

2000

Date: 20000816  
Docket: 1205-001795

IN THE SUPREME COURT OF NOVA SCOTIA  
Cite as: Dooley v. Dooley, 2000 NSSC 153

BETWEEN:

DENISE LYNN DOOLEY

PETITIONER

- and -

MICHAEL ALEXANDER DOOLEY

RESPONDENT

Justice Walter R.E. Goodfellow

Pictou, Nova Scotia

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HEARD: Before the Honourable Justice Walter R.E. Goodfellow, at  
Pictou, Nova Scotia

DATE HEARD: August 10<sup>th</sup>, 2000

WRITTEN RELEASE

OF ORAL: August 16<sup>th</sup>, 2000

SUBJECT: DIVORCE; CHILD SUPPORT GUIDELINES; STAY

SUMMARY: The parties seek a divorce that provides no child support by noncustodial parent father for two children based upon his income, \$8,091, being from Social Assistance and Canada Pension Plan disability.

ISSUE NO. 1: Is the payment of the child benefit under the Canada Pension Plan a payment by the disabled parent for which the parent receives credit pursuant to the Child Support Guidelines?

This issue is addressed in *Corkum v. Corkum* (1998), 36 R.F.L. (4<sup>th</sup>), p. 367. The child benefit is not a payment by the noncustodial disabled parent, but a statutory benefit which neither diminishes or increases the entitlement of the disabled noncustodial parent.

ISSUE NO. 2: Is the receipt of social assistance to be considered income of a payor parent recipient in calculating that parent's obligations pursuant to the Child Support Guidelines?

This was decided in *Briand v. Briand* (1996), 153 N.S.R. (2d) 157. Parents have the same responsibility to their children whether or not their income comes from limited sporadic minimum wage income or where they receive a cheque in the mail.