

IN THE SUPREME COURT OF NOVA SCOTIA  
**Citation:** R.T.F. v. S.L.R., 2005 NSSC 102

**Date:** 20050505  
**Docket:** 1204-002553  
**Registry:** Kentville

**Between:**

R.T.F.

Applicant

v.

S.L.R.

Respondent

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**LIBRARY HEADING**

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**Judge:** The Honourable Justice Gregory M. Warner

**Heard:** March 15 & April 21, 2005, in Kentville, N.S.

**Last Written Submissions:** May 2, 2005

**Subject:** Family Law, Access

**Issue:** Should father have supervised access to his two young children in light of allegation of sexual misconduct with his stepdaughter.

**Summary:** Parents married in 1995 and separated in 1999. By Corollary Relief Judgment parties had joint custody of son, now age 9 and daughter, now age 7. Mother had primary care and father regular and frequent access. After separation father had no contact with mother's daughter (his step-daughter) born in 1992. In June 2004 step-daughter alleged father had sexually assaulted her before the 1999 separation. Family and Children Services and the police became involved. The Special Unit investigated. While abuse was not confirmed, based on step-daughter's statements, charges have been laid and are outstanding against father. Father arranged through Family and Children Services for an experienced person to supervise access pending disposition of the criminal charges. The mother

opposed any access.

Result:

Supervised access granted. While the paramount concern is the welfare and safety of children and uncertainty should be resolved in favour of protecting children, there was no evidence that supervised access would result in risk to the children; on the other hand if the allegations proved to be unsubstantiated and access were denied, the best interests of the two young children would be harmed by denying all contact between the father and the two young children with whom he had a good and substantial access until nine months ago.

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