

**CASE NO.**

**VOLUME**

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Cite as: L.M. v. Children’s Aid Society of Cape Breton, 1998 NSCA 120

L.M. and B.M.

THE CHILDREN’S AID SOCIETY  
OF CAPE BRETON

- and -

(Appellants)

(Respondent)

C.A. No. 144059

Halifax, N.S.

CROMWELL, J.A.

**APPEAL HEARD:**

April 17, 1998

**JUDGMENT DELIVERED:**

May 14, 1998

**SUBJECT:**

**Guardian and Ward - permanent care order - agency plan;  
Courts - judges - disqualification**

**SUMMARY:**

The Family Court made a permanent care order with no access with respect to a 3 ½ year old child. The mother and step father appealed arguing that the Family Court did not have jurisdiction, that the judge had a conflict of interest and was biased, that the evidence did not support the making of a permanent care order, that there had been numerous procedural and evidentiary errors, that their lawyers did not represent them properly and that their Charter rights had been violated.

**ISSUE:**

Did the Family Court Judge err in law or make a palpable and overriding error in her appreciation of the evidence?

**RESULT:**

The appeal was dismissed. The record did not disclose circumstances giving rise to any conflict of interest on the part of the judge or that would lead a reasonable, fair minded and informed person to conclude that the judge would not approach the case with an open mind. The judge did not commit any legal errors nor did she make any palpable and overriding error in her assessment of the evidence. Her key findings on which the permanent care order without access were based were amply supported by the evidence. She made no error in fact or law in concluding that adoption would be in the child’s best interests.

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SHEET. THE FULL COURT DECISION CONSISTS OF 42 PAGES.**