

**NOVA SCOTIA COURT OF APPEAL**

**Citation:** W. R. v. Nova Scotia (Community Services),  
2005 NSCA 120

**Date:** 20050930

**Docket:** CA 245843

**Registry:** Halifax

**Between:**

W.R. and R.H.

Appellants

v.

Minister of Community Services

Respondent

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**Restriction on Publication:** Pursuant to s. 94(1) *Children and Family Services Act*

**Judge:** The Honourable Justice Fichaud

**Appeal Heard:** September 13, 2005

**Subject:** Child protection

**Summary:** Supreme Court Family Division issued protection orders for children under the *Children and Family Services Act*. Parents appealed saying that the evidence (drinking and abusive behaviour) was outdated.

**Issue:** Did the trial judge make his assessment “as of the date of the protection hearing” under s. 40(4)?

**Result:** The trial judge’s decision was based on a pattern of behaviour by the father, the father’s ongoing alcoholism and an attitude of acceptance by the mother which continued in her testimony at the hearing. The trial judge made his finding as of the date of the hearing. The appeal was dismissed.

**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 9 pages.**

