

SUPREME COURT OF NOVA SCOTIA
FAMILY DIVISION

Citation: *J.E.W. v. W.E.D.*, 2019 NSSC 199

Date: 06-21-2019

Docket: 112105

Registry: Halifax

Between:

J.E.W.

Applicant

v.

W.E.D.

Respondent

Addendum to Decision

Justice: The Honourable Justice Theresa M Forgeron

Heard: March 20 and April 25, 2019 in Halifax, Nova Scotia.

Date: June 21, 2019

Counsel: Terrance Sheppard for the Applicant, J.E.W.
Steven Jamael for the Respondent, W.E.D.

By the Court:

Introduction

[1] This is an addendum to my decision published as *J.E.W. v W.E.D.*, 2019 NSSC 141

[2] Since the decision issued, the mother regained her previous position as a federal parole officer in HRM. The mother will remain in Halifax; she is not being transferred to Calgary. The father continues his employment at the shipyard.

[3] The parties were not able to reach agreement on the parenting plan; each provided written submissions to the court. Neither party wanted to adduce further evidence.

[4] I reviewed the parties' submissions and the evidence from the hearing. The following parenting plan is ordered in the best interests of the children:

Joint Custody and Decision-Making Responsibility

- The father and the mother will share joint custody of the children, * born * and * born *.
- The mother and the father must co-operate and support each other in their parenting role.
- The mother and the father will each make day-to-day decisions, including all childcare decisions, and each will be responsible for the children's care and supervision, when they are exercising their parenting time according to the parenting schedule.
- Excluding emergency medical decisions, all other major decisions affecting the health, education and general welfare of the children will be decided jointly by the mother and the father. All discussions surrounding such decision-making must be timely, meaningful, child-focused and respectful. Major decisions include the following types of decisions:
 - Participation in extracurricular activities which occur at a time when the children will have parenting time with both parties based on the two-week rotation.

- Selection of the children's school and decisions on educational issues.
 - Giving, refusing or withdrawing consent to medical, dental and other health-related treatments for children.
 - Applying for a passport, license, permit or other benefit for the children.
 - Receiving and responding to requests of parents from educational, medical or social welfare professionals involved with the children.
- In the event of a medical emergency, the parent who is exercising parenting time will make decisions which are necessary to alleviate the emergency and will notify the other parent as soon as practicable as to the nature of the emergency and the emergency treatment given.
- The mother and the father may request and receive information and documents from all professionals involved in the care of the children, without the further authorization of the other party. All authorities, including childcare providers, coaches, teachers, doctors and health professionals are granted the authority to disclose to either the mother or the father, or both, as requested.

Communication

- Each party must obtain an e-mail address solely dedicated to communication about the children. Each party must exchange their dedicated e-mail address with the other. Where possible, communication between the parties should be via email.
- Neither party will speak disparagingly of the other party, or their family, in the presence or hearing distance of the children.
- Neither party will use the children to relay messages to the other party.
- Each party must notify the other by email of the following routine decisions made while the children are in their care: particulars of illnesses and any medication that was administered; particulars of homework assignments, projects and tests; particulars involving activities, practices, games and tournaments; and particulars relating to significant social welfare matters.

Health Card and Health Plans

- Both parties must have the children's health card numbers.
- Each party must supply the other with details and forms for any health plan which covers the children.

Travel

- Each party must notify the other of travel plans involving the children. Notice must be reasonable and include dates of travel, location, address, and telephone numbers where the children can be reached, and any applicable flight details. Each party will accommodate any requirements for passport documentation to allow the children to vacation with the other parent outside Canada, and both parties will sign any necessary letter to permit travel outside of Canada.

Telephone and Electronic Contact

- Each party will have reasonable and age-appropriate telephone or electronic contact with the children while the children are in the care of the other party.

Counselling

- Each party must attend at least two therapeutic counselling sessions to acquire skills about how to communicate and co-parent effectively following separation. Each party must supply the other with proof of attendance.

Regular Parenting Schedule

- The regular parenting schedule will be based on the following two week rotation:
 - On week one, the father will exercise parenting time with the children from Wednesday after school or 2:00 pm until Sunday at 6:30 pm. The children will be in the care of the mother for the balance of the week.

- On week two, the father will exercise parenting time with the children from Wednesday after school or 2:00 pm until Friday morning when he will transport the children to school or to their childcare provider. The children will be in the care of the mother for the balance of the week.

Special Occasions and Holidays

- The regular parenting schedule will be suspended for special occasions and holidays, and the following parenting schedule will be followed instead, unless the parties reach an alternate arrangement as confirmed in writing.
 - ***Mother's Day and Father's Day:*** The children will spend the Mother's Day weekend with the mother and the Father's Day weekend with the father, commencing after school or 2:00 pm on Friday and continuing until 6:30 pm on Sunday, at which time the parties will revert to the regular schedule.
 - ***Summer Vacation:*** Each party will have the children in their care for 14 days during the summer, which may be taken consecutively, but, which must not exceed a period, that when joined with the regular schedule, will result in the children not seeing the other parent for more than 14 days. During the *even numbered* years, the father will have first choice of vacation. He must provide notice to the mother of the 14 days he intends to take no later than May 1, and the mother will advise the father of the 14 days she intends to take no later than May 30. During the *odd numbered* years, the mother will have first choice of vacation. The mother must provide notice to the father of the 14 days she intends to take no later than May 1, and the father will advise the mother of the 14 days he intends to take no later than May 30.
 - ***Christmas:*** Christmas is deemed to cover the period from 2 pm on December 23 until 2 pm on January 3. ***During the odd numbered years,*** the children will be in the care of the mother from 2:00 pm on December 23 until 2:00 pm on December 25; and from 2:00 pm on December 28 until 2:00 pm on December 31. The children will be in the care of the father from 2:00 pm on December 25 until 2:00 pm on December 28; and from 2 pm on December 31 until 2 p.m. on January 3, at which time the parties will revert to the regular schedule. ***During***

the even numbered years, the children will be in the care of the father from 2:00 pm on December 23 until 2:00 pm on December 25; and from 2:00 pm on December 28 until 2:00 pm on December 31. The children will be in the care of the mother from 2:00 pm on December 25 until 2:00 pm on December 28; and from 2 pm on December 31 until 2 p.m. on January 3, at which time the parties will revert to the regular schedule.

- **March Break:** March Break is deemed to cover the period from 2:00 pm on Friday of the last day of school until 6:30pm on Sunday before school recommences. The children will be in the care of the mother during the March breaks of the even numbered years, and in the care of the father during the March breaks of the odd numbered years. The parties will revert to the regular schedule after the conclusion of the March Break holiday.
- **Easter:** Easter is deemed to cover the period from after school on Holy Thursday to Easter Monday at 6:30 pm. During the odd numbered years, the children will be in the care of the father. During the even numbered years, the children will be in the care of the mother. The parties will revert to the regular schedule after the conclusion of the Easter holiday.
- **Birthdays:** The parent who is not ordinarily scheduled to have care of the children on the birthdays of the children will exercise parenting time from 2:00 pm until 5:00 pm.
- **Long Weekends:** *During the odd numbered years*, the mother will exercise parenting time during the February long weekend, Heritage Day, and during the Labour Day long weekend from 2:00 pm on Friday until 6:30 pm on Monday. The father will exercise parenting time during the May long weekend, Victoria Day and during the Thanksgiving long weekend from 2:00pm on Friday until 6:30 pm on Monday. *During the even numbered years*, the father will exercise parenting time during the February long weekend, Heritage Day, and during the Labour Day long weekend from 2:00 pm on Friday until 6:30 pm on Monday. The mother will exercise parenting time during the May long weekend, Victoria Day and during the Thanksgiving long weekend from 2:00pm on Friday until 6:30 pm on Monday. The

parties will revert to the regular schedule after the conclusion of the long weekend holidays.

Ad Hoc Special Events

- The parties will use their best efforts to accommodate any special family reunion, wedding, or other special event that is scheduled at a time when the children are in the care of the other party. Written notice must be provided, well in advance of the scheduled event, to determine if the parenting schedule can be altered to permit the children's attendance at the special function. The parties will be as flexible as possible in such circumstances, however, no change in the parenting schedule will occur without the written authorization of the party in whose care the children are scheduled to be at the time of the special family function or special event. If accommodation cannot be made, the party refusing must provide the other party with written reasons for their refusal. Make-up parenting time will be provided to the party who agrees to rearrange the schedule at the request of the other.

Conclusion

[5] This decision resolves the dispute about the parenting plan. Mr. Sheppard is to prepare the order. If either party wishes to make written submissions on costs, they should do so by July 31, 2019.

Forgeron, J.