FAMILY COURT OF NOVA SCOTIA

Citation: *Nova Scotia (Community Services) v V.H.*, 2019 NSFC 14

Date: 20190313
Docket: FBWCFSA-103433
Registry: Bridgewater

Between:

Minister of Community Services

Applicant

v.

V.H. and B.H.

Respondents

Judge:	The Honourable Judge Marci Lin Melvin
Heard	January 23 & 24, 2019, in Bridgewater, Nova Scotia
Final Written	March 13, 2019
Counsel:	Philip Gruchy, for the Applicant Jessica Drohan-Burke, for the Respondent, V. H. Jennifer Rafuse, for the Respondent, B. H.

By the Court:

[1] This is an Application for Permanent Care of two children, hereinafter referred to as E.C. (eldest child), born December 5, 2008, and Y.C. (youngest child), born April 18, 2012. Both children have high needs. E.C. has been diagnosed with ADHD and Y.C. has Fragile X syndrome.

Statutory Timelines

[2] Due to this matter being well beyond normal timelines the Court can only determine if these children should be placed in the permanent care of the Agency or dismiss the matter.

Respondents Seek Dismissal

[3] The Respondent, V.H., seeks termination of the disposition order and the return of the children to her sole care. The two available options are:

> 42 (1) At the conclusion of the disposition hearing, the court shall make one of the following orders, in the child's best interests:
>
> (a) dismiss the matter; …
> (f) the child shall be placed in the permanent care of the Agency in accordance with Section 47.

Respondent, B.H., did not present his own plan for the care of the children but supports the plan of V.H. and intends to exercise regular access.

FAMILY HISTORY WITH AGENCY

[4] The family first came to the attention of the Agency in November 2009, with a referral that both parents were cognitively challenged, had an infant child, and there was clutter in the home. The concerns were put to rest as of July 9, 2010 warranting no further Agency involvement.

[5] A further referral was received in July 2012 due to the parents' difficulties in managing E.C.'s behaviours. Family support services were put in place and as of June 2013, the Agency again determined there were no further child protection concerns, although the family continued to receive help through the Enhanced Home Visiting Program, and Early Childhood Intervention.

[6] Another referral was received in May, 2014 due to the condition of the family home. A home visit was conducted and there was no further involvement by the Agency at this time.

[7] In July 2015, a further referral was made that E.C. had gotten away from the family home unnoticed. As of September 2015, the Agency determined that no further follow-up was required.

[8] In September 2016, there was a report of physical discipline and inappropriate parenting against E.C. by the Respondent father, B.H. The Agency followed this up in October 2016.

[9] The family situation deteriorated with both parents overwhelmed, having difficulties coping with the children and their failed relationship.

[10] The wheels fell off the bus for this family and as a result, the Agency determined the Respondents were not able to meet the demands of parenting, were unable to properly manage their home, could not provide structure and routine for the children, and further, could not manage the children's behaviors. An application to take the children into care was filed with the Court on December 7, 2016.

ISSUES

[11] Has the Applicant proven, on a balance of probabilities, that the Respondents' children continue to be in need of protective services?

[12] If the Court determines the children continue to be in need of protective services, should ongoing parenting time be ordered for the children to see their parents?

EVIDENCE

[13] The Court has carefully weighed all evidence in this matter, some of which is noted below.

(1) Evidence of the Applicant Minister

[14] To support the Minister's argument and position, affidavits and reports were filed, and testimony was heard by the Court. On the consent of the parties, not all Ministerial witnesses were called, but their reports were filed and accepted as

evidence. Further, the Minister offered no evidence from the family's three most recent protection workers: Matt Brown, Anna Falls and Luke Garagan.

[15] Sheila Bower-Jacquard produced reports dated July 24, 2017, and was qualified by the Court on consent to give opinion evidence with respect to the preparation of mental health assessments. She confirmed the Respondents were referred to her for mental health assessments to help the Agency with planning. The assessments included:

> assessing … cognitive, oral language, and academic skills, as well as … emotional, social, behavioural skills including any pathology/mental health issues that may interfere with his[her] ability to parent his[her] children.

Her evidence was that both Respondents met the criteria for an intellectual disability (Intellectual Development Disorder).

[16] Ms. Bower-Jacquard's evidence was, when faced with stress and challenges, V.H. tended to avoid the problem. However, testifying with respect to V.H.'s presentation during the assessment, Ms. Bower-Jacquard stated*:*

> [There was] sic … a lot of stress while in the relationship and a lot of challenges were situational, rather than mental health. ... She improved as she continued to see me.

Further on cross-examination, she noted it would be positive if V.H. secured her own home and been on her own.

[17] Her opinion was that the Respondents would have difficulty working full time, looking after a house, caring for children, and maintaining an intimate relationship, however, indicated that it may not be a concern if they were not dealing with all of these factors. Ms. Bower-Jacquard had not seen the Respondents since June 2017 and could not comment on any progress that had been made by either since that time.

[18] Colleen Myra was the social worker responsible for the children and employed by the Agency until the end of August of 2018. She is currently employed by a Schools Plus Program. Ms. Myra's evidence was that the Agency did not support the reduction in the level of supervision provided for the children during access visits with V.H., as she had not been able to demonstrate the capacity to provide unsupported care to the children. Though not qualified as an expert witness, her opinion was that V.H. was not able to properly supervise two high-

needs children. On cross-examination she confirmed: "…all supports and services would remain in place if the children were returned to V.H." She was asked by Ms. Rafuse, in cross-examination, if there was any reason, other than financial, that the children shouldn't continue with these services, and she replied: "Not at all."

[19] Brandace Hodder was the family support worker who had worked with the Respondents since February 2017. Ms. Hodder was not qualified as an expert witness. She testified that she helped the Respondents prepare for access visits. Many sessions took place during access visits as, in Ms. Hodder's opinion, the Respondents appeared to learn and acquire skills better in the moment and had difficulty retaining information from one session to the next. Ms. Hodder testified that her approach was to model the type of behaviour she wanted to teach the parents.

[20] In the Spring of 2018 Ms. Hodder prepared V.H. for access in her home. She assisted V.H. in setting up a safe and clean environment for her children to visit. Ms. Hodder testified that she emphasized the importance of V.H. showing she could handle her children and focus on both of their needs at the same time.

[21] Ms. Hodder confirmed that V.H. had made improvements in preparing for the visits with the children, which included having a snack available and making a simple evening meal during the visits.

[22] In her Affidavit of July 3rd, 2018, Ms. Hodder stated that B.H. "… has made significant process in his ability to manage the needs of the children during short fully supervised access visits". She, however, expressed her opinion that given his intellectual disability she did not feel that he would be able to make further progress in his ability to manage the children for longer or unsupervised visits.

[23] As a sidebar to this, Ms. Rafuse on behalf of B.H. argued: "Ms. Hodder is in no way qualified to offer her opinion in this regard and there was nothing in Ms. Bower-Jacquard's Mental Health Assessment to suggest this is the case."

[24] Ms. Hodder noted concerns about V.H.'s ability to pay close attention to the youngest child.

[25] She further opined, in an affidavit dated July 3, 2018, that while both parents love their children, neither parent had the ability to provide for their children's needs without supervision.

[26] In an affidavit dated January 7, 2019, Ms. Hodder confirmed that since her July 3, 2018 affidavit she continued to have frequent contact with V.H. during access visits with the children and for private family support sessions. She summarized areas of ongoing challenges and acknowledged many visits between V.H. and the children that were positive and loving.

[27] On cross-examination, Ms. Hodder stated that the children "…are closely bonded with V.H. and she with them. They are reluctant to leave her at the end of a visit."

[28] Kendra (Fevens) Ritcey on cross-examination noted there were currently no concerns with either of the Respondents ability to properly maintain their home. Ms. Ritcey also confirmed that there have been improvements in the parents' ability to provide structure and routine for the children as well as improvements in both parents' ability to manage the children's behaviors.

[29] Tina Peddle testified as the adoption social worker, on cross-examination that there was no guarantee these children would be placed together, the children were high needs and would require lots of supports and services, that if adopted there would be no guarantee of personal contact, if the children were placed in permanent care they would be moved again, that the bonding between the children does not guarantee a joint placement and there was no guarantee they would ever have contact again. She further testified there are more than one-hundred children in care awaiting adoption. Placement for children with the complex needs of E.C. and Y.C. would be difficult. E.C, she testified, would stay at the group home for the foreseeable future.

[30] Toni Campagnoni prepared a Psycho-Educational Assessment Report for E.C., whose intellectual testing indicated a high average potential. Ms. Campagnoni determined E.C. meets the criteria for ADHD Combined type.

[31] Michell Lane**,** a genetic counsellor, determined that Y.C. has Fragile X syndrome. She noted: "Fragile X Syndrome is one of the most common familial causes of intellectual disability in North America." The symptoms include: "…language delays, behavioral problems, autism or autistic-like features, … hyperactivity and delayed motor development and/or poor sensory skills."

(2) Evidence of the Respondent Mother, V.H.

[32] The Court observed V.H. to sit demurely in the Court room during the hearing, eyes-downcast, most often with a smile. She presented as positive, gentle and somewhat timid. Her answers on cross-examination were simple, yet credible and devoid of artifice.

[33] Her evidence confirmed that at the time the children were taken into care, her marital relationship had deteriorated and levels of communication between the Respondents were poor. They decided to separate, but neither parent had moved out of the family home. V.H. was a full-time student, attending Adult High School Monday through Friday.

[34] Y.C. was thought to be on the Autism spectrum. Both parents had difficulty effectively managing Y.C.'s complex needs and E.C.'s defiant behaviours.

[35] Shortly after the children were taken into care, she moved out of the former family home and stayed with her mother until securing her own apartment in March, 2018. Though she graduated from the Adult High School in early 2017, she has not attended school or worked outside the home since that time.

[36] V.H. engaged in individual counselling with the Minister's Family Therapist, Dr. Stephen Young. She further engaged in joint counselling with B.H. and Dr. Young. The evidence is that she has benefitted from counselling.

[37] The Respondent mother's evidence is that the level of communication she now has with the Respondent father has greatly improved compared to the period before and immediately after their children entered the Minister's care.

(3) Evidence of the Respondent Father, B.H.

[38] The Court was impressed with the evidence of B.H. He was composed, credible and clear in his testimony. He has a three-bedroom apartment and is employed although it appears to be seasonal. His evidence is that the communication standards between himself and V.H. have improved significantly since the children were taken into care. He and V.H. had taken relationship counselling and learned co-parenting skills. On July 4, 2018, he and V.H. requested counselling continue with agency therapist Dr. Young, however that

request was denied. He also joined a Dad's Group, although he did not get to as many sessions as he had hoped. He supports V.H.'s application for custody and wants flexible parenting time. According to B.H.'s evidence, he works seasonally, he will not be caring for the children or a household with the children in it, but for his access visits, and he is not in an intimate relationship.

THE LAW

Standard of Proof

[39] A proceeding pursuant to the *Children and Family Services Act, R.S.N.S, 1990 as revised, ch. 5,* is a civil proceeding. The Court in ***F.H. v. McDougall [2008] 3 S.C.R. 41***, has determined that there is one standard of proof in civil cases, and that is proof upon the balance of probabilities. It is the only standard to be applied in this matter.

[40] In the ***Minister of Community Services and MP***, 2014 NSSC 80, Haley, J., states: "[t]he burden of proof is on the Minister to show that the Permanent Care and Custody Order is in the children's best interests."

Substantial Risk

[41] "Substantial risk" pursuant to section 22(1) of the Children and Family Services Act, means a real chance of danger that is apparent on the evidence.

[42] It is the real chance of physical or emotional harm or neglect that must be proved to the civil standard. That future physical or emotional harm or neglect will actually occur need not be established on a balance of probabilities: ***MJB v. Family and Children Services of Kings County, 2008 NSCA 64 at paragraph 77,*** adopting ***B.S. v. British Columbia (Director of Child, Family and Community Services)***, 1998 CanLII 5958 (BC CA), at paragraphs 26 to 30.

[43] As noted by Jollimore, J., in *Nova Scotia (Minister of Community Services) v. S. C.*, 2017 NSSC 336: "… if the Minister establishes that there is a real chance of harm, the question is purely one of D's best interests, as between permanent care and a return to the parents. If the Minister does not establish this that there is a real chance of harm, then D must be returned to her parents."

Best Interests

[44] In reaching a decision regarding the future care of the child, the Court must be guided by the child's best interest.

[45] Section 2(2) of the Children and Family Services Act provides:

> 2(2) In all proceedings and matters pursuant to this Act, the paramount consideration is the best interests of the child.

[46] Additionally, Section 42(1) provides at the conclusion of the disposition hearing, the court shall make an order in the child's best interests. Factors the Court has considered when making a decision in a child's best interests are enumerated in Section 3(2) of the *Act.* The Court will not enumerate these factors, but has carefully considered them while applying the evidence.

Continuing Need of Protective Services

[47] Pursuant to the *Children and Family Services Act*, section 46, status review hearings must be held at regular intervals to review the Disposition Order. At a Review Hearing the Agency must establish that the child continues to be in need of protective services.

[48] ***In Catholic Children's Aid Society of Metropolitan Toronto v. M.(C.)***, [1994] S.C.J. No. 37; 2 S.C.R. 165, pg. 195 – 196, the Supreme Court of Canada set out the test to be applied on statutory review hearings in child protection proceedings. Writing for the majority, L'Heureux-Dube, J. stated, at page 199:

> It is clear that it is not the function of the status review hearing to retry to original need for protection order. The order is set in time and it must be assumed that it has been properly made at the time. In fact, it has been executed and the child has been taken into protection by the respondent society. The question to be evaluated by the courts on status review is whether there is a need for a continued order for protection.

Less Intrusive Alternatives Including Services

[49] Section 42(2) of the *Children and Family Services Act* provides as follows:

> 42(2) 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 have failed;
> (b) have been refused by the parent or guardian; or

> (c) would be inadequate to protect the child**.**

[50] As noted by the Nova Scotia Court of Appeal, in *LG v. Children's Aid Society of Halifax*, 2005 NSCA 163, in section 42(2) (a), (b) & (c): "… [the] wording is disjunctive, not cumulative; that is, the trial judge needed to be satisfied as to any of…" the subsections, not all.

[51] The Court of Appeal explained the significance of this provision in Nova ***Scotia (Minister of Community Services) v. L.L.P.***, [2003] N.S.J. No. 1 (C.A.):

> The goal of services is not to address the parent's deficiencies in isolation, but to serve the children's needs by equipping the parents to fulfil their role in order that the family remain intact. Any service-based measure intended to preserve or reunite the family unit, must be one which can effect acceptable change within the limited time permitted by the Act. 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. Ultimately, parents must assume responsibility for parenting their children. The Act does not contemplate that the Agency shore up the family indefinitely**.**

ANALYSIS

[52] The Plan of Care was dated March 20, 2018. The hearing was January 24th and 25th, 2019. No updates or revisions of the original Plan of Care were filed with the Court, even though the family dynamic changed during that time.

[53] The jurisprudence is clear: The Minister bears the burden of proving the existence of a current and continuing need for protection. Counsel for V.H. argued that the Court must determine whether sufficient evidence exists to find that, as of the dates of the recent contested final disposition review hearing, if the children remain children in need of protection.

[54] Counsel for V.H. argued that due to the outdated Plan of Care, numerous portions are no longer accurate and the summary of services, resources, and the general state of affairs have become stale with age. Paragraph 3 (i) of the Plan of Care, discussed the parents' work with Family Support Worker Brandace Hodder and concluded: "the goals of this service/support have not been met by either

parent." Counsel for V.H. argued: "*This statement is no longer accurate and has not been for some time."*

So, what, if anything, has changed?

[55] The Court finds that approximately one week prior to the Plan of Care being filed, V.H. had moved from her mother's home to her own apartment. She has lived there for more than a year. There is no evidence from the Applicant on the stability or appropriateness of her housing. V.H. is willing to move to a larger residence should the children be returned.

[56] Paragraph 3 (d) of the Minister's March 20, 2018 Plan of Care specified the children's access with their parents would occur at the Family Support Centre and be for one hour. Affidavit evidence of Kendra Fevens showed a new schedule of increased access between the Respondent Mother and children on March 29, 2018, to take place at her home for six hours.

[57] The duration of visits was reduced to four hours once school started.

[58] When the Minister changed E.C.'s placement, access was further reduced for both children.

[59] Since the Plan of Care was filed, there has been a revolving cavalcade of protection and social workers assigned to this family, including, Kendra Fevens (Ritcey), Collen Myra, Matt Brown (who had no in-person meetings with the Respondents),

[60] Anna Falls (who had limited involvement with the file), and finally Luke Garagan (who also had no contact with the Respondents.)

[61] The Court finds the social workers for the Minister have had little to no interaction with the Respondents during the last quarter of this proceeding and there is little evidence to suggest the Minister's social workers engaged with B.H. in any meaningful way since Ms. Ritcey changed jobs approximately six months ago.

[62] Is there an obligation on the Minister to revise the Plan of Care if circumstances change? Although there is nothing in the Act to address this issue, the answer would seem to be borne of common sense. Litigants in child welfare proceedings cannot adhere to a one-size-fits-all thought process. As in any material

circumstantial change, it is certainly within the purview of the Respondents to ensure that evidence is front and centre before the court. However, an application for Permanent Care should not be considered a slam dunk. Only in the most profound cases of abuse can an Agency ever be fairly certain of such an order. Therefore, it is not appropriate for the Minister to terminate or not agree to further services, or sliver away access, simply because they may have decided the parents are a lost cause.

United Nations Conventions

[63] Counsel for V.H. argued with respect to the United Nations Convention on the Rights of Persons with Disabilities, and Convention on the Rights of the Child:

> Much of the Minister's case focuses on the … [children's] … complex needs and on the Minister's perception their parents are unable to meet those needs due to their own disabilities… Canada's international legal obligations state, on no uncertain terms, "in no case shall a child be separated from parents on the basis of a disability of either the child or one or both of the parents" (Convention on the Rights of Persons with Disabilities).

[64] Counsel for V.H. argued V.H. relies upon international law to support her position that the Minister's application must be dismissed or, in the alternative, that parenting time be ordered in the event of an order for permanent care and custody. Her counsel argued that V.H. relied upon the international conventions to add further dimension to a child-focused analysis by drawing particular attention to her children's rights, particularly, given the complex needs which coexist with their disabilities. The Court has considered the relevant parts of the noted Conventions, arguments of counsel, and the noted jurisprudence.

[65] While appreciating the complexity of Respondent counsel's argument, the Court finds that with the exception of section 13 services to promote the integrity of the family using the least intrusive means of intervention, pursuant to the Children and Family Services Act, the above Conventions shall sit as silent guardians. For section 13 purposes only, the Court notes the following in the **Convention on the Rights of a Child**:

Article 23

> 1. States Parties recognize that a mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community.

> 2. States Parties recognize the right of the disabled child to special care and shall encourage and ensure the extension, subject to available resources, to the eligible child and those responsible for his or her care, of assistance for which application is made and which is appropriate to the child's condition and to the circumstances of the parents or others caring for the child.
> 3. Recognizing the special needs of a disabled child, assistance extended in accordance with paragraph 2 of the present article shall be provided free of charge, whenever possible, taking into account the financial resources of the parents or others caring for the child, and shall be designed to ensure that the disabled child has effective access to and receives education, training, health care ***services,*** rehabilitation services, preparation for employment and recreation opportunities in a manner conducive to the child's achieving the fullest possible social integration and individual development, including his or her cultural and spiritual development. . .

[66] Combining section 13 of the *Children and Family Services Act* with Article 23, would ensure the services required by V.H. to assist her to raise her children and would be in the best interests of the children.

[67] In ***Nova Scotia (Minister of Children's Services) v. L.L.P.***, *supra*., the Court of Appeal stated: "The Act does not contemplate that the Agency shore up the family indefinitely." The case at bar can be distinguished from L.L.P., however, in that the Court of Appeal in L.L.P. lacked invitation to consider the *Children and Family Services Act* in conjunction with Article 23 of the Convention of the Rights of the Child. Read in harmony, section 13 of the Act and Article 23 of the Convention, particularly 23(3), ensure the best interests of a child with special needs will be met to allow that child to achieve "… the fullest possible social integration, and individual development."

[68] Clearly this blending is befitting V.H. and her children.

[69] Poverty often clutches at the throat of child welfare proceedings, strangling the chances of children to enjoy a meaningful life with a parent, for any number of reasons. That V.H. is of limited means, that her children have special needs, that she perhaps requires "the help of a village "to raise her children, is not and cannot be a block to the children returning to her care.

[70] She needs the assistance of the state to provide services in keeping with the philosophy and content of the convention, and the preamble and mandate of the Children and Family Services Act.

Best Interests of the Children

[71] The Court must always look at what is in the best interests of the children in all legislation involving them. Children have the absolute right to know, bond with, love and have a safe, trusting, and harmonious relationship with their parents when it is at all possible.

[72] Although some children have high needs, as do the children in this matter, it does not lessen or preclude them from the chance of a loving, bonded relationship with their parents.

[73] Similarly, parents may have different abilities. There may be physical issues, mental health issues, or even what might be perceived as a lower IQ.

[74] When questioned on cross-examination regarding B.H., for instance, psychologist Sheila Bower-Jacquard was asked if intelligence or lack of it was a condition to being able to parent. She responded: "Some people with a PhD cannot parent children."

[75] Child welfare matters are not based on one-size-fits-all. No litigant and no child ever comes before the court with the exact same needs, abilities, or intellect. The only issue of concern to the court is the welfare of the child, and whether if returned to her parents that child will have a life that is in her best interests in all respects.

[76] As stated by Wilson, ACJ, in ***The Children's Aid Society of Pictou County v. AJG and JAG,*** 2009 NSFC 26: "Children are at risk and in need of protection when parenting is not "good enough" to protect them from harm … 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."

[77] The evidence is that the children resided with their parents with some informal Agency involvement up until the children were taken into care. The reasons why they were taken into care was a result of a cavalcade of calamities that had befallen the family. Those reasons are noted above and in evidence.

[78] The Court finds there is significant evidence that the parents have worked hard to ensure their lives are better, they communicate better, and they are more stable than they were when the children were taken into care.

[79] Further, the Court finds that the Respondent mother has supports and services in place and her evidence is that she will continue with those supports and services should the children be returned to her care.

[80] The Respondent father's evidence is that he would be supportive of her plan. Her evidence is she has assistance with transportation from her mother and she has a close relationship with the foster mother which she anticipates will continue. These are in addition to the supportive services the children receive from the school and activities in which they are involved.

[81] The Court finds the Respondent mother has demonstrated her ability to live independently and properly manage her home on her own. The Respondent father's evidence is he believes her plan is adequate to protect the children from harm and they are no longer children in need of protective services.

CONCLUSION

[82] The burden is on the Applicant to prove on a balance of probabilities that an order for Permanent Care and Custody is in the best interests of these children.

[83] Has the Minister proven on a balance of probabilities that a real chance of physical or emotional harm or neglect exists? As noted by Jollimore, J., in ***Nova Scotia (Minister of Community Services) v. S. C.***, *supra*, if the Minister establishes that there is a real chance of harm, the question becomes one of best interests, however, if the Minister does not establish there is a real chance of harm, the children must be returned to their parents.

[84] The Court finds that at the time the children came into care, the Respondents were at the lowest point in their lives: they were fighting in front of the children, they had decided to separate, the children had undiagnosed high needs, the wheels had completely fallen off of the bus for them.

> As stated by L'Heureux-Dube, J., in *Catholic Children's Aid Society of Metropolitan Toronto v. M.(C.),supra.*, : "The question as to whether the grounds which prompted the original order still exist and whether the child continues to be in need of state protection must be canvassed at the status review hearing. Since the Act provides for such review, it cannot have been its intention that such a hearing simply be a rubber stamp of the original decision.

[85] Since that time, the Respondents have engaged in services, whether through the assistance of Minister or on their own. They have separated and learned through counselling how to communicate. They have found services and resources in the community to assist them in their parenting roles. V.H. has maintained a stable home environment. There is a close bond between the children and particularly V.H.

[86] The Court finds, given the changes the Respondents have made, it is in the best interests of the children to have another chance for a loving connection and bond with their mother. The alternative is an uncertain future in Permanent Care, which is not in these children's best interest.

[87] There is no doubt that these children and the parents will require support. Even the foster parents have had support and with that, they were not able to care for E.C. and he was removed from their care and placed in a group home.

[88] While there is truth to the maxim: it takes a village to raise a child, it is understood that this will not always be voluntary or from not-for-profit services. Some services will require payment.

[89] Section 13 of the Act combined with Article 23 of the United Nations Convention on the Rights of the Child allows for services to be put in place, pursuant to the above, to ensure the best interests of these children are met.

[90] The Court finds that the Minister has not proven on a balance of probabilities that there exists a real chance of danger that is apparent on the evidence. The Court finds that an order for Permanent Care is not in the best interests of these children.

[91] The Minister's Application for Permanent Care is dismissed.

Melvin, J.F.C.

March 13, 2019