

SUPREME COURT OF NOVA SCOTIA
(FAMILY DIVISION)

Citation: Simms - Rideout v. Rideout, 2010 NSSC 276

Date: 20100709

Docket: 1201-64410, SFHD-069237

Registry: Halifax

Between:

Patti Simms - Rideout

Plaintiff

v.

Jeffrey Ford Rideout

Defendant

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Judge: The Honourable Justice Beryl MacDonald

Heard: July 5, 2010, in Halifax, Nova Scotia

Written Decision: July 9, 2010

Subject: Family Law; Divorce Act; Interim Hearing; Custody/Access; Shared Parenting; Income determination; Child Support; Spousal Support; Spousal Support Guidelines.

Summary: Parents were married for approximately 13 years. The children are 17 and 13 years of age. The parties remained living in the matrimonial home. The mother did not want to remain in the home and wished to move with the children to an apartment. To do so she requested lump sum as well as periodic spousal support. The mother had no income but was in an educational program. She had cashed out an RRSP to pay for this program. She had no personal assets. The mother had been financially dependent upon the father during their marriage.

Issue: What was the appropriate parenting plan?

What was the appropriate amount for child support and spousal support?
Should lump sum spousal support be awarded?

Result: The parents will have joint custody of the children who, given their ages, may live with either parent from time to time. The father's income was determined. The mother had an immediate need and the father had the ability to pay a lump sum award. Periodic spousal support was awarded to the mother after consideration of the spousal support guidelines and the parent's resulting net disposable incomes.

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DECISION. QUOTES MUST BE FROM THE DECISION, NOT THIS
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