

NOVA SCOTIA COURT OF APPEAL

Citation: *St-Jules v. St-Jules*, 2012 NSCA 97

Date: 20120918

Docket: CA 348221

Registry: Halifax

Between:

Yvan St-Jules

Appellant

v.

Vivian St-Jules

Respondent

Judge: The Honourable Justice M. Jill Hamilton

Appeal Heard: April 13, 2012

Subject: Family Law; Imputation of Income; Child Support; Bankruptcy

Summary: The CRJ required the father to pay certain matrimonial debts in lieu of child support. He failed to pay them. The mother made a variation application. The father declared bankruptcy and failed to file material the judge ordered him to file. The judge refused an adjournment requested by the father one week before the hearing; deemed the two unpaid joint matrimonial debts to be child support, with the effect they would survive the father's bankruptcy pursuant to s.178(1)(c) of the **Bankruptcy and Insolvency Act**, R.S.C., 1985, c. B-3; ordered him to reimburse the mother for certain medical expenses; found he was intentionally underemployed for purposes of ongoing child support; imputed to him an annual income of \$65,000 and ordered him to commence paying ongoing monthly child support directly to the mother.

Issue: Did the judge err by refusing an adjournment, deeming the two unpaid joint matrimonial debts to be child support, ordering him to reimburse the mother for certain of the children's medical expenses; imputing income to him and ordering him to pay child support to the mother on an ongoing basis?

Result:

Appeal dismissed. The judge did not err. Any prejudice caused to the father by the judge's refusal to adjourn was of his own making. The CRJ made it clear the father was to pay certain matrimonial debts in lieu of child support, which he failed to do. The judge did not err in deeming two of them to be child support, with the effect they would survive his bankruptcy. The judge did not err in ordering the father to reimburse the mother for certain of the children's medical expenses. The father's under-reporting of income, failure to provide complete financial disclosure and leaving a good paying job with the military, twice, when the court was considering child support, justified the imputation of income to him for purposes of ongoing child support. The amount was reasonable. It was not an error for the judge to order the father to start paying child support to the mother on an ongoing basis and the amount she ordered was in accordance with the Guidelines.

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 19 pages.