

NOVA SCOTIA COURT OF APPEAL

Citation: N.J.H. v. Nova Scotia (Community Services), 2006 NSCA 20

Date: 20060214

Docket: CA 254664;

CA 258206;

CA 258437

Registry: Halifax

Between:

NJH, GS and GC

Appellants

v.

The Minister of Community Services

Respondent

Restriction on Publication: Pursuant to s. 94(1) **Children and Family Services Act**

Judge: The Honourable Justice Roscoe

Appeal Heard: February 3, 2006

Subject: child welfare, **Children and Family Services Act**

Summary: After an eight-day trial, a Judge of the Family Court committed three children to permanent care of the Agency and ordered the fourth child to be placed in the care of his father under supervision of the Agency. The mother and two of the fathers of the children appealed.

Issues: Whether the trial judge erred by not using the least intrusive means in determining what was in the best interests of the children, in not considering whether the Agency had provided adequate services to the family, in not taking into account the Aboriginal status of one of the children and by not giving sufficient weight to the progress that the mother had made.

Result: Appeal dismissed. The trial judge considered all the evidence, carefully reviewed the relevant provisions of the **Act**, weighed the various factors which the **Act** required him to address and properly considered the applicable legal principles. The factors which the judge took into account were the proper ones for him to consider and his view of the evidence was fully justified by the record before him. The judge did not err in legal principle or make any palpable and overriding error of fact in determining what was in the best interests of the children.

This information sheet does not form part of the court's judgment. Quotes must be from the judgment, not this cover sheet. The full court judgment consists of 24 pages.