

IN THE FAMILY COURT OF NOVA SCOTIA

Citation: Nova Scotia (Community Services) v. S.J.D., 2009 NSFC 2

Date: (20090116)

Docket: FANCFSA-054420

Registry: Yarmouth

Between:

Minister of Community Services (Annapolis County)

Applicant

v.

S.J.D., B.B. and P.R.

Respondents

LIBRARY HEADING

Publication restriction: **Publishers of this case please take note** that **Section 94(1)** of the **Children and Family Services Act** applies and may require editing of this judgment or its heading before publication. **Section 94** provides:

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

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

Heard: October 9, 2008, in Comeauville, Nova Scotia
October 21, 2008, in Digby, Nova Scotia

Decision Date: January 16, 2009

Subject: Disposition review under Section 46 of the **Children and Family Services Act**.

Summary: At apprehension the child, born March *, 2007 was placed by agreement, of the Minister, with the maternal grandmother. On disposition the placement was confirmed. The Minister now asks for permanent care and custody stating that the placement was short term only. The Minister did not file a new Plan of Care but relies on the evidence of a professional (assessor). The evidence was not disputed that the parents were unable to care for the child.

Issue: Whether the Minister has proved a change in circumstances to warrant a review and whether the Minister's Plan of Care is the least intrusive method and in the child's best interest.

Result: The proceeding as a whole was dismissed. No further Supervision Order was available under the Act. The Minister has not proved a change in circumstances nor that permanent care and custody was the least intrusive method and in the child's best interest. The Minister did not provide the Court with a long term Plan of Care for the child. A Custody Order under the **Maintenance and Custody Act** was issued by consent giving the maternal grandmother custody. Access to the parents was to be arranged through her.

Editorial Notice

Identifying information has been removed from this electronic version of the judgment.

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DECISION. QUOTES MUST BE FROM THE DECISION, NOT THIS LIBRARY SHEET*