

<u>CASE NO.</u>	<u>VOL. NO.</u>	<u>PAGE</u>
HELEN MARIE BURNS Appellant	- and -	HENRY FRANCIS BURNS Respondent
C.A. No. 156722	HALIFAX	ROSCOE, J.A.

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[Cite as: Burns v. Burns, 2000 NSCA 1]

**APPEAL HEARD:** November 19, 1999

**JUDGMENT DELIVERED:** January 5, 2000

**SUBJECT:** Family Law - custody of children - relocation by mother

**SUMMARY:** The parents who had joint custody of two young children had been separated for four years. The mother's application for sole custody and permission to move with the children from New Waterford to Ottawa to attend graduate school was denied by the trial judge.

**ISSUE:** Did the trial judge commit an error in principle?

**RESULT:** Appeal allowed. The trial judge committed errors in principle by failing to consider the economic impact on the children of the proposed move, by failing to give adequate weight and respect to the views of Mrs. Burns, by making findings in the absence of evidence in respect to the probable traumatic effect of a move, and by placing undue emphasis on the reduction in access.

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