

**NOVA SCOTIA COURT OF APPEAL**

**Citation:** *K.L.M. v. Nova Scotia (Community Services)*,  
2007 NSCA 100

**Date:** 20071017

**Docket:** CA 280831

**Registry:** Halifax

**Between:**

K.L.M. and D.J.M.

Appellants

v.

Minister of Community Services

Respondent

---

**Restriction on Publication:** pursuant to s. 94(1) of the **Children and Family Services Act**, S.N.S. 1990, c. 5 as am.

**Judge:** The Honourable Justice Nancy Bateman

**Appeal Heard:** September 21, 2007

**Subject:** Child welfare.

**Summary:** Parents appeal order placing their child in permanent care.

**Issue:** Did the judge err by failing to consider the parents' plan for the child; in finding that the Agency had provided adequate services to the family; in relying upon past parenting conduct? Did the father receive effective assistance of counsel?

**Result:** Appeal dismissed. Just prior to the birth of the child in question, the parties had consented to an order that their four older children be placed in the permanent care of the Agency. The child was apprehended at birth. The evidence in the former proceeding formed part of the evidence before the court in the new proceeding. The judge properly related past parental conduct to future care of the child, where, as here, the parents

were resistant to remedial services and had not in any way meaningfully addressed the significant parenting deficits that led to the four older children being placed in permanent care. There was ample evidence that throughout this and the prior proceeding the Agency had offered remedial services. The parents were unwilling to co-operate and, consequently, did not benefit from the services offered. The parents' simplistic plan in no way addressed the ongoing risks should the child be placed in their care. There is no merit to the father's submission that he was not adequately represented at trial.

**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 10 pages.**