

**SUPREME COURT OF NOVA SCOTIA**  
**(FAMILY DIVISION)**

**Citation:** N.D.L. v. M.S.L., 2010 NSSC 68

**Date:** 20100226

**Docket:** 1201-063512, SFHD-063948

**Registry:** Halifax

L. ( N. D. )

Petitioner

v.

L. ( M. S. )

Respondent

---

**LIBRARY HEADING**

---

**Judge:** The Honourable Justice Beryl MacDonald

**Heard:** January 21, 22, 28, 2010, in Halifax, Nova Scotia

**Written Decision:** February 26, 2010

**Subject:** Family Law, Divorce Act, Mobility, Custody/Access, Domestic Violence, Child Support

**Summary:** The parties had been married for seven years and have a six year old daughter. The wife was unemployed with little prospect of finding remunerative employment in Nova Scotia given her education and training. She wished to return to her parents home in Missouri, United States of America to pursue further education. The child had travelled frequently with the mother to her parent's home in Missouri and she was familiar with the community and the mother's extended family. The husband's income was limited and although his parents were supportive, they had a strained relationship with the wife. The husband was an initiator of domestic violence and there was a likelihood of continuing conflict between the parties.

**Issue:** What custodial/access arrangement was in the best interest of the child?  
Should the child be permitted to move with the wife to Missouri if granted custody?

**Result:** The child was placed in the sole custody of the wife. The wife could take the child with her to Missouri. The husband's access was conditional upon his entering into and continuing counselling with a qualified therapist.

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