

CANADA / JUDGMENT

N.J.H. v. J.A.C.

2025 BCSC 2349

COURT

Supreme Court of British Columbia

DECIDED

17 October 2025

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2025 BCSC 2349 N.J.H. v. J.A.C.

IN THE SUPREME COURT OF BRITISH COLUMBIA

Citation:

N.J.H. v. J.A.C.,

2025 BCSC 2349

Date: 20251017

Docket: E221805

Registry: Vancouver

Between:

N.J.H. also known as N.J.C.

also known as N.C.

Claimant

And

J.A.C. a.k.a. J.P.A.C.

Respondent

Before: The Honourable Madam Justice Morellato

Oral Reasons for Judgment

In Chambers

Counsel for the Claimant:

S. Chiu

D. Gorelov

Counsel for the Respondent:

S. Das

K. Gill

Place and Date of Hearing:

New Westminster, B.C.

October 17, 2025

Place and Date of Judgment:

New Westminster, B.C.

October 17, 2025

Introduction

- [1] The respondent father, J.A.C. ("Father"), seeks the following orders in this very high-conflict family matter:
1. Pursuant to the Family Law Act section 61(2)(b), commencing by no later than May 15, 2025, the Respondent, the Claimant and the Children will enroll and participate in reunification counselling at Crossroads Collective Langley Therapy & Counselling or such other agreed upon reunification counselling service provider with a focus in resist-refuse dynamics and with the costs to be allocated and shared equally between the parties;
 2. Pursuant to the Family Law Act section 61 (2)(b), commencing by no later than May 30, 2025, the Claimant will enroll and participate in no less than ten counselling sessions with an individual counsellor specializing in resist refuse dynamics, and if available the counsellor will be one employed at Crossroads Collective Langley Therapy & Counselling and which costs are to be paid by the Claimant.
- [2] The Father has sought further orders in this Notice of Application but is no longer pursuing them at this time. I note that the parties have, in fact, engaged in reunification counselling within the last year.
- [3] The Father also seeks three conduct orders, which the claimant mother, N.J.H. ("Mother"), has now consented to, and which I endorse. Accordingly, the following consent orders are granted:
- 1) By consent, the parties will:
 - (a) put the best interests of the children before their own interests;

- (b) encourage the children to have a good relationship with the other parent and speak to the children about the other parent and the parent's partner in a positive and respective manner; and
 - (c) make a real effort to maintain polite, respectful communications with each other, refraining from any negative or hostile criticism, communication, or argument in front of the children.
- 2) By consent, the parties will not:
- (a) question the children about the other parent, or about time spent with the other parent beyond simple conversational questions;
 - (b) discuss with the children any inappropriate adult court or legal matters; blame, criticize, or disparage the other parent to the children; and
- 3) By consent, the parties will encourage their respective families to refrain from any negative comments about the other parent and his or her extended family and from other discussions in front of the children concerning family issues and/or litigation.
- [4] I address the outstanding orders sought next. All the other relief sought in this application is adjourned generally.

Background Facts

- [5] The factual background may be condensed as follows.
- [6] The Father is 55 years of age. He was previously employed as a police officer with the RCMP. He retired after suffering severe injuries requiring surgery, including injuries to his neck and back. He has been retired since 2021.
- [7] The Mother is 53 years old. She is an RCMP officer. The parties began cohabiting in January 2005, were married in May 2009, were separated on July 1, 2020, and were divorced on October 4, 2022. The parties have two twin children of the marriage: N.C. and S.C., each born December 7, 2010.
- [8] The Father alleges that the Mother has been unjustifiably dictating and denying his parenting time with the children. He deposes that she has negatively impacted the quality of his relationship with the children such that they have the misapprehension that he does not want to spend time with them.
- [9] The Father asserts that since separation the Mother has alienated the children against him. He deposes the children have repeatedly made disparaging remarks to him about his parenting style, parroting words he says that the Mother has coached the children to say. As regards his parenting time after separation, the Father notes that he has typically spent, at least, one full day a week with the children in his care. He underscores that the parties signed a Separation Agreement that provides:

That commencing with the resumption of school in September 2022, from 10:00 a.m. on Sunday until 7:00 p.m. on Tuesday each week. The father was responsible to transfer the children to school on Mondays and Tuesday with pick-ups on Monday after school.

- [10] The Father explains that initially he had Sunday to Monday parenting time with the twins and then, through the Separation Agreement, his parenting time was expanded from Sunday to Tuesday each week. The Father deposes that since January 2023 he has not received the parenting time set out in the Separation Agreement. He alleges that the Mother has interfered with his parenting time unjustifiably. He adds that, at the present time, he exercises very minimal parenting time with the children, such that his two most recent parenting time visits occurred on February 21, 2025, and September 15, 2024.
- [11] The Father deposes that in 2023, he has had only nine visits with the children: March 8, 2023, March 14, 2023, March 20, 2023, April 16, 2023, June 18, 2023, July 6, 2023, July 23, 2023, December 24, 2023, December 25, 2023. In 2024, he also had nine visits with the children: January 1, 2024, January 4, 2024, January 7, 2024, January 14, 2024, January 21, 2024, January 28, 2024, February 4, 2024, and September 15, 2024; and, as noted, February 21, 2025. The Father adds that his visits with the children have been limited by the Mother to public restaurants and that the children are withdrawn and unwilling to communicate in the manner that they once did with him.
- [12] The Mother deposes that post-separation, on October 7, 2021, a Hear the Child Report was prepared by Ms. Fiona Beveridge. The Report stated the child, S.C., did not want to spend time with her father and, in the best case scenario, the child wished to go to his home only once a month for Sunday and Monday; as a "second best" scenario, the child advised Ms. Beveridge she would spend a day at the Father's home every two weeks; the child's third scenario was that she would have parenting time with the Father from Sunday 10:00 a.m. to Mondays at 7:00 p.m. or, in the alternative, all day Sunday with the Father without an overnight.
- [13] The 2021 Hear the Child report states that the second twin, N.C., did not want to stay overnight at the Father's home on Sundays and he preferred to have parenting time from Sundays at 10:00 a.m. to 7:00 p.m. with the Father four times a month so he could have an overnight at the Mother's home on Sundays.
- [14] The Mother clarified in her evidence that on April 14, 2022, a s. 211 report was also prepared by Dr. Colby who was jointly retained. Dr. Colby recommended:
- (a) The existing parenting schedule be supported and maintained by the Father having the children from Sundays at 10:00 a.m. to Mondays at 7:00 p.m. and that that be maintained to the end of the 2022 school year.
 - (b) In order to move forward on the equal shared parenting time, it was necessary for the Father to develop and address parent/child communication skills and expectations. Dr. Colby recommended that the Father engage a parenting coach to work in conjunction with

the children to assure that he is able to hear the children's concerns and respond to them in an appropriate manner in order to enhance the children's sense of their individual value to their father and their ability to develop a positive parent/child dynamic. It was also recommended that these sessions be held on a weekly basis for at least eight sessions.

- (c) Dr. Colby recommended that the Father maintain ongoing contact with a parenting coach to address issues of paternal communications with the children to facilitate a more positive dynamic.
 - (d) Dr. Colby recommended in his report that the Father be assisted in developing a model for parental intervention based on a reward rather than punishment paradigm and that he attend the Systematic Training for Effective Parenting ("STEP") program offered by the Adler Institute or another agency.
- [15] The Mother deposes the parties entered into their Separation Agreement on May 2, 2022, after the s. 211 Report was issued. The Separation Agreement provided that the children were to continue to principally reside with the Mother and that the Father have, initially, parenting time from 10:00 a.m. on Sunday to 7:00 p.m. on Monday each week until the end of 2021/2022 school year.
- [16] Further, the Mother deposes, amongst other things, that the Separation Agreement also provided that the Father was to engage with a list of parenting supports pursuant to s. 224 of the Family Law Act, S.B.C. 2011, c. 25 [FLA], including engaging a parenting coach to assure that he is able to hear the children's concerns and respond to them in an appropriate manner in order to enhance the children's sense of their individual value to their father and their ability to develop a positive parent/child dynamic.
- [17] According to the Mother's affidavit, the Father was to maintain ongoing contact with the parenting coach to address issues of paternal communication with the children, towards a more positive dynamic with them, as recommended by Dr. Colby. The goal of the parenting coach, deposes the Mother, is to assist the Father in developing a model for parental intervention based on reward rather than the punishment paradigm; also that the Father was to attend the STEP program.
- [18] The Mother deposes that the parenting support that was set out in the Separation Agreement was also intended to be the precondition to a potential increase in the Father's parenting time. She deposes that the Father did not meet these preconditions. The Mother deposes that the Father's relationship with the children seemed to deteriorate further following the Separation Agreement, after a series of incidents between the Father and the children.
- [19] The Mother also deposes that the parent/child relationship between the children and the Father reached a breaking point in January 2023 when, as a result of the child, S.C., not sweeping the floor, the Father made S.C. sit on the stairs leading to the basement for about an hour with just a thin shirt on, refusing to let S.C. wear a hoodie or eat anything.

- [20] The Mother also deposes that during the time that the Father attended coaching sessions with Mr. Gonzales, the parenting coach, his relationship with the children worsened. She deposes that in an email dated November 14, 2022, Mr. Gonzales informed her that it had been a while since he had last had a coaching session with the Father and that he was willing to facilitate a change of a parenting coach.
- [21] The Mother deposes that at all material times she has made every effort to support and encourage the children's relationship with their father. She deposes, for example, that she has:
- (a) made every effort to facilitate the drop-off of the children at the Father's home for his parenting time;
 - (b) made every effort to encourage the Father to see the children and has suggested to the Father activities the children would likely want to do with him;
 - (c) been taking the children to see the children's counsellors (e.g., Shelley Behr, and Henry Hwi), in addition to various counselling professionals at the high-conflict team at Crossroads; and
 - (d) completed the Making Sense of Counter will course at the Neufeld Institute and the Science of Emotion course to support the children and understand how to promote their relationship with the Father.
- [22] In addition, the Mother deposes that, over the past three years, she has made efforts to deliver the children to the Father's home for his parenting time and has also suggested other ways to develop the children's relationship with the Father. The Mother explains that the children have refused to enter the Father's house on repeated occasions. Nevertheless, they have been willing to spend limited time with him in public places. The Mother has also suggested the Father contact the children directly to arrange parenting time.
- [23] On November 17, 2023, Dr. Colby updated his s. 211 Report. The Mother underscores that this updated s. 211 report, amongst other things, highlighted the children's view and provided updated parenting time conclusions and recommendations including:
- (a) The parenting schedule set out in the Separation Agreement was counterproductive to the development of a positive father/child relationship with the children.
 - (b) Requiring father/child overnight engagement at that time would undermine the probability of a productive father/child relationship.
 - (c) The overnight requirement under the Separation Agreement is to be suspended.
 - (d) With overnight parenting time having significantly deteriorated, the Mother was to be responsible for assuring that the children engage with the Father consistently with the parenting schedule on Sundays for no less than two hours and for dinners on Mondays when it was not in conflict with the children's schedule.

- (e) The father/child parenting time is to take place with both children in a public venue.
- [24] These recommendations from Dr. Colby in his s. 211 Report were clearly made in the children's best interest and speak to a change in material circumstances since the Separation Agreement was signed.
- [25] The Mother deposes that she has consistently included the Father in the children's schooling, and she has also taken vigilant steps to update him regarding the children's events and she has also maintained the children's relationship with the Father by giving them his gifts.
- [26] The Mother underscores in her affidavit that the children have clearly expressed their wishes in different ways throughout these proceedings and have consistently communicated their desires and their wishes as to when they see their father. Their wishes are contrary to those of the Father but, she asserts, ought to be respected.
- [27] The Father underscores that the latest report from the counsellors at Crossroads issued in May of this year ought to be carefully considered in addition to the s. 211 reports and other reports, such as the previous Crossroads report in 2024.

Discussion and Disposition

- [28] I found the May 14, 2025 Crossroads report very helpful. It confirms that neither of the children wishes to be forced to see their father and that they are also resistant to attending counselling. It is significant that the Crossroads report indicates that the children's resistance to counselling seems to be based on their misperception that counselling means they would be required to see their father, irrespective of their views. That is clearly not the basis on which counselling is recommended.
- [29] The Crossroads report acknowledges the children's resistance to counselling but nevertheless strongly recommends that they continue receiving counselling support. The Father's insistence that the children attend counselling is, in my view, an important matter to bring to the court's attention.
- [30] I have carefully considered the submissions of counsel and the affidavit materials. I note that while this has been a high-conflict case, the parties have had the benefit of the recommendations of Dr. Colby, both through his first and second s. 211 reports, the Hear the Child Report and, as well, the observations and recommendations of the Crossroads reports.
- [31] In light of s. 37 of the FLA and the related common law, I find it is in the best interests of the children that they not be forced to see their father and that they continue to attend counselling. I am also of the view that the children should not be forced to attend counselling at Crossroads if they choose not to do so. The choice of counsellors must be theirs. The latest Crossroads report in May 2025 underscores the importance of the children's autonomy and respecting their views. I agree. Their views must be respected and accommodated. They will, after all, be 15 years old in a matter of weeks.

- [32] I am conscious of the fact that there have been quite a number of counselling sessions at Crossroads, and it appears that those sessions have not been productive. The child, S.C., has attended 11, 50-minute sessions. Four of these were with her brother, N.C. Collectively, she received nine hours of therapeutic support at Crossroads and, of these, approximately six hours were attended independently. She worked with three different professionals. The counselling commenced in August 2023, and her last session was the following July 2024, totalling 11 months of service. Her brother, N.C., attended similar treatments.
- [33] I would note that while the Mother is resisting continued counselling with the children at Crossroads, she is not resisting the children going to counselling. The Father also wishes the children to attend counselling. In this regard, the Mother and the Father stand on common ground. They do not agree, however, on where the children should go to receive counselling.
- [34] The recommendations in the latest Crossroads report reinforces my view that the children should be given a choice as to which counsellor they continue to see. They may choose to see a counsellor at Crossroads, or they may choose to see another counsellor. They have seen a number of counsellors over the years; they are free to choose the counsellor each has the best rapport with. Giving them the choice of which counsellor they wish to see will, hopefully, facilitate a more productive dynamic in the counselling sessions.
- [35] The counsellor, which each child chooses to see, is to be provided with a copy of the latest May 2025 Crossroads report, as well as Dr. Colby's previous two s. 211 reports and the Hear the Child Report. The counsellor is to be selected by each child within 14 days of today's date and an appointment should be arranged within 30 days of today's date.
- [36] The parties have agreed to share the counselling costs to date and I so order. I also order that they share the cost of the counsellor each child chooses.
- [37] The children are to be given the option of seeing their father this Sunday at a time and place of their choosing if they wish, and on following Sundays if they choose.
- [38] I note that the Crossroads May 2025 report has indicated that conflict between the Mother and the Father continues to this day. I order that the Mother and the Father each see their own counsellor individually, as they have indicated they are willing to do. The counsellor that each parent chooses must also be provided with a copy of the latest Crossroads report for their review and consideration, particularly the recommendations in that report.
- [39] I also encourage the parents to seek co-parenting counselling together but I will not make that order at this time since the Father is resisting this option.
- [40] There shall be no costs of this application. I reserve the right to edit these reasons, if necessary.

"Morellato J."

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