

**NOVA SCOTIA COURT OF APPEAL**

**Citation:** E.A. v. Family and Children's Services of Yarmouth County,  
2005 NSCA 41

**Date:** 20050302

**Docket:** CA 235372

**Registry:** Halifax

**Between:**

E.A. and S.D.

Appellants

v.

Family & Children's Services of Yarmouth County

Respondent

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**Restriction on Publication:** Section 94(1) of the *Children and Family Services Act*

**Judge:** The Honourable Justice M. Jill Hamilton

**Appeal Heard:** February 11, 2005

**Subject:** Child protection, **Children and Family Services Act**, S.N.S. 1990, c.5, adequacy of review of temporary care and custody order.

**Summary:** A temporary care and custody order relating to a child of the appellants returned to the judge for review. He issued a permanent care and custody order on being told one of the appellants had been convicted of assaulting one child and of sexually assaulting another child, without giving the parties an opportunity to address the merits and without considering the factors in s.46(4) of the **Act**.

**Issue:** Did the trial judge err by not conducting a review of the temporary care and custody order?

**Result:** Appeal allowed. The judge did not conduct the required review.

**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 8 pages.**