

SUPREME COURT OF NOVA SCOTIA
(FAMILY DIVISION)

Citation: White v. Stevens-White, 2013 NSSC 368

Date: 20131107

Docket: SFSND1206-6447

Registry: Sydney, N.S.

Between:

Raymond Arden White

Applicant

v.

Alicia Marie Stevens-White

Respondent

Judge: The Honourable Justice Theresa M. Forgeron

Heard: October 17 and 18, 2013, in Sydney, Nova Scotia

Oral Decision: November 15, 2013

Written Decision: November 20, 2013

Counsel: Jillian MacNeil, for the Applicant
Duncan MacEachern, for the Respondent

By the Court:

[1] **Introduction**

[2] Four year old Sasha is the much loved daughter of Raymond White and Alicia Stevens-White. Because Sasha's parents were unable to agree on parenting arrangements, an interim hearing was scheduled. Affidavits were filed. Mr. White's affidavits totalled 40 pages, together with exhibits in excess of 60 pages. For her part, Ms. White and her witnesses filed affidavits comprising 57 pages, with 20 pages of exhibits. Extensive written submissions were also filed.

[3] The interim hearing was held on October 17 and 18, 2013. Evidence from the parties, as well as from Ms. Stevens-White's parents, was heard. The court also had the benefit of counsel's oral submissions, to supplement their extensive written briefs. The court rendered its oral decision on November 15, 2013.

[4] **Issue**

[5] The court will determine the following two issues in this decision:

- What interim parenting arrangement is in the best interests of Sasha?
- What interim parenting schedule is in the best interests of Sasha?

[6] **Background**

[7] The parties began dating in 2007, and living together in 2008. Sasha was born in February 2009. Ms. Stevens-White and Mr. White were married on September 17, 2011. Separation occurred about one year later, on August 21, 2012.

[8] Following the separation, Ms. Stevens-White left the family residence with Sasha, and moved in with the maternal grandparents. For his part, Mr. White also vacated the family residence and moved in with his parents.

[9] Ms. Stevens-White initially refused visits between Sasha and Mr. White. Meaningful access did not occur between August 21, 2012 and November 28,

2012. Ms. Stevens-White eventually permitted supervised access, with time and place restrictions. Ms. Stevens-White did not allow overnight access until December 2012. By the end of February 2012, Ms. Stevens-White began to facilitate two overnight visits, every eight days, and based upon the work schedule of Mr. White. Ms. Stevens-White continued, however, to cancel access from time to time.

[10] Mr. White is an RN who is employed at a hospital in Sydney. His typical work schedule is comprised of four days on and four days off, with a combination of day and night shifts. Some overtime is also encountered.

[11] Ms. Stevens-White is self-employed at a local financial institution. She has significant control over her work schedule, although some evening work is required. Hours of employment vary according to her needs and those of Sasha.

[12] Ms. Stevens-White seeks a parenting schedule which will have Sasha in her father's care for two nights and three days during every eight day rotation. In contrast, Mr. White asks that Sasha be placed in his care for three days and three nights during every eight day rotation. In addition, both parties propose a separate schedule to cover special occasions, such as holidays and vacations.

[13] The contested interim motion was assigned one-and-a-half days. Typically, contested interim matters are not scheduled for more than a day. Additional time was provided to these parties because of the insistence of counsel. Despite the additional time, the court was nonetheless required to place time restrictions on cross-examination pursuant to rule 23.09(2), to ensure that the objectives of rule 1, in concert with Sasha's best interests, were met.

[14] Cross examination restrictions were necessary to guard against further delay. It was imperative that this matter was completed within the allocated time frame. If the motion was not completed within the scheduled day and a half, a lengthy delay would be inevitable. According to scheduling, my docket was fully booked for many months. Delay was not in Sasha's best interests. Children have a different sense of time than do adults. Sasha's life had been dramatically altered in August 2012. Since that time, Sasha had to cope with a permanent move from her family residence, her parents' separation, and her father's absence during the

initial stages of the separation. Sasha required, and continues to require, stability and a timely resolution of the conflict.

[15] I also find that cross examination restrictions would not have been required had the parties followed the rules in respect of affidavit evidence as stated in rule 39.02. The parties had great difficulty focussing on the task of providing only relevant, factual information. Instead, the court was bombarded with much information, especially from Ms. Stevens-White and her parents, which not only was irrelevant, but also inadmissible. Pervasive problems centred around inadmissible hearsay, opinion, speculation, and argument. The parties are directed to examine case law in the area, and in particular the oft cited comments of Davison, J., in **Waverly (Village) v. Nova Scotia (Minister of Municipal Affairs)**, [1993] NSJ 151 (N.S.T.D.), and the more recent comments of Wood, J. in **Burden v. Burden**, [2012] NSJ 308 (N.S.S.C.).

[16] Although neither party made a formal motion to strike, the court nonetheless took charge, and struck all inadmissible evidence. Given the significant time constraints under which the court was operating, and the voluminous amounts of inadmissible material, it was not productive for the court to individually identify and strike each offending portion, rather the court globally rejected all inadmissible material contained in the affidavits. Neither the parties, nor more importantly, Sasha, were served by the glaring infringement of affidavit evidence rules.

[17] **Analysis**

[18] **What interim parenting arrangement is in the best interests of Sasha?**

[19] *Position of the parties*

[20] Mr. White seeks a shared parenting arrangement, with an equal allotment of parenting time. He indicates that both parties were equally involved in Sasha's care prior to separation. He further states that Sasha will benefit from the continuation of a shared parenting arrangement in the future. Mr. White states that he spent substantial and quality time with Sasha.

[21] In addition, Mr. White raised concerns about Ms. Stevens-White's conduct. He argues that Ms. Stevens-White has not fostered the father child relationship. He states that Ms. Stevens-White has unduly restricted his parenting time with Sasha, and limits meaningful consultation on important decisions affecting Sasha, such as health decisions.

[22] In contrast, Ms. Stevens-White vehemently denies that the parties were equally involved in the day-to-day care of Sasha before separation. She argues that Mr. White concentrated on his career to the detriment of his relationships with Ms. White and Sasha.

[23] Further, Ms. Stevens-White raised concerns about the parenting ability of Mr. White, and Mr. White's father, mother and extended family. Ms. Stevens-White was critical of virtually all aspects of Mr. White's parenting, and of that of his family. Issues included those associated with hoarding, hygiene, pornography, drug addictions, criminal activity, mental health issues, and a general absence of parenting initiative and ability.

[24] Although Ms. Stevens-White concedes that overnight access is in Sasha's best interests, she stipulates that the access must not be as extensive as requested by Mr. White. Rather, Ms. Stevens-White states that Sasha will benefit from extensive parenting time in her own care. She notes an ability to structure employment hours to meet Sasha's needs. Further, Ms. Stevens-White states that her parents have always supported, and will continue to support, both she and Sasha.

[25] *Law*

[26] Section 16(2) of the *Divorce Act* provides the court with the jurisdiction to grant an interim parenting order. In the course of so doing, the court is permitted to make an order for a definite or indefinite period, and to impose such terms, conditions, and restrictions that the court thinks fit and just pursuant to s. 16(6).

[27] In reaching its decision, the court is mandated to only consider the best interests of the child as determined by reference to the child's condition, means, needs and other circumstances as noted in s.16(8) of the *Act*. Past conduct of a parent can only be considered insofar as it is relevant to the ability of that person

to act as a parent pursuant to s. 16(9). Finally, the court is required to give effect to the principle that children should have as much contact with each parent as is consistent with their best interests, and the court must take into consideration the willingness of a parent to facilitate open contact pursuant to s. 16(10) of the *Act*.

[28] The best interests principle has been described as one which has an inherent indeterminacy and elasticity: **MacGyver v. Richards**, [1995] OJ No. 770, paras. 27-29. The test is a fluid concept that encompasses all aspects of a child, including their physical, emotional and social well-being.

[29] During interim proceedings, the status quo gains preeminence. The court is focussed on what interim parenting arrangement will be the least disruptive and most supportive of the child: **Pye v. Pye**, [1992] NSJ No. 133; **Stubson v. Stubson**, [1991] NSJ No. 210; **Foley v. Foley**, [1993] NSJ No. 347; **A.M. v. A.Y.**, 2012 NSSC 25; **Horton v. Marsh**, 2008 NSSC 224 and **MacDonald v. MacNeil**, 2012 NSSC 171. Status quo ordinarily refers to the status quo which existed, without reference to the unilateral conduct of one parent, unless the best interests of the child dictates otherwise: **Kimpton v. Kimpton**, [2002] OJ No. 5367 (Ont. S.C.J.).

[30] The status quo, however, is not the only factor to be considered when fashioning an interim parenting arrangement. In **Foley v. Foley** *supra*, Goodfellow J. provided a series of factors to be analysed when determining best interests in the context of an interim motion, although such factors are routinely considered during final proceedings as well.

[31] In **Gibney v. Conohan**, 2011 NSSC 268, O’Neil, A.C.J. noted that although there is no presumption in favour of joint custody under the *Divorce Act*, the legislature has nonetheless recognized the importance of children having maximum contact with both parents, provided such parents are competent, caring and loving. O’Neil, A.C.J. further stated that jurisprudence on shared parenting has evolved based upon changing family dynamics and parental roles. There is an increased acceptance that fathers have the ability to parent. After finding that the parties were comparable as parents, O’Neil, A.C.J. ordered shared parenting for children who were nine and seven, on an interim motion.

[32] *Decision*

[33] I have reviewed the law, the evidence and the legal submissions. I have based this court's parenting decision on what is in Sasha's best interests. I have examined the plan of each party. I have determined that an interim shared parenting arrangement, although not an equal division of time, will ensure that the best interests of Sasha are met. My decision will be discussed under the following subheadings:

- Past experience as primary care parent;
- Parental misconduct;
- Parent child relationship;
- Physical and financial environment;
- Social and cultural development;
- Religious development;
- Educational needs;
- Time availability;
- Willingness to facilitate contact; and
- Family Support.

[34] *Past experience as primary care parent*

[35] I find that Ms. Stevens-White was Sasha's primary care parent before separation. This largely resulted from the somewhat traditional division of labour during the initial two years of Sasha's life. Ms. Stevens-White took a maternity leave and then another 10 month stress leave from her former employment at a hotel. Mr. White had to work many hours to keep the family financially afloat. This task was somewhat challenging given the financial difficulties facing the parties.

[36] Despite the court's finding on the past primary care designation, I do not accept that Mr. White was a disinterested and distant father. To the contrary, I find that Mr. White was an active and involved parent who loved and continues to love Sasha. He is competent and caring; he provides his daughter with appropriate nurture, guidance and direction.

[37] I find that both parents are capable of meeting Sasha's day-to-day needs, in an appropriate child focussed fashion. Both are capable and have ensured that

Sasha's hygiene, nutrition, routine and structure have and will be met. Both parents offered, and continue to offer, Sasha unconditional love and support. Both are well-equipped to ensure that Sasha's primary needs are met. Sasha will be nutritionally fed, well-rested, cleaned, and properly clothed when she is in the care of her mother, and when she is in the care of her father.

[38] Although both parties will maintain a similar, basic routine when Sasha is in his or her care, the implementation of that routine will not be based on a uniform parenting style. To the contrary, Mr. White and Ms. Stevens-White do not parent in the same fashion.

[39] Ms. Stevens-White is somewhat rigid in her parenting style. Although her structure and organizational skills are to be commended, Ms. Stevens-White tends to be inflexible. Ms. Stevens-White would profit from less rigidity. On the other hand, Mr. White's parenting approach tends to be less organized; it is a more relaxed approach. Mr. White would gain from greater attention to organization.

[40] Neither parenting style is superior to the other. Each party would benefit by incorporating some of the other's parenting traits. Ms. Stevens-White would be well served by being less rigid and more flexible. Mr. White by being more organized. Most importantly, Sasha will benefit from both parenting approaches, and will hopefully learn the benefit of balance.

[41] *Parental misconduct*

[42] Both parties raised allegations of parental misconduct. Ms. Stevens-White expressed much dismay about what she perceived to be a lack of commitment on the part of Mr. White to the marriage and to Sasha. Concerns about hoarding, hygiene, potential PTSD, and a lack of parenting initiative and ability were also raised.

[43] Ms. Stevens-White's position on these issues was so strong that at one point, she contacted the child protection authority. Because of the allegations, Mr. White was interviewed in his parents' home by a child protection worker. No further action was taken by the Department of Community Services.

[44] No child protection concerns were proven. Further, I take no issue in the parenting being provided by Mr. White.

[45] Unfortunately, even at this stage of the separation, Ms. Stevens-White continues to be angry, hurt, and bitter over relationship issues. These feelings, despite the counselling that she has undertaken, continue to impair her ability to be objective. Further, her parents have been less than objective. Their biased recollections have been filtered through the lens of their love for Ms. Stevens-White and Sasha, and from their disgust of Mr. White. All three were incapable of acknowledging even the slightest positive in Mr. White's parenting. As example, Sasha's health difficulties, such as colds and even impetigo, were blamed on Mr. White. The possibility that Sasha could contract colds and illnesses from her interaction with other children during dance class, swim class, or at the library was not considered a realistic probability by the Stevens. The distain that the three hold for Mr. White was not masked during the hearing. This is unfortunate because it has resulted in poor parenting choices.

[46] Ms. Stevens-White is having difficulty separating Sasha's needs from her raw emotion. In her hurt and anger, Ms. Stevens-White refused meaningful parenting time between Sasha and Mr. White for months. Later, Ms. Stevens-White permitted restricted contact in a public setting, the particulars of which were solely dictated by Ms. Stevens-White. Ms. Stevens-White did not appreciate the harm that this poor decision had on Sasha. Ms. Stevens-White does not appreciate the importance and necessity of a relationship between Sasha and her father. Her failure to do so is troubling.

[47] I do not accept Ms. Stevens-White's excuses. These excuses included an alleged threat to keep Sasha from Ms. Stevens-White, to ruin her financially, and to destroy her reputation. There is no evidence of a clear, convincing, and cogent nature to support such allegations.

[48] Mr. White did not attempt to keep Sasha from Ms. Stevens-White. He is not seeking sole custody. He seeks shared parenting. At no point did Mr. White attempt to compromise the relationship between Sasha and Ms. Stevens-White. This, instead, is what Ms. Stevens-White did to Mr. White and Sasha.

[49] In addition, the suggestion that Mr. White obstinately refused access because it was not based on equal time, is likewise not borne out by the evidence. In fact, Mr. White accepted the dictates of Ms. Stevens-White, even if that meant supervised access in a public setting. Mr. White did refuse supervised access in the Stevens' house. His decision was a wise one, given the level of acrimony.

[50] Further, there is no evidence that Mr. White is attempting to ruin Ms. Stevens-White financially. Indeed, this lengthy interim application was fuelled by much irrelevant, vexatious, speculative, opinionated, and inadmissible evidence contained in the affidavits filed on behalf of Ms. Stevens-White.

[51] Finally, Mr. White did not attack Ms. Stevens-White's reputation. Rather, ironically, she attacked his, and the reputation of his family.

[52] Ms. Stevens-White has engaged in parental misconduct by jeopardizing Sasha's relationship with her father. As a result, the court orders Ms. Stevens-White to continue with counselling for the following three purposes: to gain insight into the negative consequences of her misconduct; to gain skills to ensure that this misconduct is not repeated; and to gain an appreciation of the importance of the father daughter relationship to Sasha's healthy growth and development.

[53] The court is hopeful that Ms. Stevens-White's love for Sasha will be sufficient reason for her to successfully make these necessary changes.

[54] *Parent child relationship*

[55] Other than the significant concerns expressed above, I find that each parent has an otherwise healthy relationship with Sasha. As noted earlier, these relationships are likely different, given the parties' personality differences, but each parent connects emotionally to Sasha. Provided that the animosity and conflict subsides, and provided Sasha is permitted to enjoy an open and loving relationship with her father, then it is in Sasha's best interests to have quality contact with both parents.

[56] *Physical and financial environment*

[57] Neither party currently resides in the former family residence. Sasha now lives with her maternal grandparents when she is in the care of her mother, and in the home of the paternal grandparents when she is in the care of her father. She has her own bedroom in each home; each home is properly equipped to meet her needs.

[58] Financially, both parents can provide and meet Sasha's needs. Mr. White is employed as a nurse; Ms. Stevens-White as a financial analyst. Both sets of grandparents have been supportive.

[59] Ms. Stevens-White raised concerns of hoarding, clutter and chaos in Mr. White's home. The evidence does not support these allegations. Mr. White supplied Ms. Stevens-White with photographs as requested. Neither Ms. Stevens-White, nor her parents have spent any time in the White household after separation, and only limited time before separation.

[60] Further, the complaint that Sasha was negatively affected by the number of people living in the White family home was not proven. Sasha will likely benefit from having other cousins and family members living with her. This will allow her to learn social skills that she likely cannot learn by being an only child in a home of three adults. When Sasha begins school in 2014, such socialization skills will be helpful to aid in the transition. This is not to state that Sasha is being negatively affected by the absence of children in the maternal home. This is likewise not true. The court finds that neither home is superior.

[61] *Social and cultural development*

[62] Sasha requires both structured and unstructured activity, as appropriate for a four year old. I accept that both parents are committed to having Sasha involved in age appropriate extra-curricular activities, however, such activities should never impact on Sasha's ability to enjoy a quality relationship with each parent. Further, the frequency and number of extra-curricular activities should be such that Sasha has sufficient time for unstructured play, with friends and with family. Sasha apparently enjoys swimming, dancing and other activities. She also enjoys books, visiting friends, attending the library, and going for walks. These are all healthy activities.

[63] It is in Sasha's best interests that her structured activities be coordinated jointly by the parties. Therefore, Sasha will not be enrolled in a structured activity without both parties having first agreed. Both parties will have the right to attend practices, games or any service related to the activity, in the event they are able to attend. Timely notification of the particulars must be shared between the parties. The parent exercising physical care of Sasha, will be responsible, personally or through a third party, for Sasha's transportation to and from the activity.

[64] *Religious development*

[65] Before separation, the maternal grandmother was mainly responsible for Sasha's attendance at church, notwithstanding the fact that both parents agreed that Sasha would be raised Roman Catholic. Since separation, both parties are actively involved in Sasha's religious formation, by saying prayers with her, and attending weekly Mass.

[66] Neither parent's plan is superior to the other. The parent exercising physical care of Sasha, will be responsible, personally or through a third party, for Sasha's transportation to and from weekend Mass, and the continuation of her religious formation.

[67] *Educational needs*

[68] Sasha is described as bright and articulate. She is fortunate to have parents committed to her growth and development. Both parties appreciate the importance of an education. Both parties have been involved with age-developing activities to foster Sasha's preschool education.

[69] Sasha will be attending school before the trial in 2014. The parties are to consult with each other over the appropriate school where Sasha will be enrolled. In the event the parties are unable to agree on the educational facility, a motion will be filed in sufficient time to allow the court to determine this issue.

[70] *Time availability*

[71] Both parties have time available to spend with Sasha. Ms. Stevens-White has a greater flexibility in that she sets her employment schedule for the most part.

Mr. White works a fairly regular schedule based on an eight day rotation, which generally provides for four days on and four days off. Mr. White can provide virtually uninterrupted care for Sasha during the time that he is not scheduled to work. Mr. White no longer works for other employers, with the exception of an odd engagement with the militia.

[72] In accordance with the *Divorce Act*, the parenting schedule will maximize the time that Sasha can spend with each parent and therefore will be based upon Mr. White's eight-day work rotation.

[73] *Willingness to facilitate access*

[74] Mr. White's plan is superior to Ms. Stevens-White's plan, based upon past conduct. Although Ms. Stevens-White pays lip service to the maximum contact principle, she struggles with its implementation. The court is hopeful that Ms. Stevens-White will make the necessary changes before the final hearing. Further, and despite this serious failure, I am confident that Ms. Stevens-White will not defy a court order.

[75] *Family support*

[76] Ms. Stevens-White raised many concerns about Mr. White's family. These include allegations of hoarding, depression, disinterest, drug use, criminal activity, and pornography. These allegations were not proven. I find that Sasha will not be negatively affected by the fostering of a relationship with her paternal grandparents, and the extended paternal family.

[77] Further, I reject the allegation that Mr. White's father watched pornography while caring for Sasha. There was no reliable evidence adduced to support this allegation. It goes without saying, however, that watching pornography while caring for a child, or indeed otherwise, is not an activity that is productive, healthy, or child appropriate. Any activity which diminishes respect for another person is not one that is supported by the court.

[78] Extended family support is often beneficial to children and should be encouraged. It must be recognized, however, that grandparents play a secondary role in the lives of children. Parental roles, in most cases, and indeed in this case,

must assume priority. While a supportive grandparent relationship can be enriching, such a relationship cannot substitute for a meaningful parental relationship when there are competent, caring and available parents, such as found here. Sasha's relationship with her maternal grandparents is not as important as Sasha's relationship with her father.

[79] *Conclusion on parenting arrangement*

[80] A shared parenting arrangement supports Sasha's best interests in the interim. A shared parenting plan will be the most protective and the least disruptive to Sasha. Sole custody is not appropriate. Mr. White has not acted as the primary caregiver; Ms. Stevens-White has abused a defacto sole decision-making role in the past. Shared parenting will ensure substantive parental involvement in Sasha's healthy development.

[81] **What interim parenting schedule is in the best interests of Sasha?**

[82] *Shared Custody:*

[83] Alicia Stevens-White (mother) and Raymond White (father) will share custody of Sasha Stevens-White, born *.

[84] *Regular schedule:*

[85] The parties will follow an eight-day rotating parenting schedule based upon the employment schedule of the father. Commencing on 4:00 p.m. on day 5, the father will have Sasha in his care until 6:00 p.m. on day 8. Sasha will be in the care of the mother from 6:00 p.m. on day 8 until 4:00 p.m. on day 5.

[86] *Special occasions and holidays:*

[87] The regular schedule is suspended at the following times, and is replaced with the following parenting schedule, unless the parties reach an alternative arrangement and provided such arrangement is placed in writing and signed by both parties:

- (a) *Christmas*: Christmas is deemed to cover the period from 2:00 p.m. on December 23 until 2:00 p.m. on January 2. Sasha will be in the care of the mother from 2:00 p.m. on December 23 until 2:00 p.m. on December 25; from 2:00 p.m. on December 27 until 2:00 p.m. on December 30. Sasha will be in the care of her father from 2:00 p.m. on December 25th until 2:00 p.m. on December 27; and from 2:00 p.m. on December 30 until 2:00 p.m. on January 2.
- (b) *Easter*: Easter is deemed to cover the period from 9:00 a.m. Easter Saturday until 6:00 p.m. Easter Monday. Sasha will be in the care of the father from 9:00 a.m. on Easter Saturday until 2:00 p.m. on Easter Sunday. Sasha will be in the care of the mother from 2:00 p.m. Easter Sunday until 6:00 p.m. Easter Monday.
- (c) *Mother's day*: Sasha will be in the care of the mother from 6:00 p.m. on the Saturday before Mother's Day until 6:00 p.m. on Mother's Day.
- (d) *Father's day*: Sasha will be in the care of the father from 6:00 p.m. on the Saturday before Father's Day until 6:00 p.m. on Father's Day.
- (e) *Child's birthday*: The parent who is not ordinarily scheduled to have Sasha on her birthday, February 23, will be provided two hours of block parenting time between the hours of 10:00 a.m. and 6:00 p.m, to be determined based upon the parties' employment schedule.
- (f) *Father's birthday*: In the event Sasha is not scheduled to be with her father on April 2, the father will be provided two hours of block parenting time between the hours of 10:00 a.m. and 6:00 p.m, to be determined based upon the parties' employment schedule.

- (g) *Mother's birthday:* In the event Sasha is not scheduled to be with her mother on August 23, the mother will be provided two hours of block parenting time between the hours of 10:00 a.m. and 6:00 p.m, to be determined based upon the parties' employment schedule.

- (h) *Summer vacation:* Each party will have Sasha in his or her care for 10 consecutive days in the summer, which for the purposes of this order, begins on July 1 and ends on August 31. Raymond White will provide Alicia Stevens-White with notice of the 10 consecutive days of vacation which he intends to take by June 1. Alicia Stevens-White will provide notice to Raymond White of the 10 days she intends to take for summer vacation by June 15. Vacation cannot be taken by the father on August 23.

[88] *Family events:*

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

[90] *Parenting exchanges:*

[91] The father is responsible for picking up Sasha on day 5 during the regular schedule and for picking up Sasha at the commencement of his parenting time during all special occasions and holidays. The mother is responsible for retrieving Sasha on day 8 of the regular schedule and for retrieving Sasha at the conclusion of the father's parenting time during all special occasions and holidays.

[92] *Travel:*

[93] Each party will notify the other of travel plans involving Sasha. Notice will include dates of travel, the address and telephone number where Sasha can be reached, and any applicable flight details. Each party will cooperate in the acquisition of a passport for Sasha, and will also sign any necessary letter to permit travel outside of Canada. Any long distance telephone charges will be paid by the party initiating the telephone call.

[94] *Telephone contact:*

[95] Each party will have reasonable telephone contact with Sasha, while Sasha is in the care of the other party.

[96] *Decision-making:*

[97] Decision-making is based upon the following provisions:

(a) *Routine decisions:* Each party will have day-to-day decision making authority and control when Sasha is in his or her physical care.

(b) *Childcare:* Each party will be solely responsible for making childcare arrangements in the event he or she is unavailable or unable to care for Sasha during his or her designated parenting time. The choice of the child care provider will be the sole determination of the parent who is exercising care of Sasha.

(c) *Medical emergency:* In the event of a medical emergency, the party having physical care of Sasha will make decisions which are necessary to alleviate the emergency, and will notify the other parent, as soon as possible, as to the nature of the emergency and as to the nature of the emergency treatment. Both parties are entitled to attend the emergency treatment on behalf of Sasha if time is available.

(d) *Education:* Both parties will determine major educational decisions, including the school where Sasha will be enrolled. In the event the parties

are unable to reach agreement, after meaningful consultation, either party is free to file a motion with the court to determine the outstanding issue.

(e) *Structured Activities*: The written consent of both parties is required before Sasha is enrolled in any extra-curricular activity. The party who has physical care of Sasha will be responsible, personally or through a third party, for Sasha's transportation to and from the activity.

[98] *Communication between the parties*:

[99] Each party will notify the other by email of the following routine decisions while Sasha is in his or her care: particulars of minor illnesses and any medication that has been administered; particulars of homework, projects and tests when Sasha commences school; particulars involving activities, practices and games; and particulars relating to significant religious and social welfare matters. All such notification must be child focussed, respectful, and timely. It must provide sufficient particulars so that the other can attend any games, practices and functions on behalf of Sasha if he or she is able to do so. Each party will notify the other of his or her email address, and any changes thereto.

[100] *Medical, dental, health cards, insurance forms*:

[101] Both parties will have access to Sasha's health card number, and each will share particulars and forms of any health plan that covers Sasha.

[102] *Medical appointments*:

[103] Both parties are permitted to attend all appointments which are scheduled for Sasha and the party who has scheduled the appointment will provide timely notification to the other parent.

[104] *Access to professional records and information*:

[105] Each party has the right to communicate with all professionals involved in Sasha's care; each has the right to obtain information and documentation respecting Sasha from all medical professionals, educators, health professionals and social welfare professionals, without the further consent of the other party.

[106] *Therapeutic intervention for the father:*

[107] The father will attend counselling for the purpose of acquiring better communication skills for separated parents. The father will learn techniques to ensure that Sasha is not placed in the middle of the parental conflict and to enhance parental communication.

[108] *Therapeutic intervention for the mother:*

[109] The mother will attend counselling for the following purposes:

- (a) To acquire better communication skills for separated parents;
- (b) To learn techniques to ensure that Sasha is not placed in the middle of the parental conflict;
- (c) To assist in the development of communication that is child-focussed;
- (d) To identify why the father daughter relationship is essential for Sasha's emotional security; and
- (e) To identify ways to encourage Sasha's relationship with her father.

[110] **Conclusion**

[111] An interim, shared parenting order supports the best interests of Sasha as such is the most protective and least disruptive to her. Ms. MacNeil will prepare and circulate the order. If costs submissions are to be made, they are to be in writing and received no later than November 28. Responses are to be filed no later than December 5.

Forgeron, J.