

IN THE FAMILY COURT OF NOVA SCOTIA
Citation: Sonja Wood v. Hubert Legge, 2004 NSFC 12

Date: 20040920
Docket: FK-031264
Registry: Kentville

Between:

Sonja Wood

Applicant

v.

Hubert Legge

Respondent

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Judge: The Honourable Judge Corrine Sparks, J.F.C.

Heard: June 11, 2004 and July 23, 2004 in Kentville, Nova Scotia

Written Decision: September 20, 2004

Subject: Retroactive child support prior to the application date; and joint versus shared custody.

Summary: Applicant mother sought retroactive child support plus joint custody order for child of relationship. Since parties separated, four years ago, court found no consistent child support payments were made by the father. Mother had to draw from her own capital to provide child rearing costs. Child, and her sister from another relationship, spending substantial time with the father, an arrangement which seemed to work well.

Issue: Should retroactive child support prior to the application date be granted and should the court grant joint or shared custody for the child?

Result: Court determined, in the circumstances, this is an “appropriate” case for retroactive child support prior to the application date. *Defacto* joint custody was found to be operating in the best interest of the child; therefore, the court declined the request for shared custody by the father.

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