

**IN THE FAMILY COURT OF NOVA SCOTIA**

**Citation:** C.H.T. v. C.L.M., 2008 NSFC 13

**Date:**20080423

**Docket:** 06D048998

**Registry:** Yarmouth

**Between:**

C.H.T.

Applicant

v.

C.L.M. and J.M.M.

Respondent

---

**LIBRARY HEADING**

---

**Judge:** The Honourable John D. Comeau, Chief Judge of the Family Court for the Province of Nova Scotia

**Heard:** Digby, Nova Scotia  
February 26, 2008  
March 4, 2008  
April 1, 2008

**Counsel:** Anita Hudak Esq. For the Applicant  
Sharon L. Cochrane Esq. For the Respondent C.L.M.  
Peter Van Feggelen Esq. For the Respondent J.M.M.

**Decision Date:** April 23, 2008

**Issue :** Custody - Application to Vary

**Summary:** **The Applicant is the father of the child T., born July \*, 2000. (editorial note- removed to protect identity) The Respondent is the maternal grandmother and J.M.M. is the mother , who agrees her mother retain custody. On March 4, 2008, the Court by consent granted custody to the maternal grandmother ( guardian under the MCA). At the time, she lived in Digby County near the father, but moved to Kings County for various reasons, including what she described as harassment /threats from the father. The child's mother was unable to care for the child and she agreed to her mother having custody. The father had never continuously parented the child, who was over 7 years old and his wife would end up being a mother substitute. The father was illiterate and the child was an academic achiever, doing very well in school in Kings**

County.

**Result:**

**Custody granted to the maternal grandmother with unsupervised reasonable access to the mother. Reasonable access upon reasonable notice to the father, taking into account there is now a schedule of access. The move of the grandmother to Kings County from Digby County is a material change in circumstances, but the father did not discharge the onus on him to prove that as a result, the prior order no longer reflects the child's best interest.**

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