

NOVA SCOTIA COURT OF APPEAL

Citation: *A.M. v. Nova Scotia (Community Services)*, 2014 NSCA 55

Date: 20140603

Docket: CA 423711

Registry: Halifax

Between:

A.M. and J.W.

Appellants

v.

Minister of Community Services

Respondent

<p>Restriction on Publication: Pursuant to s. 94(1) of the <i>Children and Family Services Act</i>, S.N.S. 1990, c. 5.</p>

Judges: Beveridge, Bryson and Scanlan, JJ.A.

Appeal Heard: May 16, 2014, in Halifax, Nova Scotia

Held: Appeal dismissed, per reasons for judgment of Beveridge, J.A.; Bryson and Scanlan, JJ.A. concurring.

Counsel: Appellants, in person
Peter C. McVey, for the respondent

Restriction on publication: Pursuant to s. 94(1) *Children and Family Services Act*, S.N.S. 1990, c. 5.

PUBLISHERS OF THIS CASE PLEASE TAKE NOTE THAT s. 94(1) OF THE CHILDREN AND FAMILY SERVICES ACT APPLIES AND MAY REQUIRE EDITING OF THIS JUDGMENT OR ITS HEADING BEFORE PUBLICATION.

SECTION 94(1) PROVIDES:

94(1) No person shall publish or make public information that has the effect of identifying a child who is a witness at or a participant in a hearing or the subject of a proceeding pursuant to this Act, or a parent or guardian, a foster parent or a relative of the child.

Reasons for judgment:

[1] This appeal challenges a permanent care order made with respect to a young girl taken into care the very day of her birth. The appellants are her parents, JW and AM.

[2] The decision of the trial judge, The Honourable Justice Kenneth C. Haley of the Nova Scotia Supreme Court (Family Division) is reported (2013 NSSC 414).

[3] This is not the first proceeding involving children of this couple. Their twin girls were taken into care in March 2011. An order for permanent care ensued. They appealed, but were unsuccessful (2013 NSCA 29).

[4] The appellants are unrepresented by counsel on this appeal. A joint Notice of Appeal filed by them allege ten ways in which they say the trial judge erred. For the most part, they claim he erred in his factual findings and assessment of evidence. Where they do attempt to identify an error in law, there was no error by the trial judge, let alone one that would be an error in law.

[5] I have carefully reviewed the complete record. I see no error by the trial judge in his management of the trial, nor in his careful consideration of the evidence and arguments made by the respondent requesting permanent care for E, and by the appellants about why the respondent had not met its burden to warrant such an order.

[6] The trial judge's conclusions are amply supported by the evidence, and are untainted by any error of law or principle. I would dismiss the appeal.

Beveridge, J.A.

Concurred in:

Bryson, J.A.

Scanlan, J.A.