

**CASE NO.****VOL. NO.****PAGE**GARLAND ALLAN WILLIAM  
GABRIEL JOHNSON

- and -

SHIRLEY E. JEFFERSON

(Appellant)

(Respondent)

CA159363

Halifax, N.S.

Freeman, J.A.

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**[Cite as: Jefferson v. Johnson, 2000 NSCA 83]****APPEAL HEARD:**

May 10, 2000

**JUDGMENT DELIVERED:**

June 26, 2000

**SUBJECT:****Life Insurance; “Lawful Children”; Foster Child.****SUMMARY:**

The appellant was placed with his foster parents when two weeks old and he was still living with them 30 years later when the foster father died at the hands of the foster mother, who was therefore disqualified as a beneficiary under a life insurance policy. The policy contained a provision making it payable to “lawful children” of the deceased, which it defined to include stepchildren and adopted children but not foster children. The foster father had a step daughter and an adopted son. The foster child was found not to be entitled to share in the insurance proceeds, which had been paid into court. He appealed, seeking to be recognized as a lawful child of the foster parents.

**ISSUE:**

Did the length and stability of the foster relationship, and the frequently expressed, but never fulfilled, intention of the foster parents to adopt him, entitle the foster child to share in the insurance proceeds?

**RESULT:**

The appeal was dismissed. The trial judge did not err in finding that in the absence of a legal adoption a foster child is not a “lawful child” of the foster parents for purposes of the insurance policy.

<p><b>This information sheet does not form part of the court’s decision. Quotes must be from the judgment, not this cover sheet. The full court judgment consists of 6 pages.</b></p>
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