

SUPREME COURT OF NOVA SCOTIA
(FAMILY DIVISION)

Citation: *Nova Scotia (Community Services) v. T.S.*, 2015 NSSC 65

Date: 20150211

Docket: Halifax No. SFHCFSA-094728

Registry: Halifax

Between:

Minister of Community Services

Applicant

v.

T.S. & W.M.

Respondents

LIBRARY HEADING

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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 Mona M. Lynch

Heard: February 11, 2015 in Halifax, Nova Scotia

Written Decision: March 2, 2015

Subject: Evidence

Summary: The Minister of Community Services requested a finding of reasonable and probable grounds that a child is in need of protective services under s. 39 of the *CFSA*. The Minister was receiving anonymous calls about the parents which were not substantiated when the social workers visited the home of the parents.

Issues: Does the information in the anonymous calls provide credible and trustworthy evidence to base a belief of reasonable and probable grounds that the child is in need of protective services?

Result: The anonymous referrals do not contain admissible evidence in themselves and the information was not substantiated by the Minister. The anonymous referrals do not provide credible and trustworthy evidence. The other evidence is not sufficient to base a finding of reasonable and probable grounds that the child is in need of protective services. The Minister's application is dismissed.

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