

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

Citation: Wilman v Sutton, 2015 NSSC 172

Date: 20150612

Docket: SFHMCA-068650

Registry: Halifax

Between: Nancy Ann Wilman

Applicant

v.

Jerome John Sutton

Respondent

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Judge: The Honourable Justice Beryl MacDonald

Heard: April 9, 10 and 27, 2015, Halifax Nova Scotia

Keywords: Family, Variation, Custody, Shared Parenting, Child Maintenance – retroactive and ongoing, Imputing Income, Change of Child’s Surname

Legislation: *Maintenance and Custody Act*, R.S.N.S. 1989, c.160
Change of Name Act, R.S.N.S. 1989, c.66, s. 10 (1) (h)

Summary: Parents were unable to implement previously ordered parenting plan. The Father requested joint custody with 50% shared parenting. The Mother wanted sole custody, access to the Father every second weekend from Friday evening until Monday morning with no mid-week access, a retroactive recalculation of child maintenance and a change to the child's surname. The parents were to continue to have joint custody. The Father would have access every second weekend and mid-week access under a detailed parenting plan. Child maintenance was retroactively recalculated but not by using a strict mathematical calculation from the child maintenance guidelines. The Father was underemployed and income was imputed to him. The child's surname was not changed.

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