

IN THE SUPREME COURT OF THE YUKON TERRITORY

Citation: *Fitzgerald v. Pham*, 2006 YKSC 21

Date: 20060228
Docket: S.C. No. 98-B0091
Registry: Whitehorse

IN THE MATTER OF THE *INTERJURISDICTIONAL SUPPORT ORDERS ACT*

BETWEEN:

JACINTA ADINE FITZGERALD

Claimant/Applicant

AND:

SON HUNG PHAM

Respondent

Before: Mr. Justice R.P. Foisy

Appearances:
Lenore Morris
Son Hung Pham

Appearing for the Applicant
Appearing on his own behalf

**MEMORANDUM OF JUDGMENT
DELIVERED FROM THE BENCH**

[1] FOISY J. (Oral): Well, it is obvious with this kind of income and with the financial problems and the number of children that are involved, you know, if you kill the goose you are not going to get the golden egg. You say you can pay \$450, that is the most?

[2] MR. PHAM: Yes, sir.

[3] THE COURT: One hundred and fifty dollars per child? I kind of agree, I think that that is more than reasonable under the circumstances. I will order the \$450.

[4] MS. MORRIS: What date on which -- should that commence?

[5] THE COURT: Let us make it starting the 1st April. Starting April 1st, a month from now.

[6] MR. PHAM: Yes, sir.

[7] THE COURT: Okay?

[8] MR. PHAM: Yeah.

[9] THE COURT: All right. And counsel, the lawyer, will help you -- will tell you what has to be done here in terms of getting the money to the -- to your -- to the children.

[10] MR. PHAM: Yes.

[11] THE COURT: There must be some kind of a --

[12] MS. MORRIS: There's maintenance enforcement program that hasn't been in effect because it's -- the current order's not being enforced, but it certainly could be if it's registered.

[13] THE COURT: All right.

[14] MS. MORRIS: Could I ask for one more thing, which is that to waive the requirement for Mr. Pham's signature on the --

[15] THE COURT: Yes.

[16] MS. MORRIS: Thank you.

[17] THE COURT: You will give him a copy of the order in due course?

[18] MS. MORRIS: Absolutely, of course.

[19] THE COURT: Yes. All right, you will get a copy of the order and starting the 1st of April it will be \$450.

[20] MR. PHAM: Thank you.

[21] THE COURT: Okay. You can go. Thanks.

FOISY J.