

IN THE SUPREME COURT OF THE YUKON TERRITORY

Citation: *Radwanski v. Radwanski*, 2004 YKSC 20

Date: 20030320
Docket: S.C. 92-000641
Registry: Whitehorse

BETWEEN:

NEONILA RADWANSKI

Petitioner

AND:

JOSEPH PETER RADWANSKI

Respondent

Before: Mr. Justice R.S. Veale

Appearances:
Robert Dick
Joie Quarton

For the Petitioner
For the Respondent

**MEMORANDUM OF JUDGMENT
DELIVERED FROM THE BENCH**

[1] VEALE J. (Oral): There are two children of the marriage, Russell and Christopher; Russell is 14 and Christopher is almost 12. They have been living with Ms. Radwanski since, I understand it, the date of separation until recently, when a 50/50 regime was instituted. Mr. Radwanski has been paying, since 1994, child support in the amount of \$300 per child. Ms. Radwanski has been gainfully employed with the Workers' Compensation Board for a remuneration of \$42,320 per annum.

[2] She has taken a leave of absence and moved to White Rock, British Columbia, to be with her new partner. The children moved in with Mr. Radwanski in the Christmas holidays, in December 2002.

[3] The issue in these cases is always to look after the interests of the children first. What is in the best interests of these children is certainly to have the support that they require, especially at the teenage years when the financial demands are the greatest. In my view, a voluntary termination of employment, regardless of how meritorious it is, in the sense that I certainly encourage Ms. Radwanski to do what she is doing, but it should not have an impact on the children. I am, therefore, going to order child support to be paid by Ms. Radwanski to Mr. Radwanski for the support of the two children in the amount of \$596 per month, commencing January 1, 2003.

[4] With respect to the arrears that may accumulate, and I guess that exist already as of this order, I am going to order that there be no enforcement until May 1, 2003, to give Ms. Radwanski an opportunity to obtain any employment that will assist her to meet her financial obligation for her children. So I am imputing her income, I should make that clear, at \$42,320 per annum. I am ordering costs in the amount of \$500, to be paid by Ms. Radwanski to Mr. Radwanski, but I will stay the enforcement of that until May 1, 2003, as well.

VEALE J.