

FAMILY COURT OF NOVA SCOTIA

Citation: T.S. v. S.G., 2012 NSFC 19

Date: 20121029

Docket: 07Y054313

Registry: Yarmouth

Between:

T.S.

Applicant

v.

S.G.

Respondent

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Judge: The Honourable Judge John D. Comeau, JFC

Heard: Heard at Yarmouth, Nova Scotia
June 13, 2012;
August 22, 2012;
August 29, 2012;
September 12, 2012

Issues: Custody, access - change in circumstances

Summary: The Applicant father and mother of three young children both applied for joint custody and primary care. There have been numerous orders in the proceeding. Three Home Studies had been prepared. The Applicant father obtained primary care in 2011 with the mother having unsupervised specified access. Previously it had been supervised because of the transient nature of the mother, use of drugs and a number of questionable relationships. Evidence is now that she is doing well and stable. The parents were described as presently being equal in ability and environment. The last Home Study commented in error that the first two Home Studies anticipated primary care to the mother if her lifestyle improved and therefore recommended she have primary care.

Result: The improvement of the mother's lifestyle was not an unforeseen change in

circumstances. The matter was dismissed, with the affirmation by the Court that the children were content and happy with the present status quo and it was in their best interests to remain in the primary care of their father who should cooperate with the mother.

***THIS INFORMATION SHEET DOES NOT FORM PART OF THE COURT'S DECISION.
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