

**IN THE FAMILY COURT OF NOVA SCOTIA**

**Citation:** Family & Children's Services of Annapolis County v. C.D.,  
2008 NSFC 11

**Date:** 20080414  
**Docket:**03D025669  
**Registry:** Yarmouth

**Between:**

Family & Children's Services of Annapolis County  
(now the Minister of Community Services)

Applicant

v.

C.D., A.M. & M.T.

Respondents

&

M.W., L.M. & G.M.

Third Parties

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**LIBRARY HEADING**

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**Judge:** The Honourable John D. Comeau, Chief Judge of the Family Court of  
Nova Scotia

**Heard:** March 11, 2008 in Digby, Nova Scotia

**Decision Date** April 14, 2008

**Counsel:** W. Bruce Gillis, Q.C., for the Applicant  
Patricia Reardon, Esq., for the Respondent, C.D.  
Matthew Darrah, Esq., for the Respondents, A.M. & M.T.  
Raymond Jacquard, Esq., for the Third Party, M.W. (joined as a party  
On the hearing date)  
L.M. & G.M., self-represented Third Parties (joined as parties on the  
Hearing date.

**Issue :** **Minister's Plan of Care. Whether in best interests of child.  
Disposition CFSA Foster parents as Parties.**

**Summary:**

The child who is now seven years of age (D.O.B. June \*, 2001) was placed with his paternal grandmother in August 2002 and taken into care by the Minister on June 6, 2007 as she was unable to care for him because of some of his actions. His biological parents lacked parenting skills and maturity and they were not an option for placement. The child had been with the foster parents for a year and was progressing and happy there. The Minister proposed dismissal of the CFS Act matter and placement with a step-father for custody under the MC Act. The foster parents asked for party standing and proposed permanent care and custody and placement with them for adoption. The paternal Grandmother supported the foster parents while the biological parents supported the step-father.

**Result:**

The Court granted the foster parents full party standing which is rare at the disposition stage. The paternal Grandmother was the parent as defined under the Act and for that reason and the fact that she recommended the foster parent placement, they were joined as parties, which is usually only allowed on an application to terminate. The Court also commented this was ordered because the person who the Minister proposed for placement was not a relative.

After reviewing the facts and applying the paramount consideration, the Court ordered permanent care and custody with no access. It was recommended the child be placed with the foster parents for adoption. Although not binding, the Court advised the foster parents they should facilitate access with the paternal grandmother and also to the step-father. The parents should have no access.

***THIS INFORMATION SHEET DOES NOT FORM PART OF THE COURT'S DECISION.  
QUOTES MUST BE FROM THE DECISION, NOT THIS LIBRARY SHEET.***