

NOVA SCOTIA COURT OF APPEAL
Citation: J.Y.P. v. R.J.L.M., 2007 NSCA 58

Date: 20070515
Docket: CA 275239
Registry: Halifax

Between:

JYP

Appellant

v.

RJLM

Respondent

Judge: The Honourable Justice Joel Fichaud

Appeal Heard: April 16, 2007

Subject: *Custody of children - Divorce Act*

Summary: Trial judge ruled that child would be in primary care of father. The trial judge did not make a finding whether the father had committed spousal abuse. The mother appeals and says the trial judge ignored spousal abuse as a relevant factor in the custody ruling.

Issue: Did the trial judge ignore spousal abuse as a factor relevant to custody?

Result: Past conduct of parent is relevant to custody only insofar as it affects parenting ability and best interests of the child. The trial judge's assessment of the child's best interests depends on the evidence, objectively interpreted. The trial judge addressed the issues raised in the evidence concerning the child's interests. He did not ignore a relevant factor. Appeal dismissed.

<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 21 pages.</p>
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