

FAMILY COURT OF NOVA SCOTIA
Citation: S.M.S. v. M.D.T., 2012 NSFC 18

Date:20121012
Docket: FYMCA - 078638
Registry: Yarmouth

Between:

S.M.S.

Applicant

v.

M.D.T.

Respondent

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Judge: The Honourable Judge John D. Comeau, JFC

Heard: October 12, 2012, at Yarmouth, Nova Scotia

Issue: **Custody, Access, Mobility**

Summary: Applicant father asked for 50/50 shared custody. The mother asked for sole custody with the mobility to Alberta. This was an application to vary an order of primary care to the mother.

The father has had sporadic access, very seldom spontaneously asked for the child and has never paid child support other than purchasing a few diapers and milk. There was domestic violence perpetrated by the father against the mother (a trial is pending). The mother and child have a very strong bond and she had a plan to move to Alberta with a boyfriend who was working there and had a home set up. She had a job waiting for her there.

Result: There was a change in circumstances (mother's plan to move) to warrant a variation. Following a fresh inquiry into the child's best interests, sole custody was granted to the mother with the right of mobility with the child. Access was provided for and the father was ordered to pay child

support.

The wishes of the custodial parent were entitled to great respect and the most serious consideration. The father had minimal involvement in the child's life to date.

***THIS INFORMATION SHEET DOES NOT FORM PART OF THE COURT'S DECISION.
QUOTES MUST BE FROM THE DECISION, NOT THIS LIBRARY SHEET.***