

SUPREME COURT OF NOVA SCOTIA
(FAMILY DIVISION)

Citation: Hammond v. Nelson, 2012 NSSC 27

Date: 2012 01 20

Docket: HFDMCA-68746

Registry: Halifax

Between:

Patrick Hammond

Applicant

v.

Alexandra Nelson

Respondent

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Judge: The Honourable Justice Leslie J. Dellapinna

Heard: January 10 and 11, 2012 in Halifax, Nova Scotia

Subject: Custody, shared custody and child maintenance.

Summary: The parties dated for approximately three months after which the Respondent (mother) learned that she was expecting a child. The parties' daughter was born the following Spring. From the time the Respondent learned that she was expecting, she involved the Applicant/father in the child's life. After she was born he remained actively involved in the child's care.

When their daughter was approximately eight months old the Applicant/father applied for a custody, access and child maintenance order seeking to have equal shared and joint custody with a child maintenance order reflecting that arrangement.

Two Settlement Conferences were held which resulted in the Applicant/father receiving increasing time with their daughter. Although the parties agreed on joint custody, the Respondent/mother would not agree to equal shared custody.

Issue: Was equal shared custody in the best interest in the parties' daughter who at the time of the hearing was approximately two and a half years of age?

Result: It was found that equal shared custody was not in the child's best interest at this time in her life. Although the parties communicated, communication was difficult for them both. Although they agreed to joint custody they frequently disagreed on major decisions. The Court was concerned that imposing shared

custody over the objections of one of the parents could result in a deterioration in their

relationship, instability for the child and possibly further litigation. It was also felt that the parenting schedule proposed by the Applicant/father which would have the child going from one parent to the other every two to three days would not have been in the child's best interest. Various factors contained in the case law were considered and discussed.

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