

NOVA SCOTIA COURT OF APPEAL

Citation: *L.L. P. v. Nova Scotia (Community Services)*,
2003 NSCA 1

Date: 20030103

Docket: CA 184081

Registry: Halifax

Between:

L.L.P. and R.F.A.P.

Appellants

v.

Minister of Community Services

Respondent

Editorial Notice

Identifying information has been removed from this electronic version of the library sheet.

JUDGE: BATEMAN, J.A.

APPEAL HEARD: December 6, 2002

JUDGMENT DELIVERED: January 3, 2003

SUBJECT: Child protection. **Children and Family Services Act**, S.N.S. 1990, c. 5, as amended

SUMMARY: This is an appeal by the parents from a permanent care order wherein their four young children were placed in the permanent care of the Agency. By

Order dated December 7, 2002, we dismissed the appeal, with reasons to follow. This was the second time that the Agency had formally intervened with this family. During the first proceeding the family had been assessed and, as a result of recommendations contained in that assessment, were provided with a variety of remedial and supportive services. That proceeding ended in a consent dismissal. The school authorities again noted serious problems with the children, causing the current intervention. Services were again provided and the parents' ability to parent again assessed. It was the Agency's position that no services would be adequate to protect the children in the care of their parents. The Agency recommended to the judge that the children be taken into permanent care.

The circumstances of the parents are tragic. Psychological assessment revealed that the mother is in the borderline range of intellectual functioning. She lacks insight into her own behaviour and that of others. The father, although of average intelligence, professes to suffer from anxiety which disables him from employment. Inexplicably, he will not follow through with recommended mental health services which might remedy his condition. He, therefore, cannot contribute financially to the family and refuses, or is unable, to attend to the physical care of the children or to their emotional needs.

There was abundant evidence at trial of the deplorable living conditions of these children at the time of the second apprehension and of their failure to meet even modest developmental expectations or the most basic standards of personal hygiene. Three of the children suffered from medical conditions requiring treatment. The parents failed to follow up with medical appointments or to administer medication as directed, or in some cases, at all.

ISSUE: Did the judge err in ordering permanent care?

RESULT: Appeal dismissed. There was abundant evidence on the record to support the conclusions reached by the trial judge. There was no merit to the parents suggestion that the Agency had failed to provide appropriate services. All reasonable agency and community based services had been made available. The judge did not err by ordering permanent care before the expiration of the maximum statutory time frames.

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 16 pages.