

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

**Citation:** Fraser v. Tighe, 2011 NSSC 511

**Date:** 20110315

**Docket:** SFPAMCA 066765

**Registry:** Halifax

**Between:**

Tabitha Kerry Fraser

**Applicant**

and

Myles Sheldon Tighe

**Respondent**

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**Judge:** The Honourable Associate Chief Justice Lawrence I. O'Neil

**Date of Oral  
Decision:** August 12, 2011

**Issues:** Whether the Applicant is required to have her application for child support considered in accordance with the provisions of the *Interjurisdictional Support Orders Act*, S.N.S. 2002, c.9

**Summary:** The Applicant mother sought custody and child support. The mother and child resided in Nova Scotia but the Respondent father resided in Alberta. The Respondent did not participate in the Nova Scotia proceeding but was aware of it. The Court held that notwithstanding the *Interjurisdictional Support orders Act*, S.N.S. 2002, c.9, it had jurisdiction to consider the issue of child support. The Court held that the Respondent's refusal to cooperate in making the procedures of that Statute workable, was a critical consideration in favour of it assuming jurisdiction over child support. In addition, the Court relied upon its *parens patriae* jurisdiction and the strong nexus between custody and child support in support of its decision to assume jurisdiction over the issue of child support.

**Keywords:** *Parens Patriae*; Jurisdiction; Child Support

**Legislation:** *Interjurisdictional Support Orders Act*, S.N.S. 2002, c.9

**Cases Considered:** *Pitts v. Noble*, 2009 NSSC 325

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