

<u>CASE NO.</u>	<u>VOL. NO.</u>	<u>PAGE</u>
H. A. and Z. A.	- and -	CHILDREN'S AID SOCIETY OF HALIFAX
(Appellants)		(Respondent)
CA 178155	Halifax, N.S.	CROMWELL, J.A.

[Cite as: H.A. v. Children's Aid Society of Halifax, 2002 NSCA 94]

APPEAL HEARD: June 21, 2002

JUDGMENT DELIVERED: June 28, 2002

SUBJECT: Child Protection - child in need of protective services - emotional harm

SUMMARY: Two children were found to be in need of protective services on the basis that they had suffered emotional harm, that there was a substantial risk of emotional harm and that they suffered from mental, emotional or developmental conditions which their caregivers had not provided services or treatment to remedy or alleviate. One of the caregivers appealed.

ISSUES:

1. Was there sufficient evidence to discharge the Agency's burden of proof?
2. Did the judge err in failing to amend the interim order?
3. Did the trial judge err in failing to take into account the principle that the children should remain with the family?

RESULT: Appeal dismissed. There was abundant evidence to support the judge's conclusion respecting emotional harm and risk of emotional harm. There was also ample evidence to support the conclusion that the appellant caregiver had been unable to address this emotional harm and risk of emotional harm in any meaningful way. The judge did not err in failing to amend the interim order so as to return the children to their caregivers. To return the children would have been simply to place them in exactly the circumstances that necessitated Agency intervention in the first place. The judge did not fail to consider the principles relating to the integrity of the family to the appropriate extent.

<p>This information sheet does not form part of the court's decision. Quotes must be from the judgment, not this cover sheet. The full court judgment consists of 14 pages.</p>
