

**NOVA SCOTIA COURT OF APPEAL**

**Citation:** *Godin v. Godin*, 2012 NSCA 54

**Date:** 20120525

**Docket:** CA 342242

**Registry:** Halifax

**Between:**

Cindy Mae Godin

Appellant

v.

Marc Kenneth Godin

Respondent

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**Judge:** The Honourable Mr. Justice Jamie W.S. Saunders

**Appeal Heard:** February 13, 2012

**Subject:** **Civil Contempt. Sentencing. Imprisonment. Suspended Sentence. Probation. Standard and Burden of Proof. Purging Contempt. Custody. Access.**

**Summary:** A mother was found to be in contempt of a trial judge's order concerning custody and access by not taking "reasonable steps" and not doing "everything in her power" to comply with its terms. When she failed to purge her contempt, she was sentenced to imprisonment for 90 days, but the sentence was suspended and the appellant was placed on probation, upon terms.

**Held:** Appeal allowed and the contempt order and probation order set aside. The trial judge erred by becoming pre-occupied with the reasonableness of the mother's efforts to ensure compliance with the order, and then conflating dissatisfaction with those

efforts as constituting proof, to a criminal standard, of all of the elements of the offence. Contempt is a quasi-criminal proceeding. Strict adherence to procedure, standards and burdens of proof, and the rules of evidence is required.

**This information sheet does not form part of the court's judgment. Quotes must be from the judgment, not this cover sheet. The full court judgment consists of 33 pages.**