

NOVA SCOTIA COURT OF APPEAL
Citation: Marginson v. Marginson, 2004NSCA119

Date: 20041006
Docket: CA 215922
Registry: Halifax

Between:

Grace Marginson

Appellant

v.

Gloria Amanda Irene Marginson and Allen Norman Deveau

Respondents

Judge: The Honourable Justice Hamilton

Appeal Heard: September 23, 2004

Subject: *Family law, custody and access*

Summary: After numerous court appearances concerning custody of and access to the appellant's two grandchildren for whom she was the primary caregiver for over two years, the respondents, the natural parents of the children, agreed and the appellant, the mother's mother, indicated to the trial judge that she "accepted" that the parents would have joint custody with the father having day to day care. The respondents agreed on access for the mother and the appellant, and the appellant sought greater access. There was little difference between the access the parents agreed on for the appellant and the access the appellant sought. The trial judge ordered access somewhere between the two positions.

Issue: Did the trial judge err in ordering the access for the appellant that he did?

Result: Appeal dismissed. The numerous grounds of appeal raised by the appellant are without merit given her consent to the custody and day to day care ordered by the trial judge and the minor difference between the access she sought before him and the access he ordered.

<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 4 pages.</p>
