

In the Court of Appeal of Alberta

Citation: DWB v AR, 2026 ABCA 330

Date: 20261019
Docket: 2601-0009AC
Registry: Calgary

Between:

DWB

Appellant

- and -

AR

Respondent

The Court:

**The Honourable Justice Kevin Feehan
The Honourable Justice Bernette Ho
The Honourable Justice William T. de Wit**

Memorandum of Judgment Delivered from the Bench

Appeal from the Order by
The Honourable Justice C.B. Thompson
Dated the 8th day of December, 2025
Filed the 11th day of May, 2026
(2025 ABKB 721, Docket: FL01 43450)

Memorandum of Judgment Delivered from the Bench

The Court:

I. Overview

[1] DWB, the father, appeals an order as to his parenting time in Jersey, Channel Islands, UK, which modified a consent order of the Royal Court of Jersey, dated May 22, 2024, pursuant to the *Extra-Provincial Enforcement of Custody Orders Act*, RSA 2000, c E-14.

[2] On the eve of this appeal, the father reduced his grounds of appeal to a single issue, whether the chambers judge erred in law by fettering the discretion of a judge hearing a future variation application by restricting the circumstances in which a variation of the suspension of the father's parenting time could occur.

II. Background

[3] The father is a resident of Jersey, Channel Islands, UK with dual Canadian and British citizenship. AR, the mother, is an Indigenous Canadian citizen residing in Calgary, Alberta. They have two children, aged four and three. The older child was born in Calgary and the younger child in Jersey.

[4] They began cohabiting in Calgary in June, 2020. The father returned to Jersey in September 2022 during a brief separation. They reconciled in December 2022, and began cohabiting in Jersey in July 2023. They were married on November 21, 2023.

[5] On May 22, 2024, the Royal Court of Jersey issued a detailed consent parenting order. It provided that the mother could relocate with the children to Alberta. The father was to have parenting time in Canada at least four times a year for two-week periods and entitlement to travel with the children to Sicamous, British Columbia. The Canadian access dates had some restrictions over the mother's birthday, Mother's Day, and in alternate years, the birthdays of the children, Easter Sunday and Christmas Day. The Canadian access engaged a staged handover involving four-hour access on day one, seven-hour access on day two, and then full overnight access for the remainder of the Canadian visits.

[6] As to access in Jersey, the father was to have the children for a period of at least three weeks, with a similar staged handover. Additionally, he was to have video contact three times per week, twice mid-week and once over the weekend, when he did not have parenting time, and the

mother would have video contact with the children at least twice per week, once mid-week and once on the weekend, during the father's parenting time. Again, qualifications were made over the children's birthdays, Father's Day, the father's birthday, the mother's birthday, Easter Sunday and Christmas Day. The order also provided that the children would have indirect contact with the father through letters, cards, gifts, and photos. The order also contained educational and medical provisions, with significant medical decisions to be made jointly between them.

[7] On December 8, 2025, the *viva voce* hearing judge issued reasons for decision and an order varying the Jersey court parenting order. The hearing judge found that the children had lost their real and substantial connection to Jersey at the time of the mother's cross-application on January 28, 2025, and had established a real and substantial connection with Alberta, such that they were resident and domiciled in Alberta. She found the Court therefore had jurisdiction to vary the Jersey order. She suspended the father's Jersey parenting time until further order of the Court. In compensation, she increased his Canadian parenting time to three weeks at a time, three times a year, and a fourth parenting time for a period of two weeks, providing for overnight parenting, the ability of the father to take the children to Sicamous, British Columbia, and to have members of his family attend during any Canadian parenting time, with similar restrictions as to Mother's Day, the children's birthdays, Easter Sunday and Christmas Day in alternate years. This variation order maintained video contact with the father, when he was not granted Canadian parenting time, three times per week, twice-midweek and once on the weekend.

[8] In her order, the hearing judge said the father's Jersey parenting time was suspended "and shall remain suspended until such a time it is determined by this Court that (i) the Children no longer require any Staged Handover, and (ii) the Children can be safe in Jersey, Channel Island[s] without the Mother and the risk of the Father not returning the Children to Alberta is significantly reduced". We agree with the father that the hearing judge could not limit the circumstances in which a future variation application could be made: *SOG v SKG*, 2022 ABCA 379, paras 11, 17-20. However, broadly and properly interpreted, this term does not limit the circumstances in which the parties may bring a variation application. Rather, it affirms the suspension of the father's Jersey parenting time until a future determination of the Court. This term is simply to be read as indicating that the suspension is in place until there is a material change in circumstances so that another judge may determine that the suspension of the father's Jersey parenting time is no longer necessary. In the future, the father is entitled to bring a variation application with evidence of a material change in circumstances, if he wishes.

III. Conclusion

[9] The appeal is dismissed.

Appeal heard on October 14, 2026

Memorandum filed at Calgary, Alberta
this 19th day of October, 2026

Feehan J.A.

Ho J.A.

de Wit J.A.

Appearances:

K. Bradley
for the Appellant

R. Short
for the Respondent