

IN THE SUPREME COURT OF NOVA SCOTIA
Citation: B.E.A. v. A.L.A., 2005 NSSC 94

Date: 20050428
Docket: 1204-003524
Registry: Kentville

Between:

B. E. A.

Petitioner

v.

A. L. A.

Respondent

LIBRARY HEADING

Editorial Notice

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Judge: The Honourable Justice Gregory Warner

Heard: February 7, 8 & 9, 2005, in Kentville, N.S.

**Last Written
Submissions:** February 28, 2005

Subject: Divorce - Custody

Issue: Custody of children aged 11 and 5 years

Summary: Father and mother separated in September, 2002, after an 11 year dysfunctional marriage. The father had regular access until September, 2003 when he applied for custody and possession of the home and refused to sign an agreement to let the mother move with the children to live with her fiancée (met over the internet). She reported to authorities that on August 11, 2002, the father had abused the son (then aged 8 yrs). The father was charged. The charges were eventually dropped in April, 2004. In the meantime the mother denied the father any access to the children

despite an interim order issued in August, 2003 and subsequent orders issued in the summer of 2004 which gave the father restricted access. The mother and her family used every effort to thwart access and to poison the children against the father and his family. The mother proposed to move to [...] with her new boyfriend and the children.

The custody report was critical of both parents and particularly the mother. It reported that the mother not be permitted to move with the children to [...]. Because of the lack of the recent contact with the children she recommended an interim order with one or two reviews before making a final determination and that in the interim the father's access be greatly expanded.

Result:

Custody changed to the father. Until school ends, the father is to have access every weekend and when school finishes primary care is to go to the father with generous access to the mother, which access will depend upon whether the mother moves to [...] with her fiancée.

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