

SUPREME COURT OF NOVA SCOTIA
(FAMILY DIVISION)

Citation: Jarvis v. Landry, 2010 NSSC 116

Date: 20110321
Docket: SFHF-10960
Registry: Halifax

Between:

Robert Gregory Jarvis

Petitioner

v.

Tessa Louise Landry

Respondent

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Judge: The Honourable Justice Elizabeth Jollimore

Heard: March 21, 2011

Written Decision: March 24, 2011

Key words: family law, custody, access, home study, custody/access assessment, children's wish assessment, clinical issue

Legislation: *Judicature Act*, R.S.N.S. 1989, c. 240, s. 32(f), *Costs and Fees Act*, R.S.N.S. 1989, c. 104, N.S. Reg. 91/2009, s. 19(a)

Summary: Mother applies for a home study or custody / access assessment with regard to each parent, and for a children's wish report.

Result: Applications dismissed. The burden is on the party requesting the assessment to show that a professional opinion is required. Assessments should be ordered where there's a specific need for the type of information generated by them and where they are likely to provide information not otherwise available because the information falls within the special knowledge of the expert. Children's wish report not ordered in absence of evidence of children's capability to form their own views.

***THIS INFORMATION SHEET DOES NOT FORM PART OF THE COURT'S DECISION.
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