

SUPREME COURT OF YUKON

Citation: *K.R.G. v. R.R.*, 2009 YKSC 27

Date: 20090416
S.C. No. 02-B0028
Registry: Whitehorse

Between:

K.R.G.

Plaintiff

And

R.R.

Defendant

Before: Mr. Justice E.D. Johnson

Appearances:

Emily Hill
Debbie Hoffman
Susan Carr

Counsel for the Plaintiff
Counsel for the Defendant
Child Advocate

REASONS FOR JUDGMENT

INTRODUCTION

[1] The Plaintiff (“father”) applies for the variation of an interim order made by Hudson J. on September 5, 2002, granting custody of H.G. to the Defendant (“mother”). He requests that I change the order from sole custody to joint custody effective as soon as possible.

[2] Counsel for H.G. informed the court that H.G. supported the application and wanted it to happen before the end of the school year. H.G. expressed a desire to spend more time with her father knowing it would result in some changes in her present routine.

She wanted to try it “right away to see what it feels like”. If it did not work then some changes could be made.

[3] Unfortunately, I require some time to consider the facts and issues before filing a formal judgment. It will be issued before the end of the school year. However, I wanted to address the expectations of both parties and particularly H.G. assuming I granted the application.

[4] I am satisfied that H.G. is in a stable supportive environment with her mother. She is having regular access visits with her father that appear to be going well unlike the earlier period between 2002 and 2008. She has faced many challenges this school year that initially had a negative impact on her progress in school. However, she has now turned the corner and is doing much better this school term.

[5] I am satisfied that it is not in her best interests to make any change until the start of the new school term in the fall. In other words, if I vary the custody order as requested it would only come into effect at the start of the fall school year.

JOHNSON J.