

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

**Citation:** *Nova Scotia (Community Services) v. C.D.C* , 2015 NSSC 123

**Date:** 20150420

**Docket:** *Halifax*, No. SFHCFSA-085840

**Registry:** Halifax

**Between:**

MCS

*Applicant*

v.

C.D.C and S.D.C.

Respondents

**And In the Matter of**

**Date:** 20150420

**Docket:** *Halifax*, No. SFHMCA-059259

**Registry:** Halifax

**Between:**

C.D.C.

*Applicant*

v.

S.D.C.

*Respondent*

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**Judge:** The Honourable Justice Beryl A. MacDonald

**Heard:** March 11, 12, 13, 2015

**Keywords:** Family; Children and Family Services; Variation; Custody; Access

**Legislation:** *Children and Family Services Act*, S.N.S. 1990, c.5,  
*Maintenance and Custody Act*, R.S.N.S. 1989, c. 160

**Summary:** The Minister of Community Services had commenced a protection proceeding because the conflict between the parents presented a risk of emotional harm to the child. The child was diagnosed with Autism Spectrum Disorder but was high functioning. The Minister was faced with the time limitations under the Act and considered the best plan for the child would be a termination of its' proceeding and a variation of the previous shared parenting arrangement to place the child in the Mother's custody and primary care with specific every second weekend access to the Father. The Father requested a return to the previous parenting arrangement. The court concluded the previous arrangement would lead to continuing conflict between the parties. The court ordered a very detailed parenting plan in which the Mother was to have custody and primary care. The Father's access was to be every second weekend and one Thursday overnight on the week when he did not have weekend access. Holiday time was determined as were issues relating to pick up and drop off, transportation responsibility, exchange of information and communication.

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