Key Legal Information (cont.)

Solutions in case of disagreement: Mediation or court

Married and unmarried couples who can't agree on how to divide their property have other options:

- They can **ask a mediator to help them come to an agreement**. They are usually eligible for free mediation hours.
- They can **ask the court to decide**.

Resources for the people you support

Resource	Services	Contact information and/or website
Éducaloi	Free legal information online	educaloi.qc.ca/en
Info-Justice Centers – Info-separation service	Free legal information for separation-related issues (consultations)	info-justice.ca/en
Rebâtir	Free legal advice for people experiencing domestic violence	1-833-732-2847 rebatir.ca (French only website)

More Tools

- Éducaloi – [“Dividing Property”](#)
- Éducaloi – [“Dividing Family Patrimony”](#)
- Éducaloi – [“Property Included in the Family Patrimony”](#)
- Éducaloi – [“Marriage Outside Quebec: The Division of Property Due to Divorce”](#)
- Éducaloi – [“Separation of Common-Law Couples: Furniture and Personal Belongings”](#)

My Money



This section summarizes the legal information presented in the *My Money* workshop. It also provides a list of resources you can share with the people you support, and additional tools to further explore the topic.

Key Takeaways

- People who separate can sometimes request child support.
- Married people who separate can sometimes request spousal support.
- Social assistance provides financial support to people whose income and savings don't cover their basic needs.

Key Legal Information

Child support: Covering children’s expenses

Both parents must help meet their children’s needs, including **food, financial support**, clothing, care, activities, and other basic expenses.

After a separation or divorce, one parent may have to **pay money** to the other to help cover these costs. This is called **child support**.

Child support is calculated based on:

- **each parent’s financial situation**
- **the number of children**
- **the children’s needs**
- **how much time the children spend with each parent**

There are a few ways to determine the amount of child support:

- **The parents can agree on the amount**, with or without the help of a mediator.
- Either parent can **ask the court to set the amount**. The court can also **formalize an agreement** the parents have made. Revenu Québec usually deducts the support amount each month from the salary of the parent who must pay it, and gives it to the other parent.

Applying for spousal support (“alimony”)

When a married couple separates or divorces, one spouse can ask the other for **spousal support**.

This table summarizes some key information about spousal support.

Objectives	<ul style="list-style-type: none"> • To temporarily cover a spouse’s needs until they can become financially independent • To prevent one spouse from experiencing financial hardship because of the divorce
How support can be paid	<p>There are different options:</p> <ul style="list-style-type: none"> • Regular payments (for example, \$200 a month) • A one-time payment (for example, \$20,000)
How support can be established	<p>There are different options:</p> <ul style="list-style-type: none"> • Agreeing together • Getting help from a family mediator. Couples that are separating are usually eligible for free mediation hours. • Asking the court to decide, where a judge will determine whether they qualify, how much they will receive, and for how long

Key Legal Information (cont.)

Applying for social assistance

Some government programs provide **financial support** to people whose income and savings don't cover their basic needs. This is called **social assistance** (welfare).

This table summarizes some key information about social assistance.

<p>General eligibility requirements</p>	<ul style="list-style-type: none"> • Have little or no income or liquid assets • Have exhausted all other available financial resources (for example, asking the other parent for child support) <p>Other conditions may apply depending on the program.</p>
<p>Immigration status requirements</p>	<p>You don't have to be a Canadian citizen to qualify. The following people may be eligible for social assistance:</p> <ul style="list-style-type: none"> • Permanent residents • Refugees • Asylum seekers <p>People without legal status may also receive social assistance in certain emergency situations.</p> <p>Specific rules can apply depending on immigration status, especially for permanent residents under sponsorship.</p>
<p>How to apply</p>	<p>To apply for social assistance, people can visit the Government of Quebec website.</p> <p>Before applying, they can use the SimulAide tool on the Emploi Québec website to see if they might qualify.</p>

Resources for the people you support

Resource	Services	Contact information and/or website
Éducaloi	Free legal information online	educaloi.qc.ca/en
Project Genesis	Free legal information on housing, welfare, pensions, and family allowances.	514-738-2036 genese.qc.ca
L'Organisation Populaire des Droits Sociaux (OPDS)	Free legal information about social assistance and help with certain steps	514-527-0700 or 514-322-5782 opdsrm.com (French only website)
Info-Justice Centers – Info-separation service	Free legal information for separation-related issues (consultations)	info-justice.ca/en
Rebâtir	Free legal advice for people experiencing domestic violence	1-833-732-2847 rebatir.ca (French only website)
SimulAide	Social assistance eligibility calculator	1-877-767-8773 simulaide.emploiquebec.gouv.qc.ca/index.php/728252?new-test=Y&lang=en

More Tools

- Éducaloi – [“Child Support”](#)
- Éducaloi – [“Child Support: Common Questions”](#)
- Éducaloi – [“How Revenu Québec Manages Support Payments”](#)
- Éducaloi – [“Financial Support for an Ex-Spouse”](#)
- Éducaloi – [“Social Assistance \(Welfare\): What You Need to Know Before Applying”](#)
- Éducaloi – [“Social Assistance \(Welfare\) and Child Support Payments”](#)
- Éducaloi – [“Contesting a Decision Regarding Social Assistance \(Welfare\)”](#)
- Éducaloi – [“Guide “Immigration Status and Social Services”](#)

My Immigration Status



This section summarizes the legal information contained in the *My Immigration Status* workshop. It also provides a list of resources you can share with the people you support, and additional tools to further explore the topic.

Key Takeaways

- The impact of separation on immigration status depends on the type of status. In some cases, it has no effect. In others, it can have serious consequences.
- A person may still have options for staying in Canada, even if their immigration status is affected by the separation or divorce.
- Regardless of immigration status, anyone experiencing domestic violence can apply for a temporary resident permit.

Key Legal Information

Separation and divorce: Impacts on immigration status

The impact of separation on immigration status depends on the type of status.

This table gives some general examples. However, the effect of separation or divorce can depend on individual circumstances. You can refer people in need of personalized legal information and advice to a lawyer (see “Resources for the people you support”).

Immigration status of the person who wishes to separate or divorce	Impact of separation or divorce on immigration status
Sponsored person who has been granted permanent residence	Separation or divorce does not affect the person’s immigration status. However, the sponsor must still support the sponsored person for three years from the date when they became a permanent resident, even if they no longer live together.
Person with a pending sponsorship application (not yet a permanent resident)	Separation or divorce will generally lead to the sponsorship application being refused . Couples applying to sponsor within Canada must live together until the person is granted permanent residence.
Asylum seeker	Separation or divorce usually doesn’t affect a person’s right to seek refugee protection in Canada, but it could affect the basis of their claim .
Protected person (accepted refugee)	Separation or divorce does not affect the immigration status of a protected person (refugee), i.e. someone whose claim has been approved.

The temporary resident permit: A way to stay in Canada in cases of violence

A **temporary resident permit** is a way for people experiencing violence to stay in Canada for a time under a different immigration status. Their children may also be eligible for this permit if they are also in Canada.

Key Legal Information (cont.)

This permit allows people to leave a violent situation and gives them time to explore other ways to remain in Canada, such as applying for permanent residence on humanitarian grounds.

The first application for a temporary resident permit is **free**. If granted, the person can also apply for a **work permit** at no cost.

Resources for the people you support

Resource	Services	Contact information and/or website
Éducaloi	Free legal information online	educaloi.qc.ca/en
Rebâtir	Free legal advice for people experiencing domestic violence	1-833-732-2847 rebatir.ca (French only website)
Commission des services juridiques (legal aid)	Free or low-cost legal services for people who qualify for legal aid	csj.qc.ca/commission-des-services-juridiques/nous-joindre/bureaux-d-aide-juridique/en
Service de référence du Barreau du Québec	Help finding a lawyer	barreau.qc.ca/fr/grand-public/acces-justice/services-reference/ (French only website)
Immigration, Refugees and Citizenship Canada (IRCC) Client Support Centre	Free information on immigration issues, including temporary resident permits	1-888-242-2100 https://www.canada.ca/en/immigration-refugees-citizenship/corporate/contact-ircc/web-form.html

More Tools

- [Immigration, Refugees and Citizenship Canada – “Temporary Resident Permit \(TRP\) for Victims of Family Violence”](#)
- [Solutions Justes – « Le Permis de séjour temporaire \(PST\) pour les victimes de violence familiale » \(in French only\)](#)
- Éducaloi – [Guide “Immigration Status and Social Services”](#)
- [CLEO – “Family violence when a woman is sponsored by a spouse or partner” \(2019\)](#)

I'm Considering Separation



This section summarizes the legal information contained in the *I'm Considering Separation* workshop. It also provides a list of resources you can share with the people you support, and additional tools to further explore the topic.

Key Takeaways

- Married people who want a divorce in Quebec must go through court.
- The costs and timelines for divorce vary widely. In some cases, divorce proceedings can be free or low-cost.
- Unmarried couples don't have to go to court to officially separate, but they may wish to do so to formalize their agreement. They may also have to go to court if they cannot agree on certain issues or if they need urgent measures.
- Mediation can help both married and unmarried couples reach an agreement without going to court.

Key Legal Information

Divorce in Quebec: Main rules (married couples)

This table summarizes the main rules that apply to the divorce process in Quebec. Regardless of the situation, the couple must go to court to formalize the divorce.

<p>Legal reasons for divorce</p>	<p>The couple must be in at least one of the following situations to divorce:</p> <ul style="list-style-type: none"> • They have been separated for at least one year • One person has committed has cheated • One person has been physically or psychologically violent to the other
<p>Costs of divorce</p>	<p>The costs of a divorce can vary widely based on factors like:</p> <ul style="list-style-type: none"> • Whether or not the couple hires a lawyer • Whether or not they qualify for legal aid • Whether or not they agree on the main consequences of the divorce
<p>Timelines for divorce</p>	<p>The time it takes to get divorced can vary widely based on factors like:</p> <ul style="list-style-type: none"> • Whether the couple agrees on the main consequences of the divorce • Whether both people already have all the necessary documents (and whether they need to be translated) • The courthouse where the divorce is filed

Key Legal Information (cont.)

Separating in Quebec: Main rules (unmarried couples)

Unlike married couples, unmarried couples don't have to go to court to separate.

However, the court remains an option in many situations, such as:

- The couple does not agree on all consequences of the separation (e.g. child custody)
- One person needs urgent measures (e.g. to protect themselves and have custody of the children in a context of violence)
- The couple agrees on all consequences of the separation, but wants the court to formalize (“homologate”) their agreement

Reaching an agreement in mediation

People who are separating or divorcing may choose to seek help from a family mediator to agree on the consequences of their breakup. They are usually eligible for free mediation hours.

Successful mediation can help couples avoid potentially long and costly court proceedings. Married couples must still go through the courts to get a divorce.

Resources for the people you support

Resource	Services	Coordonnées et/ou site Web
Éducaloi	Free legal information online	educaloi.qc.ca/en
Info-Justice Centers	Free legal information (consultations)	info-justice.ca/en
Inform'elle	Free family law information	1-877-443-8221 informelle.org (French only website)
Rebâtir	Free legal advice for people experiencing domestic violence	1-833-732-2847 rebatir.ca (French only website)
Commission des services juridiques (legal aid)	Free or low-cost legal services for people who qualify for legal aid	csj.qc.ca/commission-des-services-juridiques/nous-joindre/bureaux-d-aide-juridique/en

Ressources	Services offerts	Coordonnées et/ou site Web
JuridiQC - collaborative divorce tool	A free legal tool for married couples who want to complete the divorce process together	1-866-536-5140 juridiqc.gouv.qc.ca/separation-et-divorce/tribunal/agir-seul-a-la-cour/divorce-conjoint (French only website)
Barreau du Québec referral service	Help finding a lawyer	barreau.qc.ca/fr/grand-public/acces-justice/services-reference/ (French only website)
Association des médiateurs familiales du Québec -Directory	Directory of mediators in Quebec	1-800-667-7559 portail.mediationquebec.ca/fr/trouver-un-mediateur (French only website)

More Tools

- Éducaloi – [The Law by Topic: Separation of Married Couples](#)
- Éducaloi – [The Law by Topic: Separation of Common-Law Couples](#)
- Éducaloi – [The Law by Topic: Separating Without Going to Court](#)