

SUPREME COURT OF NOVA SCOTIA

(Family Division)

Citation: Morris v. Gilbert, 2013 NSSC 200

Date: 20130626

Docket: SFHMCA 018307

Registry: Halifax

Between:

Debra Joanne Morris

Applicant

and

Charles Patrick Gilbert

Respondent

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

Hearing: October 3, 2012; January 16 and May 7, 2013

Issues: Whether the parties’ shared parenting arrangement will result in the payor parent paying more than the set off amount of child support, an amount he had been paying for many years.

Summary: The Court found, after applying the *Contino* analysis, that the higher income parent should not pay more than the set off amount of child support. The Court found that the parties’ teenage son would regularly spend some after school hours and week end time at his mother’s on his “father’s days” because his mother lived closer to his friends and his school. There was no appreciable change in expenses for the mother. The Court also found that over the years and currently, Mr. Gilbert paid more than his share of other special expenses for the benefit of the parties’ son. The set off amount has been in place for more than ten years and it should continue to be paid by Mr. Gilbert..

Keywords: Shared parenting; child support

Legislation: Child Maintenance Guidelines, N.S. Reg 53/98
Child Support Guidelines, SOR/97-175

Cases Considered: *Contino v. Leonelli-Contino*, 2005 SCC 63

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