

SUPREME COURT OF NOVA SCOTIA
(Family Division)

Citation: Austin (Burke) v. Casey, 2018 NSSC 49

Date: 20180309
Docket: SFHISOS 094527
Registry: Halifax

Between:

Kelly Dawn Austin (Burke)

Applicant

and

Clint Irwin Casey

~~Respondent~~

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

Hearing: February 8, 2018, in Halifax, Nova Scotia

Issues: Is the subject child still dependent? May the Nova Scotia Court decide the matter? Has there been undue delay by the payee in asserting the claim?

Summary: The father resides in Nova Scotia. The mother resides in the Yukon and the child lives with her romantic partner in British Columbia. The parties agreed to have the Nova Scotia Court decide the matter. The Court held the subject child was not dependent and no child support obligation existed. The Court also held the payee had delayed asserting a claim and was therefore at fault and no retroactive adjustment of child support should occur.

Keywords: Dependent child; blameworthy conduct; jurisdiction.

Legislation: *Interjurisdictional Support Orders Act*, S.N.S. 2002 c.9

Cases Considered: *Waterman v. Waterman*, 2014 NSCA 110
D.B.S. v. S.R.G., (2006 SCC 37)

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