

NOVA SCOTIA COURT OF APPEAL

Citation: Nova Scotia (Community Services) v. T.H.,
2010 NSCA 63

Date: 20100727

Docket: CA 325503

Registry: Halifax

Between:

Minister of Community Services

Appellant

v.

T.H. and D.B.

Respondent

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

Judge: The Honourable Justice Fichaud

Appeal Heard: June 16, 2010

Subject: *Children and Family Services Act* - disposition order - adoption

Summary: The Family Court's disposition orders for two brothers, aged 10 and 8, added conditions to the disposition of permanent care and custody by the Minister. The conditions directed indefinite foster care with possible return to the mother, without adoption. The Minister appealed to the Court of Appeal.

Issue: The issue was whether the Family Court erred in law by precluding adoption.

Result: The Court of Appeal allowed the appeal. The Family Court's decision erred in law by contravening the standards and process prescribed in the *CFSA* for the determination of the child's best interests respecting adoption.

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.