

**NOVA SCOTIA COURT OF APPEAL**

**Citation:** *C.V. v. Children's Aid Society of Halifax*, 2005 NSCA 114

**Date:** 20050804

**Docket:** CA 250275

**Registry:** Halifax

**Between:**

C.V. and L.F.

Applicants/Appellants

v.

Children's Aid Society of Halifax, Attorney General of  
Nova Scotia and Minister of Community Services

Respondents

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

**Judge:** Justice Linda Lee Oland

**Application Heard:** July 28, 2005, in Halifax, Nova Scotia

**Held:** Supplementary reasons to decision dated July 29, 2005 on directions given on (a) completion and filing of appellants' grounds of appeal; (b) contents of appeal books; (c) certain named respondent continuing to be a party to appeal; and (d) appointment of *amicus curiae*.

**Counsel:** Applicants/Appellants in person via telephone conference call  
Elizabeth Whelton for the respondent, Children's Aid Society of Halifax  
Jacqueline Scott for the respondents, Attorney General of Nova Scotia and Minister of Community Services  
Walter Yeadon for the Nova Scotia Legal Aid Commission

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.

Decision:

- [1] This addendum to my decision of July 29, 2005 is pursuant to *Civil Procedure Rule 62.26(2)* which provides that a judge may amend an order to better express its intent.
- [2] In § 14 of my decision I stated that "materials" pertaining to the hearing before Smith, A.C.J. commencing January 15, 2004 ought to be available for use of this court as it should deem appropriate on the appeal. My order provided that the appeal books on this appeal shall include the materials and transcripts commencing with the interim hearing of January 15, 2004.
- [3] However, according to § 13 of my decision, what would be required is the photocopying, binding and filing of the appeal books and transcripts which were prepared and filed earlier for the appeal before this court of the review hearing. Paragraph 15 also referred to the reproduction and filing of those volumes.
- [4] The wording used in my decision and order may be open to interpretation. My intent was to have the appeal books and volumes of transcript which had been filed with this court in proceeding CA 237775 (the appeal of the review hearing), and only that material, filed on this appeal. My order does not call for or encompass any material not contained in those volumes. My order of July 29, 2005 is amended accordingly and the amended order shall be effective from its original date of July 29, 2005.

Oland, J.A.