

IN THE SUPREME COURT OF NOVA SCOTIA
(FAMILY DIVISION)

Citation: V.T. v. C. S., 2008 NSSC 76

Date: 20080314

Docket: 1201-57808

Registry: Halifax

Between:

V. T.

Petitioner

v.

C. S.

Respondent

Judge: The Honourable Justice Mona M. Lynch

Heard: February 25, 26 & 29, 2008, in Halifax, Nova Scotia

Counsel: Susanne Litke, counsel for the Respondent

By the Court:

Background:

[1] The background is extensive as there were many court appearances prior to the trial. The matter began with a divorce petition filed by the mother on June 20, 2003.

[2] The father and mother began living together in 1996 or 1997. Their child, a little girl, was born on November 10, 1998. The father and mother were married on July 15, 2000. They separated on August 18, 2002. During the relationship the father worked and the mother was attending university. The paternal grandmother provided child care.

[3] After separation, the father moved to Newfoundland and Labrador and was soon in a new relationship with his current partner. In July 2003 an agreement was reached in relation to parenting arrangements and child support. The consent order of September 26, 2003 provided that the mother had custody of the child. The mother was to keep the father informed of all major developmental matters relating to the child. The mother was to provide the father with all significant documentation relating to the child's well being, including report cards and

medical documentation. The father was given supervised access for a period of one-half hour to one hour per session upon providing the mother with one month's notice. The order provided for telephone access. With agreement there could be longer visits and unsupervised visits. The order required a review in twelve months and provided for the matter to be set down for a one-half hour hearing.

[4] While the father was living in Newfoundland and Labrador, there was little contact between the father and the child. The mother did not keep the father up to date on information in relation to the child. When the father was visiting Nova Scotia for a week in October 2003, the mother allowed him a one-half hour supervised visit. During another visit in December 2003, the father saw the child for three one-half hour supervised visits. The father requested telephone access through numerous emails to the mother. The father was not able to exercise telephone access with the child.

[5] The father moved back to Nova Scotia in March 2004 and began requesting access. This resulted in two more supervised visits with the child. The father saw the child for a total of approximately four hours over 33 months.

[6] In June 2005 the father made an application to the court requesting joint custody. The father also requested access which would increase from day visits to every second weekend and an evening through the week.

[7] The mother's response to the father's application for custody included that setting the matter down for an hour hearing violated the provision in the September 26, 2003 court order which required a one-half hour hearing. The father was concerned that he did not know the school the child was attending. The mother responded that she was obliged to inform him the child had started school but she was not required to provide the location of the school. The request for access on the weekends would interfere with the child's extracurricular activities. Weekday visits would be too disruptive to the child's education. Overnights would not be of benefit to the child. Telephone contact was not manageable. Holiday visits were premature as the mother wanted supervised visits. The mother requested access to be supervised by a social worker every second Saturday for one hour to one and one-half hours.

[8] On July 26, 2005, the mother requested an adjournment of the hearing in relation to the father's application. The court issued an interim interim order

providing for access to the father on Sundays and Wednesdays. The access was to be initially supervised for the sole purpose of reintroducing the child and the father. Unsupervised access was to commence after a few weeks. The father was free to include his partner in the visits after a certain date. The matter was set for hearing on September 16, 2005. The visits between father and child went relatively well and moved to unsupervised before the return to court in September 2005. The child would not agree to meet the father's partner.

[9] The mother's position going into the September 2005 hearing was that the frequency of the visits was negatively impacting her relationship with the child as they could no longer engage in the range of activities that they had prior to the weekly access. She was concerned that the weeknight visits would impact negatively on the child's education. The child did not want to attend the father's home for overnight access. The mother did not agree to summer visits as she was not working during the summer and could devote time to the child. The mother said that the child had begun having nightmares and was bed wetting.

[10] After a two-day hearing, the decision of November 16, 2005 placed the child in the joint custody of both parents. The mother was given primary care and the

father had access every second weekend and Wednesday evenings. A specified person was to be present for the first two hours of the first two overnight weekend visits. Holiday and summer access was specified.

[11] The order from the September hearing was not issued until December 16, 2005 at a time set for an application by the father for costs. The order was amended to only require the presence of another person for the first weekend visit. Costs in the amount of \$500.00 were ordered to be paid by the mother.

[12] In June 2006 the father applied to vary the December 16, 2005 order. The father alleged missed visits, many of which the child refused to attend. Weekend visits had not started as the person designated to be at the first two hours of the first visit was unavailable on Fridays and the mother would not agree to an alternate person. Christmas access did not occur as the mother interpreted the order to say that the only other person allowed at access visits was the father's partner and the father was planning Christmas dinner with his family. The last visit with the child at the time of the June application had been on January 20, 2006. The father continued to attend at the mother's home at the time of each visit but the child did not go on the visit.

[13] Other concerns raised by the father were pick up location and telephone access. The father had requested but not received a list of the child's allergies, the name of the family doctor and her report cards. The father and his partner attended a parent-teacher meeting for the child. A school official met the couple at the door and provided them with a letter from the mother denying permission to provide any information about the child to the father's partner or the father's parents.

[14] The father had been informed in November 2005 that the child was seeing a therapist. He was not consulted prior to the child seeing the therapist. The father attended a session with the therapist. The therapist requested a session with the father and child. The child did not attend the session. The child missed visits with the therapist.

[15] The father was requesting a neutral pick up place for the child. He did not want the mother to be present at the pick up of the child. The father was requesting phone numbers to contact the mother. The father was requesting that the mother not schedule activities for the child during access time.

[16] The mother's response to the father's application was that she had informed the father that the child's allergies had not changed since she was six months old. The mother suggested that the father obtain the school information from the school. As the father would not commit to the child attending activities she enjoyed during visits, he was hurting the visits. There was no provision in the order to reschedule visits so they were not rescheduled. Notice for summer access was to be provided by the last day of school and the child's private school ended earlier than the public school. The notice for summer access was, according to the mother, nine days late. The mother's position was that it was not she but the child who was not agreeing with access.

[17] The order that resulted from the hearing on July 25, 2006 removed the requirement of anyone being present during the first overnight access visit. The date for notice of summer access was clarified. The pick up and drop off of the child was to be at the school where possible and during non school times with a neutral third party. The mother was not to be present during transfer of the child to the father. The order clarified that there were no restrictions on the location, activities or the presence of other people for access. Both parents were to provide a phone number and work email for messages in case of an emergency. The

mother was to provide requested information to the father within seven days. Communication between the parents was to be by email. The parents were to attend a joint therapy session with the child's therapist and then they would alternate attending therapy with the child.

[18] The information presented at the review on October 5, 2006 was that the child had attended five visits with the father since July 25, 2006. The child attended the two weeks of summer block time. The transfers from mother to father were occurring at Veith House or at the child's school. The mother scheduled the child in both swimming and dance class on Saturdays without consulting the father although the father lived an hour away from the place where the activities would occur. The mother had taken the child to a new psychologist without the father's knowledge. The father requested primary care of the child.

[19] The mother's response was she wanted the child to be seen by a registered child therapist so she changed therapists. The mother also wanted block summer time. She was concerned that Veith House was not allowing friendly observers to be present for transfers. The child should be able to attend her activities whether in

the care of the father or mother. She was unable to change the dance class but would change the swim class to an evening during the week.

[20] The report from Veith House indicated that on one occasion the mother sent the child's godmother as a witness and on another occasion the mother was at the fence in front of Veith House.

[21] As a result of the October 5, 2006 hearing the court directed that no further extracurricular activities were to be arranged for the child during access times without the father's agreement. The dance classes should be changed if possible. Therapy was to continue with the original therapist unless otherwise agreed. The child's report cards were to be provided to the father within 30 days.

[22] An organizational pretrial was held on June 26, 2007 and filing directions were given for the divorce trial. Records from the school and therapist were discussed. The mother did not comply with the filing deadlines. The matter was before the court on November 20, 2007 but the mother did not appear. The father was directed to file an affidavit outlining the relief he was seeking and the mother was ordered to pay costs in the amount of \$500.00.

[23] The father appeared again on December 13, 2007 to request orders of production for records as consents from the mother had not been received. The mother did not appear and the orders of production were granted. Costs were awarded against the mother in the amount of \$250.00.

[24] The matter was originally scheduled for trial on January 14 and 15, 2008. It was adjourned to dates in September but put on a cancellation list for an earlier date. The trial was held on February 25, 26 and 29, 2008.

[25] Both parents are seeking primary care of the child. Table amount of child support is to be determined. All other issues have been resolved. The divorce was granted on February 26, 2008.

Issues:

- [26] (a) What is the parenting arrangement that is in the best interests of the child?
- (b) What amount of child support should be paid for the child?

Analysis:

- (a) **What is the parenting arrangement that is in the best interests of the child?**

[27] As with all cases involving the care and custody of children, the focus is on the best interests of the child. The **Divorce Act**, R.S., 1985, c. 3 requires that the court take into consideration only the best interests of the child as determined by reference to the condition, means and needs and other circumstances of the child. Past contact is not considered unless it is relevant to the ability to act as a parent. The court is to give effect to the principle that the child should have as much contact with each parent as is consistent with the best interests of the child and the court must take into consideration the willingness of the parents to facilitate such contact.

[28] The focus of the applications and hearings from 2005 until the present time has been the father's problem with access. The mother did not support access. Initially the mother would only agree to supervised access for one-half hour periods. There was never any need for supervision of access between the child and the father. The mother read barriers to access which did not exist into the orders. In the decision of November 16, 2005 the court said that the evidence indicated that the mother was not supportive of the father having a relationship with the child except on terms closely monitored and micro-managed by the mother. At the hearing on July 25, 2006 the court expressed concern about the mother not wanting the father and child to have a relationship.

[29] When the couple first separated the father was living in Newfoundland and Labrador and he saw the child infrequently. The father's parents live in the HRM area. When the parents were together the paternal grandmother quit her job to provide child care for the child while the mother was attending school and the father was working. The paternal grandparents saw the child on a daily basis from just after the child was born in 1998 until separation in 2002.

[30] After separation the paternal grandparents saw the child rarely for four years. The paternal grandparents saw the child a few times at swimming classes soon after the separation and not again until December 2003. The paternal grandparents started an application for access and in December 2003 an agreement was reached which allowed the paternal grandparents supervised access every second weekend for one-half hour. In March 2004, the child's aunt accompanied the paternal grandparents on one of the visits and the mother cut off access. The grandparents next saw the child in the Fall of 2006 when the father began having regular access. There was no valid reason for the separation of the child and her paternal grandparents.

[31] Not seeing the child had a great impact on both paternal grandparents. They were both very involved with the child prior to separation. The paternal grandfather's father died without ever meeting his grandchildren, therefore the paternal grandfather treasures time with his grandchildren.

[32] Currently the transfer of the child occurs at the home of the paternal grandparents. The paternal grandmother described the child as happy to see her grandparents and happy to see her dad. No anxiety has been noted in the child.

This contrasts with the evidence of the mother's partner who testified that there was a noticeable difference in the child's behaviour before and after visits with her father. The mother's partner described the child as upset and angry and not acting like a typical nine year old around the time of the visits.

[33] The mother's position is that access upsets the child which is evidenced by her angry and upset behaviour around the time of access. However, the child's behaviour around the time of access is equally consistent with the child still being in what the therapist has described as a "loyalty bind." The therapist wrote in her letter of March 27, 2006: "I believe (the child) is caught in the middle of her parents' conflict and feels she must side with the parent she resides with, in this case her mother. Often when a child is weary of being in the middle they feel severing the contact with one parent is their only means of escape." In the letter of September 18, 2006 the therapist says: "It is my opinion that the ongoing conflict between her parents has created a loyalty bind for (the child) wherein she feels she must choose one parent over the other, weary of being caught in the middle."

Therapy with this therapist ended in January 10, 2007.

[34] The loyalty bind is given added weight by the paternal grandmother's evidence of the child being happy and having no anxiety at the time of transfer from the mother to the father. The child displaying anxiety and anger in the mother's home but not in the father's home is consistent with a loyalty bind.

[35] Credibility of the parents is in issue. The evidence of the mother and the father conflict on many points. In deciding credibility I must look at all of the evidence.

[36] The mother's evidence about the report cards was very concerning. Despite being ordered to provide report cards and information to the father, the mother has resisted that at every step. The report cards which the mother did send to the father did not include the name of the child or the name of the school. The actual report cards were produced for trial and they contained both the child's name and the name of the school. The child's name is hyphenated with both parents' last names. However, in the school records the child had only the mother's last name. The mother's explanation was that the child's hyphenated name could not fit into the school computer system. The mother's explanation for the name of the child and the school not appearing on the report cards sent to the father was that there

must have been a problem in the scanning but she had not removed the names deliberately. The report cards were sent to the father at a point when the mother was not willing to provide the father with the name of the child's school. I do not believe the mother's evidence that the removal of the name of the school and the name of the child was an accident in scanning. The mother removed the name of the school and the name of the child from the report cards so that the father would not know the school the child was attending and would not know that the child was registered in school with only the mother's last name. I also do not believe the mother's evidence that the child's hyphenated name would not fit in the school's computer system.

[37] The therapist's records include notes of a meeting between the mother and the therapist on November 2, 2005. These notes make reference to physical, mental and sexual abuse by the father. The mother's evidence was that she described the symptoms of the child and the therapist suggested sexual abuse. The therapist was asked if the suggestion of sexual abuse had come from her and the therapist was very clear that the suggestion of sexual abuse came from the mother. I accept the evidence of the therapist that the reference to sexual abuse of the child by the father came from the mother. There is also a reference to sexual abuse in

the child's medical records. There has been no evidence or suggestion of sexual abuse of the child.

[38] Another concerning area of the mother's testimony was regarding Father's Day 2006 and 2007. The father's evidence was that he had not seen the child on either of those days. The mother's evidence was that the father had the child for Father's Day in 2006 and 2007. The mother was shown reference in her affidavit that the child was with her at the maternal grandparent's house on Father's Day 2006. The mother was quite quick to discount that evidence as from 2005. It later became clear that the affidavit was dated wrong. The child was not with the father for Father's Day 2006 or 2007.

[39] More concerning was the mother's evidence regarding consents to release information. On January 7, 2008, the mother wrote to the court indicating that she had been aware of the interlocutory application for orders of production in December 2007 and she did not understand why it was required as she had forwarded the consents to counsel for the father on November 22, 2007. Attached to the mother's letter were signed consents dated November 22, 2007. The mother acknowledged that she did not contact counsel for the father to ask why the

interlocutory application was made after consents were already provided.

When faced with evidence that she had not been faxed the consents to sign until November 23, 2007, the mother maintained her position that she had sent them to counsel for the father on November 22, 2007. The fax cover sheet put in evidence had a confirmation attached which showed nine pages were faxed to the mother on November 23, 2007. One of the pages sent by the mother to the court had "total pages 09" printed on the bottom of the page. I do not believe the mother's evidence in relation to the consents. The mother did not send the signed consents to counsel for the father on November 22, 2007 as she had not yet received the consents. She misled the court in her letter of January 7, 2008.

[40] Another very troubling portion of the mother's evidence was about the child changing schools in September 2007. There are emails from the father in the Summer of 2007 asking where the child would be attending school. The mother testified that she did not tell the father about putting the child in a new school as it was not certain. The mother did not reply to the father's emails. The mother testified that she told the father about the new school by telephone in September 2007 before the first day of school. All correspondence between the parties was to be in writing. The father's evidence was that he was not told of the child's new

school and was not told that the child did not attend school for the first two days of school. The father said he picked up the child for the Wednesday visit during the first week of school and asked the child how school had been. The child told him that school was good. Later when they arrived at the father's home the father's partner asked the child how school was and the child burst into tears. The child said that the mother had told her not to tell the father that she had not attended school. I do not accept the mother's evidence that she told the father about the child's school in September 2007.

[41] The order from the hearing on July 25, 2006 is still in effect. The order required both parents to provide a phone contact and work email for messages in case of an emergency. The mother has blocked the father's emails from her work email. The mother's testimony is that she was instructed by her vice-principal to block the father's email as she is not allowed to get personal email at work. I do not accept that the mother cannot provide an email for emergency contact. The mother has provided an emergency contact number to the child's school which she has not provided to the father.

[42] I have major concerns regarding the mother's credibility. Where the evidence of the mother and the father conflict, I accept the father's evidence.

[43] There was a period of about two months when the father and his partner did not communicate with the father's family. The mother has expressed concern about the rift in the father's family in the Fall of 2007 and the impact of conflict on the child. There was no evidence that the child witnessed any significant conflict between the father and the father's partner. There was no evidence that the child witnessed any significant conflict between the father, the father's partner and the father's family. This conflict has since been resolved and the child has witnessed a family having a falling out and making up. I do not have concerns about conflict within the father's family or home. I am not satisfied that the father's home is chaotic.

[44] The mother is concerned about the discipline in the father's home. The child's possessions were taken out of her bedroom as discipline. The child has reported being yelled at in the father's home. The mother alleges that the father's partner let the air out of the child's blow up chair when she was in a fit of rage. I accept the evidence of the father's partner that she let the air out of the chair to put

it in the garbage and that she was angry. The father's partner described this as not her finest hour and as a mistake. While I may not agree with some of the discipline techniques in the father's home, the evidence I accept is that they are isolated events and not harmful to the child.

[45] The mother expressed concern that not all information was recorded in the father's journal regarding access with the child. I have not placed great weight on the journals but I do not have any significant concerns regarding the journal.

[46] Although the father is now seeing the child on a regular basis, problems persist with regard to his access and his involvement in the child's life. The mother has continued to keep information from the father despite numerous orders. The mother took the child to the first therapist without telling the father. The mother changed the child's therapists on two other occasions and did not inform the father. While the mother wanted to restrict the father's access because of the child's food allergies, she would not provide the father with a list of foods to which the child was allergic.

[47] After the mother was given direction by the court that she was not to schedule the child's extracurricular activities during the father's access time without his consent, she continued to do so. The child was cast in a church play which curtailed the father's access during much of the early part of 2007. The father lives an hour away from the mother's home. Despite the problems caused in 2007, the child was again cast in the church play for 2008. The mother's evidence was that the child was cast in the play in 2008 without her knowledge. I do not accept that the church cast the child in a play without parents' input or permission when extensive commitment in time was required from both parents and the child.

[48] One of the issues before the court in 2006 was the child's dance class scheduled for Saturday. The dance class was changed to Friday evening. Every second Friday night the father picked the child up and took her to dance class. This meant that the child and father were late getting to the father's home on Friday evenings. At the end of the dance year, June 2, 2007, there was a dance recital. The father requested tickets and was told that there was only one ticket request form per family which the mother had. There were approximately six emails from the father requesting tickets. The mother finally responded on June 1, 2007 that she had not responded because the father had sent the emails to her work

email. The initial email was sent to the mother's hotmail account and as there was no response the father copied the mother's work email on the following five emails. The mother told the father that the date to purchase tickets had long past and the child did not want him at the recital. On the same day (June 1, 2007) the mother called the paternal grandparents, offered them two extra tickets for the recital and invited the paternal grandparents to attend with her and her partner.

[49] The mother did not want and did not allow the father to be part of an important event in the child's life. The father had ensured that the child attended the dance classes at a time that was not convenient to him but he did not see the child perform in the recital. The mother's position that the child decided the father could not attend is not acceptable. The child is nine. The child should not be in a position to choose a parent or to exclude a parent.

[50] For 2007/2008 the mother again enrolled the child in dance class on Saturday without consultation or permission from the father. The mother told the child that she may not be able to attend dance when visiting the father if the father would not agree to make the two-hour round trip for class. After the child was cast in the 2008 church play, the mother told the child that she would not be able to

be in the play if the father disagreed. The mother does not seem to care or comprehend that she set the father up to be the bad guy when he disagreed. The child could not have helped but be disappointed when her part in the play and dance classes every second week were lost. This conflict and disappointment for the child could be avoided if the mother consulted with the father prior to discussing matters with the child. The mother's actions continue to place the child in the conflict between the parents.

[51] In April 2007 the father's partner called the mother to raise some concerns regarding the child's behaviour. The father's partner referred to herself as the child's stepmother. The mother took offense to the use of that title. Although the mother acknowledged in her testimony that she did not feel the child was in danger, she contacted the RCMP to attend at the father's house. The mother's evidence was that she requested the police do a child welfare check. This response by the mother to the telephone call was out of proportion and over the top.

[52] The child changed schools again in November of 2007 when the mother and child moved in with the mother's partner. The mother did not tell the father about the move or the change in schools until after both had happened. The father had

been contributing to the child's before and after school program since September 1, 2005. The mother did not tell the father that the fee for the program had been waived since 2005. In November 2007 the mother informed the father that the child was no longer in an after school program. This caused a problem for transfer as the father had picked up the child at school. After much to and fro about pick up locations the mother suggested in an email on November 19, 2007 that the father make arrangements for an after school program. The father had been paying for such a program for two years although the fee was waived. At the same time, the mother threatened that if an alternate pick up location could not be arranged they may be forced into a position where visitation could not occur until appropriate arrangements were made. The situation arose because of the mother's unilateral decision to move the child to a new school with no input from the father.

[53] The child was told by the mother on more than one occasion to keep information or secrets from the father. The child was told by the mother not to tell the father about her new partner. The child was told not to tell the father that she did not attend school for the first two days of school. The child was told not to tell the father that she was seeing a new therapist in the Fall of 2007. By asking the child to keep secrets from the father, the mother places the child in the middle.

[54] When the father has suggested that an alternative visit be arranged if a visit was missed, the mother's response was that the court order did not provide for make-up visits. If the father suggested a change in the time for pick up, the mother said that would be in violation of the court order. On February 13, 2008, the weather was bad and the mother suggested that the Wednesday night visit not take place. The father requested a visit the next day. The mother said she had to consult with the child. The mother agreed to access but said the child had an important function after school and therefore pick up would be at 6:00 p.m. instead of the usual 5:00 p.m. The event the mother was referring to was the child's first school dance which ended at 4:15 p.m. The mother testified that she did not know the dance was over that early when she spoke to the father about the pick up time. When the mother learned the dance was over at 4:15 she did not inform the father. The mother also did not inform the father that the child was attending her first dance.

[55] Even with court orders and direction from the court, the mother will not cooperate with access. The access between the father and the child has occurred over the last five years despite the mother. The mother has placed roadblocks in

the father' efforts to see the child. The mother is rigid in her attitude that she will make the child available during the times in the court order and at no other times. The mother continues to fail to provide the father with important information about the child. Despite the joint custody order, the mother acts as if the child is in her sole custody. The mother makes decisions regarding the child's health, education and well-being without even informing, let alone consulting, the father. The mother is not acting in the best interests of the child regarding access to the father. The mother was not acting in the best interests of the child when she denied contact between the child and the paternal grandparents.

[56] The mother's actions have continued to place the child in the middle of the parents' dispute. The father has tried to cooperate with the mother. The father has provided information about important events which occurred at his home. He has informed the mother about the child's health. The father has informed the mother about visits from the tooth fairy.

[57] The father has shown perseverance and commitment to having a relationship with his daughter. There are few parents who would have continued to attempt visits for almost one year only to have the child shut the door in his face. The

father continued to attend to show the child he loved her. He told the child he loved her and that he hoped she would come with him.

[58] It is clear that the mother is not willing to cooperate and facilitate contact between the father and child. As the therapist said, the child must be free to love both parents. The child is unlikely to be allowed to love the father if she continues to live with the mother. Both parents can provide for the child's physical well-being but the father is better suited to protect the child's emotional well-being. The mother causes anxiety in the child by placing her in the middle. It is not in the child's best interest to remain in the primary care of the mother. Primary care of the child will be with the father.

[59] For the first four weeks that the child is with the father, the mother will have access to the child every Wednesday evening from 5:00 to 7:00 p.m. After the first four weeks, the child will have access with the mother every second weekend from after school on Friday until Monday morning. If there is a school holiday on the mother's weekend, the child shall remain in the mother's care for that day. Holiday parenting for Christmas, Easter, and March Break will remain as in the December 16, 2005 order.

[60] Each parent will have the child for two weeks of block parenting time in the summer. The mother shall inform the father by June 1st of each year which two weeks she is requesting for summer parenting time. Provided that the weeks requested by the mother do not conflict with plans previously made by the father, the mother's requested two week period will be agreed to by the father. The mother will provide transportation to and from her parenting time unless otherwise agreed by the parties. The mother will provide 48 hours notice of her inability to attend her parenting time. Missed parenting time may be rescheduled with the consent of both parents and consent will not be unreasonably withheld. The child will spend Father's Day with the father and Mother's Day with the mother. The mother will have telephone time with the child each Thursday evening at 6:45 and at other times agreed by the parties.

[61] Both parties shall provide telephone numbers and email addresses for emergency contact regarding the child or parenting time. All communication except emergency communication will be in writing. Documents needed to be shared between the parents shall be exchanged by putting the documents in the child's school or overnight bag. The parent will then inform the other parent by

email. It is not the child's responsibility to transfer documents between the parents. It is the parents' responsibility. The father shall provide to the mother all information concerning the child's schooling, health care, and general well being within seven days of receipt of such information. The mother shall provide to the father all information concerning the child's schooling, health care, and general well being within seven days of receipt of such information. Neither parent shall enroll the child in any extracurricular activity during the other parent's parenting time without the consent of the other parent.

(b) What amount of child support should be paid for the child?

[62] The parties have agreed on all aspects of child support with the exception of the table amount. The mother's agreed annual income is \$47,075.00. The mother shall pay child support to the father in the amount of \$410.00 per month according to the Table Amount of the Child Support Guidelines. The amount is payable on the first day of April 2008 and the first day of each month thereafter until further order of the court. The parents are to exchange income tax returns and notices of assessment each year on or before June 1.

[63] Either party can request to be heard on the matter of costs.

J.