

IN THE FAMILY COURT OF NOVA SCOTIA

Citation: K.C. v. J.L., NSFC 29

Date: 20101115

Docket: 10Y070134 & 08Y061231

Registry: Yarmouth

Between: **K.C.** Applicant/Respondent
v.
J.L Respondent/Applicant

AND IN THE MATTER OF THE APPLICANT

D.T.

for leave to apply for custody/access

and

J.L and K.C.

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Judge: The Honourable John D. COMEAU
Judge of the Family Court of Nova Scotia

Heard: Heard at Yarmouth, Nova Scotia, October20, 2010

Written Decision: November 15, 2010

Issue: Mobility - Child Custody and Access
Grandparent leave - Custody Access

Summary: The mother of the child applied to the court for permission to move to Saskatchewan with the parties only child. The father refused to consent to the move and asked for joint custody and primary care with reasonable access to the mother with a permanent order that neither party can remove the child from the jurisdiction of the court without the consent of the other
The paternal grandmother applied for leave to have the court consider custody and or access to her. She was also opposed to the mother's proposed move to Saskatchewan.

Result:

The Court refused permission for the mother to move to Saskatchewan. It would interfere with the father's access and he has a very close bond with the child.

The decision of the Supreme Court of Canada on *Gordon vs. Gortz* was considered and it was determined the mother's plan to substitute one extended family for another was contrary to the child's best interest. There was no established bond with the mother's father and extended family in Saskatchewan. She wanted to go to Saskatchewan to get work but had not obtained employment nor has he investigated employment in Nova Scotia. (the local area). Her mother with whom she resides lives here in the local area and was willing to provide a home for her and the child.

The paternal grandmother was granted leave and access. She had a very close and strong bond with the child since birth. She was an exceptional help to the parents who at times continued to show their immaturity in their actions and relationships. Both them and the child continues to need her guidance and assistance.