

FAMILY COURT OF NOVA SCOTIA

Citation: Nova Scotia (Community Services) v. J.L.R., 2011 NSFC 28

Date: [Decision Date 20111206

Docket: FANCFSA-073062

Registry: Yarmouth

Between:

Minister of Community Services

Plaintiff

v.

J.L.R. and S.J.D.

Defendant

LIBRARY HEADING

Restriction on Publication: 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.

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Judge: The Honourable Judge John D. Comeau, JFC

Heard: Comeauville - May 12, 2011
Digby - May 17, 2011
Digby - June 7, 2011
Digby, November 8, 2011

Counsel: Donald Urquhart for MCS
Oliver Janson for J.L.R.
Colin Fraser for S.J.D.

Issue: Disposition/long term care of children

Summary: Three children were found to be in need of protection. At Disposition the Minister requested permanent care and custody citing cognitive difficulties of the mother. After numerous services provided to the mother over many months expert evidence was that she did not have the ability to develop parenting skills that would allow her to care for the children on a long term basis. The children were high needs. The father did not participate or provide a long term plan of care.

The mother's plan of care would have required the Minister to continue with services to the end of the statutory period.

Result: Permanent care and custody order. The Court considered access but rejected it. The Act does not contemplate the Minister providing services indefinitely. The Court found the Respondent mother's cognitive disabilities did not allow her to have the ability to parent the children for the long term. The statutory time limit to provide services was short and would not provide the mother with the necessary parenting skills.

***THIS INFORMATION SHEET DOES NOT FORM PART OF THE COURT'S DECISION.
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