

IN THE SUPREME COURT OF NOVA SCOTIA
(FAMILY DIVISION)

Citation: Nickerson v. Chapdelaine, 2007 NSSC 316

Date: 20070920

Docket: 1201-058598

Registry: Halifax

Between:

Angela Nickerson

Applicant

v.

Wayne Thomas Chapdelaine

Respondent

Judge: Leslie J. Dellapinna, J.

Subject: Applications by both former spouses pursuant to s. 17 of the *Divorce Act* to vary the joint custody and child support provisions of their Corollary Relief Judgment.

Summary: The parties were divorced in 2004. They shared joint custody of their son who at the time of this hearing was seven years of age. Primary care was with his mother.

The father sought joint and equal shared custody. The mother sought sole custody.

Issue: Should the custody and child support provisions of the Corollary Relief Judgment be varied?

Result: The father's application to vary was dismissed. The mother's application to vary the Corollary Relief Judgment was granted in part giving the mother final say in any decision regarding the child's education, child care arrangements, extra-curricular activities and non-emergency medical care. The parties'

previous joint custody arrangement was not functioning the way it should. The father abused the power granted to him under the terms of the previous order and in particular with respect to the mother's efforts to obtain a new child care provider for their son. His inability to work cooperatively with the mother was adversely affecting the child.

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