

NOVA SCOTIA COURT OF APPEAL

Citation: *M.S. v. Children's Aid Society of Cape Breton-Victoria* ,
2004 NSCA 129

Date: 20041027

Docket: CA 225615

Registry: Halifax

Between:

M.S. and E.S.

Appellants

v.

The Children's Aid Society of Cape Breton-Victoria

Respondent

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

JUDGE: Bateman, J.A.

APPEAL HEARD: October 15, 2004

JUDGMENT DELIVERED: October 27, 2004

SUBJECT: **Permanent Care under the Children and Family Services Act, S.N.S. 1990, c. 5 ("CFSA")**

SUMMARY: Parents alleged that in ordering permanent care the judge erred in refusing to recuse herself; erred in not adjourning to permit them to retain substitute counsel after they had each dismissed

counsel; erred in making a permanent care order outside the statutory time limits, and failed to order full disclosure.

ISSUE: Did the judge err in process in ordering permanent care of the three children?

RESULT: Appeal dismissed. Parents had dismissed counsel and indicated their intent to self-represent despite the judge's repeated cautions not to do so. All other matters of process without substance. Fact specific.

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 9 pages.