

FAMILY COURT OF NOVA SCOTIA

Citation: *Nova Scotia (Community Services) v. D.C.*, 2017 NSFC 10

Date: 2017-04-28

Docket: FKCFS-096174

Registry: Kentville, N.S.

Between:

Minister of Community Services

Applicant

v.

D.C. and D.C.

Respondents

<p>Restriction on Publication: Pursuant to s. 94(1) of the <i>Children and Family Services Act</i>, S.N.S. 1990, c.5.</p>
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Judge: The Honourable Judge Marci Lin Melvin

Heard: March 6, 8, 9, 2017, in Kentville, Nova Scotia

Final Written
Decision: 04-28-2017

Counsel: Angela Swantee, for the Applicant
Iain D.H. Burton, for the Respondent mother
Marc Charrier, for the Respondent father

By the Court:

[1] Introduction

[2] Protection proceedings commenced on May 27, 2015, alleging the two children in the care of the Respondents were in need of protective services pursuant to the Children and Family Services Act, S.N.S, 1990, ch. 5. The Applicant Minister alleged the children had suffered physical harm, and were at a substantial risk of suffering physical and emotional harm. The application sought that the children remain in the care of the Applicant, the Respondent Mother have supervised parenting time, and the Respondent Father have no contact with the children.

[3] An order pursuant to section 96 of the Act was granted on the consent of the parties allowing evidence of past proceedings to be admitted.

[4] Counsel for the Applicant Minister argued this is the third proceeding involving this family pursuant to the Act.

[5] The eldest child was in care in 2007 for seven months, and was returned to the Respondent Mother's care by decision of the Honourable Judge Levy who noted the agency's evidence justifying the retention of the child away from the home, was "very weak", "harsh" and "anemic."

[6] The eldest child was again taken into care four months later as a result of a physical injury. She remained in care for sixteen months. The youngest child was born during this time and taken into care at birth. Both children were returned to the Respondent parents after six days of hearing, by the Honourable Judge Levy in 2010. His decision reflected his belief that the children were apprehended and kept in care for no valid reason, and he cautioned the agency to reflect on how it had handled the case.

[7] Counsel for the Respondent Mother argued in the case presently before the Court: "... the Applicant Minister bears much of the blame for the length of time the children have previously spent in care."

[8] In this most recent application, the allegations were that the Respondent father kicked one of the children, and the parents continued their turbulent and conflictual relationship at the expense of the children's well-being.

[9] The Respondent father has been convicted of assault in the past, including against the Respondent Mother. He denied assaulting the child in the incident giving rise to these proceedings, saying he fell over her leg when he tripped. He has maintained this position.

[10] Throughout the proceedings, the Respondent Mother was amenable to and engaged in services assisting her in her parenting abilities. Her commitment to these services grew exponentially when she found a service provider with whom she could connect, namely Jean Blackler.

[11] The Respondent Mother has had a difficult past, sexually assaulted at the age of five, intimate relationships that have turned abusive, having her baby die at 14 days after the baby had open heart surgery, physical health trauma including heart failure while one of her children was in her lap, and her children in the care of the Minister as a result of a life of domestic violence with an abusive partner.

[12] The parents have ended their relationship and the Respondent Mother's evidence is that she has no inclination or intention to reconcile with the Respondent Father.

[13] The children are seven and nine years of age and have now been in care this latest time for almost twenty-three months. The youngest child is in foster care, and the oldest had been in two separate foster homes before going into an institutional setting. The totality of time the eldest child has been in care is forty-six months, the youngest thirty-eight months.

[14] Agency involvement with this family has been extensive as noted above, not only when the children were actually in care, but voluntary services in between times for twenty-eight months.

[15] The Applicant seeks permanent care of the children. The Respondent Mother seeks their return to her care. In the alternative both parents seek a third-party placement. The Respondent Father is not seeking the children but supports the Respondent Mother's application.

[16] Issues

[17] Has the Applicant established upon the balance of probabilities that the children's best interests are best served in the permanent care of the Applicant?

[18] If the Applicant has not proven the best interests of the children are served in permanent care on a balance of probabilities, should the children be returned to the care of the Respondent Mother or placed with a third-party family member?

[19] Evidence

[20] The Court has reviewed all of the evidence.

[21] The Applicant called a number of expert witnesses, qualified on consent of the parties, all of whom had filed letters or reports.

[22] The reports of early assessors Kennedy, Bower-Jacquard, and Wheeldon as to the Respondent Mother's understanding of her parenting abilities, the children's needs, the Respondent Father's Jekyll and Hyde personality of kindness vastly over-shadowed by extreme brutality, and the violence endured in the family home, are not entirely propitious to the possibility of the children being returned to the Respondent Mother. A brief summary of their evidence follows:

[23] Neil Kennedy interviewed the parties and prepared a Parental Capacity Assessment dated May 10, 2016. He has not met with the parties for assessment purposes since that time. He testified the parties have been before the Court since 2006 and issues of relationship difficulties, substance abuse, financial pressures, violence, and drugs have remained chronic.

[24] The prevailing theme of Mr. Kennedy's evidence is that the Respondent Father can be dangerous and extremely violent, citing one incident where the Respondent Mother wanted to leave the residence, was in the car with the children and to prevent her from leaving, the Respondent Father smashed out the windshield in the car (while the Mother and children were in it) threw the Respondent Mother to the ground and further assaulted her.

[25] His evidence further noted that the Respondent Mother did not admit any physical or verbal abuse with the Respondent Father, that the parents were not living together but planned to reconcile if the children were returned, that given the difficulties and high needs of the children they would be difficult to parent, and that neither parent accepted responsibility for any of the concerns identified and the only source of difficulty in their lives was the interference of the Applicant.

[26] Mr. Kennedy conceded there was no doubt the parents loved the children, and *in spite of the chronicity of difficulties*, he recommended the children be

returned to their parents, under supervision, with very specific conditions for counselling.

[27] On cross-examination by counsel for the Respondent Mother, Mr. Kennedy said he would be encouraged if the parties had been consistently engaged for services with Jean Blackler and the Respondent Mother was not involved in a relationship.

[28] Psychologist Sheila Bower-Jacquard conducted Psychological Assessment Reports on both children dated February 6th and 8th, 2016. Her report specifies that the children need warm expressions of love to enhance their feelings of safety, a calm and consistent nurturing environment, emotional therapy, speech and occupational therapy, and involvement in extra-curricular activities, and parented by non-reactive, emotionally well, trauma-informed parents for the children to heal.

[29] Ms. Bower-Jacquard testified her first meeting with the youngest child stands out. The child was "... viciously beating a stuffed kitten..." which she claimed to love, and said her father was "scary" especially when her father kicked her. She also noted her belief that the youngest child had attachment issues.

[30] Jen Wheeldon testified and filed several reports, the last dated February 15, 2016. The Respondent Mother had attended five out of fifteen scheduled appointments with her. Ms. Wheeldon confirmed the Respondent Mother told Ms. Wheeldon that she was stressed and not coping well with the children not being at home, and the Respondent Father had told her it was the children's fault they weren't in the home and she knew that he was wrong. Ms. Wheeldon, upon having met with the Respondent Mother only five times stated: "I remain concerned about her emotional processing and level of insight."

[31] Post the Kennedy, Bower-Jacquard and Wheeldon reports, a counsellor with expertise in addressing biopsychosocial needs of adults and children, Jean Blackler, began meeting with the Respondent Mother on June 14, 2016. As of the hearing date the meetings have been weekly on a consistent basis for ten months.

[32] It appears that significant progress has been made for the family as a result of this counselling, and therefore evidence of the process and progress bears further scrutiny.

[33] Ms. Blackler began meeting with the children on October 1, 2015. As of the date of hearing she had been counselling the children on a weekly basis for seventeen months.

[34] She notes initially that the children's behaviour was alarming. They tried to lick her, each other, and their foster parents. The youngest child was interacting with a doll in a "...very aggressive, angry, sort of physical manner... She hit the doll against the floor several times." Ms. Blackler testified she told the child to be gentle and kind to the doll, but the child replied: "She is a daughter and I can do whatever I want." The oldest child interjected saying: "Especially when you are very little."

[35] Ms. Blackler testified:

(a) as to the children's affect, and things they told her had happened with their parents which upset them and how powerless they felt, like the time the Respondent Father said he was going to kill their dog with a knife. Not only was the child re-traumatized, but the Respondent Mother was present when the youngest child relayed this information. Ms. Blackler testified that the Respondent Mother "...sat frozen..." and "...was being re-traumatized..." also. Ms. Blackler first intervened and provided therapeutic empathy and validation to the child's feelings, and when the child left, worked with the Respondent Mother coaching, guiding and providing her with strategies to use with her children, using affection and empathy, and herself to cope with these memories of powerlessness in violence.

(b) initially as to how the children emulated their parent's behaviour: the oldest child acting dominant and aggressive like the Respondent Father, aligning herself with him out of fear so as not to draw attention to herself, and the youngest child acting passive like the Respondent Mother.

(c) she has worked extensively with the children teaching them strategies to help them heal from the domestic violence they grew up with, and been very clear that it is not their fault, and parents or adults are responsible for their own behaviour.

(d) the children are now doing well at home during the Respondent Mother's parenting time. The oldest child communicates better with her sibling and her mother. She uses her words, can negotiate, and knows to take turns.

(e) that for the eldest child "... the counselling process has nurtured a relationship with mom that is quite rich."

(f) that she counselled the Respondent Mother on how to support her children, on attachment, and on conflict-neutral approaches to life. The only appointments missed were due to weather and the Respondent Mother has been engaged in therapy 100% from the beginning.

(g) that she's counselled zero tolerance for violence from day one.

(h) she has given the Respondent Mother "homework" and it is always done, the Respondent Mother has used the strategies she has learned through counselling and applied them with her children, helped her reduce conflict in her relationships especially with the children,

(i) that in terms of the children's emotional wellness "... they're in a very good space", the children having made tremendous gains since their counselling with her began.

(j) the Respondent mother has insight and has learned a great deal from their counselling, doing things like thanking one of the foster parents face-to-face for caring for her child, allowing the child to see the mom could have relationships with the people in their lives without conflict, eliminating power struggles.

(k) that during a recent visit with the Respondent Mother and the children, the Mother said that she finally recognized her grandparents had her best interest at heart all along and she didn't listen, but now she knows and has taken a different approach. As a result of her comment the eldest child opened up about the isolation she felt in the institution, how she felt alone and missed her mom and sister, and essentially, how tough it was to be without a mom.

(l) that the Respondent Mother has not been in a relationship with the Respondent Father since approximately October 2016, that she clearly recognized the abuse and its impact and wanted it to end. "She seemed calm and committed to her plan."

(m) the Respondent Mother was doing well with the children, was calm, consistent, firm but kind, taking a leadership role, holding children accountable,

helping the children understand their words can be hurtful, and taking responsibility for her past.

(n) the children show positive signs of attachment with the Respondent Mother, the youngest child is attached to the Respondent Mother, the oldest child has a “rich” relationship with the Respondent Mother who is now able to validate the children’s experiences, and if the Mother can routinely model conflict-neutral environments for herself and the children with community supports, then that would “...be the most powerful piece.”

(o) the Respondent Mother has already set up community supports, meets with staff from Kids Action Plan, and would benefit from trauma-informed counselling because of her past which she is entitled to through Victim’s Services because of the sexual assault and a charge being laid when she was five years old.

(p) the Respondent parents are no longer in a relationship however she knows the Respondent Father still provides the Respondent Mother with money for food for the children, and assistance moving when they first separated.

[36] Psychologist Elaine Boyd-Wilcox testified as an expert in family violence and families and children. She counselled the Respondent Father and also had joint sessions with both parents. She said the Respondent Father was abusive and resistant to change. During couples counselling the Respondent Mother made it clear that if things did not change, she would leave the relationship.

[37] Psychologist Susan Squires testified as to couples counselling for the parents. The evidence was that the Respondent Mother was motivated about changing but the Respondent Father derailed the process.

[38] Alexa MacLean, Catherine Callaghan, and Shannon MacLeod testified for the Applicant. The Court has reviewed all of their evidence.

[39] Access worker Gair MacInnis testified and was critical of the Respondent Mother’s house saying it smelled like cat litter, he saw a bong on the top of the fridge, he saw fruit flies, dirty dishes, and the bathroom looked dirty. He was critical of the interaction between the oldest child and Respondent Mother saying it was sometimes difficult, and when the oldest child was told by Mr. MacInnis that her behaviour was disruptive, she would start to cry and say: “Please, please, don’t end the visit. I don’t want to leave.” The Court found on direct Mr. MacInnis dour, disapproving and uncompromising. On cross-examination, he softened his stance a

bit confirming there were lots of times when the Respondent Mother was very interactive with the children.

[40] Child protection worker, Cynthia Routhier, was the final witness for the Applicant and testified she had been the worker for the parents since July 2016. She testified that she made a surprise visit to the Respondent Mother's home on February 17, 2017, and smelled "...a big whiff of marijuana..." when she arrived. She said there were clothes on one chair and a bag of onions on the table.

[41] On cross-examination, Ms. Routhier confirmed positive interaction between the Respondent Mother and children, that the Respondent Mother spoke appropriately to the children, she was engaged with them, kissed them, tickled them, and could calmly tell them when their behaviour was not appropriate. She said: "The reports have ... progressively gotten better with respect to her responses to [the children] ... since she's been working with Jean Blackler."

[42] Ms. Routhier also testified the Respondent Mother has insight into the one child's excessive behaviours, realized the children were taken into care because the Respondent Father was hurting the youngest child, realized the decision to maintain a relationship with him had an impact on the children, and although concerns remain there has been improvement.

[43] The Respondent Father testified in support of the Respondent Mother's plan to care for the children, or for a third-party family placement. He said their family difficulties were caused because of jealousy towards one another and money issues. On cross examination, he confirmed he yelled at the Respondent Mother, threatened her with violence, and assaulted her. He admitted he was violent. He testified the Respondent Mother is different now: "She actually pays attention to the kid stuff ..." Since their separation, he has been providing her with financial assistance for the children and groceries on occasion.

[44] Although the children were taken into care in large measure because of an allegation that the Respondent Father had kicked the eldest child, he has steadfastly denied this stating he tripped over her.

[45] A family member also testified for the Respondent Father offering a third-party placement for the children. She testified the Respondents were poison to one another, had no respect for the other, swore at each other and were extremely jealous.

[46] This witness had seen the children often during their lives as the Respondents used to exercise access at her house. It appears she has some credentials that may benefit caring for these children: she was an educational assistant, does respite for a child with cerebral palsy, has a non-crisis intervention course, has training to deal with children with high needs.

[47] She testified she is supportive of the Respondent Mother having the children returned and has seen a *“big change with her”*. *“She’s grown a lot over the last year and a half... She’s a good person [and] a good mom.”* The witness had seen the children approximately ten times since they have been in care.

[48] She said if the children were placed with her she would do whatever was required of her to keep them safe.

[49] Finally, the Respondent Mother testified. The Court found her to be articulate, strong, knowledgeable and determined. She addressed the evidence against her: she smokes marijuana occasionally but never around the children, the Bong is hers but usually out of sight, arrangements have been made to re-home her cats. She had thought about ending her relationship with the Respondent Father for some time before she did it, recognizing it wasn’t working. She ended it in September 2016.

[50] She testified she has maintained a cordial relationship with him and for some parts of the relationship he has been good to her, using the word “amazing” and describing why. It was clear to the Court that even though the Respondent Mother now recognizes the impact the Respondent father’s violence had on their family, and the horrible ramifications it has caused, she is also a person who believes she must give credit where credit is due. And this is purely obiter, but the Court finds the Respondent Mother to be very intelligent and hopes she will pursue an education and career as this too would be in the best interests of her children.

[51] The Court notes a considerable brouhaha was made about the Respondent Mother’s counselling. Did she engage? Didn’t she engage? Why didn’t she engage? When didn’t she engage?

[52] The Court finds the answer quite simple: The Respondent Mother had developed a rapport during previous proceedings with a counsellor she found helpful. For whatever reason that counsellor was not available for these proceedings. The Respondent Mother was referred to Jen Wheeldon. The

Respondent Mother was unable to develop a rapport with her and attended only one-third of her sessions.

[53] The Applicant argues this lack of attendance is tantamount to a refusal to attend. The Court disagrees.

[54] Further the evidence of the Respondent Mother regarding couples counselling with the Respondent Father is she stopped going when they were no longer a couple. It would seem the Applicant may have dropped the ball for a bit, but it is of little consequence, because the Respondent Mother became engaged in counselling with Ms. Blackler with good success.

[55] It is only common sense that for counselling to be effective there has to be a rapport between the counsellor and the patient. If there is no rapport what benefit would counselling have?

[56] Analysis

[57] The Applicant Minister concedes the Respondent Mother has made progress in counselling with Jean Blackler, but argues it is not sufficient to warrant the return of the children, and refers to the exponential progress the Respondent Mother made with Counsellor Jackie Trimper from July 2008 to September 2010. Ms. Swantee argues: *“With the benefit of hindsight, this Honourable Court has the ability to see that [the Respondent Mother’s] motivation and engagement in services during the previous periods when her children were in care were not enough to effect permanent change to her behaviour and her ability to keep her children safe.”*

[58] The Applicant filed a detailed table of the services the Respondent Mother has been involved in the earlier proceedings.

[59] The services were extensive, however as noted in the decision of the Honourable Judge Levy in 2010: “Boiled down, I just don’t think that the evidence has established on a balance of probabilities that a move as draconian as placing her child in permanent care is warranted.”

[60] As in all matters involving children the Court is guided by the what is in the best interests of those children and has considered all legislative provisions required at this stage in the proceedings pursuant to the Act, including the relevant

sections of the preamble, section 2 (1) and (2), section 3(2), section 13, and sections 42(2), (3), and (4).

[61] The Court will not regurgitate the provisions of the Act listed above having considered all for the purposes of this hearing but will comment on several.

[62] In accordance with section 3(2) as noted above, as relating to this matter, the Court was cognizant of the importance for the children's development of a positive relationship with a parent, bonding, and a secure place as a member of a family in light of Jean Blackler's comments on the work she has done with the children and the "rich" relationship that has evolved with the eldest child and the Respondent Mother, and bond with the youngest child and Respondent Mother.

[63] The evidence is there is a greater bond for both children with the Respondent Mother and the children want to be with her and with each other.

[64] Of further relevance relating to this section, among other things, the Court considered the evidence of the children's physical, mental and emotional needs, the appropriate care or treatment to meet those needs, and the children's views and wishes as expressed through – for the most part – the Applicant Minister's witnesses.

[65] The Court also looked at the risk that the child may suffer harm through being kept away from the care of a parent.

[66] Again, Applicant Minister's expert Ms. Blackler testified the nine-year-old eldest child spoke about the great difficulty she is having in institutionalized care. She said she was upset, felt isolated and alone without her sister and her mom to talk to. Ms. Blackler also noted the consequences of detachment generally – when children and parents are separated – and added "*...if the children were unable to see their biological mom ... I would have copious amounts of work to do with the children to manage their distress over that.*"

[67] The Court has also considered the degree of risk that justified the finding that the child is in need of protective services and other relevant circumstances, and as noted the other provisions as specified in the Act. The Court finds that the risk was in large measure associated with the Respondent Father's brutality and its impact on the family. With him out of the picture, the risk is seriously diminished.

[68] Before a Court can order children removed from their parent's care the Court must consider whether less intrusive alternatives including services to promote the integrity of the family have been attempted and failed, have been refused by the parent or would be inadequate to protect the children.

[69] The Court finds that less intrusive alternatives have been attempted and have been successful.

[70] Even in the early stages, Applicant witness, Neil Kennedy - qualified as an expert in Parental Capacity Assessments and in particular risk to children - **knowing the chronicity of domestic violence between the parents and the children's exposure thereto**, recommended the children be returned to the Respondent parents with very specific conditions for counselling.

[71] And in addition to his recommendation that the children should be returned home, in cross-examination Mr. Kennedy confirmed he would be encouraged if the Respondent parents [Mother] had engaged in regular and consistent services with Jean Blackler, and further encouraged if the Respondent Mother were not in a relationship at all.

[72] The evidence showed the Respondent Mother had indeed engaged in regular and consistent counselling with Ms. Blackler, and was not in a relationship at all.

[73] The Applicant argues that this case is about parental capacity, and that the Respondent Mother does not, in essence, have the capacity to properly parent these children. However, as noted above, the Applicant Minister's own expert in Parental Capacity Assessments clearly believed otherwise.

[74] Are the services afforded the Respondent Mother by the Applicant inadequate to protect the children? Again, the evidence of at least two of the Applicant Minister's expert witnesses, Kennedy and Blackler, could only lead one to believe that these services are adequate to protect the children.

[75] The goal of services is to serve the children's needs by providing parents with the skills to parent better than they had when the children came into the Applicant's care. And "better" means not marginally better, but in a manner that will afford the children a kind, loving, and safe childhood where their best interests are the heartbeat of the family home and the family unit can remain intact.

[76] “If a stable and safe level of parental functioning has not been achieved by the time of final disposition, before returning the children to the parents, the court should generally be satisfied that the parents will voluntarily continue with such services or other arrangements as are necessary for the continued protection of the children, beyond the end of the proceeding.” **N.S. (M.C.S.) v. L.L.P.**, [2003] N.S.J. No. 1 (C.A.), paragraph 27.

[77] The evidence further shows that the Respondent Mother has supports in place in the event the children are returned to her for continued counselling and for assistance within the community.

[78] For a Court to make an order for permanent care, a Court must be satisfied the circumstances that justify making the order are unlikely to change within a reasonably foreseeable time. Conversely, if there is evidence the circumstances have changed or are likely to change then the burden of section 42(4) cannot be met.

[79] The burden of proof is on the balance of probabilities, and it is for the Applicant Minister to show that an order for permanent care is in the best interests of the children. It is not the function of the Court at this stage in the proceedings to retry the matter that resulted in the original finding that the children were in need of protective services. Rather at this stage a Court must determine if the children continue to be in need of protective services.

[80] Wilson, J.F.C., in **Children’s Aid Society of Pictou County v. A.J.G.**, 2009 NSFC 26, stated: “Children are at risk and in need of protection when parenting is not ‘good enough’ to protect them from harm... Children are at risk when parents lack the basic skills to provide a stable and secure environment. Conversely, children are not at risk if parents can protect them from harm by providing a stable and nurturing home even though they may fall short of optimal parenting.”

[81] The Court finds the Respondent Mother’s evidence credible. Her evidence leads the Court to conclude that she is much better able to parent her children. Although this evidence is compelling in and of itself, when combined with the Applicant Minister’s evidence of the Respondent Mother’s great progress and newly learned parenting skills, the Court finds the Respondent Mother has the ability to provide the children with a stable and nurturing home. Even Ms. Routhier, the Applicant Minister’s child protection worker, testified as to the Respondent Mother’s insight and improvement.

[82] The Court has not addressed the issue of third party family placement as it is not necessary.

[83] The Court has further reviewed all of the evidence and submissions of the parties and considered the totality of the evidence in reaching this decision, as well as the most pertinent jurisprudence and the legislation.

[84] Conclusion

[85] It is clear these children have suffered exponential damage while in the care of the Respondent parents. The Court finds the Respondent Father is a brutal man who vacillated between kindness and unconscionable acts of physical and psychological violence against the Respondent Mother and the children. The Respondent Mother and children were caught in a web of chronic violence, despair and powerlessness.

[86] The Court accepts the Respondent Mother's evidence that she has finally realized her relationship with the Respondent Father is over.

[87] This Court is not satisfied that the Applicant Minister has proven on a balance of probabilities that the circumstances justifying an order for permanent care is in the best interests of these children. The Court finds based on the evidence that the children are no longer children in need of protective services and that their best interests would be best served, taking into account all relevant factors, with the Respondent Mother.

[88] It must be noted that this is not a decision that the Court has arrived at lightly. It was also not considered in light of giving the Respondent Mother "another chance" to parent her children. This decision was made based on all of the above to give the children another chance to be parented by a mother who has suffered separation of self and children but grown because of it, finally understanding what must be done to parent these children lovingly and safely into adulthood. The Respondent Mother may not be perfect but the children have a far better chance with her, given their collective progress, than to face an uncertain life in the foster care system. The Court finds it is in these children's best interests to be in the care of the Respondent Mother.

[89] It is noted the parents are separated, the Respondent Father did not present a plan on his own but supported the children being returned to the Respondent Mother.

[90] Therefore, it is the order of the Court that the Application is dismissed and the children will be returned home with the Respondent Mother. It is hoped the Applicant will continue with Section 13 services pursuant to the Act until the children have adjusted to this change after being in care for so many months. The children have been in care for far too long and as noted by the Honourable Judge Levy in his decision pertaining to these parties, the Applicant Minister bears much of the blame for the length of time these children have previously been in care. As a result, it is respectfully though strongly recommended that the Applicant Minister in the very least continue the services of Jean Blackler to this family given the obvious bond and commitment between Ms. Blackler, the Respondent Mother and the children, pursuant to section 13 of the Act.

[91] The Court is going to tailgate this order with an interim order under the Maintenance and Custody Act, ordering sole custody and parenting time to the Respondent Mother with **absolutely no parenting time to the Respondent Father until further order of the Court**. The matter may return to court within thirty days at the request of either Respondent, failing which the order loses its interim status and will be subject to variation proceedings. The children will not be returned until the MCA order has been signed by the Court. I direct that it be prepared forthwith.

[92] And finally, the court commends all counsel for their excellent representations of their client's positions, but would like to make special note of the exceedingly fair manner in which Applicant Minister counsel presented the evidence which included their own expert evidence that showed strong support for the Respondent Mother. Well done counsel.

Marci Lin Melvin, J.F.C.

28 April 2017