

**IN THE SUPREME COURT OF NOVA SCOTIA**

**Citation:** C.E.G. v. D.B.E., 2005 NSSC 251

**Date:** 20050914

**Docket:** 1201-57983/SFHD-26999

**Registry:** Halifax

**Between:**

C. E. G.  
(Formerly "E.")

Petitioner

v.

D. B. E.

Respondent

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**Judge:** Leslie J. Dellapinna, J.

**Heard:** August 25 and 26, 2005, in Halifax, Nova Scotia

**Written Decision:** September 14, 2005

**Subject:** An application to vary the custody, access and child support provisions of a Corollary Relief Judgement.

**Summary:** The parties were divorced in April 2005. They have two young children now aged six and four. At their divorce trial the wife sought care of the children and asked the Court to restrict the husband's access such that there were no overnights.

The Court ordered that the parties share joint custody. Primary care of the children was with the former wife. The former husband was granted liberal specified parenting time with the children including alternate weekends (including overnight) as well as extended time

with the children during summer vacations, Christmas, March Break and Easter.

The former wife did not comply with the Corollary Relief Judgement. She made numerous accusations to the effect that the husband was abusing and sexually molesting the children. The children at different times were examined by their family physician and physicians at the I.W.K.. They were interviewed by social workers employed by the Department of Community Services, police officers, therapists and a Court appointed assessor (prior to the Corollary Relief Judgement being granted) a Court appointed assessor.

There was no evidence to support the former wife's claims of abuse.

**Issues:** Was there a change in circumstance. Should the Corollary Relief Judgement be varied and if so in what way?

**Result:** Custody was granted to the former husband with access granted to the former wife which access would be reviewed in approximately two months time. While the former wife was capable of providing for the children's physical needs, if the children remained in her care there is a serious risk of emotional and perhaps psychological harm to the children and also a substantial risk that the children's relationship with their father would be damaged and perhaps destroyed. Their father was able to meet their physical, emotional, and psychological and other needs. In their father's care the children were more likely to have a meaningful relationship with both of their parents than would be the case if they remained in the primary care of their mother.

**This information sheet does not form part of the court's judgment. Quotes must be from the judgment, not this cover sheet.**