

FAMILY COURT OF NOVA SCOTIA

Citation: *Nova Scotia (Community Services) v. S.G.*, 2017 NSFC 31

Date: 2017-10-16

Docket: FKCFSA-103053

Registry: Kentville, N.S.

Between:

MINSTER OF COMMUNITY SERVICES

Applicant

v.

S.G., M.T. and J.G.

Respondents

<p>Restriction on Publication: 94 (1) of the <i>Children and Family Services Act</i>, S.M.S. 1990, c. 5</p>
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Judge: The Honourable Judge Jean Dewolfe

Heard August 22, 2017 and October 16, 2017, in Kentville, Nova Scotia

Decision: October 16, 2017 (Oral)

March 28, 2018 (Written)

Counsel: Ms. Sanaz Gerami, for the Applicant

Mr. Zachary Chisholm, for the Respondent, S.G.

Mr. Tyler Pulley, for the Respondent, M.T.

Mr. Marc Charrier, for the Respondent, J.G.

Mr. Peter Katsihtis, for the *guardian ad litem*, Marilyn Presley

By the Court:

[1] This was an application by the Minister of Community Services (“The Minister”) for an order placing three children in the permanent care of the Minister pursuant to the *Children and Family Services Act* (“The Act”). Ms. G. is the children’s mother. Mr. G. is the father of the youngest child, J., who is three years old. Mr. T. is the father of the two oldest children, D. and L. who were 13 and 11 years of age respectively at the time of the hearing. D. had a *guardian ad litem* appointed who was present and represented by counsel at the hearing.

[2] Ms. G. sought return of all three children to her care. Mr. G. sought to have J. placed in his care, but did not take a position on the two older children. Mr. T. resides in Newfoundland, was not present at the hearings, but was represented by counsel. He supported Ms. G.’s plan to have his children returned to her care.

[3] This Court provided an oral decision on October 16, 2017 placing the three children in permanent care without access to the parents. At that time, I believed it was important for the older children in particular to have the certainty they required and hence the oral decision. However, I indicated that I would provide a written decision with a full review of the evidence and law.

BACKGROUND

[4] Ms. G. has had Agency involvement since shortly after the birth of her oldest child, D. Ms. G.'s life, and that of her children, has been characterized by chaos, instability, conflict and domestic violence throughout the past 13 years. The older children, D. and L., spent approximately five years with Ms. G.'s aunt and uncle (the "B's") between 2007 and 2012, in addition to other times she and/or the children resided with the B's. In 2012, the children returned to the care of Mr. G. and Ms. G. From 2012 to 2017 it appears that the family changed residences 11 times. D. attended seven schools and L. attended five schools during that time.

[5] Between 2014 and 2017, the parties separated and reunited on at least three occasions. Each time Ms. G. and Ms. G. indicated that they were separating for good. In addition, Ms. G. moved in with and exposed the children to other partners.

[6] In June 2016, the parties separated and Mr. G. obtained an order for primary care of J. Mr. G. allowed Ms. G. to visit J. and stay overnight at his home, leading to conflict between the two of them.

[7] On November 4, 2016, the Minister applied for an order placing J. in the care of Mr. G. under supervision, and D. and L. in the care of the B.'s under

supervision (this order was granted on November 8, 2016). The Minister had concerns about Ms. G.'s mental/emotional health and Mr. G.'s lack of emotional regulation, lack of engagement in services and the continuing conflict between the parties, despite the Agency's request that they not have contact in front of the children.

[8] On November 21, 2016, the Minister applied to vary the Interim Order, seeking to place J. in the temporary care of the Minister. The Minister had had a report which led them to interview Mr. G.'s older daughter, K. (age 14 at the time) who disclosed physical abuse by Mr. G. in relation to J. Mr. G. later admitted to giving J. "a tap". Mr. G. refused to allow J. to be placed with the B's, and could not suggest another option. J. was therefore placed in a foster home.

[9] Interim Orders were issued on November 23, 2016 and December 5, 2016 confirming J.'s placement in temporary care and D. and L.'s placement with the B's, together with supervised access and services for the parents.

[10] The parties reunited between January 2017 and April 2017 without completing any services to alleviate the Agency's concerns.

[11] On February 7, 2017, a Protection Order was made pursuant to s. 22 (b), (g) and (ja) of the Act.

[12] On April 27, 2017, the Minister filed a Plan seeking permanent care of all three children. At that time, D. and L.'s placement with the B's had broken down and the Minister was seeking an alternate placement.

[13] On May 3, 2017, a Disposition Order was made continuing temporary care for the children, supervised access and services for the parents and services for the children.

EVIDENCE

Minister's Evidence:

[14] The Minister filed affidavits from the following Agency employees who were cross examined:

[15] **Jason Nauss** is a family support worker and youth worker. Mr. Nauss testified that he was D.'s youth worker. Mr. Nauss reported that Ms. G. had had private conversations with D. which undermined his relationship with the B.'s. Mr. Nauss had also returned a pocket knife which Ms. G. had given D. despite the B.'s request that she not give such items to D. Mr. Nauss also reported that Ms. G. told D. about changes in her intimate relationships and residence which upset D.

Mr. Nauss indicated D. lacks the ability to trust, is oppositional, bottles up his feelings and exhibits emotional instability and dysregulation.

[16] He described D. as very confused and in a very “low place”.

[17] **Sesaly Davidson** is a family support worker and youth worker. She was L.’s youth worker and had provided family support work to Ms. G. and a previous partner, Mr. S., as well as to Mr. G. and Ms. G. together.

[18] Ms. Davidson noted that the Agency had provided family support work to Ms. G. for 38 months since 2005. The topics covered included developing positive discipline skills, developmental expectations, attachment, promoting parent and child self-regulation, impact of domestic violence and instability on children and the impact of relationship changes on children. She listed six pages of family support provided to Ms. G., the majority of which included Mr. G.

[19] She noted that she covered more topics with Ms. G. than with most clients. Ms. Davidson reported that Mr. G. had asked to do an anger management class with her in April 2017 but did not attend or contact her to reschedule. In fact, except for a brief contact shortly before the hearing, she had not heard from Mr. G. since April 2017 and had not heard from Ms. G. since February 2017.

[20] Ms. Davidson noted that although Ms. G. understood the family support material, she found it very challenging to apply it in her own parenting.

[21] Ms. Davidson had also been L.'s youth worker since June 2016. She noted issues with anger, oppositional behaviour, self esteem, aggression, poor social skills and emotional regulation.

[22] **Cynthia Routhier** was the initial social worker. Her affidavits outlined the Agency's involvement with the family from November 2016 to April 2017, and the historical background from the Agency's files. This included Ms. G.'s tumultuous and violent relationships with Mr. T. and Mr. G. and her instability in terms of relationships and residences.

[23] **Catherine Callaghan** was the children's social worker. She noted that J. had been assessed in September 2017 with respect to defiance, emotional regulation and aggression.

[24] Ms. Callaghan noted that L. and D. had had occupational therapy assessments and continued to have appointments to assist with emotional regulation, behaviour and sensory processing concerns. D. also had difficulty with emotional regulation and had been violent in the home of the B's. Both children were prescribed medications and had been seeing a psychologist.

[25] Ms. Callaghan testified that both boys had been exposed to domestic violence between Ms. G. and both Mr. T. and Mr. G., as well as trauma and instability. Both D. and L. had been referred to the IWK for an intensive emotional regulation program.

[26] **Sarah Troop**, the children's worker since August 2017, testified that the older children had left the care of the B's and were now in the care of a very skilled care provider due to their high needs. She testified that D. was asking to live with Ms. G. With respect to J., Ms. Troop testified that Mr. G. was seeing her twice weekly and appeared to have some insight into her needs. Also, she indicated that Mr. G. had a good relationship with J.'s foster mother.

[27] Ms. Troop also testified that the Minister would not offer Mr. G. counselling or ongoing services if J. was returned to his care.

[28] **Kathleen Archibald**, social worker, became the caseworker for the parties in February 2017. She noted that there had been 14 versions of the access plan put forward by Mr. G. and Ms. G. between March 2017 and October 2018, to accommodate work schedules and Ms. G. attending school and moving. Her affidavit outlined numerous contacts with both Mr. G. and Ms. G., many of which were focused on one party "reporting" on the other, especially by Mr. G. She

noted that neither Mr. G. nor Ms. G. demonstrated . . . “any insight into the protection concerns since their file was opened for services in 2014” (para. 159, Exhibit 4) and that this was consistent with their file history. Ms. Archibald also reported seeing Ms. G. in Mr. G.’s car on October 11 and 12, 2017.

[29] **Glen Stewart**, social worker, was the on-call worker on October 12, 2017. He reported receiving a report that Ms. G. was at the home of Mr. G. and that Mr. G.’s daughter, K., was present. Mr. Stewart went to investigate with RCMP present. Mr. G. came to the door, denied that Ms. G. was there, acted in a very aggressive manner, raised his voice and threatened to punch the worker and smash the car windows. This all occurred in front of Mr. G.’s 14-year-old daughter, K. It was established that Ms. G. was not actually at Mr. G.’s home at the time.

[30] In addition, the Minister called evidence of five experts:

[31] **Monique Simonse**, child psychologist, reported on her work with D. and L. She testified that both children had been referred for an intensive 4-month residential program at the IWK. Dr. Simonse testified that the children needed to be in a stable living situation with caregiver input and support in order to attend this program. She outlined her previous unsuccessful attempts in 2014 and 2015 to work with Ms. G. with respect to the children. She indicated that L. has been

referred for a psychiatric consult and has been diagnosed with Oppositional Defiance Disorder, and attachment and developmental issues. D. has been diagnosed with ADHD.

[32] Dr. Simonse spoke of the impact of D.'s living, care and insecurity and, in particular, moving schools. She noted that D. worries about Ms. G. and the relationships she is in and has concerns about the uncertainty of what to expect next from his mother. He was worried about his future and this had impacted his school performance.

[33] **Susan Squires**, psychologist, testified as to her relationship counselling with Mr. G. and Ms. G. in 2015 and 2016. She testified that Mr. G. and Ms. G.'s relationship was volatile, on and off, and that she believed they were at a high risk for a recurrence of conflict between them. She observed that both parties exhibited abusive behaviour, but that Mr. G. displayed anxiety and a need for dominance which made it difficult for him to compromise. The couple often had disagreements about child discipline and finances. They understood the skills they learned but were unable to consistently apply them.

[34] In 2015, Ms. G. had told Ms. Squires that she was being treated for depression. She described her relationship with Mr. G. as emotionally abusive, in

that he was jealous, called her names, destroyed things and made all the decisions. She acknowledged that this had a negative impact on the children, in particular, D.

[35] In 2016, she told Ms. Squires that she had been diagnosed with PTSD. Ms. Squires also had her complete a Trauma Symptoms Inventory which was “consistent with symptoms of PTSD”. Past trauma included sexual abuse as a child, and her relationship with Mr. T. which she described as physically and emotionally abusive. Ms. Squires was of the opinion that Ms. G. needed to address her own trauma issues.

[36] **Laura Lang**, psychologist, provided therapy to Mr. G. initially in 2015. This transitioned to couples counselling and back to individual counselling in 2016. Mr. G. was resentful of social workers as he had been a child in care himself. Ms. Lang worked with Mr. G. on stress management. She described him as a “black and white thinker”. He was engaged in counselling, but although she noted small improvements in communication, conflict between Mr. G. and Ms. G. remained high. She noted that in early 2016 he was “overly focused on what (Ms. G.) had been up to and how he can prove to the Agency that (she) is not capable of caring for (the children”): Exhibit 3.

[37] The reports of Lisa Doner, Sheila Bower-Jacquard and Debbie Reimer were entered by consent.

[38] **Lisa Doner**, occupational therapist, assessed and worked with L. and D. in June 2017. She diagnosed L. as having sensory modulation issues, resulting in “avoidant and difficult behavioural, social and emotional responses at times”. (p. 5, Exhibit 1, Tab A, 1). She recommended weekly OT sessions for L.

[39] D. was also assessed by Ms. Doner as having issues with arousal, especially in a classroom setting. She recommended ongoing OT sessions to develop strategies to assist him with self-regulation.

[40] **Debbie Reimer**, social worker, reported that she had spoken with Mr. G. on a number of occasions about anger management courses she was offering in January and April 2017. She did not hear back from Mr. G. and had not provided any services to him.

[41] **Sheila Bower-Jacquard**, psychologist, reported that she provided therapy to Ms. G. in 2017 for five sessions. Ms. G. spoke with Ms. Bower-Jacquard about her childhood trauma, chronic pain, and anger and relationship issues.

[42] During this therapy, Ms. G. unfortunately became involved with a new partner (Mr. H.), despite information and concerns expressed by Ms. Bower-

Jacquard and Ms. Wood (Chrysalis House). This relationship was not a positive one and led to a period of instability for Ms. G. Ms. G. missed several appointments in July and the service contract was not renewed.

Mr. G. subpoenaed the following witnesses who provided reports and testified:

[43] **Andrea Munro**, social worker, testified and provided a summary of her work with Mr. G. between December 2016 and July 2017. She provided individual counselling to Mr. G. to address the goals of understanding domestic violence and its impact on children, relationship counselling and emotional regulation. She indicated that he “attended, participated and engaged in his counselling sessions meaningfully to the best of (her) awareness” (Exhibit 7, page 2). She noted he was struggling to leave his relationship with Ms. G. behind, and needed time to put “more distance” between himself and Ms. G. before exploring healthy relationships in a more in-depth level.

[44] She felt that on the basis of her observations of Mr. G. he could possibly be a good candidate to try to parent J. She continued to have concerns about his level of conflict with Ms. G.

Cindy Oldford, a “parenting journey home visitor” with the Kings County Family Resource Centre, reported that she had been working with Mr. G. since January 2017. She noted that Mr. G. had always been on time, participated fully in programming on such topics as positive discipline, child defiance and positive communication (Exhibit 8).

Ms. G.’s Evidence:

[45] **Brenda Wood**, a family transition support worker at Chrysalis House, a shelter for women and children in Kentville, provided an affidavit and was cross-examined. She stated that she had met Ms. G. previously in 2012 and had worked with her from late 2016 to October 2017. She testified that Ms. G. was currently residing at Chrysalis House and had completed a “Making Changes” program and financial literacy program. While Ms. Wood felt that Ms. G. had made significant progress in recognizing healthy and unhealthy relationships, assertiveness development and setting boundaries, she also admitted that Ms. G. had not fully informed her of her decisions and circumstances during 2017. Ms. Wood also confirmed that Ms. G. had arrived at Chrysalis House at 12:30 p.m. on October 12, 2017.

[46] Ms. G. filed a Plan of Care in August 2017 and an affidavit in October 2017. She also testified and was cross-examined.

[47] Ms. G. testified that she had moved in with a new partner, Mr. H., within one week of separating from Mr. G. in April 2017. She moved four times between April and August 2017. In her August 2017 Plan of Care, Ms. G. proposed that the children move in with her and Mr. H. in New Ross. However, at the hearing she testified that she had been unaware that he was an alcoholic, and she had to leave his home quickly as a result. At the time of the hearing, she was looking for a place to live and a daycare for J. She did not have a services list for the older children but said she would continue whatever was in place.

[48] Ms. G. was questioned about a possible plan she had advanced for D. to live with her brother, which she indicated was not a possibility. She admitted she had shared this potential plan with D.

[49] Ms. G. testified that Mr. G. had been “not nice” to her older children, including verbally shaming and making them stand in a corner naked. He had also pushed D. against a wall or door. She alleged Mr. G. had been emotionally abusive to her, admitted he had given her a bloody lip a long time ago and that she had “back handed” him. Nevertheless, she indicated that if the children were

returned to her care, she was prepared for Mr. G. to have access, but would want someone to help with transportation. She also was hesitant to characterize Mr. G. as having a temper.

[50] Ms. G.'s affidavit focused primarily on denying Ms. Archibald's evidence that she had seen Ms. G. with Mr. G. on October 11 and 12, 2017. She also provided the Sign In/Sign Out sheet for Chrysalis House on those dates which purported to show she was at Chrysalis House at the time when Ms. Archibald claimed to have seen her on October 12, 2017. Ms. G. denied having contact with Mr. G. after August 22, 2017.

Mr. G.'s Evidence:

[51] **Mr. G.** submitted a Plan of Care on July 25, 2017 in which he proposed that J. would live with him and that he would continue to engage in Agency funded services (e.g., Andrea Munro) and that J.'s foster mother would provide much of the childcare while he was at work. Mr. G. testified that he also intended to enroll J. in daycare, and that he currently worked evenings at a pizza restaurant.

[52] Mr. G. testified that he had "tapped" J. in November 2016.

[53] He alleged he had been denied anger management services, but admitted that he had received some assistance from Andrea Munro and that he had not attended the first scheduled anger management appointment when scheduled.

[54] Mr. G. denied having contact with Ms. G. since August 22, 2017.

[55] He admitted that a man he allowed to stay with him for two weeks had recently been arrested for selling drugs from Mr. G.'s home. He also explained that his daughter, K., had been living on and off with him, and that he had made her go back to her mother's home because she had been using drugs. However, K. had returned to live with him after that time.

Mr. G.'s Mother, H.G., provided an affidavit in support of her son's plan. She testified that D. and L. were "special needs" children but Mr. G. and Ms. G. had received "no support" and that this led to frustration and arguments.

Guardian Ad Litem

[56] **Marilyn Presley**, *guardian ad litem* for D., provided two reports to the Court (May and August 2017). Ms. Presley agreed with the Agency's Plan for permanent care of D. and L., although she indicated that D. had expressed a desire to reside with his Mom. Ms. Presley had received the Minister's disclosure

including the detailed historical concerns as to parenting and concluded that a return to Ms. G.'s care would expose D. to further insecurity and trauma.

ISSUES

[57] The Court had three options: 1) to place the children in the permanent care of the Minister; 2) to have the children continue to be placed in temporary care until the statutory timelines expired; or 3) to return D. and L. to Ms. G. and to return J. to either Mr. G. or Ms. G. The Court had to determine if there had been sufficient change to allow Ms. G. to adequately parent D, L and J. or to allow Mr. G. to adequately parent J., so that the children would no longer be in need of protective services as defined by the Act. The issue of access post permanent care also was addressed.

LAW

[58] The law in this matter is pursuant to the Act prior to its recent amendments.

[59] The Court is required to make a disposition that is in the child's "best interest": s.42(1). The factors which the Court must address in reaching this determination are set out in s. 3(2):

Where a person is directed pursuant to this Act except in respect of a proposed adoption, to make an order or determination in the best interests of

a child, the person shall consider those of the following circumstances that are relevant:

- (a) the importance for the child's development of a positive relationship with a parent or guardian and a secure place as a member of the family;**
- (b) the child's relationships with relatives;**
- (c) the importance of continuity in the child's care and the possible effect on the child of the disruption of that continuity;**
- (d) the bonding that exists between the child and the child's parent or guardian;**
- (e) the child's physical, mental and emotional needs, and the appropriate care or treatment to meet those needs;**
- (f) the child's physical, mental and emotional level of development;**
- (g) the child's cultural, racial and linguistic heritage;**
- (h) the religious faith, if any, in which the child is being raised;**
- (i) the merits of a plan for the child's care proposed by an agency, including proposal that the child be placed for adoption, compared with the merits of the child remaining with or returning to a parent or guardian;**
- (j) the child's views and wishes, if they can be reasonably ascertained;**
- (k) the effect on the child of delay in the disposition of the care;**
- (l) the risk that the child may suffer harm through being removed, kept away from, returned to or allowed to remain in the care of a parent or guardian;**
- (m) the degree of risk, if any, that justified the finding that the child is in need of protective services;**
- (n) any other relevant circumstance.**

S. 42(2) provides:

The court shall not make an order removing the child from the care of a parent or guardian unless the Court is satisfied that less intrusive alternatives, including services to promote the integrity of the family pursuant to Section 13,

- (a) have been attempted and failed;**
- (b) have been refused by the parent or guardian; or**
- (c) would be inadequate to protect the child.**

S. 42(3) states that:

Where the court determines that it is necessary to remove the child from the care of a parent or guardian, the court shall, before asking an order for temporary or permanent care and custody pursuant to clause (d), (e) or (f) of subsection (1), consider whether it is possible to place the child with a relative, neighbour or other member of the child's community or extended family pursuant to clause (c) of subsection (1), with the consent of the relative or other person.

S. 42(4) provides that:

The Court shall not make an order for permanent care and custody pursuant to clause (f) of subsection (1), unless the court is satisfied that the circumstances justifying the order are unlikely to change within a reasonably unforeseeable time not exceeding the maximum time limits based on the age of the child, set out in subsection (1) of Section 45, so that the child can be returned to the parent or guardian. 1990, c.5, s42.

[60] Past parenting history is relevant to the present circumstances: *N.S. Minister of Community Services v. L (S.E.)* (2002 NSCA 55).

[61] The Minister must prove on the balance of probabilities that there continues to be a substantial risk that the children will suffer harm pursuant to Section 22(2) of the **Act**.

[62] The test which be applied is not whether other plans for the child will provide the best parenting, but rather whether the parents can provide “good enough” parenting without subjecting the children to a substantial risk of harm.

DECISION

1) Return to the Parents

Ms. G.’s Plan

[63] The evidence in the matter clearly shows that Ms. G. had been unable to meet the needs of her children. She had been completely focused on herself and

had had no insight into the impact that her chaotic lifestyle had had on her children. Her life is tragic. It has been characterized by trauma which she has never dealt with or recovered from despite the opportunity to engage in a multitude of services over the past thirteen years. She had exposed her children to domestic violence, instability and a complete lack of empathy for the effect of her words and actions on her children. For example, she actively undermined D. and L.'s placement with the B.'s and was happy when it failed, without any concern for the huge disruption this caused to the children. She repeatedly discussed her relationship/housing status with D., in particular, causing him distress, despite being asked not to do so. In addition, she neglected the physical and emotional care of the children by not working with Dr. Simonse to address the needs identified by Dr. Simonse for D. and L.

[64] Her current plan for the children is not a plan at all, it is a plan to make a plan. Essentially she expects her three children to be returned to her while she has no home, or services set up for the children. She was not even aware of all the services the children are currently receiving. She had made no efforts at family support work since the spring of 2017. However, she certainly has had the benefit of a huge number of services in the past. I find that while Ms. G. had the ability to learn when she participated in individual and couples counselling and parenting

programs, she clearly was unable to apply her knowledge so as to make appropriate, protective decisions for her children.

[65] Even as late as the summer of 2017 she had planned to move her children to a new school and community with a man she barely knew and from whom she had to escape very shortly after moving in with him. If the children had been in her care, this would have been yet another upheaval for them. This occurred despite ongoing programming and support available to her from Chrysalis House.

[66] The Minister expressed concern that Mr. and Ms. G. have reunited or will reunite. This certainly accords with their behaviour in the past. I also have Ms. Archibald's evidence as to them being together in a vehicle on two occasions in October 2017 despite denials by both Mr. and Ms. G. in that regard.

[67] However, it is not necessary for this Court to decide whether Mr. and Ms. G. were together on October 11 and 12, 2017. I accept Ms. Squires evidence that there is a high risk of further entanglement for this couple because of their long history and connections. I am not convinced that these two parties will never reunite, and certainly that would provide unacceptable risk of harm to the children from exposure to domestic violence.

[68] Even if she does not reconcile with Mr. G., it is clear that Ms. G. has made insufficient progress so as to reduce the risk that she would expose her children to domestic violence in the future. While as Ms. Wood stated, she has made “progress”, I am not convinced given the decisions she made in 2017 and her lack of ongoing engagement in services since the spring of 2017 that Ms. G. has made any progress in alleviating the protection concerns with respect to domestic violence.

[69] It is apparent from the evidence of Ms. Squires and Ms. Bower-Jacquard that Ms. G. Has deep seated trauma related issues. There is no evidence that she has dealt with these issues in any way. She struggles to make reasonable decisions and to care for herself. She had continued to engage in relationships which hold her back. She now has good support from Chrysalis House, but no other support network. Her relationship with the B.'s is estranged. She will not follow the directions of the Agency. Her life continues to be characterized by chaos. She has three high needs children, but appears to have little insight into how her behaviour contributes to their issues. She has not been a support to them in any way during this application. Instead, she has further confused and distressed them, particularly in her interactions with D. and L. Ms. G. cannot organize her own life, let alone organize and provide adequately for three high needs children.

[70] I find that a return to Ms. G.'s care would expose the children to a significant risk of serious emotional, physical harm and would expose them to an unacceptably high risk of being exposed to domestic violence, whether Ms. G. is in a relationship with Mr. G. or not. She has made no significant progress during this proceeding in dealing with her own mental health, or making relationship choices which could benefit as opposed to harm her children.

Mr. G.'s Plan

[71] Mr. G. seeks to have J. returned to his care. He has an apartment in New Minas with room for her. He testified that he works evenings for a pizza restaurant. J. would require extensive child care. He indicated that J.'s current foster mother would help him in this regard.

[72] Mr. G.'s plan was not well thought out. He proposed continued use of Agency services without seeming to understand that the services would not be available if the Agency is no longer involved. He proposed day care for J. in the day time and child care by the foster parent most nights when he worked. There was no consideration as to when Mr. G. would be available to care for J. himself.

[73] Mr. G. continues to live in chaos. He had recently lost a job and was working evenings in his new job. An individual who had been staying in his home

had been charged with trafficking cocaine. His teenage daughter had been using drugs and had been living with him on and off.

[74] Mr. G. admits to ongoing contact with Ms. G. until at least August 2017. However, his mixed messages in spending time with Ms. G., letting her stay at his home, and focusing on her perceived shortcoming did nothing to help his parenting. It also contributed to his conduct in November 2016 which led to J. being removed from his care after only two weeks under a supervision order

[75] Mr. G. loves J. and exhibited appropriate parenting during supervised access with her. However, the Agency's evidence was that J. has behavioural issues. Mr. G. did not address how he intends to manage these issues.

[76] Mr. G. continued to exhibit very poor judgment and parenting with respect to his daughter, K. Although K. was not the subject of this proceeding, this caused the Court significant concern. Mr. G. testified that he removed K. from a home where she was unsafe, but sent her back when he could not manage her behaviours. He also exposed her to conflict and inappropriate behaviour on October 12, 2017. He showed no insight into the effect of his inappropriate behaviour on K.

[77] I accept Ms. G.'s evidence to Mr. G.'s where it differs, in particular in relation to his emotionally and physically abusive behaviour towards D. and L.

This is consistent with Ms. G.'s reports to Susan Squires and Sheila Bower-Jacquard in 2016 and 2017.

[78] Mr. G. accepts no responsibility and appears to have no insight into his poor parenting in the past despite his ongoing his ongoing work with Ms. Oldford and his participation in extensive services in the past.

[79] Ms. Munro testified that Mr. G. was engaged and appeared to be addressing domestic violence and emotional regulation during his counselling with her until July 2017. However, he did not continue to engage in counselling in the community or seek to have ongoing counselling with Ms. Munro after that time. The Court continued to have significant concerns as to Mr. G.'s anger and emotional regulation. I accept Ms. Squires' evidence that Mr. G. suffers from anxiety, has a need to dominate and has difficulty in compromising. I also accept Ms. Lang's assessment that Mr. G. is a "black and white thinker". This accorded with my assessment of Mr. G. in the courtroom and was very evident in his interactions with Glen Stewart on October 12, 2017.

[80] Mr. G. continued to be combative and deflected responsibility for his actions. Ms. Squires and Ms. Lang, testified that in 2015 and 2016, Mr. G. had understood the material they taught and appeared to be engaged. However, he was

unable to apply the knowledge and skills he learned. His demeanor and behaviour led the Court to conclude that Mr. G. was also unable to apply what he had learned from Ms. Munro's counselling so as to act in a protective, empathetic manner toward his children.

[81] Another concern relates to ongoing contact between Mr. G. and Ms. G. should J. be in his care. These parties have not sufficiently addressed the concern with respect to domestic violence. If J. were to be placed in Mr. G.'s care, this would leave J. at risk of exposure to domestic violence and conflict, not only with respect to Ms. G. but to other partners and Mr. G. as well.

2) Continuation of Temporary Care

[82] The Court had the option of continuing temporary care and custody for J. (until May 3, 2018), for J. (until November 3, 2018) and for D. (indefinitely): s. 45 of the **Act**.

[83] Before making an order for permanent care prior to the expiry of the statutory timelines, the Court must find that circumstances justifying the earlier order for temporary care are unlikely to change prior to the end of the statutory timelines: s. 46(6).

[84] “The Act does not require a court to defer a decision to order permanent care until the maximum statutory time limits have expired”: *N.S. (Minister of Community Services) v. S.Z. et al.* (1999) 179 N.S.R. (2d) 240 (S.C.F.D.) upheld on appeal at (1999) 181 N.S.R. (2d) 99 (C.A.)

[85] These parties have been involved with the Agency for an extensive period of time and have engaged in extensive services. They have demonstrated little improvement in terms of insight into the needs of the children or how their behaviour has negatively impacted the children. They have failed to adequately address the risk of continued domestic violence. The Court found that circumstances were unlikely to change within a reasonably foreseeable time, consistent with the best interests of the children.

[86] D. and L. have high special needs. They require stable and engaged caregivers who can make their needs a priority so that they can succeed in school and in the IWK intensive programming which has been recommended for them.

[87] J. is already facing behavioural challenges. She requires consistent care in a stable home environment in order to prepare her for school.

[88] These children should not be made to wait any longer for stable, consistent parenting when their parents show no indication that they will be able to provide this in the reasonably foreseeable future.

Family Placements

[89] No family placements have come forward.

Reasonable Services

[90] Mr. G. blames the Agency for his lack of access to anger management programming. However, anger management was addressed by Andrea Munro. He also missed the first session in an anger management program and that service was cancelled. Mr. G. was represented by counsel and could have requested services if they were not being offered. This did not occur.

[91] Both Mr. G. and Ms. G. have had the opportunity to engage in a multitude of services over the years. I find that all reasonable services have been offered to them, but have not been sufficient to alleviate the significant risk that their parenting poses to the children.

Summary

[92] These children would still be at significant risk of serious emotional and physical harm and exposure to domestic violence if they were returned to either parent and there are no less intrusive measures that can adequately protect J., D. and L. Therefore, all three children shall be placed in the permanent care and custody of the Minister.

[93] While the parties have participated in services such as counselling and parenting programs, I find, based on the evidence I have heard, that they continue to lack insight into the needs of their children and they are not able to put the children's needs before their own. They will be unable to alleviate these concerns by engaging in services prior to the expiry of the statutory timelines. The children's best interests can only be served by an order for permanent care at this time.

Access

[94] In order to justify an order for access post permanent care, the Respondents must prove that special circumstances exist which will not impair permanent placement opportunities: *Children and Family Services of Colchester County v.*

K.T., (2010 NSCA 72). No special circumstances of any sort have been alleged or proven by the Respondents. Therefore, there will be no order for access.



Jean Dewolfe, JFC