

SUPREME COURT OF NOVA SCOTIA
FAMILY DIVISION

Citation: *Stanford v. Powder*, 2026 NSSC 40

Date: 20260205

Docket: Yar No. SFYPSA-119269

Registry: Yarmouth

Between:

Dustin Lee Ross Stanford

Applicant

v.

Brenda Leign Powder

Respondent

Judge: The Honourable Justice Michelle K. Christenson

Heard: December 23, 2025, in Yarmouth, Nova Scotia

Written Release: February 5, 2026

Counsel: Seamus Murphy for Ms. Powder
Mr. Stanford, Self-Represented

By the Court:

[1] Brenda Powder is the mother of the two children herein and Dustin Stanford is the father. Ms. Powder wants her children back, and the Alberta Courts has directed their return. That order directed the Royal Canadian Mounted Police (R.C.M.P.) to take active steps to enforce the order.

[2] Despite the Alberta order already being incorporated into the terms of a Nova Scotia order three months ago, her children remain here. They remain here despite her trip to Nova Scotia, and despite her failed attempts to have the Royal Canadian Mounted Police (R.C.M.P.) do what the order directed.

[3] Ms. Powder filed a subsequent motion relying on the *Reciprocal Enforcement of Custody Orders Act*, and section 32G of the *Judicature Act*, seeking a further enforcement order with more teeth. Specifically, she sought:

- An order which would require Mr. Stanford to take specific steps to comply with the order, and
- An order giving further directions to the R.C.M.P. to assist, if Mr. Sandford continues to breach.

[4] Ms. Powder lives in Alberta.

[5] Mr. Stanford lives in Nova Scotia.

[6] The parties separated in 2016, and have two children:

- D. born 2013
- X. born 2014

[7] These children have bounced across the country between Nova Scotia and Alberta numerous times since their parents' separation in 2016; in part, because Mr. Stanford wanted to do a year on, year off parenting arrangement between Nova Scotia and Alberta.

[8] In 2016, Mr. Stanford took the children from Alberta to Nova Scotia.

[9] In August of 2017, they returned to their mother Ms. Powder, in Alberta.

[10] In June 2018, they came back to Mr. Stanford.

[11] In June of 2019, they returned to their mother, and an interim parenting order was granted in Alberta. Mr. Stanford flew to Alberta, attempted to breach the order and police became involved. There is a history of unfounded allegations being made to the Royal Canadian Mounted Police (R.C.M.P.) and Child Protective Services (C.P.S.) about the mother.

[12] In June of 2020, the children went to Nova Scotia for the summer and were not returned in August.

[13] In January of 2021, I granted an order placing the children in the primary care of the father, with parenting time with their mother as could be arranged. I issued that order and it contained the following important notations:

- It was granted when Ms. Powder and her solicitor failed to attend court as directed, and after the deadline for filing documents to challenge jurisdiction has passed.
- It was granted in the context of Covid-19, and specifically authorized a review of parenting if the circumstances surrounding Covid-19 eased.

[14] Ms. Powder then applied to this Court seeking relocation of the children. In September 2022, I heard a contested hearing between these parties which denied relocation and placed the children in the care of their father, Mr. Stanford.

[15] The mother and her witnesses flew to Nova Scotia for the hearing. I denied the relocation, not because of concerns related to the mother, but because of the supports in place for the children in Nova Scotia to address their specific needs. Moving them at that point would have caused significant disruption.

[16] The order was issued May 2023.

[17] One month after the order was issued, Mr. Stanford asked Ms. Powder if she had “learned her lesson,” and sent the children back to her in Alberta. Mr. Stanford acknowledged he sent the children back. He agreed he requested she keep them longer and authorized their enrollment in school.

[18] The children remained in Alberta for two years. It was in this context that Ms. Powder made an application to the Alberta Courts, seeking a parenting order of the children. She did so, only after the children had been in her care for a period of one year.

[19] The order from Alberta was granted by the Queen’s Bench. She applied to vary the Nova Scotia order using the *Extra-Provincial Enforcement of Custody Orders Act*. She was successful. The order issued noted the respondent father was served. Ms. Powder was granted sole decision-making and primary care.

[20] The children remained in her care for another year. The parties then made arrangements between themselves for a summer visit in Nova Scotia for the children. The parents agreed the children would return to Alberta in August, except they didn’t. Mr. Stanford refused once again to return them, just as he did in the summer of 2020.

[21] Ms. Powder applied to her court in Alberta seeking the return of her children. An *ex parte* Urgent Enforcement Order was granted.

[22] Over three months ago, pursuant to the *Reciprocal Enforcement of Custody Orders Act*, I endorsed the issuance of a Nova Scotia Supreme Court (Family Division) order, which incorporated the terms of the Alberta order into my order.

[23] The *ex parte* Urgent Enforcement Order granted in Alberta, found the following:

- There is an urgent need to enforce the parenting order issued in Alberta in July 2024;
- That Alberta has jurisdiction over the children as they have resided in Alberta since 2023 for two years, and attend school in Alberta;
- That a prior parenting order of the Family Division of Nova Scotia is no longer in effect, as the Alberta order takes precedence;
- The respondent father has failed to comply with the terms of the Alberta parenting order, and failed to deliver the children to take their flights back to Alberta in August 2025, after a holiday as agreed between the parties.

[24] The order issued by Alberta ordered in part:

- Nova Scotia R.C.M.P. or any other police officer are hereby authorized and directed to enforce the terms of the Alberta parenting order dated July 4, 2024.
- The R.C.M.P. or police officer are to take any and all necessary steps to ensure compliance with this order, including but not limited to:
 - i) accompanying the applicant or her delegate to the exchange location to facilitate the transfer of the children;
 - ii) removing the children, from the care of the respondent to ensure they are returned to the applicant and arresting any person who fails to comply with the terms of this order.

[25] The order noted it could be varied upon application to the Alberta Court.

[26] Despite my issuance of a Nova Scotia order, which endorsed the reciprocal enforcement of the Alberta order, the children remain here. They remain here, despite Ms. Powder, who is represented by Nova Scotia Legal Aid (N.S.L.A.), flying to Nova Scotia to obtain the children, and despite her repeated requests and attempts to have R.C.M.P. enforce the order granted.

[27] Mr. Stanford wants the Alberta order varied. Over three months ago, he was directed to apply in Alberta to vary the order because Alberta had jurisdiction. He has not done so.

ISSUE:

[28] The issue before me is narrow:

[29] Do I grant or not grant a further reciprocal enforcement order with more teeth?

POSITION OF THE PARTIES:

Brenda Powder:

[30] Ms. Powder argued a more stringent order was required because the order already issued had failed to achieve the desired result.

[31] Despite quite clear directions contained therein, the R.C.M.P. failed to take all necessary steps to ensure compliance with the order. The respondent father was not arrested. The children were not removed, and Mr. Stanford continued to breach with little consequence to himself.

[32] Ms. Powder filed her motion, in part because Mr. Stanford was holding out that the old Nova Scotia order from 2023, was valid. It is not. He was presenting it

to third parties, claiming now to have custody and the right to make decisions related to the children. Ms. Powder argued the additional provisions contained in her proposed order were required to address his misrepresentation, and to achieve the return of the children to their proper jurisdiction, Alberta.

[33] With respect to the R.C.M.P., the proposed order directed R.C.M.P. to take specific steps to ensure Mr. Stanford did not abscond with the children. It placed positive duties on the R.C.M.P. to assist Ms. Powder with the return of her children, their possible transport, or alternatively the removal of the children from his care, unless they were formally taken into care by the Minister. The new order proposed had “more teeth,” and Ms. Powder argued it was required because the simple incorporation of the Alberta order into a Nova Scotia order, clearly was not specific enough to achieve the desired result.

[34] Effectively she argued, not issuing the proposed order gave Mr. Stanford *carte blanche* to continue breaching the order at no consequence to himself.

Dustin Stanford:

[35] Mr. Stanford argued the children did not want to go. They were abused, abandoned, and neglected, and it was them refusing to comply, not him.

[36] Mr. Stanford was under the mistaken impression, that his Nova Scotia order from 2023, was still valid.

[37] Despite the wording in the Alberta order noting he was served, he claimed otherwise. His evidence on this point was not credible.

[38] Mr. Stanford argued, Ms. Powder had broken protocol when she approached the High Prairie R.C.M.P. to cooperate in their investigation about claims he made that she “abandoned and neglected her children.” Charges which were investigated with the assistance of C.P.S., and which resulted in the R.C.M.P. closing their file, with no charges laid.

[39] Mr. Stanford wanted to vary the order but had failed to take any steps in Alberta to do so. He wanted a Voice of the Child Report, and he wanted a lawyer for his children.

[40] I understood from Mr. Stanford, he was unlikely to comply with any order I issued.

EVIDENCE:

[41] Despite being set for a two-hour hearing, the matter morphed into a full day. I have the benefit of two affidavits filed by Ms. Powder, one by Mr. Stanford, and

oral evidence from two R.C.M.P. officers: Sergeant Jeff LeBlanc and Corporal Shane Pottie. All parties were subject to cross-examination.

[42] In the course of writing this decision, I have had the benefit of reviewing the evidence, it is not my intention to restate it. It is a matter of record. I agree with the comments of the Ontario Court of Appeal decision of *KK v MM* 2022 ONCA 72, at paragraph 23, about the problematic nature of verbatim summaries.

THE LAW:

[43] Section 3 of the *Reciprocal Enforcement of Custody Orders Act* grants me discretion, to make orders I deem necessary to give effect to orders from other reciprocating states. Pursuant to the regulations, thus far the only reciprocating states named are certain provinces. Alberta is a reciprocating state, and I have already granted an order giving effect to the *ex parte* Urgent Enforcement Order from Alberta.

[44] The issue today is whether I exercise the discretion given to me in section 3 of the *Act* to make further orders I consider necessary to accomplish what the original order did not.

[45] Section 3 provides:

3 A court, upon application, shall enforce, and may make such orders as it considers necessary to give effect to, a custody order made by a tribunal in a reciprocating state.

[46] In exercising my discretion, I must do so in a principled basis.

ANALYSIS:

[47] These parties are frequent fliers before this Court. I have been dealing with their matters since 2020. This is not the first time that Mr. Stanford has failed to return the children home. This is not the first time that allegations of wrongdoing on the part of the mother have been raised by Mr. Stanford. The unfounded allegations were dismissed in the past, and the R.C.M.P. from High Prairie have already closed their current file. Ms. Powder cooperated with their investigation and maintains the allegations to be false.

[48] I accepted her evidence that Mr. Stanford threatened never to return the children and said it would take years to be resolved in the courts: the children would be eighteen before it was done because he was self-represented.

[49] In 2022, I opted to deny the children's relocation to Alberta, not because of concerns about the mothers' parenting, but because of the children's integration into this community. The Courts oral decision of the 2022 hearing is a matter of record.

[50] In the summer of 2025, Mr. Stanford, premised on concerns about neglect and abandonment refused to, once again, return the children. He launched an R.C.M.P. investigation in High Prairie that went nowhere, and now he is in the process of seeking peace bonds from the Nova Scotia Provincial Court. He is active in his attempts to not comply with the order and has done nothing to ensure the children go home. He has encouraged their noncompliance.

[51] I have significant concerns alienation maybe afoot and I fear the children may be unduly influenced by Mr. Stanford. I have concerns currently about the emotional well-being of the children while in his care.

[52] I saw a 45-minute police cam video obtained by the R.C.M.P. The officer, in good faith, attempted to negotiate the return of the children to Ms. Powder, when she flew to Nova Scotia to retrieve them. That interaction was followed up by the parties attendance at the courthouse, where Mr. Stanford filed his peace bond applications. The courthouse fiasco lasted two hours, and there were six officers in attendance, with the mother, the father, and the children. It should never have come to this.

[53] I was impressed with Sergeant LeBlanc, and his attempts to negotiate between these parties. Quite clearly, he was mindful there were legal obligations which required his assistance.

[54] Multiple calls were made by the R.C.M.P. to C.P.S. – I infer for direction.

[55] Mr. Powder was eventually given an opportunity to speak with her children alone, but they refused to go with her. I am concerned about the legitimacy of the claims the children have made, and Mr. Stanford's influence on the children.

[56] All of this could have been avoided early on in my view, if the simple message about court orders and the need to comply with them had been consistently communicated by the R.C.M.P., with a strong message about the consequences for failure to follow.

[57] It was as if Ms. Powder was left to enforce the order herself, and the R.C.M.P. were there for moral support. None of the authorized actions as set out in the order to enforce were taken.

[58] Steps to enforce the order could have been taken when the children were not present. It did not require a traumatic event.

[59] R.C.M.P. act on locate and detain orders.

[60] R.C.M.P. act on taking into care matters when C.P.S. request assistance.

[61] Why do they fail to act when I order it, in circumstances deemed to be urgent?

[62] Mr. Stanford believes the children decide where they live. He has taken no steps to enforce the order, and no steps to change it in Alberta. He continues to defy what has been ordered.

[63] The R.C.M.P. have attempted to assist, but their efforts have been half hearted – so the order continues to be breached, and the actions directed to the R.C.M.P. by the Alberta Court have not been taken, as such the children remain here, in a jurisdiction that has already deferred to Alberta.

DECISION:

[64] I do not hesitate to issue the order requested; it certainly has more teeth. In my view, I have little choice. The order which was granted failed to achieve its purpose and the children who were supposed to be returned to Alberta are still here. Alberta is the proper jurisdiction, and issues related to changing the order will be decided out west.

[65] The children are here because they have been empowered to believe the choice is theirs, by their father, the R.C.M.P., and everyone else who has failed to act as they were required under that order. The choice is not theirs. It is not their father's. There is a court order they are obligated to follow. It was not a request: it is an order.

[66] R.C.M.P. need not consult with C.P.S. to determine what they should do. C.P.S. does not have oversight over the courts.

[67] C.P.S. should not support non-compliance of court orders. If there is a safety risk, C.P.S. should act. They are duty bound to do so.

[68] Orders made by this Court are based upon evidence, and are presumed to be valid. If C.P.S. has concerns, they have an appropriate route by which they can bring their concerns to the court. The court will decide matters based on evidence. It is the role of this Court to exercise judicial oversight over the actions of C.P.S., not the other way around.

[69] We live in a time and place where respect for the administration of justice is under attack and the authority of the courts are questioned. Our entire judicial system is built on a respect for the rule of law, authority of the courts, and a belief that orders once issued by a court are valid and will be enforced; except they are not, at least not if they are issued by the Supreme Court (Family Division); or at least that has been my experience herein and on multiple other occasions.

[70] The results are catastrophic. When the persons tasked with the enforcement of the order fail to take the necessary steps to ensure compliance with the order, they only entrench the view that Family Division Orders do not matter: the R.C.M.P.

become part of the problem. What happens then, when the person entrusted to enforce the order fails to act?

[71] I am left with the impression that orders issued by the Supreme Court (Family Division) are not matters of concern for the police. They are often referred to as civil matters outside their jurisdiction, but nothing can be further from the truth.

[72] One need look no further than the following two provisions to discover:

1. It is their duty to enforce our orders; and
2. Persons can be charged under the Criminal Code for an offence for not complying.

[73] R.C.M.P. enforce other provisions related to the code, why not enforce provisions that relate to our orders. I do not think R.C.M.P. get to pick and chose which parts of the code they wish to enforce.

[74] Let me be clear. I am talking about an order granted by a court: not a request, not a “would you like to do this please,” but an order issued by a court of competent jurisdiction: a Supreme Court.

[75] Section 32G of the *Judicature Act* provides:

It is the duty of a peace officer to serve any process issued out of the Supreme Court (Family Division), to execute any order issued by any judge of the

Supreme Court (Family Division), to convey a young offender to such place or places as may be directed in such orders and to assist the Supreme Court (Family Division) and the officers of the Division in carrying out the Young Offenders Act (Canada) and any other matters or enactment for which the Supreme Court (Family Division) is responsible. 1997 (2nd Sess.), c. 5, s. 6; 1998, c. 12, s. 9.

(emphasis added)

[76] Section 127 of the *Criminal Code* states:

127 (1) Every one who, without lawful excuse, disobeys a lawful order made by a court of justice or by a person or body of persons authorized by any Act to make or give the order, other than an order for the payment of money, is, unless a punishment or other mode of proceeding is expressly provided by law, guilty of

(a) an indictable offence and liable to imprisonment for a term not exceeding two years; or

(b) an offence punishable on summary conviction.

[77] That should be ample authority to dispel any R.C.M.P. officers' belief that orders issued by the Nova Scotia Supreme Court (Family Division), matter not.

[78] Let me be clear, I am not advocating for a barge the door down, grab hold of the children approach. Nor am I expecting R.C.M.P. to police every reported call about a 10-minute late drop off. I do have an appreciation of the scope of their responsibilities. But what I do expect is for them to give lip service to the importance of our orders, and to mean it.

[79] R.C.M.P. officers have substantial authority, and their words matter. It is their duty to advise people that our orders are valid; it is their duty to advise people they need to comply with them and that failure to do so may result in them being charged

with an offence under the *Criminal Code*. They need to say that and they need to mean it when they do say it. That clear concise message communicated consistently by the police, would make a difference. It would substantially increase parties willingness to comply with court orders. It would force people to bring matters back to court forthwith to be remedied, instead of empowering people to take matters into their own hands.

[80] When the R.C.M.P. fail to do their due diligence, they are often then called upon later to respond to the physical altercation. An altercation which has resulted because a parent was left to their own devices to get their children back when the police who were tasked to enforce the orders, refused to do their job.

[81] Vigilantism has no place in our judicial system. It could be avoided by clear, concise communication by R.C.M.P. officers about the importance of our orders and the need to follow them.

[82] Maybe charging a person or two, for an offence for noncompliance would help to get the approach message across. When there are actual consequences for noncompliance, people tend to comply.

[83] If I can not rely upon the police to enforce the order I have granted, where then do I turn?

[84] I am suggesting a more proactive approach in terms of strong messaging to encourage compliance; instead of a hands on, barge down the door and grab the children approach.

[85] Mindful that the Alberta order was noted as being urgent, and that the terms of the Alberta order became a valid Nova Scotia order over three months ago, and yet the children remain here, I am prepared to endorse the order as requested by Ms. Powder. The date for the children's return will be on or before March 20, 2026, with proof of the ticket purchase being given on or before February 27, 2026.

[86] I grant the order requested because I consider the terms proposed necessary to give effect to the order issued.

[87] Mr. Stanford seeks a peace bond locally on behalf of his children. A step he has taken after the joint R.C.M.P. / C.P.S. investigation resulted in no charges being laid, and the R.C.M.P. closed their file. I am mindful there is a history of unfounded claims made to C.P.S. I am concerned about the conflict these children have been exposed to by their fathers noncompliance.

[88] The proposed terms are necessary because the order already issued has not served its purpose, so more compelling terms are needed. I hope this order has the teeth it requires.

[89] With respect to the proposed order, the court is prepared to issue same, with the following modifications:

- Paragraph 8 – the date of the children return is no later than March 20, 2026;
- Paragraph 10 – the proposed sub-clauses e. and f. are struck;
- Paragraph 10 – the proposed sub-clause i., requires a change of date to March 20, 2026;
- Paragraph 10 – the proposed sub-clause j., Mr. Stanford must purchase the tickets no later than February 27, 2026;
- Paragraph 13 – the words “or Maple Grove Education Centre” are to be struck;
- Paragraph 15 – requires a change of date to March 20, 2026;
- Paragraph 15 – the proposed subclauses a. and b. are struck.

[90] I would task Mr. Murphy with preparing the new order, and direct that a copy of this written decision be forwarded to the Meteghan R.C.M.P.

[91] It would be prudent in my view, for this decision and the order to be personally served on Mr. Stanford, with an affidavit of service being forwarded to the court. I trust Mr. Murphy will arrange for service.

Michelle K. Christenson, J.