

**NOVA SCOTIA COURT OF APPEAL**

**Citation:** *E.U. v. Nova Scotia (Community Services)*, 2015 NSCA 61

**Date:** 20150617

**Docket:** CA 436141

**Registry:** Halifax

**Between:**

E.U.

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 Cindy A. Bourgeois

**Appeal Heard:** June 2, 2015, in Halifax, Nova Scotia

**Subject:** Child protection; permanent care

**Summary:** After a nine day contested hearing, a trial judge placed a 22 month old girl in the permanent care and custody of the Minister of Community Services. The deadline for all disposition orders under the *Children and Family Services Act* had expired. The trial judge concluded that the child was still in need of protective services, given the status of the appellant's mental health, and lingering concerns regarding addiction and domestic violence issues. On appeal, the appellant submitted that the trial judge misapprehended the evidence with respect to her mental health, inappropriately accepted the submissions of the Minister, and failed to give sufficient weight to the evidence

relating to the appellant's positive efforts at improvement. The appellant further submitted that the trial judge's improper consideration of the evidence led to a faulty conclusion that the child was in need of protective services, and as such, this Court ought to set aside the permanent care order, and return the child to the appellant's care and custody.

**Issues:** All of the appellant's complaints were synthesized into one issue:

(1) Did the trial judge err in finding the child remained in need of protective services?

**Result:** After reviewing the record, this Court concluded that there was ample evidentiary basis for the trial judge to reach the conclusions he did. It was further apparent from the decision under appeal that the trial judge did consider the evidence presented as to the appellant's positive efforts at change. He determined that these efforts were "too little, too late", assessing same against the entirety of the evidence before him.

The appellant was inviting this Court to reweigh the evidence presented in the court below, which is not its function. There was no demonstrable error on the part of the trial judge justifying appellate intervention. As such, the appeal was dismissed, without costs.

*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 21 pages.*