

SUPREME COURT OF YUKON

Citation: *MICDB v CAD*,
2026 YKSC 83

Date: 20260804
S.C. No. 25-D5695
Registry: Whitehorse

BETWEEN

M.I.C.D.B.

PLAINTIFF

AND

C.A.D.

DEFENDANT

Corrected Decision: The citation of the decision was corrected and the change was made on September 16, 2026.

Before Chief Justice S.M. Duncan

Appearing on her behalf

M.I.C.D.B.

Appearing on his behalf

C.A.D.

This decision was delivered in the form of Oral Reasons on August 4, 2026. The Reasons have since been edited for publication without changing the substance.

REASONS FOR DECISION

[1] DUNCAN C.J. (Oral): The plaintiff mother and the defendant father were divorced in March 2026. They share two children: [X.], born [redacted], and [Y.], born [redacted] (the Children). They have a consent order from November 2025, where they have agreed to share decision-making for the Children and parenting time, approximately 60% for the mother and 40% with the father. The father now applies for a change in the

parenting time schedule on the basis that the irregularity of the exchanges are not in the Children's best interests. He also applies for an order clarifying the amount of child support payments, the income of the mother, and the proportion of s. 7 expenses payable by each parent, as well as the use of a shared calendar between the parties.

[2] The mother opposes the proposed change to the parenting time schedule. She agrees to using a shared calendar and she requests in her response that one form of communication between the parties be used, preferably a co-parenting application.

There does not seem to be any dispute over the calculation of child support payments and s. 7 expenses now that the mother has confirmed her income.

[3] The father works for the Yukon government as a [redacted] - 12-hour shifts with three day shifts and one night shift. He has had this job for four years. He receives his schedule approximately a year in advance.

[4] The current shared parenting schedule has been irregular because of the father's shift work and the insistence by the mother that no exchanges occur on weekends. This was to reduce the conflict between the parties because on weekdays, pick-up and drop-off were from or to daycare or school, and it was also to minimize weekend disruption for the Children. This has resulted in an uneven and unpredictable number of days the Children have with each parent and no consistency in the day of the exchange — other than not on weekends — and it has also required the father to take vacation days or other leaves from work to accommodate the schedule.

[5] The father proposes that he have residential time with the Children during his four days off of work. The mother would have them for the five days while he is working. This would be approximately the same split in time they currently have. The father believes this consistent and regular number of days with each parent will be better for

the Children. [X.] has been diagnosed with ADHD, and routine and certainty are important to keep him regulated.

[6] The mother is a [redacted] with Family and Children Services and works regular hours five days a week. In response to the father's proposal, she proposes that he have parenting time with the Children during the two weekends per month that he is not working with the possibility of extending the time from Thursday to Tuesday. She says the father's proposal is adult-driven to suit the father's needs, it is still inconsistent and irregular, and not in the Children's best interests.

[7] She also expressed concerns about the father's parenting, giving examples of his physical punishment of the Children, his regular use of marijuana, in their presence, and his potential compromised state due to taking morphine pills for his sciatica. She has not asked the Court for a denial of access to the Children by the father, however, or for supervised access.

[8] I have reviewed all of the affidavit material filed by the parents and I have considered their oral submissions carefully. I find that the father's proposal for residential time is logical and rational, will allow for easier transitions, clearer expectations for the Children, and a better ability for him to have focused parenting time. While the exchange days will still be irregular, there will be a clear and regular pattern of time the Children will have with each parent, known for a year in advance, and able to be communicated clearly. The father will not have competing work obligations when he has residential time with the Children, and this may have a positive impact on his parenting abilities.

[9] The mother reported at least one of the incidents of physical punishment to Family and Children Services. That was when the father squeezed [X]'s hand hard and

slapped it when he was resisting going to bed. The mother took [X.] to the emergency room and no injury was detected by the physician. However, Family and Children Services spoke to the father at his house and recommended a family support worker attend regularly to help the father manage the Children when they are dysregulated or resistant.

[10] The father has adopted some of the recommended techniques by the family support worker. He also acknowledged in court that his use of physical punishment was inappropriate and not good parenting. He further says he does not use marijuana around his sons, and his morphine pills ease the sciatica pain but do not otherwise compromise him. He says he will likely have to have surgery for his sciatica, making the pills a temporary treatment.

[11] I will order that the father's proposed schedule be implemented.

[12] I will also order that he not use physical punishment with either child and that he not smoke marijuana while the Children are in his care.

[13] Communication between the parents has been difficult. Texting, emailing, and WhatsApp are all used by the father, which at times overwhelms the mother especially when the father sends multiple messages.

[14] From the examples of the communications I have seen in the file materials, the father is not always respectful, and the conversations are not always about the Children. I will order that the parties use one application to communicate: OurFamilyWizard. I believe that OurFamilyWizard also has a shared calendar; but if not, the parties should select another app that allows both parties to enter activities into one calendar. The cost of the OurFamilyWizard shall be split 50-50.

[15] I will order that the communication shall be respectful and be limited to sharing information and decision-making about the Children.

[16] The mother has disclosed her tax filings for 2025 with her annual income and she confirmed by affidavit that her only source of income is from her work with Family and Children Services. So with that amount of \$86,626 and the father's annual income of \$93,133. I do not know if you have done the checking with the Federal *Child Support Guidelines*, SOR/97-175 (the *Guidelines*), but I did a check this morning and what I got was that the father is responsible for \$1,422.07 a month; the mother would be responsible for \$1,323.52 a month, which leaves a set-off amount of \$98.55 payable by the father to the mother.

[DISCUSSIONS]

[17] The percentage split for the payment of s. 7 expenses on the basis of the income of each parent is 51% for the father and 48% the mother.

[18] What I will do is draft the order today and provide it to the Registry, who will let you know when it is ready and send it to both of you, but I just want to clarify a couple of things.

[DISCUSSIONS]

DUNCAN C.J.