

2010 CarswellAlta 541, 2010 ABPC 98, [2010] A.W.L.D. 3007, [2010] A.W.L.D. 3016, [2010] A.W.L.D. 3018, [2010] W.D.F.L. 3097, [2010] W.D.F.L. 3152, [2010] W.D.F.L. 3154

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H. (C.L.) v. C. (S.A.)

C.L.H. (Applicant) and S.A.C. (Respondent)

Alberta Provincial Court

K.J. Jordan Prov. J.

Heard: January 22, 2010

Judgment: January 22, 2010

Docket: Calgary 051246437F1

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Counsel: Kimberley A. **Medora** for Applicant

No one for Respondent

Subject: Family

Family law --- Children born outside marriage — Custody and access — Custody

Parties began living together in 2002 — Parties had child KC in 2004 — Mother's child T from previous relationship lived with parties — Relationship ended in 2005 when mother fled with children to shelter — Father was abusive to mother and children — Father was charged with several criminal charges, including assault, assault with weapon and uttering threats of death or bodily harm, that arose during relationship — Father also had history of violent relationships with other women — T required extensive counselling as result of abuse suffered at hands of father — Mother sought termination of contact between father and KC — Mother applied for sole parenting order of KC, with no parenting time to father, and other relief — Application granted — Ongoing relationship between KC and father was not in child's best interests — Father ignored court orders — Father terrorized mother and children — Father's criminal record and attempt to manipulate court process, and level of abuse he inflicted on family did not warrant ongoing relationship with KC.

Family law --- Support — Child support under federal and provincial guidelines — Determination of award amount — Extraordinary expenses — General principles

Parties started living together in 2002 and had child in 2004 — Relationship ended when mother and child, and child of other relationship fled to shelter — Father did not comply with 2008 court order for financial disclosure — Father earned \$20.58 per hour — Mother earned \$46,000 per year — Mother applied for child support and other relief — Father ordered to pay 50 percent of extraordinary expenses, retroactive to date of application —

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Father's annual income based on hourly wage was \$42,706 — Information regarding father's income and overtime was not available for years 2008 and beyond — Mother should be assuming slightly higher proportion of expenses based on respective incomes, but father was undoubtedly working overtime — Father's ongoing refusal to provide financial information confounded possibility of calculating proportions precisely.

Family law --- Support — Child support under federal and provincial guidelines — Determination of award amount — General principles.

#### **Statutes considered:**

*Child, Youth and Family Enhancement Act*, R.S.A. 2000, c. C-12

Generally — referred to

*Criminal Code*, R.S.C. 1985, c. C-46

Generally — referred to

#### **Regulations considered:**

*Divorce Act*, R.S.C. 1985, c. 3 (2nd Supp.)

*Federal Child Support Guidelines*, SOR/97-175

s. 7 — considered

APPLICATION by mother for sole parenting without access to father, and for child support and extraordinary expenses.

#### ***K.J. Jordan Prov. J.:***

1 This is an application by C.L.H. for a child support and sole parenting order in respect of her daughter, K.C. She seeks to terminate contact between the child and S.A.C., the child's father. In the alternative she seeks an order for specified professionally supervised parenting time between him and the child.

2 S.A.C.'s position on the child support request has never been articulated. He opposes the application for termination of his parenting time and also the application to have this parenting supervised.

#### **Child Support**

3 This matter began on April 19, 2005 when C.L.H. filed her application for a parenting and child support order. Following that there were various child support and parenting orders. There was an order requiring Disclosure of Financial Information on June 30, 2008.

4 C.L.H. has complied with that Order for disclosure.

5 S.A.C., on the other hand, has provided no disclosure despite the direction in the claim that was served on him, the order for financial disclosure, repeated requests by counsel for C.L.H., and repeated reminders by the Court. Until the last day of the hearing, neither C.L.H. nor the Court had any idea if or where S.A.C. was work-

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ing. Even as he testified, he had not brought a pay stub or other indicia of employment, credit card, bank statements or tax returns.

6 He claimed he was not aware they were required. This was not true. The record reveals ongoing requests for disclosure. May 21, 2008, in the claim that was filed and served in this matter, the June 30, 2008 order of Judge Cook-Stanhope, and my ongoing exhortations urging him to provide the information required by counsel for C.L.H. He finally admitted he ignored Ms. Medora's requests for information but either could not or would not give an explanation for his lack of compliance.

7 The only information we have about S.A.C.'s financial situation is that which he provided under oath and that which C.L.H. provided in the form of Maintenance Enforcement statements and her description of the type of work he did while they were still together.

8 I accept that S.A.C. earns \$20.58 per hour. He works fulltime so that hourly rate results in an annual income of \$42,706.00. In the past he has worked over-time but states that this does not happen anymore because of the economic down-turn. He has not provided proof of income for years past so it is not possible to ascertain the amount of his child support obligation for past years with precision. It appears that the Interim Child Support Order of June 30, 2008, was based on a Tax Assessment for the tax year 2007. I do not know what S.A.C.'s earnings were for 2008 or 2009. For that reason the order is based on his stated annual earnings of \$42,706.00 and is to be calculated retroactively to the date of the application using that annual figure.

9 C.L.H. testified and provided supporting documentation that she earns \$46,000.00 per year. A formal calculation of the proportionate share of s. 7 expenses would result in C.L.H. paying a slightly higher portion of those costs than S.A.C. but I don't know precisely how much overtime S.A.C. earned in past years or presently. I do not accept that he works no overtime. The economy is improving, overtime is usually cheaper for employers because there are fewer related payroll taxes. S.A.C. has not been cooperative with this process and has not provided us any information from his employer. I draw an adverse inference from that omission.

10 S.A.C.'s ongoing refusal to provide proper information confounds a precise calculation for s. 7 expenses. I can do no better than require him to pay 50% of s. 7 expenses including health and dental expenses, child care expenses, and reasonable extra-curricular expenses.

## **Parenting**

### ***Mother's Evidence (C.L.H.)***

11 C.L.H. and S.A.C. lived together as a couple from 2002 until 2005 together with C.L.H.'s son, T. Their daughter, K.C., was born April 4, 2004. At that time the parents were living together. S.A.C. is a guardian.

12 K.C. was approximately a year old when they separated. According to C.L.H., S.A.C. subjected her to emotional, financial and physical abuse throughout their relationship. He threatened her and threatened to kill her and the children. He was not really involved with K.C. when they were still living together. He subscribed to the belief that children should be seen and not heard.

13 Part of the abuse that C.L.H. described was that S.A.C. threatened to take K.C. and sell her on the black market. He was abusive to her even though she was just crawling, throwing pens and books at her because she was getting into things. He was also abusive to T., punching him in the arms and back, flicking him in the fore-

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head and calling him names such as dummy, loser and fag.

14 C.L.H. described that on the last day of their relationship S.A.C. returned home early and a terrible physical fight ensued. She left for a shelter and called the police from there. She did not feel safe to do that until she got to the shelter. When the police came they took her statement, photographed her bruises and laid charges of common assault and uttering threats. The charges were withdrawn at trial.

15 C.L.H. also described her joint participation in a scheme with S.A.C. to defraud the Alberta Income Assistance Program. According to her it was his idea for him to charge her rent and this would enable her to get income assistance even though they were living together and he was working. He filled out a rent report stating that he was charging her rent and she made the application for assistance.

16 To C.L.H.'s credit she notified Income Assistance shortly after leaving the relationship. She was charged with fraud, entered a guilty plea, repaid \$12,000.00 to Income Assistance, performed community service, and now, in 2010, the conditional discharge she received as a sentence will be effective.

17 After arriving at the shelter and contacting the police, C.L.H.'s next step was to make this application for a Child Support and Parenting Order. She had a lot on her plate, finding a place to live, meeting with the police, making a Legal Aid application, Court applications, including an application for an Emergency Protection Order, and dealing with the Income Assistance authorities.

18 She also had to deal with Child and Family Services. When she made an ex-parte application for a Parenting Order, the Court referred the family to Child and Family Services. (This is a typical response by the Court in these types of situations.) Child and Family Services visited C.L.H. at her home on various occasions to ensure that S.A.C. was not living there. C.L.H. testified that they took no further steps, not even a Family Enhancement Agreement.

19 I conclude that there was no need for Child and Family Services to take further action because there was no need for intervention as defined in the *Child Youth and Family Enhancement Act*. C.L.H. was taking adequate steps to ensure the children were safe. They did, however, attend at Court and support C.L.H. when she applied for an Order which required that any parenting time exercised by S.A.C. be supervised. That all resulted in an order which required that S.A.C.'s parenting time be exercised at the Sheriff King Safe Visitation Programme.

20 C.L.H. did not know if Child and Family Services ever had contact with S.A.C.

21 C.L.H. continued her testimony stating that the Emergency Protection Order was confirmed in the Court of Queen's Bench and that S.A.C. was released on bail by the criminal Courts with a term that required he have no contact with her. He was subsequently charged with a breach of his bail order but that trial did not proceed, apparently because witnesses were not subpoenaed.

22 The combined effect of the adjournments and the confirmation of the EPO resulted in a form of Restraining Order against S.A.C. until January, 2008. I don't know if S.A.C. was present when the Order was adjourned or confirmed, but the confirmed Order was entered as an Exhibit in these proceedings.

23 Following the expiry of that Order, C.L.H. did not apply for further protection because several criminal charges against S.A.C. had been stayed, and she seemed to understand that action could be taken on those charges if there was any more assaultive behaviour against her by S.A.C.

24 Those charges arose out of events which had occurred before the couple separated. There were four charges:

1. When C.L.H. told S.A.C. she was pregnant he told her that if she left him he would kill her.
2. The night before K.C. was born he threatened her with a gun, telling her that she had to give K.C. his last name and return to the home upon release from hospital or he would kill her.
3. When K.C. was six months old, C.L.H. told S.A.C. she was considering returning to work. He threatened her and told her she could not return to work.
4. Five months later he told her again that she could not return to work and threatened her with a gun a second time.

25 These allegations would appear to have been the grounds for several *Criminal Code* charges including common assault, assault with a weapon, and uttering threats to cause bodily harm or to kill.

26 Since these events C.L.H. has had no contact with S.A.C. except for Court appearances.

27 C.L.H. described making progress in her personal life after she left S.A.C. She outlined various classes she has taken including therapy and counseling. She has taken the only course the Courts required of her and provided a certificate of completion. She has also taken many other courses and provided those certificates as well. She expressed concern that S.A.C. has done nothing since their separation to improve his parenting. No programmes, no therapy, no anger management courses. Nothing. She is concerned that he has not changed at all and that he is a danger to K.C.

28 C.L.H. testified that S.A.C. had a child from a previous relationship whom she saw a few times early on in their relationship. As the relationship continued, S.A.C. told her that the child's mother had moved. C.L.H. stated that she later learned from Child and Family Services that he was no longer allowed to have contact with that child because he had abused him.

29 C.L.H. testified at length about S.A.C.'s relationship with his family and her relationship with them. S.A.C.'s mother comes from Newfoundland every year and C.L.H. ensures that she sees K.C. Grandma sends Christmas presents, cards, and family pictures and C.L.H. sends her pictures. S.A.C.'s father does not come on those visits.

30 S.A.C. has a sister in Calgary but he does not have much contact with her. Their relationship is difficult according to C.L.H. and it was undoubtedly made worse when the Court ordered supervised parenting time with the sister as a supervisor. This was done at S.A.C.'s urging when he had to name two visit supervisors. He told the judge that his sister had agreed to the arrangement but couldn't come to court because of work commitments. When S.A.C.'s sister learned of the Order from C.L.H., she was very upset claiming that she had never agreed to be a supervisor, that "she [C.L.H.] knew the history, she didn't want to be involved."

31 This information was all confirmed in an Affidavit sworn by Brenda Whitby in this matter.

32 As for the supervised parenting time S.A.C. was entitled to have, Amanda Helmer was the alternate supervisor. She supervised several visits but after that didn't want to do it anymore.

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33 C.L.H. testified at length about her son, T. S.A.C. is not T's father. T. is a troubled 12-year-old boy. He is not able to cope with the rough and tumble of school life and responds to various kinds of teasing by becoming very aggressive. According to C.L.H. he received extensive counseling because of the abuse he suffered at the hands of S.A.C.

34 C.L.H. has also been in counseling because of the abuse by S.A.C. She has never been in any other abusive relationship. Ms. Delores Marchand has been the counselor for both mother and son. For a time T. was seen by Dr. Megan Rodway, a child psychiatrist. He has also received intervention and services at school.

35 Throughout this entire proceeding S.A.C. constantly complained about C.L.H.'s failure to comply with Court-Ordered telephone contact between him and K.C. C.L.H. testified about her attempts to comply with that Order. Without going into the minutiae of her evidence, C.L.H. was very clear that she complied with that Order to the best of her ability. She stated, however, that S.A.C. often doesn't answer the calls; he misses about a third of the calls she makes. She provided copies of her cell-phone bills that she printed from a web-based site her cell-phone provider directed her to. She testified that this was the only way she could obtain copies of her records. S.A.C. complained vigorously about the source of the information, insisting that she had the opportunity to doctor the records and undoubtedly did. I accept that the records provided by C.L.H. are an accurate record of her phone calls to S.A.C. as ordered by this Court. It is not a complete record of the phone calls she made but C.L.H. explained in her testimony about the phone calls she made to comply with the Order and which do not appear on her cell-phone records.

36 She also explained that there are problems when the telephone calls take place because K.C., in childlike fashion, often doesn't want to talk as long as S.A.C. wants to talk. She denied that she interfered with the conversations or encouraged K.C. to end them early.

37 On cross-examination C.L.H. admitted that she had never called the police to the family residence, that she had left the home on many occasions and had left K.C. in the care of S.A.C., that she had "signed over custody" of K.C. to him, and that T.'s problems were apparent long before they broke up. She was clear, however, that she came back to the family home because K.C. was there, and that she had not sought help from the police or child welfare because S.A.C. had threatened to kill her.

38 She acknowledged that T's father had not been the kind of father he should have been but stated that they were not together long after T.'s birth. She has not been involved in protracted family court proceedings with T's father. She does not accept that the problems in that relationship or another relationship she had are the foundation for T.'s troubles.

39 She maintained that she was advised by the Maintenance Enforcement Program authorities that S.A.C. had lost his license due to being in arrears on his child support. She also admitted that she has accused him of being involved with organized crime but has no proof of that. She acknowledged her accusations to the police that he tortured a cat and described taking pictures of the injured cat and forwarding them to the police. She would not agree to this last matter proceeding in Court, however, because it would require T. to testify. Charges were stayed.

40 C.L.H. opposed S.A.C.'s attempts to have T. testify in this matter because T. is terrified of him and the process would cause T. to have further problems.

41 She denied that anything had happened to K.C. to cause bruising to her face except an accident in the

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family Winnebago. She explained that incident during her evidence. Both the police and child welfare investigated, but as far as C.L.H. knows their files are closed. She is not aware of any action taken other than talking to her and her common-law partner. I am satisfied that the incident complained of by S.A.C. was just an accident. There was no abuse or neglect involved.

***Amanda Helmer***

42 Amanda was an acquaintance of S.A.C's and, for a short time, provided some child care for K.C. when S.A.C. and C.L.H. were separated. She is not and never has been a friend of C.L.H.

43 Amanda supervised S.A.C.'s parenting time a total of four times. She went to Court with S.A.C. three or four times because he was her friend, but the idea of supervising visits was sprung on her in the Courtroom. She had never had any discussion about the subject prior to it being raised in Court that day but, following a discussion with the Judge, she agreed to it anyway.

44 S.A.C. was not able to successfully challenge Amanda on this point during cross-examination.

45 On the day she gave evidence in this hearing Amanda stated that she and her boyfriend thought it would be best if she did not testify or have any contact with S.A.C. because of things he had said to them. She stated under oath that she didn't want to testify because she was afraid of S.A.C. She told us she supervised three visits that she can recall and stopped a fourth because of S.A.C.'s behaviour.

46 The first visits were uneventful but not highly successful. She observed that S.A.C. was overly concerned with keeping K.C. clean. He wasn't interested in the things K.C. wanted him to buy for her at a mall and he let it show. On the fourth visit when Amanda arrived at S.A.C.'s house, she [Amanda] wanted to take the children to another child's birthday party and asked S.A.C. to bring K.C. He didn't want to do this and got upset. He was yelling and screaming in the presence of K.C. and other children who were present. He then "tossed" a doll buggy aside.

47 Amanda didn't see this happen but was told by someone present what had occurred. Amanda then found the doll buggy on the ground by the side of her car. Amanda's stepfather was sufficiently concerned that he asked her if anything was likely to happen at the party. Someone called the police but Amanda is not sure what in particular brought that about. When she learned the police had been called, she cancelled the visit early and called C.L.H. S.A.C. left without telling Amanda. That was the last visit she supervised.

48 She is no longer willing to supervise visits and doesn't want S.A.C. around her or her family.

49 She admitted on cross-examination that she told S.A.C. her family life was too busy and she could no longer supervise visits for him but then said to S.A.C. as he questioned her, "I told you what I felt I had to." On re-direct she stated that she had told S.A.C. this story about being too busy "because I was scared of how he would react."

50 After Ms. Helmer stopped supervising visits, S.A.C. did not see K.C. for approximately a year. Visits resumed when he started using an agency called "Pathways". According to C.L.H. not all of those visits have occurred as scheduled.

***Delores Marchand***

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51 Ms. Marchand is a psychologist who provided therapy to T. and C.L.H. She testified in support of an application by C.L.H. to quash the Notice to Attend S.A.C. filed in order to have T. testify in this matter. S.A.C. took the position that he could only defend himself against the allegations of abuse against him if he could examine T. The application to quash was granted.

52 I do not rely on the evidence that Ms. Marchand provided in that portion of the hearing. Although S.A.C. cross-examined Ms. Marchand and it is possible that her evidence might properly be considered as part of the hearing on the larger issue, acting out of an abundance of caution, I find that there is no need to rely on her evidence to reach my conclusions.

53 This is not a reflection on Ms. Marchand's credibility or professional qualifications but, rather, an acquiescence to S.A.C.'s status as an unrepresented litigant.

### **Father's Evidence**

#### ***Stephanie Ward***

54 Ms. Ward was employed as a visit supervisor by an agency called Pathways for several months. She supervised five visits between S.A.C. and K.C. The visits lasted five to six hours each. S.A.C.'s common-law partner also participated in the visits but most of the childcare was done by S.A.C.

55 Ms. Ward described appropriate interaction between father and child, as well as child-centered activities. She stated that she had never seen S.A.C. hit or swear at K.C. or be aggressive with her in any way. She said that K.C. seemed happy to see S.A.C., was affectionate with him, and did not appear to be afraid of him. She was very clear in her opinion that visits between S.A.C. and K.C. did not need to be supervised.

#### ***Stacy Huber***

56 Ms. Huber was also a visit supervisor for S.A.C. and K.C. She supervised visits beginning in February 2008 and has supervised approximately 20 visits between them. She is employed by the same agency as Stephanie Ward. She stated that K.C. is well looked after during visits and that she shows no signs of being afraid of her father. She observed that visit activities were appropriate and that the food provided to K.C. was nutritious. She has never had to report any negative occurrences on visits. She testified that she would not be afraid to leave her own children with S.A.C.

57 The only thing of note that she described was an occasion when her supervisor asked her to ensure that S.A.C. had a valid driver's license. When she did, he showed her a "30 day renewal slip".

58 S.A.C. called no other evidence. He attempted to call C.L.H.'s son, T., to testify but C.L.H. made an application to quash the Notice to Attend. That application was granted.

#### **S.A.C.**

59 S.A.C. commenced his evidence by emphasizing that the police and child protection authorities did not become involved with his family until after he and C.L.H. separated.

60 He was no more forthcoming in this portion of his evidence than he was with the financial disclosure.

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61 When he described the final parting of the ways on April 15, 2005, he said merely, "She left to take K.C. to the doctor about a cold. That was the last I saw of her." He later described the police arriving at his work-place, ten or more charges being laid, including assault with a weapon and possession of a weapon for a purpose dangerous to the public peace, and a trial taking place. He insisted that he was never subject to an order that his parenting time with K.C. be supervised

62 He gave a very short commentary about growing up in Newfoundland and Nova Scotia and briefly described his visits with K.C.

63 That was his evidence-in-chief save for the financial details. I refer to this as his evidence in chief because he was a self-represented litigant. There was far more history in this matter than he revealed and which was important to have aired so that I could make an informed ruling about his parenting.

64 He claimed he did not know about C.L.H.'s scheme to defraud Income Assistance. When he filled out the Rent Report she used in her application for support, he thought she was applying for student financing.

65 Procedural fairness requires that self-represented litigants receive whatever assistance can be provided by the Court. It is not fair to a self-represented litigant to have such information adduced on cross-examination when it should be elicited during direct examination. I therefore began to ask him questions. His answers cannot be considered as having been given in response to cross-examination, but it is important to remember that it was not evidence which S.A.C. volunteered or seemed to consider important for the Court to know.

66 He has no contact with his son from a previous relationship following protracted custody litigation which involved an assessment completed by a psychologist known and respected by these Courts. S.A.C. has not seen his son for over 5 years.

67 He was adamant that he never laid a hand on T., and that T. was a troubled child when he and C.L.H. began to live together. According to S.A.C., T. described living in a violent home with lots of yelling, screaming, and throwing things.

68 According to S.A.C., he and T. had what could only be described as a convivial relationship. They went skating, swimming, he took T. to Beavers and then Cubs. He encouraged him to play street hockey. They played video games.

69 He described his visits with K.C., his role and that of his common-law partner.

70 He stated that the relationship came to an end because they stopped caring about each other, that it was a long time coming. They had a lot of financial problems. He did not harm C.L.H.

71 On cross-examination he responded to Ms. Medora's questions but in the end did not provide any more information than he had already given - and that wasn't much. He claimed he didn't have a bank account for much of the time the litigation has been ongoing because Maintenance Enforcement seized his account. As for child support for his other child, he claimed there was none ordered and therefore there was no Maintenance Enforcement activity. He claimed he didn't remember the details. His evidence on this subject, as on many others, was evasive.

72 When he was questioned about the Emergency Protection Order, he claimed he had never seen it, yet he filed an Affidavit in Confirmation Hearing on April 28, 2005. He then claimed he didn't recall the police serving

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the EPO, there was just too many police involved. He doesn't remember.

73 He claimed he didn't know that the criminal charges against him were stayed because T. did not want to testify.

74 He acknowledged assault charges involving four women at different times, his ex-wife, his ex-girlfriend, C.L.H. and a woman he carried out of a party against her will. He claimed that all their stories were fabricated, that his ex-girlfriend teamed up with his ex-wife in their complaints to the authorities. He stated that he was just a victim of bad luck in his relationships.

75 He did, however, admit that there was domestic violence in his marriage that consisted of yelling, screaming, and throwing things. He admitted the same things about his relationship with C.L.H. He admitted that child welfare was involved with his first family during the custody proceedings.

76 He also admitted that he has agreed in Court to supervised parenting time on two occasions.

77 He has not taken any steps to avoid similar troubles in the future except that he now avoids bad situations. He claims he does not remember various suggestions during these proceedings that he attend for parenting classes and a psychiatric assessment.

78 He acknowledged that in court he wanted to get C.L.H.'s phone bills and was told that what he was suggesting was against the law. He would not acknowledge this until a transcript was read to him. He is aware that his girlfriend tried to get those records but tried to avoid the truth about this issue, saying, "She was just trying to find out if she could get the records".

79 He then claimed the telephone records C.L.H. produced were doctored but admitted he had no information to substantiate his claim. He stated, "What I say is true, that's all I got to say."

80 He denies C.L.H.'s allegations of abuse directed at her and the two children and states simply that she just wants to keep him out of K.C.'s life. He believes it [litigation] will go on for years.

81 When questioned about Amanda Helmer's testimony, S.A.C. claimed he did not remember her testimony. He did, however, state that her testimony about him throwing a doll's stroller was lies and referred to an Affidavit sworn by his mother.

82 He claimed that his sister had volunteered to supervise his parenting time so he could see K.C. He denies that she stated this was not true. He believed that she would do this because his mother had told him the sister would do it.

83 Neither S.A.C.'s mother or sister gave evidence.

### ***Conclusions***

84 The decision and reasons for the Child Support Order have already been given. See Paragraphs 4 - 11.

85 As for the Parenting Claim, I am satisfied that S.A.C. has some normal filial relationship with K.C. but I find that the primary reason for his behaviour throughout this entire process is unrelated to that instinct. He has used this court and this process to control and harass C-L. H. and to gain attention generally. It is unfortunate

2010 CarswellAlta 541, 2010 ABPC 98, [2010] A.W.L.D. 3007, [2010] A.W.L.D. 3016, [2010] A.W.L.D. 3018, [2010] W.D.F.L. 3097, [2010] W.D.F.L. 3152, [2010] W.D.F.L. 3154

that by giving reasons for judgment I have no choice but to pander to S.A.C.'s base efforts to continue to abuse C.L.H.

86 In general I accept C.L.H.'s evidence. There have been a few weaknesses here and there but they do not undermine her credibility.

87 S.A.C. was the worst witness I have seen since I was called to the bar. He failed to comply with the disclosure order and subsequent directions to provide disclosure. He made it difficult for the Court to arrive at a precise child support order. He tried to evade most of the questions put to him, including the ones about his relationship with Maintenance Enforcement, the status of his driver's license, his relationship with his other child, his violent relationship with other women, and his criminal record.

88 Although given ample opportunity to be forthcoming about his criminal record, he did not reveal any details until faced with direct questions from the Court which, by that time, was in possession of a printout from the Alberta Justice Online Information Network (obtained by the court with S.A.C.'s consent). Until that information was obtained, S.A.C. merely acknowledged that he had a criminal record; he really couldn't remember much about it.

89 He doesn't see anything wrong with the way he conducts his life and his relationships with women. He sees the various criminal charges wherein he was charged with assaults (including assaults with weapons) and weapons charges as well as breaches of court orders as a malicious conspiracy by women who are no longer part of his life.

90 His insistence that he played no part in T.'s troubles is disingenuous. I find that he belittled and berated T., C.L.H., and K.C. He was physically abusive to all of them in one way or another. He terrorized C.L.H. and by doing so he also terrorized the children. S.A.C. may consider that his behaviour is within accepted limits but I find that it was not.

91 I do not accept his repetitive statements that he does not remember when he is facing a question he does not want to answer.

92 This abusive behaviour is not the first time he has tried to hold his partners hostage, even if there was no actual physical confinement. He has a significant record of abusing women. He also ignores court orders as is evidenced by the breach charges laid.

93 Ms. Medora submits that it is not in K.C.'s best interests to have a child-parent relationship with this man, that she would not be safe. She asks me to consider the impact on the entire family as I make my decision, asserting that an ongoing relationship between K.C. and S.A.C. would have a detrimental emotional impact on both C.L.H. and T., even if the parenting time was supervised, and that this would not be in K.C.'s best interests.

94 I agree. As I reflect on the level of abuse S.A.C. has inflicted on C.L.H. and T., his abusive relationships with various women in his life, his criminal record, his attempts to deceive and manipulate this process to his own ends, even his act of torturing a cat, I cannot find that an ongoing relationship with this man is in K.C.'s best interests even though the supervised visits have been without incident for a year.

95 C.L.H.'s application for a Sole Parenting Order with no parenting time for the father is granted. The Order shall specify that she shall have all decision-making powers. She shall also be accorded the right to travel

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within and outside Canada with K.C. and to obtain a passport and other travel documents without first obtaining the consent of S.A.C.

*Application granted.*

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