

**SUPREME COURT OF NOVA SCOTIA**  
**(FAMILY DIVISION)**

**Citation:** Children's Aid Society of Inverness/Richmond v. S.S. ,  
2009 NSSC 155

**Date:**20090508

**Docket:** SFPACFSA-058926

**Registry:** Port Hawkesbury

**Between:**

Children's Aid Society of Inverness/Richmond

Applicant

v.

S.S. and D.S.

Respondent

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**LIBRARY HEADING**

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**Restriction on Publication:** Publishers of this case please take note that s. 94(1) of the *Children and Family Services Act* applies and may require editing of this judgment or its heading before publication.

Section 94(1) provides:

“No person shall publish or make public information that has the effect of identifying a child who is a witness at or a participant in a hearing or the subject of a proceeding pursuant to this Act, or a parent or guardian, a foster parent or relative of the child.”

**Judge:** The Honourable Justice Moira C. Legere Sers

**Heard:** November 10, 12, and 13, 2008, at Port Hawkesbury, Nova Scotia  
December 17, 18, and 19, 2008, at Port Hawkesbury, Nova Scotia  
January 20, 21, 22, 26, 29, and 30, 2009, at Port Hawkesbury, Nova Scotia  
February 11, 12, 24, 25, and 26, 2009, at Port Hawkesbury, Nova Scotia  
March 9, 10, 11, 24, and 25, 2009, at Port Hawkesbury, Nova Scotia  
April 1, 2, 3, 6, 7, 8, and 9, 2009, at Port Hawkesbury, Nova Scotia

**Subject:** Children and Family Services Act protection application: First Disposition. Agency plan seeks to transfer placement of children from mother's primary care to father's care. Agency alleging emotional abuse.

**Summary:** Father accused of sexual abuse. Father's access supervised for 23 months.

Allegations made over three year span from child to maternal grandmother and subsequently to grandfather, mother, medical personnel and relatives. Allegations investigated and unsubstantiated. The Agency sought to place children with father. The father agreed. The mother contested placement, sought to have child protection proceeding dismissed, sought sole custody and supervised access for the father.

**Issue:** Admissibility of videotaped child statement of sexual and physical abuse. Admissibility of child statements communicated to third parties. Issue of relevance and reliability.

Admissibility of assessors report due to knowledge of polygraph results. Independence of police, Agency, and assessor challenged. Mother advanced allegation of bias against Agency, assessor and therapists who relied on the results of the police c investigation in part due to knowledge of polygraph results.

**Result:** Agency successful in proving ongoing protection concerns. Strong evidence of emotional harm. Court amended Agency Plan of Care to undertake an interim step by way of a Supervision Order, reverting to a shared parenting arrangement with conditions of compliance with the Agency plan, counseling, etcetera. Agency has control over therapeutic involvement. Agency to facilitate and ensure compliance with father's parenting time. Supervision of father's access lifted. Continue supervision for maternal grandparents pending transition and education.

***THIS INFORMATION SHEET DOES NOT FORM PART OF THE COURT'S DECISION.  
QUOTES MUST BE FROM THE DECISION, NOT THIS LIBRARY SHEET.***