

IN THE SUPREME COURT OF NOVA SCOTIA
(FAMILY DIVISION)

Citation: S.J. v. S.P., 2008 NSSC 104

Date: 20080409

Docket: SFHMCA-054732

Registry: Halifax

Between:

S. J.

Applicant

v.

S. P.

Respondent

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Judge: The Honourable Justice Moira C. Legere Sers

Heard: April 7, 2008, in Halifax, Nova Scotia

Subject: Assessment of arrears.

Summary: Retroactivity

Issue: The payor became disabled in 2003. Arrears existed on an order for child support in April, 1999. Should all arrears be forgiven?

Result: The arrears were recalculated based on actual income since the original order and fixed. A moratorium was placed on collection due to the payor's current disability. The onus was placed on the disabled payor to report to the mother if and when his financial situation improved.

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