

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

**Citation:** Yonis v. Garado, 2011 NSSC 454

**Date:** 20111208  
**Docket:** SFHMCA 072415  
**Registry:** Halifax

**Between:**

Jamal AbdoshYonis

**Applicant**

v.

Ekram Garado

**Respondent**

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**Judge:** The Honourable Justice Carole A. Beaton

**Date of Hearing:** July 26, 27 and 28, 2011

**Date of Oral  
Decision:** August 3, 2011

**Written Release  
of Oral Decision:** December 8, 2011

**Issues:** Application for custody and child support; mobility issue.

**Summary:** The Applicant father sought to have his three children, who had departed for Alberta with their mother for a vacation 14 months earlier, returned to his custody in Halifax, commensurate with an order for child support. Mother wished to have the children in her custody in Edmonton on the basis that it was a more culturally appropriate location for them. Father and mother both suggested block access periods for the other parent. Custody granted to father on the basis that, parenting capacities being equal, the unilateral decision by the Mother to move the children to Edmonton deprived the children of meaningful contact with their Father. Neither location was culturally more superior than the other; child support question adjourned to allow time for mother to decide whether to return to Halifax and the implications for her financial position.

**Keywords:** Family - access to the children; Family - child custody; Family - mobility; Family - child support; *Maintenance and Custody Act*

**Legislation:** s.9 and s.18, *Maintenance and Custody Act*, R.S.N.S. 1989, c 160

**Cases Considered:** Gordon v. Goertz, 1996 2 S.C.R. 27  
Taralyn v. Wilcox 2010 N.S.J. 374  
Yonis v. Garado 2011 NSSC 110  
MacRae v. Hubley 2011 N.S.J. 104  
Taylor v. Wanless 2009 N.S.J. 404  
Young v. Young 1993 4 S.C.R. 31  
Burgoyne v. Kenny 2009 NSCA 34

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