

SUPREME COURT OF NOVA SCOTIA
(FAMILY DIVISION)

Citation: Webster v. Goncalves, 2012 NSSC 197

Date: 20110517

Docket: 1201-060606

Registry: Halifax

Between:

Rachel Marie (Goncalves) Webster

Petitioner/Applicant

v.

Ernesto Serralheiro Goncalves

Respondent

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Judge: The Honourable Justice Carole A. Beaton

Date of Hearing: March 5, 2012

Date of Decision: May 17, 2012

Issues: Application to Vary Corollary Relief Judgment, specifically: (i) table amount of child support, retroactively and prospectively; (ii) retro-active contribution to s.7 childcare expenses. Has there been a change in circumstances that would justify a change to either aspect of the Order? If so, what adjustments to the Respondent's child support and/or child care obligation might be appropriate?

Summary: The Applicant payee sought increased retroactive child support and a retroactive contribution to child care expenses. A change in circumstances was found to exist. The Respondent was found to be in arrears of child support. The Respondent was not required to make a retroactive contribution to child care. The Respondent's obligation to contribute to on-going childcare was suspended given recent changes to his financial situation, which also dictate imputation of income and a reduction in the quantum of child support going forward.

Keywords: Divorce Act; Family-imputing income; Family-child support-

application to vary; Family - child support -retroactive; Family - child support; Section 7 expenses.

Legislation: *Federal Child Support Guidelines*, SOR/97-175
Divorce Act, R.S.C. 1985, c.3

Caselaw: *Staples v. Callendar*, 2010 NSCA 49
Anderson v. Anderson, 2011 NSSC 504
D.B.S v. S.R.G; L.J.W v T.A.R; Henry v. Henry; Hiemstra v. Hiemstra, 2006 SCC 37
Conrad v. Skerry, 2012 NSSC 77
T. (D.M.C.) v. S.(L.K.), 2008 NSCA 61
Cooke v. Cooke 2012, NSSC 73

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