



**Legal aid,**  
a network at your service  
[www.csj.qc.ca](http://www.csj.qc.ca)



## **Child Custody: Superior Court Versus Court of Québec (Youth Division)**

Jasmine and John are the parents of two children, Julian and Julie. When they separated, the parents agreed to share custody of their two children and decided to have their agreement confirmed by a court. They therefore obtained a judgment from the Superior Court, Family Division.

Custody was going well, until the Director of Youth Protection (hereinafter the “DYP”) accepted a report regarding physical abuse allegedly suffered by Julian while he was at his mother’s place.

In a meeting with the social worker, John is asked to assume custody of the two children while the DYP’s social worker assesses the report – i.e., for a period of about 60 days.

As for John, he has no concerns about Jasmine’s educational methods and does not think a change of custody is necessary under the circumstances.

Consequently, the DYP applies to the Court of Québec, Youth Division, to obtain a provisional judgment granting the father custody of the children and providing for contact between the children and their mother in accordance with conditions to be determined by the social worker.

With two judgments from two different courts (Superior Court, Family Division, and Court of Québec, Youth Division), John is confused about what to do when Jasmine tells him that she can pick up the children from school during the week she has custody, since she has joint custody of them pursuant to a judgment of the Superior Court.

Is Jasmine correct? Which judgment should the parties refer to in such a situation?

When a judgment is rendered in the Court of Québec, Youth Division, it takes precedence over a judgment rendered in the Superior Court, Family Division, and it does so for the duration indicated in the Court of Québec judgment. Thus, when a child’s situation is before the courts, even though the Superior Court and the Court of Québec have concurrent jurisdiction, the effects of the Superior Court judgment are, in a sense, put on ice. It is now the judgment of the Court of Québec, Youth Division, that takes precedence with regards to custody.

Therefore, Jasmine cannot pick up the children from school as she claims. John could provide the school with a copy of the judgment of the Court of Québec, Youth Division, granting him custody of the children, so as to prevent Jasmine from showing up at school and misleading the staff by leaving with the children.

If the DYP’s assessment of the report regarding the physical abuse of Julian concludes that the facts are unfounded, and the DYP withdraws from the children’s lives, the judgment of the Superior Court, Family Division, will take effect once again and will automatically revert to being the judgment in effect between the parties. Shared custody could then resume without any further action being required.

To find the contact information for your legal aid office, please click on the following link [www.csj.qc.ca](http://www.csj.qc.ca).

Don’t hesitate to have your eligibility for legal aid evaluated by making an appointment at a legal aid office near you. You can also check your eligibility online [here](#).

## **Legal Brief\***

**Vol. 17**

**Number 08**

**August 2025**

Original text prepared by  
M<sup>re</sup> Jessica Boucher-Tremblay,  
Lawyer at the Chicoutimi legal  
aid office

### **Contact Us**

Commission des  
services juridiques  
Communications Department  
P.O. Box 123  
Succursale Desjardins  
Montreal, Québec  
H5B 1B3

Telephone: 514-873-3562  
Fax: 514-864-2351

[www.csj.qc.ca](http://www.csj.qc.ca)

\* The information set out in this document is not a legal interpretation.

The masculine gender is used to designate persons solely in order to simplify the text.