

IN THE FAMILY COURT OF NOVA SCOTIA

Citation: Nova Scotia (Community Services) v. J.R., 2011 NSFC 13

Date: 20110524

Docket: FAN CFSA 073062

Registry: Yarmouth

Between:

Minister of Community Services

Applicant

v.

J.R. and S.D.

Defendant

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Judge: JOHN D. COMEAU, FAMILY COURT OF NOVA SCOTIA

Heard: Comeauville, May 12, 201 and Digby May 17, 2011

Decision: May 25, 2011

Issue: Recall of an expert witness

Summary: The Minister called an expert witness to testify as to his written parental assessment. The witness was examined, cross-examined and withdrew. Prior to closing the case for the Minister, counsel requested the permission of the Court to recall the witness to enter and be examined on a report he was completing on the Respondent J.R.'s boyfriend. The Respondent's plan of care indicated this person would be in daily contact with the children if they were returned to her care.

Result: The *Family Court Rules* defaulted to the C.P. Rules which provided the Court with discretion to recall a witness. In arriving at its decision to allow recall, the Court referred to the best interests of the children and the decision of Griffi v Lee 2007 CAN II 12704 (Ont. S.C.)

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