

CANADA / JUDGMENT

Kuefler v. Kuefler

2016 BCSC 2162

COURT

Supreme Court of British Columbia

DECIDED

7 March 2016

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2016 BCSC 2162 Kuefler v. Kuefler IN THE SUPREME COURT OF BRITISH COLUMBIA Citation: Kuefler v. Kuefler, 2016 BCSC 2162 Date: 20160307 Docket: E89695 Registry: Kelowna Between: Angela Marie Kuefler Claimant And Christopher John Kuefler Respondent Before: The Honourable Mr. Justice Steeves Oral Reasons for Judgment In Chambers Counsel for the Claimant: A.M. Ouellet Appearing on his own behalf: C.J. Kuefler Place and Date of Trial/Hearing: Kelowna, B.C. March 7, 2016 Place and Date of Judgment: Kelowna, B.C. March 7, 2016

- [1] THE COURT: So this matter comes on before me as a result of an application filed February 15, 2016, from the claimant. She seeks a number of orders with respect to parental responsibilities; travelling of the two children, Tyler age 12, and Gemma, age 8; in particular a passport. There are a number of other issues between the parties, including child support and taking the children outside the province to visit the respondent's parents. There are no applications before me today on those matters.
- [2] With respect to the specific orders sought, the order sought, number 1, that the claimant have sole parental responsibility for the children is denied. The current state of the law is that the parents are presumed to be joint guardians and it would be a Draconian change to alter that.
- [3] Having said that, I think something needs to be done in order to look after the interests of the children. It is of some considerable concern that the respondent is engaging the children in the legal issues between the parties. That is objectionable on its' own and is apparently in violation of a previous court order.
- [4] For that reason, the claimant is entitled to the second order sought with the addition that she will consult with the respondent with respect to decisions made about parental responsibilities under s. 41 of the Family Law Act. Consultation is not a veto.
- [5] With respect to the current travelling plans of the claimant the order sought, number 3, is allowed. The claimant may apply for and obtain and/or renew passports for the children without the respondent's consent.

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- [6] Order number 4 is also allowed. The claimant is permitted to travel with the children within North America without restriction pending further order of the court, or on a final basis, but with the addition the claimant will give reasonable notice to the respondent of any such travel.
- [7] Order number 5 is superseded by the previous orders.
- [8] And Madam Registrar somewhere in there it should say that the previous proceedings were under the Family Relations Act, but they are now under the Family Law Act.
- [9] All right, anything else, Ms. Ouellet? [SUBMISSIONS RE COSTS]
- [10] THE COURT: The claimant is entitled to her costs for today and they are set at \$350. Steeves J.
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