

NOVA SCOTIA COURT OF APPEAL

Citation: *Goreham v. Lamrock*, 2004 NSCA 116

Date: 20040929

Docket: CA 210110

Registry: Halifax

Between:

Loretta Caroline Goreham

Appellant

v.

Melbourne Winston Lamrock

Respondent

Judge: The Honourable Justice Nancy Bateman

Appeal Heard: September 21, 2004

Subject: Variation of access.

Summary: By Order of the Family Court in 2000 the applicant father was denied access to the parties' three year old daughter. In 2003 the father applied to vary the access order. The Family Court judge granted access. Mother appealed.

Issue: Did the Family Court Judge err in ordering access?

Result: Appeal allowed and matter remitted to Family Court for a hearing applying proper principles. The judge erred at law in neglecting to consider whether there was a material change in circumstances since the making of the earlier order, which change is the necessary foundation to a variation application (see **Maintenance and Custody Act**, R.S.N.S. 1989, c.160, s.37).

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 4 pages.