

IN THE SUPREME COURT OF NOVA SCOTIA

Citation: Skipton v. Skipton, 2005 NSSC 43

Date: 20050228

Docket Number: 1204-003406

Registry: Kentville

Between:

Andrea Lynn Skipton

Petitioner

v.

Perry Ronald Samuel Skipton

Respondent

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Judge: The Honourable Justice Gregory Warner

Heard: January 25, 2005, in Kentville, N.S.

Subject: Family Law - Application of Spousal Support Advisory Guidelines for and division of matrimonial property.

Issues:

1. Entitlement, quantum and duration of spousal support.
2. Division of property including unequal division of military pension

Summary: Wife hired by husband in 1991 as a live in caregiver for his four young children that he had custody of after divorce from his first wife. From August, 1993 they lived as common law spouses and married in 1995. They had one daughter (whom this Court awarded the custody of to the wife by a decision issued in December 2004). The parties separated in September, 2002. The husband had been a member of the military for 22 years before separation, earning \$57,000.00 per year. The wife was not employed until the marriage breakdown. Her part time work did not support her so she moved to Dartmouth in June, 2004 to live with her boyfriend and to commence a two year Early Childhood Education Course, subsidized by HRDC.

The parties fought about the property division, including the wife's claim per **Morash** to a share of the husband's military pension earned in the thirteen years before their marriage. The wife also claimed spousal support based on need. The Court reviewed **Moge**, **Bracklow** and applied both formulas in the Spousal Support Advisory Guidelines to come up with quantum and duration.

Result:

1. Applying both Guideline formulaS and calculating need and ability to pay, the Court ordered retroactive monthly spousal support of \$600.00 per month for four years from the date of separation, less credit for amounts paid.
2. The property was split equally except for the military pension; only 9 of the 22 years of the pension were divided (those earned during co-habitation). Section 13 was applied.

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