

**SUPREME COURT OF YUKON**

Citation: *A.K.S. v. G.S.*, 2017 YKSC 53

Date: 20171005  
Registry: Whitehorse  
S.C. No.: 14-D4697

BETWEEN:

A.K.S.

PLAINTIFF

AND

G.S.

DEFENDANT

AND

S.C. No.: 17-B0003

BETWEEN:

M.S.S. and S.K.S.

PLAINTIFFS

AND

A.K.S. and G.S.

DEFENDANTS

AND

S.C. No.: 17-B0036

BETWEEN:

P.S. & B.S.

PLAINTIFFS

AND

A.K.S.

DEFENDANT

Before Mr. Justice R.S. Veale

Appearances:  
Norah Mooney  
André Roothman  
Joni Ellerton  
Lenore Morris

Counsel for A.K.S.  
Counsel for G.S., P.S., and B.S.  
Counsel for M.S.S. and S.K.S.  
Counsel for the Children

**REASONS FOR JUDGMENT**

[1] VEALE J. (Oral): The parents in this case separated in 2014 and substantially, by a consent order dated April 2016, had resolved all the issues. The father was paying child support and was making a lump-sum payment, and there was a 50/50 joint custody order for the time spent with the children. The children are now three and six years of age.

[2] In either February or March of 2017, an issue arose with respect to the father's conduct with the youngest child, who was two years old at the time, and a Family and Children's Services worker by the name of Ysabelle Perreault felt that it was important to take a disclosure from the six-year-old child to the RCMP. As a result, an assault charge was laid against the father.

[3] Unfortunately, the matter was not dealt with quickly and, because presumably the trial date was set for December 13 and 14, 2017, we are now in a situation where the father and the extended family have not had access to the children for a period of six months. This is a situation where the grandparents, mother and father, and children had lived together prior to that. There had been obviously regular contact.

[4] I do not think there is any question that the access of a father is of primary importance, as well as the access of the grandparents and the uncle and aunt. I do not think there is any question but that those are very important relationships for the children.

[5] The difficulty that arises is that the father and the uncle have diametrically opposed views of what took place in this alleged assault; the father and uncle presumably saying it did not happen.

[6] The focus of the trial is going to be on the evidence of this unfortunate six-year-old, who has been put in the middle of this. This is no position for a child to be in under any circumstances, but that is the way it is. The child is going to have to testify against her own father and uncle. I cannot imagine how difficult psychologically that would be for any child.

[7] The father and uncle are here saying they want to see this child before the trial.

[8] I think I can take judicial notice of the fact that whether it is a sexual assault or whether it is a physical assault on a child by parent, the psychological implications are the most serious that we face in our society today.

[9] On that basis, I am going to make an order with respect to the father and the aunt and uncle that their access be denied between now and December 15, 2017, at which time this interim order will be terminated either by a stay of proceedings or by an acquittal. Should there be a conviction, it will stay in place until an application is made.

[10] With respect to the grandparents, I think it appropriate that the grandparents have supervised access to both children for one hour a week, between 4 and 5 p.m., to take place at the Family and Children's Services office. Access is to be supervised by Ysabelle Perreault because she is the person that has the most knowledge about the psychological safety of the children.

[11] Should Family and Children's Services want to appoint a different supervisor, we can have a discussion about that next week to find out who that would be and what they would know. The person that supervises the access has to have knowledge of the context, in terms of the criminal case and the vulnerability of the two children.

[12] During access, the only language spoken will be in English.

[13] The supervisor is directed to terminate the access if any of the conditions that I am imposing are breached.

[14] Supervision is to be of line of sight and hearing.

[15] The grandparents are not to be left alone with the children under any circumstances.

[16] There is to be no discussion about the criminal matter before the court or this, the family law dispute.

[DISCUSSIONS]

[17] I will grant access to the aunt with the grandparents under the same conditions.

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VEALE J.