

NOVA SCOTIA COURT OF APPEAL

Citation: A.M. v. Children's Aid Society of Cape Breton-Victoria,
2005 NSCA 58

Date: 20050407

Docket: CA 236563

Registry: Halifax

Between:

A.M.

Appellant

v.

The Children's Aid Society of Cape Breton-Victoria

Respondent

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

Judge: The Honourable Justice Thomas Cromwell

Appeal Heard: March 18, 2005

Subject: **Children and Family Services Act**, S.N.S. 1990, c. 5
("CFSA") - time limits for disposition orders - permanent care
without access

Summary: The judge hearing an application to place the appellant's two children in the permanent care of the agency without access reserved his decision and issued his order and written reasons after expiry of the time limit for the total duration of disposition orders under the **CFSA**. The appellant appealed.

- Issues:**
1. Did the judge lose jurisdiction to proceed or err in law by virtue of exceeding the time limits?
 2. Did the judge err in failing to order access?

Result: Appeal dismissed. The judge did not lose jurisdiction as he exceeded the time limit in order to complete his determination of what was in the best interests of the children. He did, however, err in law by failing to determine that the extension of time was in the children's best interests and by failing to constrain the length of the extension according to the principles in the **CFSA**. However, appellate intervention was not justified in the circumstances of this case. As for the judge's refusal to order access, the judge made no reviewable error.

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 15 pages.