

SUPREME COURT OF YUKON

Citation: *DWH v NAF*,
2025 YKSC 67

Date: 20250926
S.C. No. 18-B0056
Registry: Whitehorse

BETWEEN

D.W.H.

PLAINTIFF

AND

N.A.F.

DEFENDANT

Before Chief Justice S.M. Duncan

Appearing on his own behalf

D.W.H. (by videoconference)

Counsel for the Defendant

Enoch C. Anekwe

**This decision was delivered in the form of Oral Reasons on September 26, 2025.
The Reasons have since been edited for publication without changing the
substance.**

**Corrected Decision: The text of the decision was corrected at paras. 22, 50, and
58 where changes were made on October 17, 2025**

REASONS FOR DECISION

[1] DUNCAN C.J. (Oral): This is a difficult decision in a high-conflict case about custody/decision-making and access/parenting time of a seven-year-old child of the relationship between the two parties. While it is clear that both parents love the child,

R.A.J.F., their own traumatic experiences and conflict with one another have contributed to creating a situation of instability, uncertainty, and potentially trauma for R.A.J.F. Both parties are of the view that they have R.A.J.F.'s best interests at heart; and based on these views, both parties have continuously denied, blocked, or created barriers to parenting time with R.A.J.F. to the other parent. Neither party at this time seems genuinely interested in rebuilding a trust relationship with the other parent.

[2] It is my hope that with the Court's help and Mr. Anekwe's help, you can start to recognize how your own traumas and behaviours with one another are negatively affecting R.A.J.F., no matter how much you both love him, and how, in order to co-parent effectively, you need to make the well-being of R.A.J.F. the sole purpose of that co-parenting.

[3] You need to find ways to listen to and speak with one another respectfully in order to determine together what is best for R.A.J.F. Fighting over custody of him the way you have been, trying to cut each other out of his life, is harmful to you because it intensifies and prolongs the conflict and the negativity between you, and, most of all, it is harmful to R.A.J.F. Ideally, he should have both his parents and their extended families in his life — as long as those relationships are healthy. He needs you to show respect for yourselves and for each other. He needs each of you to be healthy, and he needs you to have a healthier relationship with each other.

[4] The circumstances of both parents are in flux. The mother is taking responsibility for her mental health and addiction challenges and she is on a healing journey. The father is recently married and has an infant child to care for.

[5] The father was initially represented by counsel from Yukon Legal Services Society (“YLSS”), but by the middle of 2024 he no longer qualified financially and his appeal to Legal Aid was denied. In January 2025, he began to represent himself. The mother is represented by YLSS counsel.

[6] Originally, the application was brought by the father for sole custody and primary residence, for access rights of the mother, and some other matters. An interim interim order was granted, pending the hearing of the father’s application, awarding custody and primary residence to him.

[7] The mother’s notice of application seeks sole custody, primary residence with her at her sister’s home in [redacted], access to the father every second weekend, access during holidays on an alternating year basis, generous video access on a device to be selected by the mother, exchanges at certain places, child support enforced through Maintenance Enforcement or alternatively imputation of income relief, sharing proportionate to income of special and extraordinary expenses and transportation costs of the exchange of the child, and ability to apply for, obtain, and renew government -issued documentation without the consent of the father.

[8] The father then brought a further counter-application seeking child support from the mother starting on February 1, 2025, as well as a 50% contribution from her towards special and extraordinary expenses for the child.

[9] This decision today addresses the father’s original application, the mother’s application, and the father’s additional application for support and contribution to expenses. The only matters from the father’s original application that remain to be

decided are the custody and access provisions. All the other matters in that application have been resolved.

Background

[10] Although this court file dates to 2018, most of the material relevant to the current applications begins in 2023, with the majority of the evidence from 2025.

[11] The parties had a six -month relationship in 2017. They lived in [redacted]. The mother is a citizen of the [redacted] (“[First Nation]”). The father attests he is 23% Canadian Indigenous heritage — his father is from Hay River in the Northwest Territories. According to the father, the relationship between the parties was “marked by alcohol and drug use...”, “was unhealthy”, and “they fought a lot”. R.A.J.F. was born [redacted].

[12] The father initially denied paternity, as he was regularly away working at a camp job, and suspected the mother of cheating on him. His paternity however was proved. He cared for the child a few times in 2018.

[13] From 2019 to May 2023, he lived in [redacted]. During that time, he cared for the child occasionally. The child spent time in [redacted] for a week to two weeks at a time, and the father’s parents and sister helped with caregiving while the father was working.

[14] In the winter of 2022, the father cared for the child for approximately two months because of the mother’s apparent suicide attempt and subsequent hospitalization.

[15] In November and December 2023, court-ordered access occurred initially on an interim basis and then through a consent order — for the father. The consent order allowed the father access, every second weekend, every second long weekend, one week in March, a minimum of three weeks in the summer, some specific weeks in

December and January, Christmas holidays shared by alternating years, and virtual access twice a week. The father tried without success to implement the consent order during 2024. In the second half of 2024, he struggled to obtain legal counsel. The mother continued to deny access of the child to the father and as a result he did not see the child after January 2024.

[16] The father moved to [redacted] Whitehorse in 2024, where he still lives with his partner, S., and her former partner and the father's friend, K.

[17] The father's application for custody and primary residence was precipitated by the concerns of Family and Children's Services (FCS) in November and December of 2024 and January 2025 about the child's emotional health and his safety while in his mother's care. The case notes from FCS were provided to the Court as ordered.

[18] More specifically, the FCS file was originally opened in November 2021 as a result of information that was later substantiated by the Royal Canadian Mounted Police (RCMP) in [redacted] that the child was left alone outside the house while his mother was self-harming inside the house. Eight further reports to FCS at regular intervals during 2023 and 2024 (4 times in 2023 and 4 times in 2024) were from the child's school or from an anonymous reporter.

[19] The concerns included his behaviour with other children at school (one report); his being left alone at home without supervision; the mother's substance use in his presence, including an accidental overdose; and a custody dispute. There were also concerns about suicide attempts by the mother. FCS involvement was minimal during these times for various reasons at various times. Some of the information they received they said was insufficient to support the claims. Some of the claims they said had been

previously investigated, or they said the claims were outside of the FCS mandate (for example, the custody dispute between the parents). However, the FCS workers in their notes described the risk or danger of the situation as the child being exposed to his caregiver (the mother) using substances and therefore the mother being unable to meet his safety and other basic needs, especially given the child's age.

[20] Balanced against this concern, FCS in 2023 and 2024 noted that the child had people in his life, both in the community with extended family and others and at school who cared about him and always wanted him to be safe. FCS noted that the safety goals were that the child's caregiver:

is always safe, sober, and able to meet [the child's] basic needs and safety. That there is a plan in place for [the child] if his mother is not in a place to care for him and that everyone always knows that [the child] is safe and has his needs met.

The FCS file was kept open in part to support the mother with daycare and respite.

[21] In December 2024 and January 2025, FCS became more involved in the file.

There was another report of the child being left alone unsupervised. FCS connected with supports at the [redacted] ([First Nation]) (the Health Director and Family Support Worker) and suggested a family meeting to develop a safety plan for the child.

[22] Before that could happen, a chaotic incident occurred between the mother and other family members in the child's presence. On the night of the incident, the mother brought the child to another relative's home after 2:30 a.m., where he was reportedly scared and cried a lot. The mother suggested after this incident that her mother, who lives on [redacted], take the child to British Columbia because "[R.] just needs to be safe right now".

[23] FCS and [First Nation] began working with the grandmother and the family to implement this plan. When FCS called the father to advise him of the family plan, he objected to the child leaving the territory with the grandmother. Instead, the father sought custody and primary residence of the child through the court process.

[24] After the Court declined to issue an order without notice, the father brought an application on notice and was granted interim interim custody and primary residence in February 2025, in order to maintain consistency for the child pending the receipt of the FCS records and the hearing of the father's full application.

[25] In the spring of 2025, virtual access with the child was granted to the mother three times a week at 6 p.m. However, for various reasons, very few of these calls occurred. The reasons included the mother's unavailability at the scheduled time of the calls, the inability to facilitate the calls through the OurFamilyWizard (OFW) application because the mother's app provided by [First Nation] did not have calling capability, and the father's unwillingness or inability to facilitate the calls in any other way.

[26] In the meantime, although the child was originally enrolled in [redacted] in January/February 2025, and began counselling there, by March 2025, he had relocated to [redacted] to live with the father's parents. The parents live with another grandchild, part-time, the son of their daughter who has substance use issues and is living in British Columbia. The father of that child is also in [redacted] and cares for the child when he is not working in camp. The father of R.A.J.F. and his partner go to [redacted] every other weekend to see the child. As I said earlier, the father is now also the father of a 16 -month infant, who he had with his partner S.

[27] FCS is aware that the child has been living with the paternal grandparents in [redacted] and has no safety concerns for the child.

[28] Meanwhile, the mother now lives in [redacted] with her sister, her sister's partner, and their daughter. She attended residential treatment in 2024 in [redacted], British Columbia, and she is planning to attend a six -week family treatment program [redacted] outside of the Territory from October 27 to December 5 of this year. She hopes that the child can accompany her to treatment for his own counselling at the program, as well as spend time with her mother while he is there.

[29] FCS has no safety concerns about the mother's sister's home at this time. Their file was closed once the father and the father's parents took over the care of the child in February/March.

Law

[30] This matter is governed by the *Children's Law Act*, RSY 2002, c. 31 (*Act*). Section 30 of that *Act* sets out the requirement for the Court to ensure decisions are made in the best interests of the child. The factors to be taken into account include:

....

- (a) the bonding, love, affection and emotional ties between the child and
 - (i) each person entitled to or claiming custody of or access to the child,
 - (ii) other members of the child's family who reside with the child, and
 - (iii) persons, including grandparents involved in the care and upbringing of the child;
- (b) the views and preferences of the child, if those views and preferences can be reasonably determined;

— that is not applicable in this case because the child is too young —

- (c) the length of time, having regard to the child's sense of time, that the child has lived in a stable home environment;
- (d) the ability and willingness of each person applying for custody of the child to provide the child with guidance, education, the necessities [sic] of life and any special needs of the child;
- (e) any plans proposed for the care and upbringing of the child;
- (f) the permanence and stability of the family unit with which it is proposed that the child will live; and
- (g) the effect that awarding custody or care of the child to one party would have on the ability of the other party to have reasonable access to the child.

[31] The provision goes on to say that:

(2) The past conduct of a person is not relevant to a determination of an application under this Part in respect of custody of or access to a child unless the conduct is relevant to the ability of the person to have the care or custody of a child.

(3) There is no presumption of law or fact that the best interests of a child are, solely because of the age or the sex of the child, best served by placing the child in the care and custody of a female person rather than a male person or of a male person rather than a female person.

[32] And finally:

(4) In any proceedings in respect of custody of a child between the mother and the father of that child, there shall be a rebuttable presumption that the court ought to award the care of the child to one parent or the other and that all other parental rights associated with custody of that child ought to be shared by the mother and the father jointly.

Custody and Primary residence

[33] Joint custody is a way for separated parents to share decision-making responsibility over a child, to ensure the child benefits from the input and contributions of both parents. Generally, joint custody is reserved to a situation where both parties have demonstrated the ability to care for the child and can communicate with one another sufficiently well to be able to make decisions together in a child's best interests.

[34] The risk of an award of sole custody to one parent, especially in a high conflict case like this one, where communication is challenging, is that the other parent is more easily prevented from participating in the day--to--day decision--making and care of a child, including access to the child, to the exclusion of the custodial parent.

[35] This is, in fact, what has occurred in this case. When the mother had sole custody, she denied access to and information about the child to the father, despite a consent court order clearly setting out her agreement to reasonable access by the father. Now that the father has sole custody, he is exercising control and making it difficult for the mother to have access to the child, even virtually. He is unilaterally trying to impose conditions on the mother's virtual access, such as not allowing her extended family to speak with the child, and permitting communication only through OFW, and not allowing the child to go to [redacted].

[36] The behaviour of each parent when they have had custody in shutting the other parent out is not in the child's best interests. As noted above, it is one of the factors set out in the statute to be considered in determining the child's best interests, that is, whether access to the other parent will be affected when custody is provided to one parent.

[37] I am aware that these controlling behaviours by both parties may at least be partially explained by their fears. For the mother, she experienced violence from the father during their relationship, and he never played a significant role in caregiving (despite his efforts to do so), which causes the mother to worry about his caregiving abilities. Even now, despite his evident concern for the child, he has shown a reluctance to care for him on a full-time basis: after approximately six weeks of having the child in his care, he took the child to live with his parents. The mother also expressed concern about the paternal grandmother in [redacted] having seizures and smoking marijuana in the child's presence.

[38] For the father's part, he has fears for the child's safety while he is in the care of the mother. The father relies on his own observations, from information he has received from unspecified sources, and also on the FCS case notes to substantiate his fears about the child being neglected and traumatized by the mother due to her substance use, self-harm, arguments, and altercations with her sister(s) and boyfriends.

[39] The mother is on a healing journey. It is clear that she has a strong bond with her son and cares deeply for him. She has shown the capability, foresight, and sense of responsibility to devise a safety plan for the child with her immediate and extended family members when she feels she is at risk. This is commendable. As noted by FCS, there are many people in [redacted] (family members, people who work at the First Nation, others in the community) who care about the child and who are willing to assist in keeping him safe.

[40] However, the timing of the intervention of others and the events leading up to an intervention are not always in the best interests of the child. He has been left alone,

outside and inside the mother's home at a young age. He has had his sleep disrupted, been taken to another home in the middle of the night as a result of at least one chaotic event at the mother's home. He has missed many days of school, evidenced by the school records. According to the father, the child expresses fear and reluctance about returning to [redacted], although this is contradicted by the mother.

[41] At this stage of her healing journey, the mother has not demonstrated sufficient stability to have sole custody of her son, despite having a strong bond with him and being his primary caregiver. While this has been her role, the caregiving has not always provided stability to the child or has not always provided the stability to the child consistently due to her mental health and other challenges. The mother has not been entirely forthright in Court about the extent of her challenges and addiction. I have had to piece it together from a combination of her evidence, the father's evidence, her sister's evidence in the letter she wrote (attached as an exhibit), the case notes of FCS, the letters from her counsellors and physician, and the fact that she is intending to attend a six -week family treatment program. These all demonstrate that her healing journey continues. The mother has not denied any of the allegations of the father or the information in the FCS case notes.

[42] Past conduct of a person is not relevant in an application for custody and access unless that past conduct is relevant to the ability of the person to care for the child. In this case, the past conduct of the mother has affected her ability to be a consistent caregiver, as evidenced from the FCS case notes, and it may continue to affect her caregiving.

[43] I fully appreciate the past and the promised ongoing assistance of the mother's extended family in caring for the child, and the importance of maintaining his continuing ties with the [redacted] [First Nation] cultural community, surrounded by love, tradition, and family support. The letter in the materials written by the mother's sister, S., and S.' presence in court during the hearings, as well as the help she has provided her sister in the past with her struggles, reinforces this. The child needs his mother and her extended community. I will address this further in the access/parenting time provisions. However, the time is not right for the child to be returned to [redacted] on a full-time basis.

[44] The mother has recently re-engaged with a mental wellness and substance use counsellor in Whitehorse for weekly meetings and assistance with an application to attend the [redacted] [treatment centre] for a six -week program focussed on sobriety, healing, parental skills, and life balance, using a trauma -informed approach. From the information I have been provided, this appears to be a valuable program. The mother would like to attend with the child, as there is a simultaneous program for children to build trust, have spiritual teachings, and explore feelings. She would also like the child to spend some time with the grandmother who lives on [redacted]. The mother confirmed that whether or not the child accompanies her, she will be going to this treatment program.

[45] This plan for treatment was provided to the Court only after I adjourned the first day of this hearing to receive further information from the parties on specific questions. There was no opportunity to obtain any feedback from the child's counsellor or teachers about the effect a six -week absence from [redacted] may have on him as well as the

value of this treatment program for him. It was not part of the notice of application, although I understand it is subsumed in the mother's application for sole custody.

[46] The father opposes it because of the effects on the child's current relatively stable existence and because he is receiving ongoing counselling.

[47] On this point, I agree with the father. This program is part of the mother's healing and it is very important that she attend and take full advantage of the treatment offered. I do not have enough information at this point to know whether this kind of program would be in the child's best interests at this time, especially given his relatively stable situation in [redacted], his schooling, and his ongoing counselling. This is not to say that with the proper planning and information sharing and advice that this kind of program would be unsuitable for him; the issue is timing and lack of information.

[48] The father has also been on a healing journey. He struggled with alcohol abuse and violent activity when under the influence of alcohol, resulting in criminal charges and jail time. He attended treatment in Whitehorse and has been sober since 2018. He lives in a sober household. He is to be commended for this and for his interest in playing a role in the child's life shortly after he achieved a sober lifestyle and specifically for taking responsibility for him in early 2025 when the mother recognized he needed to be somewhere different in order to be safe.

[49] There are no specific details in the evidence about the father's other challenges, but a letter in the materials from his current partner about his feelings of being overwhelmed, anxious, suffering from a lack of self-esteem in 2023, and his ongoing counselling perhaps explains his actions in taking the child to [redacted] to be cared for by his parents. Clearly, he wants to be part of his son's life, as is demonstrated by his

court applications, his past caregiving, and his current regular visits to [redacted] to see him.

[50] But his reluctance to assume full -time care was also reinforced by his submissions at the hearing of this application. His initial position was that the child stay in [redacted] with his parents until some unspecified date in the fall and then he would bring him to Whitehorse and enrol him in [elementary school]. His reason was that the child is happy in [redacted], enjoying school, getting good counselling, has friends, has activities he can do with his cousin and friends, and has stability. When I questioned him about why not have him return to [redacted] now, instead of in the middle of the school year, he did not have anything further to add; and then revised his position to say that he would bring him to Whitehorse at the end of September. This indicated to me an absence of a clear, consistent plan for the child, as well as a preference for him to remain in [redacted] rather than moving to Whitehorse.

[51] In my view, after hearing all of the evidence, there does not seem to be any justification from a child -centred perspective for the move of his primary residence from [redacted] to Whitehorse at this time. The father confirmed under oath that his mother's seizures are now under control with medication, there are no side effects of that medication, she no longer smokes, and she is sober and lives in a sober household.

[52] I note as a technical matter that L.H., the father's mother, is not a party to this application. I will be ordering that she continue to have primary residence of the child, and, because of this, I will be adding her as a plaintiff. She is a necessary and proper party to these proceedings, given her role in the child's upbringing throughout his life, and especially now. I recognize that Rule 15(5)(b) of the *Rules of Court* of the Supreme

Court of Yukon (*Rules*) provides that no party shall be added as a plaintiff without their consent. She has not participated in any of these proceedings — and in some ways that is positive, as it has kept her removed from the intense conflicts between the parties and focussed on the child. She has willingly and voluntarily cared for the child since March of 2025. There is no evidence of anything otherwise.

[53] Rule 1(14) of the *Rules* provides that on its own motion the Court may order that any provision of these Rules does not apply to a proceeding. Therefore, on my own motion, I order that the application of Rule 15(5)(b) be waived and that L.H. be added as a party to these proceedings.

[54] I will grant primary residence of the child to L.H. She has demonstrated the ability to give the child stability, guidance, education, the necessities of life, with the help and participation of the father.

[55] Despite the intense conflict between the parties in this case, I am going to focus optimistically on the future and hope that the parties' ability to communicate will improve as their healing progresses.

[56] As a result, I will order interim joint custody to both the mother and the father. One of the main reasons for doing so is because of the consequences to the non--custodial parent when one parent has been awarded sole custody in the past. In both cases, the non--custodial parent has been cut out of the child's life, as I said at the outset, and this is not in the child's best interests.

[57] But this joint custody decision, however, means that the two of you will need to find a way to communicate better so that R.A.J.F.'s interests are met. Think of it this way. There have been many divisions and disagreements between you in the past but,

as parents of R.A.J.F., you will always be united by this one shared purpose: ensuring R.A.J.F. is well-cared for; is given opportunities for a healthy, fulfilling, happy life; and sees and enjoys the best of both of you. I will talk in a minute about the method of communication between you.

Access/parenting time

[58] As I noted earlier, the cultural and family component of R.A.J.F.'s life as a citizen of the [First Nation] cannot be ignored and needs nurturing and continued development. Although the father says he participates in some cultural activities in [redacted], led by Liard First Nation, and the father and his partner encourage Indigenous teachings, the child needs to continue to learn about and experience [First Nation] culture from his mother and her extended family and community.

[59] I appreciate the father's evidence that the child remains fearful of [redacted] because of his past experiences, particularly in January 2025, but I note that [redacted] has been the child's home for most of his life, where his maternal family roots are there. I also read the transcripts of the last three conversations in August and September that he had with his mother and other family members, and they appeared positive and very loving.

[60] As an aside, I do not condone recording of conversations without the knowledge of the other party, but I also note that the father's mother, L.H., was on the phone and part of that conversation, so was able to relay information to the father. To be able to read the transcript was helpful in understanding the dynamics and assessing the child's fears.

[61] I further note the child has a regular counsellor in [redacted]. Whether or not he is still fearful of going to [redacted], he will have to address those fears, if they still exist, at some point. Now that his mother lives with her sister, there will be additional family supports there and he will continue to have counselling.

[62] I also note that the father in his submissions said he was not opposed to the child visiting with the child's mother as long as he was safe and she was healthy.

[63] As a result, I will order access visits between the child and the mother at her sister's home, where she lives, every second weekend. I will leave it to the parties to work out transportation logistics. In the alternate weekends, the father and his partner can continue to visit the child in [redacted].

[64] While the mother is attending treatment on [redacted], the visits to the family in [redacted] may continue if desired by the mother's extended family, with S. as the point person.

[65] This will require civilized communication between the two parents. The use of OFW was a source of great conflict between the two of you because the father wanted to use it exclusively, due to communication problems with the mother in the past, and the version the mother obtained through [First Nation] did not have calling capability. The materials, though, suggest that [First Nation] will purchase OFW for the mother with calling capability.

[66] I will order that OFW with phone calling capability be used as the sole source of communication between the parties, although the mother's lawyer suggested AppClose, (also called AppClose,) another family communication tool that is free to download, be used. I do not know enough about this application to order it to be substituted for OFW.

But if the parties agree to use AppClose — or any other application, for that matter — instead of OFW, they are free to do so. I do note from my brief research that AppClose does appear to be an American application, not a Canadian one. But, in any event, whatever application or tool is used for communication, it needs to be a communication aid and not a communication barrier.

[67] The conditions of the mother's access will be that no one is to be drinking alcohol or under the influence of alcohol while in the child's presence; and no one is to use non--prescription drugs or be under the influence of non--prescription drugs in the child's presence. The access visit may begin after school on Fridays, and the child must be returned to [redacted] by 6:00 p.m. on Sundays.

[68] Access during holidays will be as set out in the notice of application of the mother. The father, I note, has essentially agreed to this approach except that the alternating years were reversed in his response.

[69] I am not able to order support payments at this time for two reasons: there is no recent financial disclosure; and the child is not living with the father on a full-time basis.

[70] I will order both parties to exchange their last three years of income tax returns, specifically Notices of Assessment from 2024, 2023, 2022; and their most recent pay stubs on or before December 15, 2025, and thereafter by June 1 of each year.

[71] Given my decision to award joint custody, the application of the mother to waive signature or approval on passport or other government documents of the father for R.A.J.F. is denied.

[72] I also want to say that I see the current primary residence situation of R.A.J.F. staying with his paternal grandmother as temporary. It is not at all my preference to

keep matters such as this returning to court, because it does not allow the parties to work things out together and it can also result in parties acting in ways that they think may advance their position before the Court. However, because of the volatile nature of this situation and the high conflict-, and the temporary nature of the removal of the child initially from the mother's primary care, and his [redacted] home, I think it is important that this matter return to court. I do not want to encourage the parties, though, to be "gathering ammunition" against each other for court. The purpose of the return to court is primarily to see how R.A.J.F. is doing, how the mother is doing, and how the two of you are doing in communicating with one another.

[73] I would like one affidavit from each of you addressing those three things and your views of where his primary residence should be and access provisions. At that court hearing, the primary residence may be able to be changed at that time, based on additional information provided. It will be necessary to show a change in circumstances. The mother should provide the results of the treatment program she has attended and the counselling that she is undergoing. She also may want to consider — I am not ruling on this — taking drug tests and showing the results to the father and the Court to demonstrate a change in circumstances.

[74] I also do not want to discourage the parties from attending mediation to discuss any of these issues. If this is done, and matters ordered here are agreed to be better addressed through other arrangements, then revisions to this order may be done by way of a consent order. This, of course, can be done if the parties agree without mediation as well.

[75] Finally, I want to stress the importance of honesty, forthrightness, and respect in your relationship with each other and your relationship with the Court. This means taking responsibility and ownership for things in your life that you may not be proud of or want others to know about, but which may affect your ability to parent and co-parent.

[76] For example, as I noted earlier, the mother has not been completely forthright about her mental health and addiction challenges. The father has not been forthright about his relationship with S.: he denied in an affidavit in November 2023 that they were having a baby together, or that they were a couple, but, in fact, S. did have his baby in May 2024. The father was also not forthright about taking R.A.J.F. to live with his mom in [redacted], but was writing affidavits and making submissions to the Court as though he were the main caregiver for the child.

[77] These kinds of lack of forthrightness and lack of honesty do not contribute to establishing trust with each other and trust with the Court, and it also increases the conflict between you.

[78] To conclude — and this is all on an interim basis, except for this first one, I will order that:

- (i) L.H. be added as a party (not interim);
- (ii) the plaintiff and the defendant shall share joint custody of R.A.J.F.;
- (iii) R.A.J.F.'s interim primary residence shall continue to be with L.H. in [redacted];
- (iv) the mother shall have access to R.A.J.F. every second weekend in [redacted], beginning Friday after school and returning him by 6 p.m. on Sundays, on the conditions that no one in R.A.J.F.'s presence shall be

- drinking alcohol or taking non--prescription drugs or under the influence of alcohol or non--prescription drugs;
- (v) the father shall continue to have access visits with him every second weekend;
 - (vi) while the mother is in treatment between October 27 and December 5, visits with her sister, S., and her family in [redacted] and the child may occur — again, every second weekend;
 - (vii) holidays shall be shared as set out in the mother's notice of application;
 - (viii) the parties shall communicate through OFW, including calling, and the mother shall continue to have access by calling through OFW three times a week on the weeks she does not have access to the child, and once a week on the weeks that she does have access to the child;
 - (ix) another communication application may be used if agreed between the parties;
 - (x) the parties shall exchange financial information (Notices of Assessment and recent pay stubs) on or before December 15, 2025;
 - (xi) the applications about support provisions shall be adjourned;
 - (xii) the mother's request to obtain passport and government documents without the consent and signature of the father is denied; and
 - (xiii) this matter shall return to court to review the primary residence of the child and the support issues, if the parties choose to pursue that, in approximately four months' time, December-January — likely January, given the holidays in December — with support of one affidavit each

addressing how R.A.J.F. is doing, how the mother is doing, and how communication between the parties is progressing.

[DISCUSSIONS]

[79] MR. ANEKWE: Your Honour, my client just sent a text. She's wondering what Friday would be the first visit. If you can provide an indication, we would be very grateful.

[80] THE COURT: I think it is too late to start it this weekend because it is Friday now, so I think next weekend, that would October 3rd, could be the first visit to [redacted].

[DISCUSSIONS]

DUNCAN C.J.