

IN THE TERRITORIAL COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF the Maintenance Orders  
Enforcement Act R.S.N.W.T., 1988, c.M-2

BETWEEN:



CORRINE ANNE STEPHENS

Creditor

- and -

LOUIS WAIN DEMPSEY

Debtor

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Transcript of the Reasons for Decision on a Maintenance  
Enforcement Hearing held by The Honourable Judge R. M.  
Bourassa, sitting in Yellowknife, in the Northwest  
Territories, on Monday, the 2nd day of November, A.D., 1998.

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APPEARANCES:

E. Johnson, Q.C.:

On behalf of the Maintenance  
Enforcement Administrator

Mr. L. Dempsey:

Present without representation

1 THE COURT: Okay. Have a seat a second. I  
2 will tell you the facts of life, okay, and I have been  
3 doing this for 17 years and before that, I practiced  
4 law for ten years and I dealt with a lot of matrimonial  
5 situations. I understand the resentment and the  
6 bitterness and the anger that surrounds split-ups, lack  
7 of access, fights over access, and all of that. I  
8 understand it, but it is a fact of life that he is your  
9 son. Whether you get access or not and whether she  
10 cooperates or not, you have to pay support for that  
11 boy. That is a fact of life and the sooner you get  
12 your head around that, the easier your life will be.  
13 Whether she gives you access is a different issue than  
14 support, and that boy is entitled to as much support  
15 from you as your daughter, whether or not you play with  
16 him every day.

17 I appreciate it must be awfully difficult to know  
18 that he is in the same town and you cannot have  
19 anything to do with him because she will not let you.  
20 That is something for you to deal with either in court  
21 or with her, but it does not affect your liability or  
22 responsibility to pay support, and that is a fact of  
23 life.

24 It does not matter if you hire a lawyer, and I  
25 have fought on both sides. I have been hired for  
26 women, and I have been hired for men about this  
27 business of support. When I acted for the women, I

1 argued that the man should not get access until he  
2 cleans up his act and pays support; and when I have  
3 acted for men, I argued that the man is being denied  
4 access and it has nothing to do with support. The fact  
5 of life that I learned in law is that support and  
6 access are not connected. The sooner you understand  
7 that and put that matter aside as a different issue,  
8 the better off you will be. That is number one.

9 Number two, you are going to have to pay for that  
10 boy until he is 18 or if he goes to university, until  
11 he is 24 and how much you pay has a direct relationship  
12 to what you earn. That is another fact of life. If  
13 you want to be a deadbeat dad in the sense of getting  
14 "joe jobs" and hiding money and fooling around like  
15 that, you are going to be in and out of court for the  
16 rest of your life. If that is what you want to do, you  
17 know, and some guys do, well, that is fine. Then that  
18 is your choice, and that is Mr. Johnson's job to  
19 collect from you. Whether it is him or someone else  
20 who takes his place, that is their job, and we will  
21 play this dance every year like we do with some  
22 others.

23 Now, all I am saying is that the sooner you  
24 recognize your liability and responsibility to pay  
25 support for your boy, the better off everyone is going  
26 to be, including you. Your responsibility to pay is  
27 related to your ability to pay, but you cannot get out

1 of it totally because the law is that I have to take  
2 into account not what you are earning but what your  
3 ability is to earn. Right now, you are going to stay  
4 home and work part time delivering stuff from the Gold  
5 Range. You obviously have abilities. Apparently you  
6 are over the cocaine problem. It is time if you are  
7 going to make a life for your daughter and your current  
8 spouse to start doing something about it.

9 But if you get a full-time job, I tell you right  
10 now, fact of life, you are going to pay more for  
11 support for your son. There is no way around it unless  
12 you want to be a deadbeat dad and play this game I have  
13 told you about.

14 I am going to reduce your payments. I am not  
15 going to touch the arrears. The arrears stay as they  
16 are for now. You can always bring, if you are ever  
17 back in court, an application to rescind the arrears.  
18 Right now, I am not rescinding them but I am ordering  
19 you to pay \$75 a month for that boy. That is a measly  
20 \$850 a year. That sum has to be paid regularly. That  
21 boy has his needs every month, and they do not  
22 fluctuate up and down.

23 You may not like it that the money is going to her  
24 and not in a sense, directly to him. I have seen other  
25 men who say, "Well, I will pay whatever you want as  
26 long as I can pay it in a trust fund." The fact of  
27 life is that you pay it to her. If she uses it for

1 beer, too bad, and there is nothing that you can do  
2 about it or that I can do about it or Mr. Johnson can  
3 do about it.

4 If you pay that \$75 a month on a regular basis, I  
5 am going to order that no further enforcement steps be  
6 taken on the arrears. The minute you miss the \$75, the  
7 stay of enforcement is over with and they can start  
8 garnisheeing you left, right, and centre. If you get  
9 another decent job, you will probably lose it soon  
10 after because they will be garnisheeing you. That is a  
11 fact of life.

12 If you get a decent job, Mr. Johnson can bring you  
13 back to court and your payments may be increased, not  
14 necessarily to \$350. It will depend on what you are  
15 earning. It will depend on what her situation is, your  
16 ex.

17 That is the deal, \$75 a month commencing the 1st  
18 of December and the 1st of each month thereafter. As  
19 long as the payments are made promptly on the first of  
20 the month, no further enforcement. Do you understand  
21 what I am doing?

22 THE WITNESS: Um-hum.

23 THE COURT: Okay. Do you understand the facts  
24 of life as I have tried to describe them?

25 THE WITNESS: Your version, Sir, yes, I  
26 understand it.

27 THE COURT: Well, it is my version as a judge

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as I understand the law, and if you want to fight with that --

THE WITNESS: No, Sir. I'm not fighting with the law.

THE COURT: -- by all means, go ahead, you know. It makes no difference to me if you are in and out of court every month for the next two years. It makes no difference to me. All I am trying to do is save you that headache by pointing out what the facts are.

That is my disposition.

MR. JOHNSON: Thank you, Your Honour.

Certified pursuant to Rule 723 of the Rules of Court.

*Tara Taylor*  
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Tara Taylor, CSR(A), Court Reporter