

SAINT VINCENT AND THE GRENADINES

IN THE HIGH COURT OF JUSTICE
(DIVORCE)

CIVIL SUIT NO. 261 OF 1998

BETWEEN:

YVONNE HILLOCKS Petitioner

AND

CARDIE HILLOCKS Respondent

Appearances:

Victor Cuffy for the Petitioner
Arthur Williams for the Respondent

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2001: June 20 and 28
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DECISION

[1] **WEBSTER, J. (*acting*)**. This is an application by the Petitioner for ancillary relief pursuant to section 31 of the **Matrimonial Causes Act, Cap. 176**. The parties were married on August 15, 1987. The union produced two children, Joanna Ronasha age 14 years and Bruce Abednego age 10 years ("the children"). The marriage was dissolved on November 6, 1998. On September 22, 1999 Adams, J. made an interim order by consent for the Respondent to pay to the Petitioner \$250 per month for the maintenance of the children. The Respondent has complied with this order.

[2] The application was filed on July 27, 1999 claiming:

- (a) custody of the children with reasonable access to the Respondent;
- (b) maintenance for the children;

- (c) maintenance for herself; and
- (d) a reasonable lump sum.

[3] At the commencement of the hearing on June 20, 2001 the parties agreed that the Petitioner would have custody of the children with reasonable access to the Respondent, and the Petitioner withdrew her claims for maintenance for herself and a lump sum. The only issue for consideration is therefore maintenance for the children.

[4] Both parties filed affidavits of their means and were cross-examined. The Respondent is a 56 year old handyman with an unsteady income of approximately \$600 per month. He also earns a small income from fishing. He is a seaman and when he is sailing his income is approximately US\$600 per month. However, his sailing trips are few and far between. His average monthly expenses are approximately \$550.

[5] The Petitioner is a 35 year old store assistant earning \$450 per month. She also receives the monthly maintenance payments of \$250 for the children. She moved out of the former matrimonial home in March this year and lives in rented accommodation with the children. Her affidavit evidence discloses monthly expenses of approximately \$1,000. However, in cross-examination she said her expenses are \$875 per month. I accept the latter figure as a more accurate estimate of her monthly expenses. This leaves a shortfall of \$175 between her income and expenses. The Respondent is a man of limited means and I do not think it is reasonable to expect him to make up the shortfall. Neither will I go along with his suggestion that the Court should keep the monthly maintenance payments low and order him to pay for the children's schoolbooks. This may create uncertainty and I think it is in his best interests to pay a single monthly sum to the Petitioner for the benefit of the children. In this way he will always be able to say how much he is contributing to the maintenance of his children.

[6] Having regard to the facts that I have found in paragraphs 4 and 5 above, and the guidelines in **section 34** of the Act, I find that a fair and reasonable amount that the

Respondent should pay to the Petitioner for the maintenance of the children is \$370 per month. Accordingly, the order of the Court is:

- (a) The Petitioner will have custody of the children of the family Joanna Ronasha and Bruce Abednego, with reasonable access to the Respondent.
- (b) The Respondent will pay to the Petitioner for the benefit of each of the children the sum of \$185 per month commencing July 31, 2001 until they shall attain the age of 16 years or further order.
- (c) Each party will bear their own costs.

Paul Webster
High Court Judge (*Ag.*)