

NOVA SCOTIA COURT OF APPEAL

Citation: *R.K. v. H.S.P.*, 2009 NSCA 2

Date: 20090109

Docket: CA 296435

Registry: Halifax

Between:

R.K.

Appellant

v.

H.S.P., L.A.C. and Minister of Community Services and
Family and Children's Services of Cumberland County

Respondents

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

Judge: The Honourable Justice Nancy Bateman

Appeal Heard: December 10, 2008

Subject: Standing to appeal Adoption Order.

Summary: The children were ordered into the permanent care of the Agency. The father did not appeal within the 30 days but later unsuccessfully applied to extend the time for filing an appeal. He had abandoned an application to terminate the permanent care order. The children were placed for adoption and the adoption orders granted. The father then filed a Notice of Appeal in relation to the adoption orders. The respondent Minister, Agency and adoptive parents applied to quash the Notice of Appeal on the basis that the father had no standing to appeal.

Issue: Did the father have standing under s. 83(1) of the **Children and Family Services Act (CFSA)**, S.N.S. 1990, c. 5, to appeal the

adoption order?

Result:

Pursuant to s. 83(1) of the **CFSA** only an “aggrieved person” may appeal an adoption order. The **CFSA** carefully separates the protection proceedings from adoption proceedings. Once a child is placed in permanent care a parent’s legal rights vis-a-vis the child are at an end. An aggrieved person under s. 83(1) means someone whose legal rights are adversely affected by the adoption order. R.K.’s legal rights ended with the permanent care order. Consequently he had no standing to appeal. Notice of Appeal quashed.

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 14 pages.