

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

BETWEEN:

SARAH P. NALUNGIAQ

Petitioner

- and -

WILLIAM K. NALUNGIAQ

Respondent

MEMORANDUM

1

Sole interim custody of the 6-year-old child of the marriage between the parties to these divorce proceedings is sought by the petitioner mother.

2

The child is understood by the mother to be presently with the father at Pelly Bay on the Arctic Coast of the Northwest Territories. The mother is at Yellowknife.

3

The father made no appearance on this custody application. He was served at Yellowknife with the divorce petition and with notice of the application on March 20th 1995, at a time when he and the child were here on a brief visit for medical attention. They apparently left Yellowknife for Pelly Bay immediately after that. To date, the father has not filed any answer to the divorce petition; nor has any affidavit or other process been filed on his behalf on the present application.

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Since Pelly Bay is at a considerable distance from Yellowknife and the

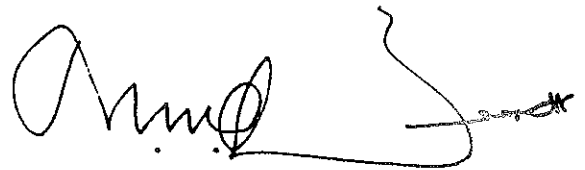
application came on to be heard at a time when the father had returned there with the child, I decline to make any disposition of this application except, for the time being, as follows. An order shall issue:

- (a) declaring that the parties are, pursuant to law, joint guardians of the child and that they, as such, continue to have joint custody of the child, subject to any further order of the Court;
- (b) adjourning the mother's application to be continued in regular Chambers at Yellowknife on May 15th 1995, or as may be otherwise ordered by the Court on application by either party pursuant to the *Rules of Court*;
- (c) directing the father to then appear in person or by counsel if he intends to oppose the mother's application;
- (d) directing counsel for the mother to forthwith provide information to the father, in writing, as to where and how he may apply for Legal Aid, if he so wishes;
- (e) enjoining and prohibiting the father from preventing or hindering any telephone or other contact between the mother and the child;
- (f) directing the father to forthwith provide to counsel for the mother full details as to the times, place or places and telephone number or numbers, at which she may make contact with the child not less than once each week; and to make the child available for purposes of all and any such contacts;
- (g) directing counsel for the mother to forthwith deliver a copy of this order to the Commanding Officer, "G" Division, Royal Canadian Mounted Police, for forwarding to the constables responsible for policing at Pelly Bay, Northwest Territories, or such other place as the child may be from time to time within the Northwest Territories, for purposes of enforcement pursuant to s.127(1) of the *Criminal Code* if circumstances so require;

- (h) directing the said constables to serve a copy of this order upon the father forthwith upon satisfying themselves that no risk to the child appears likely to arise from so doing; and thereafter to forthwith provide counsel for the mother with a duly completed affidavit of such service.

5 The order shall be endorsed in the usual way with notice to the father quoting s.127(1) of the *Criminal Code*.

6 As is to be indicated in the order, the mother's application is hereby adjourned to be further heard in Chambers at Yellowknife on May 15th 1995 or as the Court may otherwise further order.



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

Yellowknife, Northwest Territories  
April 4th 1995

Counsel for the Applicant (Petitioner): Paul Bolo, Esq.

No one *contra*

6101-02550

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MEMORANDUM  
HONOURABLE MR. JUSTICE M.M. de WEERDT

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