

NOVA SCOTIA COURT OF APPEAL

Citation: Nova Scotia (Community Services) v. A.S., 2007 NSCA 82

Date: 20070705

Docket: CA 278918

Registry: Halifax

Between:

A.S.

Appellant

v.

The Minister of Community Services

Respondent

Restriction on publication: pursuant to s. 94(1) of the Children and Family Services Act

Judge: The Honourable Justice Thomas Cromwell

Appeal Heard: June 15, 2007

Subject: Child protection - disposition hearing - permanent care

Summary: The appellant's 4 month old child was taken into care. With her consent, the child was found to be in need of protective services and a series of temporary care and custody orders were made. Various services were offered over the next year and two attempts to restore the child to the appellant's care failed. At a disposition hearing held shortly before the expiry of the statutory time limits, the judge made a permanent care order. The appellant appealed.

Issues: Did the judge err in finding that the child continued to be in need of protective services and in making the permanent care order?

Result:

Appeal dismissed. The judge's role at the final disposition hearing was to determine whether the child remained in need of protective services and, if so, what order should be made in the child's best interests. In light of the numerous consent orders and the evidence at the hearing, the judge did not err in finding that the child remained in need of protective services. Nor did he err in concluding that a permanent care order should be made. The appellant had no viable plan for the child, previous attempts to restore the child to her custody had failed, there was no family placement to consider and the statutory time limits were about to expire.

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 19 pages.