

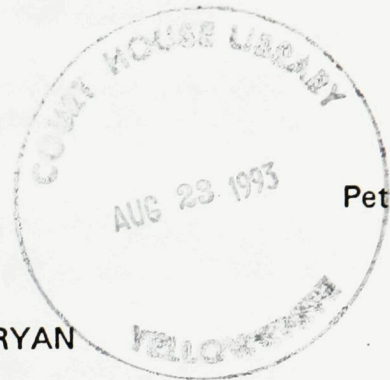
IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

BETWEEN:

RONALD McBRYAN

- and -

LYNNE MARIE ANN McBRYAN



Petitioner

Respondent

MEMORANDUM

Having considered the several submissions made by counsel in Chambers on Friday, April 16th last, I make the following interim order:

1. The parties shall continue to have joint custody of the children of the marriage.
2. Neither party shall remove the children, or authorise or permit them to be removed, from the Northwest Territories, without first obtaining the written permission of the other party, except in the event of a medical emergency as certified by a physician.
3. The respondent shall have day to day care and control of the children in the matrimonial home at Hay River provided that she abstains from consumption of alcoholic beverages in the home and is not intoxicated in the presence of the children.
4. The respondent shall not operate a motor vehicle containing the children.
5. The petitioner shall be entitled to have access to the children every alternate weekend from Friday at 6.00 p.m. until Sunday at 6.00 p.m., but without disturbing the present arrangements whereby the children stay with their grandparents on weekends.

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IN THE SUPREME COURT OF THE UNITED STATES

BETWEEN

THE UNITED STATES OF AMERICA

PLAINTIFF

VERSUS

JOHN EDGAR HOOVER

DEFENDANT

The Court shall continue to have jurisdiction of this

matter until the Court has rendered its decision upon the

petition for a writ of habeas corpus and until the Court

has rendered its decision upon the petition for a writ of

certiorari. The Court shall have jurisdiction of this matter

6. The petitioner shall be entitled to have access to the children every Wednesday between 5.30 p.m. and 8.00 p.m.
7. The petitioner shall be entitled to have telephone access to the children during their normal waking hours without restriction.
8. The petitioner shall be entitled to such further access to the children as the respondent may in writing agree from time to time.
9. During any period that the petitioner is subject to a court-ordered condition requiring him to remain away from the respondent or the matrimonial home his access to the children, other than telephone access, shall be exercised away from the matrimonial home.
10. The respondent shall be in contact with a member of her family (namely, her sister Catherine Smith, their mother or father) every evening that the children are home with her, between the hours of 8.00 p.m. and 10.00 p.m. so as to enable them to monitor the situation.
11. All references to "the children" in this order apply to either or both of the children.
12. Copies of this order shall be delivered by the petitioner or his counsel to the senior social worker of the Department of Social Services of the Government of the Northwest Territories at Hay River and to the commander of the Hay River detachment of the Royal Canadian Mounted Police forthwith.

I am making this order since the parties have been unable to reach agreement on the terms to be observed in connection with the continued custody of the children and related matters as mentioned in my reasons for judgment filed on April 5th 1993. I recognize that agreement would have been very difficult, if not impossible, to reach notwithstanding the best efforts of highly competent counsel on both sides.

- 6. The petitioner shall be entitled to have access to the children every Wednesday between 1:00 p.m. and 3:00 p.m.
 - 7. The petitioner shall be entitled to have 1200 hours of access to the children during their normal waking hours without restriction.
 - 8. The petitioner shall be entitled to such further access to the children as the respondent may be willing to grant during the time.
 - 9. During the pendency of this proceeding, the respondent shall be ordered to maintain the children in a safe and sound environment, to provide for their educational, social, and emotional needs, and to provide for their physical needs.
 - 10. The respondent shall be ordered to provide for the medical, dental, and other expenses of the children, and to provide for their education, and to provide for their physical, social, and emotional needs.
 - 11. All provisions of this order shall apply to the children and to the respondent.
 - 12. This order shall be enforceable by the court, and the respondent shall be liable for the costs of this proceeding, and for the costs of the enforcement of this order.
- I am making this order for the reasons stated above, and I find that it is in the best interests of the children and on the basis of the evidence presented to me, and I find that the respondent is not fit to have custody of the children and related matters as mentioned above, and I find that it is in the best interests of the children and on the basis of the evidence presented to me, and I find that the respondent is not fit to have custody of the children and related matters as mentioned above, and I find that it is in the best interests of the children and on the basis of the evidence presented to me, and I find that the respondent is not fit to have custody of the children and related matters as mentioned above.

Counsel for the petitioner shall have the carriage of the order subject to the usual approval as to form by counsel for the respondent.

Costs shall be in the cause.

A handwritten signature in black ink, appearing to read 'M.M. de Weerd', with a long horizontal flourish extending to the right.

M.M. de Weerd
J.S.C.

Yellowknife, Northwest Territories
April 19th 1993

Counsel for the Petitioner: Katherine R. Peterson, Q.C.
James T. Floyd, Esq.

Counsel for the Respondent: Ms. Lucy K. Austin

6101-02284

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- and -

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Respondent

MEMORANDUM
HONOURABLE MR. JUSTICE M.M. de WEERDT

