

**SUPREME COURT OF NOVA SCOTIA**  
**FAMILY DIVISION**

**Citation:** *Nova Scotia (Community Services) v. C.D.C.*, 2015 NSSC 123

**Date:** 20150420

**Docket:** *Halifax*, No. SFHCFSA-085840

**Registry:** Halifax

**Between:**

MCS

Applicant

v.

C.D.C and S.D.C.

Respondents

**And In the Matter of**

**Date:** 20150420

**Docket:** *Halifax*, No. SFHMCA-059259

**Registry:** Halifax

**Between:**

C.D.C.

Applicant

v.

S.D.C.

Respondent

**Judge:** The Honourable Justice Beryl A. MacDonald

**Heard:** March 11, 12, 13, 2015

**Counsel:** John Underhill, counsel for the Applicant  
Andrew Kirk, counsel for C.D.C.  
Eugene Tan, counsel for S.D.C.

**By the Court:**

[1] The hearing in these proceedings incorporated information relevant to the Minister's Protection Application and the parents' *Maintenance and Custody Act* Variation Application. These proceedings were heard together and this decision will be placed in both files.

[2] This decision is based upon my review of all the exhibits entered in this proceeding and the oral testimony given by the witness. There is a substantial volume of information and time does not permit an item by item comment upon every statement made. The Father may have expected me to do so. Because of this I considered it appropriate to confirm that I have analyzed all of the information and that I will make reference only to some of the evidence to explain or support my analysis. I could have made reference to more of the evidence that was supportive but my decision would have been very lengthy as a result.

[3] On October 14, 2005 the Father and the Mother of the child, who is the subject of these proceedings, were married. The child was born in the summer of 2006. Unfortunately the Father and the Mother were not able to get along and there was an incident between them that led the Mother to agree to enter into a Peace Bond. The Father and the Mother separated in June 2008. The child was diagnosed with Autism Spectrum Disorder in September 2008. Shortly after their separation the parties entered into an agreement to parent the child in a shared parenting arrangement. This was later confirmed in a *Maintenance and Custody Act* Interim Order. However the parties continued to have difficulty making decisions for their child. Their communication was inadequate and each accused the other of various parental deficiencies. As a result each parent requested an order for custody and primary care of the child. During those

court proceedings a custody assessment was prepared dated April 19, 2010. The assessor recommended the parents continue the shared parenting arrangement as long as they lived within a reasonable geographic proximity to one another. If they did not, the Mother was to provide weekday care and the Father was to care for the child three of the four weekends available in every month. Both were advised to seek out individual counselling to learn how to communicate more effectively with one another. Other recommendations were made but these are not necessary to repeat in the context of this decision.

[4] On June 24, 2010 a Consent Order was issued confirming the parties' joint custody of the child and a week on week off shared parenting arrangement. Holiday and special time access was described and various other terms were included. The Order required the parties "to make their best efforts to attend for joint parent counselling in order to improve their communication". At the time the Order was made both parties had legal representation. The Father consented to the terms of the Order even though he had made very serious allegations against the Mother, some of which had been investigated by Child Protection Workers who were not able to substantiate the concerns listed in his complaints. Not all of his complaints were without merit. However, those that appear to have some merit were not of such significance to suggest the Mother was not able to provide adequate care to the child. The assessor considered both parents to have the necessary skills and ability to care for and nurture the child but it was apparent she was concerned about their communication skills.

[5] The expectations implicit in the June 24, 2010 Consent Order were never fulfilled. The Father continued to be distrustful of the Mother's parenting ability. On March 25, 2013 he visited a Child Protection Office (the Agency) to report concerns about the child being exposed

to inappropriate sexual activity in the Mother's home. He provided a tape recording of his interview of the child and asked the worker on duty to listen to the tape. The worker attempted to discuss with him the inappropriateness of the questions he asked the child noting that many of his questions were leading. The Father disagreed and insisted that the Mother was having sexual activity with her boyfriend in the view of the child. He informed the worker he had called the Mother the night before and told her he knew about this activity telling the worker he told the Mother "he knew about her giving blow jobs with (the child) present and that she could 'slut Puppy' around on her own time." The Father explained he then hung up the phone. He informed the worker the child was present during the phone call because the Father believed the child "needed to know that he was taking action." The Father also informed the worker he was "going to remain in the office until he got arrested or he would get a petition going because something had to be done ... he had spoken with Darrell Dexter's secretary who advised him to contact the police." (Exhibit 1 Tab 1 paragraph 22) The worker was able to convince the Father to return home indicating that he appeared to be taking appropriate steps to address his concern.

[6] On March 25, 2013 the Father arrived at the Agency and insisted upon seeing the Supervisor. The Supervisor on duty met with him but he refused to leave the office after the meeting. He informed the Supervisor he had contacted the media and he sat in the office waiting room repeatedly and loudly playing the tape of his questioning of the child. Other people were present in that office as he did this. The police were called for assistance but by the time they arrived the Father had left.

[7] On March 28, 2013 the Agency received information from the Halifax Regional Police that they were on their way to the Mother's home where it was understood the Father was

present and “pounding” on her door insisting that she answer him. The Halifax Regional Police later informed the Agency that the Father had been in contact with them several times in the past week to report issues around the Mother having sex with her new boyfriend in front of the child. He had informed the Police he had been in contact with CTV to report his account of what was going on with the child. The Mother informed the Police she was receiving text messages from CTV wanting her to give an interview. Apparently the Mother’s boyfriend had initiated telephone contact with the Father hoping to convince him he was not a bad person nor a child molester. This apparently had disturbed the Father and resulted in his attending at the Mother’s home. When the Police arrived the Father was there with his mother and it appeared to the police that the child was upset by what was happening. Certainly the Mother was.

[8] Subsequent to this event the Father repeatedly called the Agency complaining about the Mother and about the Agency’s lack of investigation into his complaints. In addition the Father was repeatedly calling and texting the Mother. She eventually complained about this to the police because she, rightfully so, considered this to be harassment.

[9] During the events of March 28, 2015, or shortly thereafter, the Mother showed the Police and an Agency worker journal entries the Father had written in the communication book that travelled between their households. That communication book was to be used to provide each parent important information about the child as he travelled between their homes. The Father had used this communication book to make vulgar accusations against the Mother. His statements were insulting and degrading. (Exhibit 1 Tab 1 exhibit “B”) Nevertheless the Father believed he was providing an accurate picture of what the Mother was doing at the time and I believe he still is convinced she has behaved in the way he has depicted her in those journal entries. The Father

will take information, or pieces of information - in this case statements made by the child - and interpret them in the most negative way possible, particularly if they involve the Mother. He will create a scenario that implicates the Mother in abusive and/or inappropriate behavior and he will then believe that his interpretation is the only conclusion that can be reached to explain the situation, in this particular example – the child’s statements.

[10] This child is autistic. He is intelligent but he was young when he made these statements to the Father. Many of his statements came as a result of a completely flawed, and I consider abusive, cross-examination of this child by the Father. The Father was not prepared to consider other options of interpretation. He expected the Agency’s investigation to prove his interpretation to be correct. That did not happen. Repeated investigations by the Agency did not substantiate his concerns either about the inappropriate sexual activity or about other issues the Father raised during the course of the Agency’s involvement. What did become apparent to the Agency was that the Father’s relentless campaign to discredit the Mother’s parenting placed the child at risk of emotional harm and as a result it commenced a protection proceeding on April 24, 2013.

[11] The Minister of Community Services (the Minister) now requests a termination of that proceeding. It does so with a concern that it may be required to become involved again if the parenting arrangement does not protect the Mother against the Father’s potential to once again make repeated allegations that the Mother is abusive toward the child or is unable to properly attend to the child’s needs. The time limitations of the Children and Family Services Act S.N.S. 1990, c.5 s. 43 (4) require a termination of the protection proceeding. That proceeding is terminated.

[12] Early in the protection proceeding the Mother realized the Minister would not be able to continue its services indefinitely, services that for the most part relieved her of contact with the Father. On December 17, 2013 the Mother filed a Notice of Variation Application seeking custody and primary care of the child with a specified access schedule for the Father. In this proceeding she suggested the parties should have joint custody with the Father caring for the child every second weekend and one weekday evening until 7:00 p.m. The Mother was open to extending the Father's parenting time on long weekends, if they fell on his regular weekend parenting time, and sharing holiday time. The Mother wanted to have a third party facilitator to do the transportation but she made no suggestion about who this might be. The Father considers the child's best interest to require a return to the shared parenting arrangement or to slowly ease back into this arrangement. He too would prefer a third party facilitator to do transportation but who that person might be would require the consent of both parties. In the alternative he suggests pick up and drop offs should be at the child's school or at the residence or facility of the child care provider.

[13] The Father did argue there was no change of circumstances justifying a change to the previous order. Clearly the events that resulted in the Minister's involvement do constitute a change in the circumstances of the parties sufficient to satisfy this threshold requirement.

[14] Many have attempted to describe what is meant by the term "best interest". Judge Daley in *Roberts v. Roberts*, 2000 CarswellNS 372 paragraph 1, said:

...These interests include basic physical needs such as food, clothing and shelter, emotional, psychological and educational development, stable and positive role modeling, all of which are expected to lead to a mature, responsible adult living in the community...

[15] Several cases have attempted to provide guidance to the court in applying the best interest principle: See for instance *Foley v. Foley* (1993) 124 N.S.R. (2d) 198 (N.S.S.C); *Abdo v. Abdo* (1993) 126 N.S.R. (2d) 1 (N.S.C.A).

[16] In section 18 of the *Maintenance and Custody Act*, R.S.N.S.1989 c.160, as amended, the legislature has summarized what should be considered by a court when it is asked to determine what arrangements are in a child's best interest. I will only reproduce those I consider relevant to this case:

- (6)
  - (a) the child's physical, emotional, social and educational needs, including the child's need for stability and safety, taking into account the child's age and stage of development;
  - (b) each parents' or guardians' willingness to support the development and maintenance of the child's relationship with the other parent or guardian;
  - (c) the history of care for the child, having regard to the child's physical, emotional, social and educational needs;
  - (d) the plans proposed for the child care and upbringing, having regard to the child's physical, emotional, social and educational needs;...
  - (g) the nature, strength and stability of the relationship between the child and each parent or guardian;...
  - (i) the ability of each parent, guardian or other person in respect of whom the order would apply to communicate and cooperate on issues affecting the child;
  
- (8) in making an order concerning care and custody or access and visiting privileges in relation to a child, the court shall give effect to the principle that a child should have as much contact with each parent as is consistent with the best interest of the child,...

[17] Paragraph 8 does not suggest there is to be a presumption it is in the best interest of children to be parented by both parents in a joint custodial equal time sharing arrangement, although many strive to suggest this is so. The question is - what arrangement is in the best



interest of children given their ages, stages of development, personalities, educational and other needs in the context of the ability of each parent to carry out his or her parental responsibilities and obligations?

[18] Because shared parenting provides significant contact between a child and both parents, many consider this to be the best parenting arrangement for every child. There are often many practical reasons why shared parenting is not in a child's best interest, geographical distance for example. In addition there are many parenting deficiencies, unresolvable conflict, for example, that may result in a finding that shared parenting is not in the child's best interest.

[19] Parents in a shared parenting arrangement must exhibit an ability to cooperate and jointly plan for their children. They must be able to do so on a continuous basis, far more frequently than is expected from parents who have other parenting arrangements. Conflict and the potential for conflict must be at a minimum. Each parent must respect the other and their value systems. Methods of discipline should not be substantially dissimilar. Parents must be able to communicate face to face. They must respond quickly to inquiries from the other parent about issues involving the child, focusing on the child's need not on the parent's issues. Routines in each household should be similar to ensure the child is not confused by or encouraged to become oppositional because of different standards and expectations in each home.

[20] Conflict between parents does not necessarily mean they cannot be awarded joint custody or shared parenting. If there is sufficient indication of their ability to place the needs of the child before personal needs and to cooperate on issues of vital importance to the child these parenting

arrangements may be appropriate. (*Gillis v. Gillis* (1995), 145 N.S.R. (2d) 241 (N.S.S.C.);

*Rivers v. Rivers* (1994), 130 N.S.R. (2d) 219 (N.S.S.C.)

[21] It has been suggested that parents who have joint custody and shared parenting may be less likely to consider their parenting role to have been diminished and therefore these parents are less likely to withdraw from meaningful contact with their children. Continuing to respect the role and responsibility both parents have in fulfilling parental obligations may encourage parents to overcome existing conflict between them. These are suggestions found in reported decisions. However, joint custody and shared parenting must not be granted as a form of wishful thinking. The nature and extent of the conflict between the parties must be analysed to determine if joint custody and the requested parenting plan is in a child's best interest.

[22] The Father's evidence was a retelling of his past complaints about the Mother and her parenting, the inadequate response he received from the Agency and the failure of professionals who were offering services to interact appropriately with him. He points to isolated comments from professionals who do not know the complete circumstances of the behaviours he has exhibited, to support his contention that he poses no risk to the child. What he has not been able to understand is that his behaviours in respect to the child's Mother do place the child at risk of emotional harm. Conflict between parents is very emotionally disturbing to children. Having police involved is emotionally disturbing to adults as well as to children. Placing the Mother under the continuing stress of dealing with unfounded allegations of child abuse and neglect can undermine her ability to parent effectively. It can undermine her ability to communicate with the Father causing further friction between the parties. Dealing with the Father's conviction that every decision she makes is inadequate whether it is to accept the diagnosis of Autism – the child

was too young to have tests; for gymnastics - not the right program for this child; or the school the child attends - not as many resources as another school can provide - can and has caused the Mother to be frustrated, and overwhelmed. (Exhibit 15 para. 24, 25, 26, 37, 38, 39, 84, 86, 114, 115, 116, 118; Exhibit 11 para. 14, 25, 60, 66)

[23] The Father considers his actions to be supportive of the child and in the child's best interest. What he fails to recognize is that his insistence his recommendations be followed, without any consideration about other points of view, can and have led the Mother to avoid communication and contact with him. The Mother moved in an attempt to get away from the Father. Not the best course of action but an understandable response given that there was virtually no means by which she could convince the Father that she also had a plan for the child and perhaps her plan might be the better plan. In addition the Mother was the primary financial support for the child. The Father has not sustained employment although he is often employed. He testifies that he left employment or found alternate employment to permit him to parent the child. Even though the Mother was not working after the birth of the child the Father took parental leave. While the Father's desire to parent is admirable, children also need financial support and reasonable decisions should be made about employment so that a parent can at least provide regular and sustained financial support for one's child. Even now the Father says "I am currently in receipt of social assistance pending the resolution of these court applications. If I am able to receive more parenting time with (the child), I will structure my employment around his needs, as I always have". (Exhibit 15, para. 125) The Mother, on the other hand, is working. The Father meets his own needs and has no ability to separate what he needs from those of his child.

He is obsessive in his desire to care for this child and I do not consider this level of obsession healthy for him or for this child.

[24] During the course of the child protection proceeding the Minister attempted to provide services to the Father that may have improved his communication with the Mother and assisted him to gain insight into how his behaviours could negatively affect the child. The Father has not been able to appropriately engage with the professionals who have been contracted to provide assistance to him. The Father's behaviours, in particular the way in which he interacts with others, have brought about this result. He admits he is demanding and insistent. (Exhibit 15 para. 127) However what he does not understand is that he is demanding and insistent to the point of irrationality and he is not open to alternate explanations for events as they are occurring. He has no capacity to analyze events from different points of view nor to assimilate new information that may change one's interpretation of an event. He makes his judgment, he clings to that judgment and he refuses to be dissuaded. He is convinced he is always right and others are not and he believes he knows more about many issues than others do. It is unlikely that the Father and the Mother can agree in the future about important issues pertaining to this child notwithstanding the testimony of Deborah Garland, a psychologist, that she believes the Father can manage his responses and that his doing so is a matter of choice. I am satisfied that his choice will not always be to strive to understand other explanations for events because as Deborah Garland herself observed he "can become diverted easily by what he perceives as injustices". In addition she stated "With regard to ongoing counseling, it is unlikely that there would be any future benefits..." (Exhibit 6 Tab A, exhibit E to the affidavit of Kirsty Seddon).

[25] Dr. Aileen Brunet, Forensic Psychiatrist recommended:

“Additionally, given that it is my opinion that this situation is very much a product of the seriously problematic dynamic between (the Father and the Mother) I would recommend that active steps be taken to somehow address this. As (the child) becomes older there will be many challenges and areas where (the child’s) parents will need to communicate and address and plan for his needs. If the current dynamics persist it is a set-up for future similar problems.” (Exhibit 6 Tab 1B p. 17)

[26] The Father, when convinced of a set of circumstances, has no ability to re-evaluate his interpretation in the light of new evidence but clings to what he believes even when there is no factual grounding for his belief. This is not to say the Father is always incorrect in his assessment of a situation and his concerns around the condition of the child’s schoolyard is one example of a positive intervention although perhaps it could have been dealt with quietly with the school rather than through the media.

[27] The Father has submitted that everything he has done has been to protect the child. I have no doubt the Father dearly loves the child but he has no insight into the effect his behaviours can have on the child’s well-being. His constant questioning of those who provide services to the child have on occasion resulted in the withdrawal of those services and I think in particular of the gymnastic program the child was once involved in. The Father’s dysfunctional interaction causes people to withdraw their willingness to engage with him and this could ultimately affect the child’s well-being.

[28] There is no counselling the Minister can recommend to these parents that has any likelihood of success in assisting them to communicate responsibly and respectfully. No counselling can be offered to the Father that can assist him to understand the give and take required when making decisions for children. The Mother does have the capacity to engage in appropriate communication with others but not with the Father. His personality style makes this

impossible. She either must agree with him or she is forced to ignore him in order to do what she thinks is best. In a perfect world there would be an educational program that would teach these parents how to communicate; a program to teach the Mother how to deal with the Father's communication style and a program to teach the Father how to adjust his perceptions, how to listen to and incorporate alternate explanations and recommendations. No such programs are available to these parents and my task is to provide this child with a parenting plan that may avoid further conflict between his parents. This is not an easy task.

[29] The Father has much to offer this child and the child delights in his Father's care. The Father may not be content if he cannot make decisions for the child. The problem is his decisions are often contrary to the decisions the Mother chooses to make and often there is little room for compromise. I do not consider it to be in this child's best interest to require these parents to make joint decisions about his care. The Mother will have custody and I have explained what this means in the parenting plan I have attached to this decision. In that plan I have also described the information that is to be provided to the Father and his right to discuss recommendations made by service providers so he can understand why those recommendations have been made and the responsibilities these place on the parents. The schedule when this child is to be in the care of the Father is also part of that plan. I have decided the child can have a meaningful and important relationship with the Father under this schedule that requires much less contact between the child's parents. I have not provided a schedule for the child's birthday, Mother's Day or Father's Day. The regular schedule is to apply to those events unless the parties agree otherwise. Birthdays do not have to be celebrated on the exact day of the child's birth.

[30] I have created this schedule because I have no confidence these parents can manage the extensive contact a shared parenting plan requires without the likelihood of future conflict between them.

Beryl A. MacDonald, J.

Attached: Parenting Plan

## **PARENTING PLAN**

### **Custody/ Residence/ Access**

#### ***Custody (Decision Making)***

1 Subject to paragraph 18 the Mother shall have custody of the child meaning the Mother has sole authority to make decisions that have significant or long lasting implications for the child or that impose responsibilities on a parent - for example: decisions about physical or mental health; dental care; counseling; education; enrollment in recreational activities; religious instruction; choice of child care provider and choice of school.

#### **Day to Day Decisions**

2 With respect to daily decisions, including non-emergency medical care, the parent who has care of the child according to the parenting plan is to be the decision-maker with the other parent being advised about non-emergency medical care decisions made.

#### **Emergency Decisions**

3 With respect to emergency decisions, the parent who has care of the child according to the parenting plan is to be the decision-maker with the other parent being advised as soon as possible about the emergency and the decision made.

#### **Residence/Access**

4 The Mother shall have primary care of the child. At the end of the Father's access (parenting time) the child is to be returned to the care of the Mother at the designated location.

#### **Regular Parenting Schedule**

5 Commencing Friday May 1, 2015 the Father shall have access with the child every second weekend from Friday afternoon until Monday morning at times (depending on the child's circumstances) to be determined as follows:

- beginning on Friday at the time when the child's school is finished for the day or the child's attendance at a summer camp or other holiday program is finished for the day or the child's child care provider no longer requires the child's attendance **or**
- at the time set by the Mother, to be no later than 6:00 p.m., if the child is not in school or in attendance at a summer camp, or other holiday program or with a child care provider **and**



- ending on Monday at the commencement time of the child's school day, or, when school is not in session, the commencement time required for the child's attendance at a summer camp or other holiday program or at the facility or residence of the child care provider **or**
- ending at the time set by the Mother if the child is not in school or in attendance at a summer camp, or other holiday program or to be with a child care provider.

6 If the Father's weekend access falls on a Long Weekend with a holiday Monday the access shall continue on that Monday and shall end on Tuesday under the same provisions for the return of the child as are described above for the Monday end of access.

7 Commencing Thursday May 7, 2015 and every second Thursday until Friday morning the Father shall have access with the child at times (depending on the child's circumstances) to be determined as follows:

- beginning on Thursday at the time when the child's school is finished for the day or the child's attendance at a summer camp or other holiday program is finished for the day or the child's child care provider no longer requires the child's attendance **or**
- at a time set by the Mother, to be no later than 6:00 p.m., if the child is not in school or in attendance at a summer camp, or other holiday program or with a child care provider **and**
- ending on Friday at the commencement of the child's school day, or, when school is not in session, the commencement time required for the child's attendance at a summer camp or other holiday program or at the facility or residence of the child care provider **or**
- ending at a time set by the Mother if the child is not in school or in attendance at a summer camp, or other holiday program or with a child care provider

### **Summer Vacation**

8 Each parent shall have 10 consecutive exclusive parenting days during the child's summer school break commencing on a Friday morning and ending on a Sunday at 6:00 p.m. at which time the parties are to revert to the regular schedule.

9 In 2015 and in every subsequent odd year the Mother shall have first choice of her consecutive exclusive summer parenting days provided she informs the Father of her choice no later than May 30 in that year.

10 In 2016 and in every subsequent even year the Father shall have first choice of his consecutive exclusive summer parenting days provided he informs the Mother of his choice no later than May 30 in that year.

### **Christmas**

11 Commencing December 24, 2015 at 3:00 p.m., and in every subsequent odd year, the Father shall have access with the child until December 25, 2015 at 3:00 p.m.

Commencing December 25, 2016 at 3:00 p.m., and in every subsequent even year, the Father shall have access with the child until December 26, 2016 at 6:00 p.m.

### **Easter**

12 Commencing 2016 and in every subsequent even year the Father shall have access with the child during the Easter holiday from Thursday until Saturday at times (depending on the child's circumstances) to be determined as follows:

- when the child's school is finished for the day or the child's child care provider no longer requires the child's attendance **or**
- at a time set by the Mother, to be no later than 6:00 p.m., if the child is not in school or with a child care provider **and**
- ending on Saturday at 6:00 p.m.

13 Commencing 2017 and in every subsequent odd year the Father shall have access with the child during the Easter holiday from 4:00 p.m. on Saturday until Sunday at 4:00 p.m.

### **Resumption of Regular Schedule**

14 For holidays and special occasions the regular access schedule is to be suspended and is to resume when the holiday or special occasion has ended recognizing the weekend and weekday access dates may need to be adjusted because of the suspension. It is not intended, for example, that the Father would have the child in his care two consecutive weekends.

15 Confirmation of the resumption dates for the Father's access are to be exchanged by e-mail between the Mother and the Father.

### **Changes to Parenting Plan**

16 Changes to the parenting plan may be made upon agreement of the parties in writing and an exchange of e-mail confirming clear acceptance of the proposed change is an "agreement in writing" for this purpose.

17 Neither parent shall deny a reasonable request to change the access schedule, for example: to permit a parent to attend a special event with the child; because the child is ill; or because the child has a special event to attend.

## **TERMS AND CONDITIONS**

### **Recreational and Other Activities**

18 This Mother is not to enrol the child in more than two recreational activities that require attendance during the Father's access time.

19 When the Father has the child in his care he is to ensure the child attends all recreational activities in which the child is enrolled including games and practices, attendance at other children's birthday parties, and sleep overs to which the child has been invited.

### **Transportation**

20 The Father is to provide all transportation required to pick up the child from the designated location and return the child to that designated location to commence and end his access. The child is to be picked up from one of these designated locations depending on the Father's work schedule, the time of year and the place where the child will be at that time:

- the child's school
- the location of the child's summer camp or holiday program
- the child's care provider
- the nearest library to the Mother's residence, if the pickup and/or date and time of pick up and/or return are occur when the child is in the Mother's residence. If the library is not open for the pickup and/or return date and time the Mother is to inform the Father of a public location, chosen by her, where the child is to be picked up and/or returned. The Mother must transport the child to and from the library or other location she has chosen.

### **Communication**

21 The Father must inform the Mother of his work schedule and when he will be available to pick up the child to exercise his access. This schedule is to provide a consistent time for pick up and return of the child for no less than 3 months at a time. Changes required are to be made as described in paragraph 16.

22 The Mother must inform the Father about the designated locations from and to which the child is to be picked up and returned for the times when the Father is entitled to exercise his access after receiving the schedule the Father has sent to the Mother as required in paragraph 21.

23 Until the parents are ready to communicate either by way of face to face meetings or in telephone conversations, regular communication is to be by e-mail, except in the case of an

emergency, or an event that requires communication on short notice, when a telephone conversation or text message will be appropriate.

24 The e-mail messages are to be about one topic at a time and shall be respectful, to the point and as brief as possible.

### **Right to be Informed**

25 The Mother must inform the Father about any significant changes, problems or recommendations relating to the child's physical and mental health, dental care, physical and social development, and education, and must provide copies of all written reports received from service providers about these changes, problems or recommendations.

### **Right to contact Third Parties**

26 The Father shall be entitled to directly contact the child's doctors, dentists, therapists, teachers, and other third party service providers to request and receive information and consult about the child.

### **Contact Information about Service Providers**

27 The Mother must provide the Father with the name, address and telephone number, or other contact information for the persons or institutions providing services to the child for example: the child's physician, dentist, therapist, teacher, and recreational provider and she must update him if there are any changes.

### **Passport and Travel**

28 The Mother has the necessary authority to apply for and receive a passport for the child and the child may travel at any time outside of Canada. No consent from the Father is required on any application for a passport nor to permit the child to travel outside Canada. If Passport Canada requires his consent it shall be deemed to be given as a result of this order.

29 Neither parent shall take the child outside the province of Nova Scotia without notifying the other parent. The traveling parent shall give the other parent a travel itinerary and a cell phone or other number where he or she may be reached while traveling.

### **Parties' Addresses/ Contact Information**

30 The parents must provide each other, and continue to provide each other, current addresses, telephone numbers, and e-mail addresses and all other contact information.

### **Counseling**

31 The Father shall attend parenting programs offered by Family SOS, or by other organizations providing programs offered to assist parents:

- to understand the needs of children at the various ages and stages of their lives with a particular focus on the challenges faced by separated and divorced parents
- to understand how a child can be placed “in the middle” if the conflict between parents, why this is emotionally damaging to a child and how to avoid this result
- to understand the challenges a parent may face parenting a child who has autism

### **Change of Child’s Residence**

32 The Mother shall provide the Father 90 days’ notice of her intention to change the child’s residence to a location more than 90 kilometres from his residence and she shall not change the child’s residence unless she has the Father’s written consent or a court order permitting the move.