

SUPREME COURT OF NOVA SCOTIA
(FAMILY DIVISION)

Citation: Wetzel v. O'Quinn, 2013 NSSC 301

Date: 20130712

Docket:1201-066603

Registry: Halifax

Between:

Duncan Troy Wetzel

Petitioner

v.

Charyl Lynn O'Quinn

Respondent

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Judge: The Honourable Justice Mona M. Lynch

Heard: July 9, 10, 11 & 12, 2013, in Halifax, Nova Scotia

Written Decision: September 30, 2013

Subject: Family – divorce; child custody; child support; imputation of income; division of assets

Summary: The four children of the marriage had lived with each parent at different times since separation. Mother took an unpaid leave of absence from her employment and decided to move to another area of the province with two of the children to be with her new partner. Father obtained an emergency order which placed the children in his care. Mother had little contact with the children from December 2012 to March 2013. Father sought imputation of income to the mother as she had voluntarily left her employment. Mother claimed medical reason for having left employment. Dispute over a debt. Mother's pension to be divided.

Issue: What parenting arrangement is in the best interests of the children?
Should income be imputed to the mother? Equal division of pension and debt?

Result: Joint custody. Primary care to father. Detailed parenting schedule.

Income imputed to mother at salary level when she took unpaid leave of absence as no medical reason established by mother. Debt matrimonial. Pension divided equally.

***THIS INFORMATION SHEET DOES NOT FORM PART OF THE COURT'S DECISION.
QUOTES MUST BE FROM THE DECISION, NOT THIS LIBRARY SHEET.***