

**SUPREME COURT OF NOVA SCOTIA**

**(Family Division)**

Citation: J.S.V. v. B.A.J., 2017 NSSC 222

**Date:** 20170817

**Docket:** SFHMCA 094682

**Registry:** Halifax

**Between:**

J.S.V.

Applicant

and

B.A.J.

Respondent

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

**Heard:** April 19, 2016; June 2, 2016; July 27, 2016; September 28, 2016; October 21, 2016; November 17, 2016; December 13, 2016; February 21, 2017; April 7, 2017 and April 11, 2017, in Halifax, Nova Scotia

**Issues:**

1. Should custody of the parties' child be transferred to J.S.V.?
2. What remedy does the Court have, in this case, which involves a parent who has left the Province and is 'hiding' the child from his father?

**Summary:** J.S.V. has applied for custody of his son.

J.S.V. returned home and his partner had left and took their young son with her. She has, with the assistance of 'police' hidden her location and that of the child from him. She has not responded to the pleadings in this matter. Police witnesses confirm they have helped her leave the Province. Their involvement was initially explained on the basis of her needing the protection of the Witness Protection Plan. That explanation was later abandoned. The Court was not told the authority to which the police were acting.

The Court issued a Warrant for the arrest of B.A.J. and transferred custody of the child to J.S.V.

**Keywords:** Arrest; custody; witness protection

**Legislation:** *Maintenance and Custody Act*, R.S.N.S. 1989, c.160  
*Domestic Violence Intervention Act*, S.N.S. 2001, c.29  
*Parenting and Support Act*, S.N.S. 2015, c.44, s.2