

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

**Citation:** Hanrahan-Cox v. Cox, 2011 NSSC 256

**Date:** 20110627

**Docket:** 1204-003921, SKD-036896

**Registry:** Halifax

**Between:**

Catherine Pearl Hanrahan-Cox

Respondent/Petitioner

v.

James Roderick Cox

Applicant/Respondent

**Addendum:** June 27, 2011

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

**Heard:** March 31, and April 1, 2011, in Halifax, Nova Scotia

**Counsel:** Yvonne M.R. LaHaye, Q.C., counsel for James Cox;  
Chris Robinson, counsel for Catherine Hanrahan-Cox

**By the Court:**

[1] In my decision released May 11, 2011, I made an error in the calculation of child support to be paid by the Mother because I included her spousal support in calculating her total annual income. Spousal support received is to be deducted for the purpose of calculating the table guideline amount of child support to be paid although it is to be included when calculating a s. 7 claim for special expenses. The Mother's earned income is estimated for 2011 to be \$8,000 and as a result no table guideline child support is to be paid by the Mother to the Father.

[2] In 2011, two of the parties' three children are enrolled in university and neither is living with a parent. I have not completed a line-by-line detailed analysis of what is to be included as an appropriate expense for each of these children. However I can say that an appropriate estimate is \$14,000 per year after considering each child's ability to obtain scholarships, bursaries and contributions from earned income. At \$29,000.00 the Mother's income is 17.3% of the Father's income which I have determined for the year 2011 will be \$167,549.00. Applying this percentage to the total special expenses for the university and living costs of two oldest children suggests the mother should contribute \$400.00 per month toward those expenses.

[3] The court is not obligated to require a parent to pay s. 7 expenses. The court has discretion taking into account the parent's income and other considerations as are outlined in that section of the child support guidelines. The guiding principle is that the expense is to be shared in proportion to the parent's income, however, the court can deviate from proportional sharing if it considers it appropriate to do so.

[4] I have not taken into consideration the private school expenses for the parties' youngest daughter because I am not satisfied these expenses are necessary for her to achieve an appropriate education. Perhaps her attendance at private school is preferred but the guidelines speak of necessity not preference. No particular educational deficiency has been proven that may have required her attendance at private school.

[5] I have determined the Mother should pay the sum of \$400.00 per month to the Father to provide her contribution to the university expenses of the two oldest children commencing June 1, 2011.

J.