

NOVA SCOTIA COURT OF APPEAL

Citation: *S.S. v. Nova Scotia (Community Services)*, 2010 NSCA 11

Date: 20100219

Docket: CA 318446

Registry: Halifax

Between:

S.S.

Appellant

v.

Minister of Community Services
Children's Aid Society of Inverness-Richmond
D.S.

Respondents

Restriction on publication: Pursuant to s. 94(1) Children and Family
Services Act.

JUDGE: MacDonald, C.J.N.S.

APPEAL HEARD: February 10, 2010

SUBJECT: Family Law, child protection proceedings, appeal of
temporary disposition order.

SUMMARY: The appellant mother, whose children have been found to be in
need of Agency protection, seeks to overturn a temporary
disposition order that provides for the father to relocate with the
children pending a final disposition hearing.

ISSUES: The 15 grounds of appeal fall into three categories:

- alleged errors in fact
- alleged errors with evidentiary rulings
- alleged judicial bias

RESULT: Appeal dismissed. This court will not interfere with factual findings unless they reflect “palpable and overriding” error, which does not exist in this case. The alleged errors regarding evidentiary rulings were no more than legitimate trial management decisions. Finally, there was no basis to support an allegation of judicial bias.

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 17 pages.