

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

**Citation:** Clarke-Boudreau v. Boudreau 2013 NSSC 173

**Date:**20130606

**Docket:**SFHMCA-081210

**Registry:** Halifax

**Between:**

Sarah Jane Clarke-Boudreau

**Applicant**

v.

Gilles Boudreau

**Respondent**

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

**Date of Decision:** June 5, 2013

**Issues:**

1. What parenting arrangement is in the best interests of the children?
2. What is the appropriate quantum of child support payable prospectively and retroactively (if any)?
3. What is the appropriate quantum of section 7 Guideline special expenses payable by each party prospectively and retroactively (if any)?

**Summary:** Fact driven case. Equal shared parenting arrangement determined to be in best interests of children. Child support only able to be calculated on a simple set-off basis. Child support-arrears owing. Section 7 expenses to be shared equally as per the previous agreement of the parties, with no arrears owing.

**Keywords:** Family; Family-child custody-joint; Family-child support; Family-child support-retroactive; Maintenance and Custody Act; Section 9 expenses.

**Legislation:** *Maintenance and Custody Act*, 2000 R.S.N.S c.160.  
*Federal Child Support Guidelines*, SOR/97-175

**Caselaw:** *Foley v. Foley* (1993) 124 N.S.R. (2d) 198 (N.S.S.C)  
*Burgoyne v. Kenny*, 2009 NSCA 24 (para.24).  
*Murphy v. Hancock*, 2011 NSSC 197  
*Gibney v. Conohan*, 2011 NSSC 268  
*Contino v. Leonelli-Contino*, [2005]35 S.C.R.217

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