

IN THE SUPREME COURT OF THE YUKON TERRITORY

Citation: *Bachhuber v. Bachhuber*, 2006 YKSC 33

Date: 20060419
Docket: S.C. No. 05-D3819
Registry: Whitehorse

BETWEEN:

FRANZ XAVER BACHHUBER

Petitioner

AND:

MARITA SHARON BACHHUBER

Respondent

Before: Mr. Justice L.F. Gower

Appearances:
Shayne Fairman
Marita Bachhuber

For the Petitioner
Appearing on her own behalf

**MEMORANDUM OF JUDGMENT
DELIVERED FROM THE BENCH**

[1] GOWER J. (Oral): All right, what I am going to do is I am going to make the following order. This matter will be adjourned to Tuesday, May 9, 2006 at 10:00 a.m., subject to any further agreement on an alternative date between counsel.

[2] The petitioner will have interim interim custody of the child, A. The respondent will not attend at the petitioner's residence. The respondent's contact with the petitioner will be limited to telephone or written contact. The respondent will be entitled to supervised access to the child, A, with such supervisors who are responsible adults as

may be agreed upon between the parties and in such fashion as may agreed upon between the parties.

[3] I think that is everything. Mr. Fairman, is there anything I have left out?

[4] MR. FAIRMAN: Simply as a formality that Ms. Bachhuber -- the requirement of Ms. Bachhuber to approve the form of the order be dispensed with.

[5] THE COURT: That will be dispensed with.

[6] MR. FAIRMAN: I will endeavour to provide her with a copy of the filed order once I have obtained that from the registry.

[7] THE COURT: All right. So you will receive a copy of the order that I have just made. Mr. Fairman is going to draft it up, it is going to be filed with the Court and he will get a copy over to you where you are staying. If you are moving from your present location I will expect you to maintain contact with Mr. Fairman and let him know where you are moving and where you can be contacted.

[8] I will also expect that you will get in touch with Legal Aid today, if possible, and get the ball rolling on getting a lawyer for you for this matter. It would not necessarily be a continuation of what Ms. Hogeboom was doing because that was in a different court and it was a different issue, okay?

[9] THE RESPONDENT: Yes.

[10] THE COURT: So you would not be prejudiced if you got a completely new lawyer. In fact, you may be further along if you do, okay?

[11] THE RESPONDENT: Okay.

[12] THE COURT: Do you have any questions?

[13] THE RESPONDENT: No, I do not.

[14] THE COURT: All right. Thank you.

[15] MR. FAIRMAN: Thank you, My Lord.

GOWER J.