

YOUR DE FACTO UNION, A WISE CHOICE ?

C H E C K L I S T

IF YOUR SPOUSE DIES

- If you have lived in a de facto union with your spouse for at least three years or for at least one year if you have a child together, you may be entitled to benefits from the RRQ, the SAAQ, the CSST or the IVAC, depending on the circumstances surrounding the death.

IF YOU SEPARATE

- You will have to decide on child custody, access rights and child support.
- The common property can be divided up according to your cohabitation contract. If you don't have one, you can take the property which belongs to you and divide up the common property. If you can't agree, you will have to apply to the courts.
- The dividing up of the residence you purchased in co-ownership can be settled by selling it or transferring one spouse's share to the other. If you can't agree, you will have to apply to the courts.
- You can also ask your ex-spouse for compensation for your contribution to his or her patrimony, the repayment of a debt or compensation for damages he or she caused you. If you can't agree, you will have to apply to the courts.
- If you no longer want your ex-spouse to benefit under your will or as beneficiary under your life insurance, you will have to make the necessary changes.
- You will have to change your mandate given in anticipation of incapacity if you have designated your ex-spouse as mandatary and you no longer wish him or her to act as such.
- If your cohabitation contract so provides, you can claim alimony or financial compensation.
- You will have to inform the Régie des rentes du Québec and the Canada Revenue Agency of your separation so they can determine the new amount of child assistance payments and child tax benefits you are entitled to.

For more information regarding your rights and recourses, contact the legal aid office nearest you. Visit the Web site of the CSJ (www.csj.qc.ca) for more details regarding the checklist.



Legal Aid: A Network At Your Service

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C H E C K L I S T

IF YOU ARE LIVING WITH OR THINKING ABOUT LIVING WITH A SPOUSE

- Have you prepared a list of the property each of you own?
- Do you want to be co-tenants? You will both have to sign the lease.
- Do you want to be co-owners of your residence? You will both have to sign a deed of co-ownership when you purchase it.
- Have you discussed the consequences of a break-up, death or incapacity?
 - You may want to have a cohabitation contract* prepared in which you will set out:
 - the sharing of finances while you live together;
 - how the common property will be divided up if your relationship ends;
 - the payment of alimony or financial compensation.
 - If not, don't forget to obtain and keep an invoice for things you buy while you live together.
 - If you want your spouse to inherit, prepare a will*.
 - If you want your spouse to be a beneficiary under your life insurance policy, designate him or her in writing.
 - If you want to ensure that your spouse will look after you and your property in the event of incapacity, prepare a mandate given in anticipation of incapacity*.
- Do you already receive government child care benefits? If so, you should inform the public bodies in question one year after you start living together or after you have a child together.

YOU'RE ABOUT TO BECOME A PARENT

- Do you want to be recognized as your child's parents? You will both have to sign the declaration of birth.
 - Your child has the same rights and obligations as a child born to married parents and you have the same duties and obligations toward your child.

*Les Publications du Québec publie inexpensive sample agreements.

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