

**NOVA SCOTIA COURT OF APPEAL**

**Citation: M.J.B. v. Family and Children's Services of Kings County,  
2008 NSCA 64**

**Date:** 2008010

**Docket:** CA 293002

CA 293004

**Registry:** Halifax

**Between:**

M.J.B. and K.B.

Appellants

v.

Family and Children's Services of Kings County

Respondent

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

**Judge:** The Honourable Justice Nancy Bateman

**Appeal Heard:** June 4, 2008

**Subject:** Child welfare.

**Summary:** Two daughters were apprehended from the mother who had *de facto* care. The biological father of the two was alleged to have sexually abused the mother's older daughter from another relationship. His access to his daughters was subject to supervision. The mother lived with C.B. and his violent teenage son. The teenage son impregnated the older of the two apprehended daughters. The mother lived in chaotic circumstances. After apprehension it was agreed that the pregnant daughter should live with a maternal aunt in another province, leaving only the younger daughter subject to the protection proceeding. The judge found the daughter in need of protective services pursuant to s. 22(2)(a) through (d) of the **Act** with respect to the mother's care and in need of protection pursuant to s.22(2)(d) with

respect to the father's care.

**Issues:** The parents say the findings were not made out on the admissible evidence and assert certain procedural irregularities.

**Result:** Appeal allowed in part - only in relation to the findings pursuant to s. 22(2)(a) and (c) of the **Children and Family Services Act**, S.N.S. 1990, c. 5, concerning the mother. All other grounds of appeal dismissed.

**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 25 pages.**