

NOVA SCOTIA COURT OF APPEAL
Citation: *Soper v. Gaudet*, 2011 NSCA 11

Date: 20110125
Docket: CA 316071
Registry: Halifax

Between:

Glenn Soper and Gail Soper

Appellants

v.

Sabrina Gaudet

Respondent

Judge: The Honourable David P.S. Farrar

Appeal Heard: September 15, 2010

Subject: Contempt, Breach of Access Order, Elements of Contempt, Remedies

Summary: The appellants appeal from a finding of contempt against them for breach of an access order involving their grandchildren. They allege that the Chambers judge erred in finding them in contempt, and alternatively, even if they were in contempt, she erred in terminating access with the children.

Issues: Whether the Chambers judge erred in finding the appellants in contempt and, further, whether the suspension of their access was an appropriate remedy, if the finding of contempt was appropriate.

Result: Appeal allowed. The trial judge erred in finding the appellants in contempt and the contempt order was set aside and the access provisions reinstated. Further, the Chambers judge's suspension of access to the appellants failed to take into consideration the best interests of the children and, therefore, was inappropriate.

<p>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 14 pages</p>
