SUPREME COURT OF NOVA SCOTIA
(FAMILY DIVISION)
Citation: *MG v CG*, 2024 NSSC 73

Date: 20240315
Docket: 1206-7824
Registry: Sydney

Between:

MG

Petitioner

v.

CG

Respondent

LIBRARY HEADING

Judge:	The Honourable Justice Pamela Marche
Heard:	January 16 and 17, 2024, in Sydney, Nova Scotia
Final Written Submissions:	February 15, 2024
Written Decision:	March 15, 2024
Issues:	(1) What parenting arrangement is in the children's best interest? (2) What is the appropriate amount of child support and spousal support payable?
Result:	The Respondent demonstrated an inability or unwillingness to support the children's relationship with their mother, contrary to a series of interim consent parenting orders issued to address the children's resistance to parental contact. Petitioner granted primary care and final decision-making authority, with specified parenting time to the

Respondent. Child support payable at the table amount. Entitlement to spousal support established but no amount payable given the respective income of the parties.

THIS INFORMATION SHEET DOES NOT FORM PART OF THE COURT'S DECISION.

SUPREME COURT OF NOVA SCOTIA
FAMILY DIVISION
Citation: *MG v CG*, 2024 NSSC 73

Date: 20240315
Docket: 1206-7824
Registry: Sydney

Between:

MG

Petitioner

v.

CG

Respondent

Judge: The Honourable Justice Pamela Marche

Heard: January 16 and 17, 2024, in Sydney, Nova Scotia

Written Release: March 15, 2024

Counsel: John Stephenson and Gordon Gear for the Petitioner
Stephen Jamael for the Respondent

By the Court:

Overview

[1] In 2015 MG and CG adopted two children, C and J. C was born in 2009 and is now 14 years old. J was born in 2010 and is now 13 years old. C and J have had very limited contact with their mother MG since November 2021.

Background and Procedural History

[2] The relationship between the parties ended in March 2019 but they continued to reside together in the matrimonial home until April 2020 when MG moved out.

[3] The parties initially tried to co-parent, and between April 2020 until November 2021, there was a *de facto* shared parenting arrangement in place. From the outset, however, there were communication issues and multiple referrals to child protection and police agencies.

[4] In December 2021, MG filed an emergency motion seeking the return of the children to her care as per the *de facto* parenting arrangement. CG contested the motion claiming C had made allegations of a sexual nature against MG's boyfriend that were being investigated. CG argued MG should have no contact with the children while the allegations were being investigated.

[5] Several interim parenting orders were issued by consent:

- September 6, 2022 - this interim consent order granted MG parenting time supervised by a family friend. The order outlined a scheduled reintroduction of MG's parenting time, starting with video calls and graduating to in-person visits over a ten-week period.

- March 13, 2023 - this interim consent order referred the parties to the Supervised Access and Exchange (SAE) Program for the sole purpose of facilitating the children's renewed contact with the mother.

- May 24, 2023 - this interim consent order reflected the parties' agreement to participate in family therapy with the goal of reintroducing and rehabilitating the children's relationship with their mother. The parties agreed to fully

engage themselves and the children in the therapeutic process and to cooperate with the recommendations of any professional. They further committed to ongoing participation in the SAE Program, acknowledging:

> *There are no safety or wellbeing concerns relating to the children having parenting time with the Petitioner, MG, in the present circumstances, that require the Petitioner, MG's parenting time to be supervised and that the supervised parenting contemplated in the Supervised Access and Exchange Order is for reintroduction purposes only.*

- June 29, 2023 - this interim consent order granted MG unsupervised parenting time, one day each weekend. The order also confirmed MG could freely communicate with the children outside arranged parenting time. The referral to the SAE Program was again renewed.

[6] Over the course of a two-day hearing in January 2024, MG and CG were cross examined on their affidavit evidence. The family friend who had agreed to supervise MG's parenting time also offered evidence. The counselling records of the children's therapist, JR, were tendered and JR, while not qualified to offer an expert opinion, testified about the contents of her notes. A Voice of the Child (VOC) Report and the observation notes from the (SAE) Program were entered as exhibits.

[7] Police records and child protection notes were not tendered as evidence. The parties agreed, however, to the following joint statement of facts which I accept:

1. *The Minister of Community Services has no child protection concern in regard to the Petitioner, MG, in relation to her children J and C;*

2. *Any previous investigation into the Petitioner, MG, relating to her children, has been closed; and*

3. *There is no current or ongoing investigation conduction by the Cape Breton Regional Police, or any other police organization, in regard to the Petitioner, MG.*

Contempt

[8] A contempt motion was filed by MG in October 2022 alleging CG failed to comply with the September 6, 2022, parenting order. The contempt motion was held

in abeyance with the consent of the parties who instead agreed to participate in a case management process, the objective of which was to provide consistent and timely judicial oversight of the re-establishment of the children's relationship with their mother.

[9] Several court conferences were held resulting in the series of interim parenting orders referenced above. Final hearing dates were set when it became apparent the parenting orders were not being followed. I now dismiss the contempt motion as it has been rendered moot as a result of this decision.

Divorce

[10] In July 2022, MG filed a Divorce Petition and the *Parenting and Support Act*, supra, application was consolidated into that action. In July 2023, the parties participated in a settlement conference that resolved interim child and spousal support as well as property division issues.

[11] The parties have been separated for well over a year with no possibility of reconciliation. CG does not contest the divorce or the change of name. I find all prerequisite procedural and jurisdictional requirements have been met and I grant the divorce and the change of name.

Issue:

1. **What parenting arrangement is in the children's best interest?**
2. **What is the appropriate amount of child and spousal support payable?**

Issue One: What parenting arrangement is in the children's best interest?

Positions of the Parties

Position of MG

[12] MG is seeking primary care of the children. She argues CG has failed in his duty to comply with the interim parenting orders and has not kept her apprised of issues relating to the well-being of the children.

[13] MG is asking for an order that prohibits CG from contact with the children for an extended period time to allow for an effective reintroduction of the children into

her care. Following this period, MG suggests that CG have parenting time every second weekend from after school on Friday to Sunday evening at 6 pm as well as one overnight visit in the alternate week.

Position of CG

[14] CG is seeking primary care of the children. He is willing to consult with MG on major issues but is requesting final decision-making authority. He is suggesting the parties communicate through Our Family Wizard or a similar communication app. He believes MG's contact with the children should continue through the SAE Program and the children should be able to decide whether to have contact with their mother.

[15] CG argues the children do not want to have contact with their mother because they were traumatized by something that happened while in her care. He claims he had done everything he can to encourage the children's contact with MG. CG argues he has been stuck between a "rock and a hard place," attempting to balance the wishes of the children and advice from professionals against promoting the children's relationship with their mother.

Legislation and Case Law

[16] The applicable legislation is the *Divorce Act*, R.S.C. 1985, c. 3 (2nd Supp.), (the *Act*). Section 16(1) of the *Act* says I must consider only the best interests of the children when deciding a parenting issue and s. 16(3) outlines a list of best interest factors that form the basis of that analysis. When assessing best interests, I must give primary consideration to the children's physical, emotional, and psychological safety, security, and well-being (s.16(2) of the *Act*).

[17] When allocating parenting time, I must do so in a manner that is consistent with the best interests of the children (s. 16(6) of the *Act*). The parenting time must be determined not within a "maximum contact" presumption but rather a child-centric inquiry of what parenting arrangement is best for the children: ***Barendregt v. Grebliunas,*** 2022 SCC 22.

[18] The list of best interest factors is non-exhaustive. The weight to be attached to any factor is highly contextual and varies from case to case, depending on the circumstances: ***Barendregt v. Grebliunas***, supra. In determining what is in the children's best interests, I must compare and balance the advantages and

disadvantages of each proposed parenting scenario: ***D.A.M. v. C.J.B***., 2017 NSCA 91; ***Titus v. Kynock,*** 2022 NSCA 35.

Findings and Decision

Findings

[19] Although I have not specifically addressed each factor set out in the *Act*, I have considered all elements relevant to this case. When assessing credibility, I have considered the factors set out in ***Baker-Warren v. Denault***, 2009 NSSC 59, and confirmed in ***Hurst v. Gill,*** 2011 NSCA 100.

Physical, Emotional and Psychological Safety, Security and Well-Being - Allegations of Inappropriate Touching

[20] In November 2021, C alleged MG's boyfriend, H, touched her in an inappropriate manner. C also said MG witnessed the incident and allowed it to happen.

[21] While child protection notes were not tendered, I accept the unchallenged evidence of MG that the notes confirmed no sexual touching was disclosed but the possibility of inappropriate touching was investigated and unsubstantiated. I accept the agreed statement of facts which acknowledges the child protection investigation has been closed without concern related to MG's contact with her children.

[22] Similarly, while police records were not tendered, I accept the unchallenged evidence of MG that the police investigation into the allegations made by C has been closed due to a lack of evidence. I accept the agreed statement of facts which acknowledges there is no ongoing police investigation involving MG.

[23] I am not being asked to determine whether the allegations of inappropriate touching are true. I have not been given sufficient evidence to make such an assessment. To the contrary, I have been given an agreed statement of facts on this matter and, to a certain degree, my analysis is limited to the confines of that framework.

[24] That said, MG was subjected to cross-examination on this issue. I found her to be a credible witness; she was unwavering and consistent in her testimony. I accept MG's evidence that she never witnessed any inappropriate behaviour or touching as alleged by C. Therefore, in addition to the agreed statement of facts, I

find that MG did not endorse or witness any person inappropriately touch C or engage in any other action or behaviour that would cause the children to be traumatized while in her care.

[25] CG agreed to several parenting orders that allowed MG parenting time. He acknowledged MG's parenting time was being supervised for the sole purpose of facilitating the visits. He ultimately agreed that MG should have unsupervised parenting time and made no suggestion the visits be restricted in any way (without H being present, for example). CG conceded, in cross-examination, he has no safety or well-being concerns for the children while they are in MG's care.

[26] For the above noted reasons, I find there is no evidentiary basis to conclude the children's contact with MG would be contrary to their physical, emotional or psychological safety, security and well-being as per the allegations of inappropriate touching, or otherwise.

Physical, Emotional and Psychological Safety, Security and Well-Being – Therapeutic Considerations

[27] CG says his decision not to force the children to have contact with their mother is supported by their therapist and is motivated by his concern for the children's emotional well-being. This claim is problematic for several reasons.

[28] First, CG acknowledged the children's therapist, JR, was not properly qualified to provide an expert opinion in this regard. CG withdrew correspondence from JR outlining her opinion on trauma recovery within the context of MG's proposed parenting time, acknowledging non-compliance with Nova Scotia *Civil Procedure Rule 55*. Therapist JR testified only to the content of her counselling notes.

[29] Second, any opinion JR might have offered in relation to the children's emotional well-being, as it relates to contact with their mother, is seriously compromised by the fact that she was provided with very limited information on the issue. JR agreed the source of her knowledge came primarily from CG. JR acknowledged she had never spoken to MG, nor had she reviewed the interim parenting orders or the observation notes from the SAE Program.

[30] For the above noted reasons, I make two findings: (1) there is no evidentiary basis to conclude the children's contact with MG would be contrary to their physical, emotional or psychological safety, security and well-being as per the therapeutic

considerations; and (2) there is no reasonable basis for CG to rely on the recommendations of JR in relation to the children's contact with their mother.

[31] Furthermore, despite committing to the therapeutic goal of rehabilitating the children's relationship with their mother, CG acknowledged that neither he nor the children have participated in family therapy. When questioned about this, he testified that he phoned a proposed therapist, and followed up with an email, but was advised that particular therapist did not offer that type of therapy. CG conceded he made no other efforts to arrange for family therapy saying, "I took the steps I was instructed to but there was no way I could proceed."

[32] I find CG's efforts to engage in family therapy were minimal, at best. CG displayed an attitude of nonchalance when cross examined on this issue. CG did not fully engage in the therapeutic process and, in this regard, I find he acted contrary to the children's physical, emotional and psychological safety, security and well-being.

History of Care - Police and Child Protection Referrals

[33] I accept MG's evidence that, on multiple occasions, either CG, or his partner A, made referrals to police or child protection agencies that gave cause for child protection workers or police officers to interview the children. I further accept MG's evidence these investigations resulted in unsubstantiated concerns.

[34] I find CG's actions in this regard unnecessarily drew the children into the conflict between their parents. I share MG's concern that the involvement of police and child protection workers would have been upsetting for the children and may have communicated the misleading message that they were at risk of harm while in their mother's care.

[35] I accept MG's evidence that CG exposed the children to adult topics and involved the children in mature conversations. For example, I agree that CG's public Facebook post that C was raped was inappropriate and potentially damaging to the children and their relationship with their mother.

History of Care – Other Allegations and Incidents of Withholding

[36] I accept MG's evidence that C has made several other unfounded allegations of inappropriate behaviour against a number of other individuals, including teachers and a neighbor. I also accept MG's evidence that C, at times, has given contradictory information to each of her parents, on a variety of issues. For example, C

complained to MG about the treatment she received from CG and his partner A, claiming they favored J and they fought and yelled a lot in her presence. C made similar complaints to CG about MG's mother.

[37] In response to these concerns, MG emailed CG on August 12, 2021, to discuss her worry about C and to invite him to work together in addressing C's issues. I find that MG's approach was reasonable, respectful and inclusive of CG's role as a parent.

[38] In contrast, CG used similar issues to keep the children from MG. Instead of addressing his concerns directly with MG, CG's response was to withhold the children. In his correspondence to MG of August 16, 2021, CG assumed the self-appointed role of protective parent. He unilaterally decided not to return the children to MG, purportedly to shield them from mental and emotional harm. He justified his actions by attributing mental health issues to the children (anxiety and co-dependency) because of the treatment they allegedly received from MG's mother, their grandmother, while in MG's care.

[39] I find CG's response was not reasonable. CG knew the children's complaints about MG's mother (yelling and being mean) were akin to complaints the children had made to MG about him and his partner just several days earlier. However, instead of attempting to resolve the issues with MG, an approach that would have served the children's best interests, CG relied upon those concerns, and the purported risk of the children being traumatized, to justify keeping the children from MG.

History of Care – Parenting Arrangements

[40] The children were adopted in 2015, when they were 5 and 6 years old. I have no knowledge of the care the children may have received prior to their adoption.

[41] The shared parenting regime attempted from March 2020 to November 2021, was marred with difficulties as previously identified.

[42] The children have been in the primary care of CG since November 2021. Unfortunately, this parenting arrangement was forged by the unilateral actions of CG which I have now found to be unreasonable. MG has consistently contested this arrangement.

[43] Courts are sometimes hesitant to modify a parenting arrangement that has been in place for some time because of a reluctance to disrupt a child's sense of

consistency and security. Given the conflict between the parties, I am not satisfied the existing parenting arrangement has afforded the children a sense of stability. Furthermore, this is not a reversal of custody situation but rather a final determination of parenting arrangements in the first instance. I am not bound by the terms of the interim parenting orders.

Any Civil or Criminal Proceeding, Order, Condition, or Measure that is Relevant to the Safety, Security and Well-Being of the Child - Compliance with Interim Consent Parenting Orders

[44] The parties do not dispute there was significant non-compliance with the interim consent parenting orders:

- Pursuant to the September 6, 2022, interim consent order, MG was to have a total of 16 supervised video calls and four supervised visits. C and J both attended the first video call. C, alone, attended two additional video calls. Other than that, neither child attended any other video call. Neither child attended any of the scheduled in-person visits.

- The referral to the SAE Program in the March 13, 2023, interim consent order resulted in nine supervised visits being scheduled. C alone attended the first visit. J and C attended the second visit. C attended the next three visits by herself; J did not attend. Neither child attended the sixth scheduled visit. Only C attended the seventh visit and neither child attended the last two scheduled visits.

- The referral to the SAE Program in the June 21, 2023, interim consent order resulted in ten supervised visits being scheduled. Two of the visits were cancelled because of Covid-19 related issues. J alone attended the first scheduled visit. C alone attended the second scheduled visit. Neither child attended any of the other scheduled visits.

- The June 29, 2023, interim consent order contemplated MG having unsupervised parenting time with the children either Saturday or Sunday of every weekend. These visits did not happen.

[45] CG attributes his failure to comply with the parenting orders to C and J's refusal to attend. I reject that argument. I make this finding for several reasons:

- CG did not prioritize the children's attendance at the SAE visits. For example, he told to the SAE Provider that J could not attend a scheduled visit because J had karate. On cross examination, CG acknowledged he gave J the choice of attending a visit with his mother or going to karate. J chose karate. There were several occasions when the children did not attend visits because of other conflicting scheduled events or because the time of day was not convenient. This demonstrates to me, and likely communicated to the children, that CG viewed the children's visits with their mother as optional. I find that CG did not give the proper import to the children attending the visits with their mother.

- CG delegated the responsibility for choosing to attend the SAE visits to the children. In the face of the children's resistance to attending, CG had the children call the servicer provider directly to say they would not be coming. I reject CG's explanation that he did this with the hope that the children would take responsibility and go. Instead, I find CG's actions communicated to the children that attendance was not required. He essentially allowed the children to decide for themselves. In doing this, I find CG made a parenting decision that did not support the children attending the visit with their mother despite his positive obligation to ensure the children went.

- I reject CG's claim that he could not force the children to attend the visits with their mother. CG was able, at times, to secure the children's attendance at visits. I note that compliance with the order was highest immediately after the motion for contempt was filed and subsequently fell off when the motion was adjourned.

- I reject CG's explanation he could not secure the children's attendance because they were as big as him and he was not prepared to lay hands on them to force them to go. This would suggest, if true, that CG could not safeguard the children's attendance at school or medical appointments, should they wish not to be there. It would also suggest CG had no other approach to establishing and asserting appropriate parental boundaries other than physical discipline, which would be concerning.

- CG admitted he did not review the SAE observations notes. I infer from this admission a lack of interest about what happened during the visits. If CG was truly committed to his role in supporting the children's visits with their mother, or actually concerned that contact with their mother would be

traumatic for the children, one would expect he would have taken greater care to review what had actually transpired during the visits.

- I reject CG's claim that the children only attended SAE visits to retrieve belongings from their mother. This assertion is not borne out by a review of the SAE notes.

[46] The family's participation in the SAE Program has demonstrated to me that the children have, at times, shown a desire for contact with their mother. At other times, the children have been resistant to such contact. Based on the foregoing, I reject CG's claim that he was unable to comply with the various interim consent parenting orders because of child refusal. Instead, I find CG was either (1) unwilling to ensure the children's participation in the SAE Program or (2) lacking the requisite parental capacity and ability to secure the children's attendance at the SAE visits.

Children's Views and Preferences

[47] A VOC Report was prepared in August 2022 when C was 12 and J was 11. The report was prepared before the investigation of C's allegations was concluded and the author of the report, PS, made her recommendations with that expressed caveat.

[48] PS opined the children had the ability, independence and maturity to express their viewpoints and preferences. J reported he wanted to stay with his father and have no contact with his mother. C initially stated that she wanted no contact with her mother but later said she was open, in an emergency, to sending her mother a text or having a supervised telephone call with her, but only if consulted beforehand. PS wrote: "Given the feelings expressed by the children, I support their wishes."

[49] I am cautious about affording the VOC Report a significant amount of weight for several reasons.

[50] First, I acknowledge and respect that young people have the right to have their views and preferences considered by the courts, giving due weight to the child's age and maturity, unless those views cannot be ascertained (s.16(3)(e) of the *Act*). However, even if I accept the VOC unreservedly, the children's views and preferences are not determinative and are only one factor of many that I must consider when assessing what parenting arrangement is in the children's best interests.

[51] Second, I have made the finding that the children have been resistant to contact with their mother and CG has demonstrated an unwillingness or inability to be responsive to that issue. I have also found, a history of child protection and police referrals, allegations of unsubstantiated abuse and a pattern of withholding. The children have been caught up in their parent's conflict. They have been interviewed by police and social workers and their parenting time with their mother has been suspended or supervised. It is within this context that I am hesitant to afford significant weight to the views and preferences of the children as expressed in the VOC Report. I share MG's concern that the opinions expressed by the children have been negatively influenced by their parent's high conflict divorce.

[52] Third, the VOC Report was not the only vantage point from which I was afforded insight to the children's views and preferences. The SAE observation notes about visits which happened after the VOC Report was prepared offer a different perspective. While I acknowledge there are fewer visits with J from which to draw an opinion, the notes describing the visits between MG and the children do not suggest the children are uncomfortable or otherwise negatively affected by their contact with MG. To the contrary, the notes generally reflect visits that are characterized by appropriate and pleasant conversation, a lot of laughter, expressions of love and gestures of affection (hugs and kisses). During the supervised visits, these children did not present as children who did not want contact with their mother. They did not present as children traumatized by contact with their mother.

[53] Based on the foregoing, I find the children have demonstrated a willingness to have contact with their mother and this contact has been positive.

Willingness to Support the Development and Maintenance of the children's relationship with the other Spouse

[54] Thus far I have made several key findings which I will summarize here:

- There is no evidentiary basis for me to conclude the children's contact with MG would be contrary to their physical, emotional or psychological safety, security and well-being.

- There is no evidentiary basis for me to conclude the children's contact with MG would be contrary to any therapeutic process.

- CG has demonstrated an unwillingness or inability to comply with parenting orders designed to support the children's relationship with their mother.

[55] In addition to unreasonably withholding the children from their mother and failing to appropriately support the children's re-engagement with her, CG has also excluded MG from other indices of parenting. He has not kept MG informed of significant health or education issues that have affected the well-being of the children, as recommended in the VOC Report. For example, MG discovered one of the children had gotten braces only when her insurance was billed. CG didn't advise MG of the children's new address when he moved. She learned of this only through court filings. CG has effectively shut MG out of the children's lives in this regard.

[56] In contrast, MG has demonstrated a willingness to support CG's parental role:

- MG's email of August 12, 2021, exhibited her willingness to set aside the conflict between the parties so they might work together to address C's behavioural difficulties.

- MG was consistently positive about CG with the children whenever the topic of CG came up during the SAE Program visits.

- MG participated in the co-parenting program recommended in the VOC Report. CG did not.

Plans for the Children's Care

[57] I come now to weighing the pros and cons of the competing parenting plan put forth by the parties.

[58] There are several significant flaws associated with CG's plan of care which would see the children residing primarily with him, him having full decision-making authority and the children having supervised visits with their mother, at their discretion.

[59] First, CG is relying entirely on the SAE Program to support the children's ongoing relationship with their mother. There is no established need for MG's parenting to be supervised other than to ensure the visits take place. This is not an appropriate restriction on MG's parenting time, particularly since CG has demonstrated an unwillingness or inability to ensure the children's attendance at the SAE Program.

[60] Second, CG wants the children to have the authority to decide whether they should have contact with their mother. There is no evidentiary basis for CG to take

this position that this is necessary to support the children's well-being. This is not an appropriate response given the ages of these young people and the circumstances of this family as explored in detail in this decision.

[61] Third, CG had demonstrated complete unwillingness to communicate with MG on issues related to the well-being of children. I have no reason to believe he would consult with MG in any decision-making process in the future.

[62] Overall, I am quite certain, given the totality of the findings I have made thus far, that to endorse the parenting plan put forward by CG would be to effectively end the children's relationship with their mother. This would certainly not be in the children's best interests.

[63] As for MG's proposed plan, I accept her evidence that she has all the necessary arrangements and supports in place to support the children's transition into her care. This evidence went unchallenged.

[64] MG concedes her plan may create some short-term discomfort for the children. She says she committed to family therapy to address that concern. Regardless of any proposed therapeutic response, I am also quite certain, that to endorse the parenting plan put forward by MG would be to create disruption and discomfort in the lives of these children. This is also contrary to their best interests.

[65] MG suggests an extended black out period, during which the children will have no contact with CG, is necessary to support the transition of the children into her primary care. MG did not provide details on how long this period should last. I have limited evidentiary basis upon which the assess the necessity or efficacy of this approach. I am not convinced that a complete lack of contact is in the children's best interest or is even feasible.

Decision

[66] I must consider the best interests of the children in both the short term and the long term. It is in their best interests to have a positive and healthy relationship with both of their parents. The best chance of this happening is to place the children in the primary care of MG.

[67] This decision will disrupt and upset the children's lives, in the short term at least. However, intermediary court interventions, such as facilitated access and family therapy, designed to avoid such an intrusive response as this, have been tried

and exhausted. CG has demonstrated an unwillingness or inability to comply with these measures. I am left with few options.

[68] Effective immediately, the children shall be placed in the primary care of MG. MG will have final decision-making authority for the children. MG must consult with CG on major decisions related to the children.

[69] Apart from emergency situations, there will be no communication between the parties except through Our Family Wizard, or a similar communication app. Neither party is to post on social media about the children or this decision. Neither party is to discuss the details of this decision with the children.

[70] If a change in school is required, it will be delayed until September 2024.

[71] It is in the children's best interest that a short period of time be allocated to support their transition into MG's primary care. CG's parenting time schedule will commence on Saturday, April 7, 2024, when he will have parenting time from 4 pm to Sunday, April 8 at 6 pm. The following weekend, CG shall have parenting from after school on Friday (or 4 pm on Friday, if the children do not have school) to Sunday at 6 pm. CG's parenting schedule will continued forward in a similar manner, in alternating weeks.

[72] After April 7, 2024, CG may have such other reasonable parenting time as the parties may agree upon.

Issue Two: What is the appropriate amount of support payable?

[73] On May 24, 2023, through the settlement conference process, the parties agreed to an Interim Support Order. Pursuant to that order, MG was found to have an annual income of $50,890 and CG was found to have an annual income of $84,041. The parties agreed as follows:

> *Due to the table amount of child support by the Petitioner, MG, being $730 and the monthly amount of spousal support owed by the Respondent, CG, being $730, and due to the amounts being equal, the amounts shall be set off and no prospective support payment shall be due from either party to the other in regard to child support or spousal support.*

[74] The parties further agreed that no retroactive support was due from either party. Therefore, support issues to be determined are prospective only.

Child Support

[75] I set CG's income for 2023 at $84,069.96 based on his Statement of Income sworn on February 27, 2023. On this basis, CG must pay MG the Nova Scotia table amount of child support for two children in the amount of $1,180.00 commencing the first day of April 2024 and continuing the first day of each month thereafter. I authorize the enrolment of the child support order that will flow from this decision in the Child Support Administrative Recalculation Program.

Spousal Support

[76] MG's entitlement to spousal support is not contested; quantum is the only issue. MG has conceded, given the parties respective incomes (MG's income being $50,890), that should she be awarded the table amount of child support, the appropriate amount of spousal support payable to her is $0.00. I find MG to be entitled to spousal support and the amount payable is $0.00.

Conclusion

[77] Counsel for MG will draft the Order. If the parties are unable to agree on costs written submissions on the issue must be filed on or before April 15, 2024.

Pamela A. Marche, J.