

On November 15, 1994, Judge Williams of the Family Court made an order placing B. L. C., a female born on December *, 1990 into the permanent care and custody of the respondent, the Minister of Community Services.

Appeals to this court are brought by the child's mother and by the child's maternal grandmother and her common-law partner. As well, the appellant mother asks this court to admit further evidence pursuant to s. 49(5) of the **Children and Family Services Act**, S.N.S. 1990, c. 5 and/or **Civil Procedure Rule** 62.22.

Judge Williams, in a 70 page decision, made an exhaustive review of the evidence adduced before him during a ten day trial in September and October, 1994. The appellants were represented by counsel at that trial and testified thereat. They opposed the granting of an order for permanent care and custody and in the alternative sought access pursuant to s. 47 of the **Act**.

Judge Williams considered that B.L.C. had been physically abused, emotionally abused and neglected over an extended period of time. She remains, in his view, a child at high risk of further abuse. He therefore considered that an order for permanent care and custody was in her best interests and therefore appropriate.

As to the claim of the appellants for access, Judge Williams referred to s. 47(2) of the **Act** and concluded that placement for adoption plans should not have to await the resolution of applications to vary or terminate access. He concluded that an order for access was not appropriate.

On the hearing of these appeals, the court reserved judgment on the application to admit further evidence and heard argument.

We have concluded that the material tendered as further evidence adds nothing of significance to the extensive material brought before Judge Williams at the lengthy trial. It is not potentially decisive, it could not if believed, have affected the result. The application to admit this evidence is dismissed.

We have also concluded that it has not been shown that Judge Williams made any error in fact or law in arriving at his carefully reasoned decision.

The appeals are therefore dismissed.

Chipman, J.A.

Concurred in:

Hallett, J.A.

Hart, J.A.