

SUPREME COURT OF NOVA SCOTIA
(FAMILY DIVISION)

Citation: *Norton v. David*, 2017 NSSC 192

Date: 2017-07-12

Docket: No. SFHMCA-084450

Registry: Halifax

Between:

Kenneth Norton

Applicant

v.

Shadona David

Respondent

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Judge: The Honourable Justice Leslie J. Dellapinna

Heard: June 7, 2017 in Halifax, Nova Scotia

Subject: Variation of custody, parenting and child support under the Parenting and Support Act

Summary: The parties were in an on and off relationship spanning approximately four years during which they had one child, a daughter, aged four and a half at the time of the hearing. In 2013, they consented to an order that provided that they would have joint custody of their daughter. Primary care was with the mother and specified parenting time with the father including twenty-four hours each weekend and twenty-four hours each Wednesday. No child support was payable but the parties verbally agreed the father would contribute \$200.00 a month to the child's daycare bill. Subsequent to that order, the parties reconciled then separated again. The mother changed her residence and that of the child on a number of occasions and enrolled the child in school (grade primary) close to her residence but not close to the father's residence.

The father applied to vary the parenting provisions of the order. The mother filed a Response seeking to vary parenting and child support.

Issues:

- (1) Was there a material change in circumstance since the granting of the previous order?
- (2) Is so, what was the most appropriate parenting arrangement for the child?
- (3) What was the appropriate child support order?

Result:

There were numerous changes in circumstances including the parties' reconciliation and subsequent separation, the mother's relocations including the resulting distance between their respective homes and their parenting arrangement was no longer working in the best interests of their daughter.

Joint and equal shared parenting was ordered on a week on week off basis along with a sharing of special event days during the year.

Considering section 9 of the provincial *Child Support Guidelines* no table amount of child support was ordered and the parties were required to share equally the cost of the child's before and after school care costs.

The father was required to advise the mother of any change in his employment status.

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