

SUPREME COURT OF NOVA SCOTIA
(FAMILY DIVISION)

Citation: *J.E.N. v. M.J.S.N.*, 2017 NSSC 314

Date: 2017 - 12 - 08

Docket: 1201-068928; SFH-97500

Registry: Halifax

Between:

J.E.N.

Petitioner

v.

M.J.S.N.

Respondent

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Judge: The Honourable Justice Elizabeth Jollimore

Heard: January 24 - 25, June 28 - 29, 2017

Summary: Divorce. Custody, parenting time, passport and travel arrangements, prospective and retroactive child support in issue. Father's income imputed for child support purposes. Administrative recalculation not available where income imputed. Wife's application to set aside separation agreement based on its fundamental breach was dismissed where she made this claim without appropriate notice to the husband. Husband's post-trial request to deal with alleged criminal activity not in the appropriate forum.

Key words: Family law, divorce, administrative recalculation, child support, retroactive child support, property division, separation agreement, amendment of pleadings, imputing income, special or extraordinary expenses, custody, joint custody, access, disclosure

Legislation: *Administrative Recalculation of Child Maintenance Guidelines*, NS Reg 2014-439, section 9, 15
Child Abduction Act, R.S.N.S. 1989, c. 67
Civil Procedure Rules 83.02(2)
Divorce Act, R.S.C. 1985 (2nd Supp.), c. 3, section 16
Federal Child Support Guidelines, SOR/97-175, section 7, 16, 17, 19(1)(f)
Matrimonial Property Act, R.S.N.S. 1989, c. 275
Maintenance Enforcement Act, S.N.S. 1994-95, c. 6, section 10

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