

CV 06187

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF an Application pursuant to s.17(1) of the *Divorce Act*, 1985 to vary the terms of the Divorce Judgment issued by the Court of Queen's Bench of Alberta, Judicial District of Medicine Hat on March 29th, 1995.

BETWEEN:

MARIE LOUISE SUZANNE ROBERTSON

Applicant

- and -

DARREN ROBERTSON, also known as DARREN JOHN ROBERTSON

Respondent

MEMORANDUM FOR JUDGMENT

The parties have provided further proposals for supervised access since I vacated my directions of March 1, 1996. Considering these proposals I make the following directions as an interim order:

1. The applicant will have supervised access to the children, starting April 13, 1996, for a period of up to three (3) hours each Saturday sometime mutually agreeable to the parties between 10:00 a.m. and 4:00 p.m.

2. If, in any week, access cannot be exercised on the Saturday then for that week the access will be exercised for a period of two (2) hours on the Thursday of that week between 6:30 p.m. and 8:30 p.m.

3. The access will take place on the premises and surrounding grounds of the Anglican Church or at the Hay River Women's Centre. This is dependant on the agreement of the custodians of either facility. The actual site of the access visits is to be decided by the access supervisor.

4. The access will be supervised, on a primary basis, by Mrs. Terry Smith and, secondarily and only in those instances when Mrs. Smith is not available, by Ms. Claire-Ann Bouchard.

5. The parties shall be responsible, individually, to introduce themselves to each supervisor prior to the first access visit with that particular supervisor. In addition, the respondent will be responsible for introducing the children to each supervisor prior to the first access visit with that supervisor. I recognize that, at least up until April 22nd, Mrs. Smith will not be available so the first few access visits will be with Ms. Bouchard. I think, however, that it is important to start these access visits as soon as possible.

6. Each supervisor will have the authority to terminate any access visit should that be necessary, in their opinion, for the welfare of the children. Any problems are to be

immediately communicated in writing by the supervisors to both counsel. Each supervisor will be expected to provide a report to this court, if requested to do so, on their observations as to the progress of the visits.

7. Counsel for the parties are to forward a copy of this Memorandum to each supervisor and obtain, from each supervisor, a written acknowledgement of the terms contained herein.

8. The respondent will deliver the children to the place of the access visit prior to the applicant's arrival and will pick them up after the applicant's departure.]

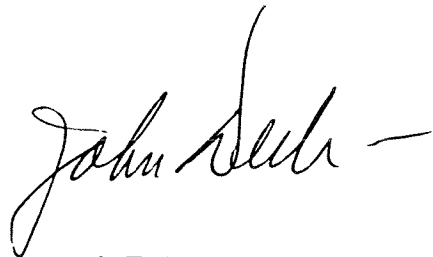
9. The costs associated with access, if any, including any fees charged by the supervisor, will be paid by the applicant.

10. Either party may bring this matter on for hearing in chambers on four (4) days' notice should a variation be necessary. Otherwise, counsel are to make arrangements with the clerk for a mutually agreeable date, at some point after June 30th, 1996, to review the question of continued access and other related matters.

It is obvious that both parties have co-operated to date in this attempt to devise some workable interim arrangement. I extend hope that such cooperation will continue in recognition that the sole criterion in all matters is the best interests of the children.

If further directions are required, counsel may see me in chambers.

Dated this 3rd day of April, 1996.

A handwritten signature in cursive script, appearing to read "John Vertes", followed by a horizontal line.

J. Z. Vertes
J.S.C.

Counsel for the Applicant: Elaine Keenan Bengts

Counsel for the Respondent: James D. Brydon

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Reasons for Judgment of the
Honourable Mr. Justice J. Z. Vertes

