

SUPREME COURT OF NOVA SCOTIA
(FAMILY DIVISION)

Citation: *Nova Scotia (Community Services) v. T.M.C.*, 2015 NSSC 198

Date: 2015-07-10
Docket: No. 88531
Registry: Sydney, NS

Between:

Minister of Community Services

Applicant

v.

T.M.C. and E.J.D.

Respondents

LIBRARY HEADING

To the Publishers of this case:

Please take note that Section 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:

94(1) 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 a relative of the child.

Judge: The Honourable Justice Kenneth C. Haley

Heard: April 28th, 29th, and 30th, 2015 in Sydney, Nova Scotia

Final Written Submission: June 22, 2015

Written Decision: July 10, 2015

Subject: Permanent Care

Summary: The Applicant seeks a Permanent Care Order with no provision for access for the Respondents' three youngest

children. The Applicant is not opposed to a provision for access for the eldest child.

The Court found that the children remain in need of protective services and that risk of harm to the children remained if returned to the Respondent(s).

Issues: (1) Permanent care.

(2) Dismissal

Result: An Order for Permanent Care and Custody in favour of the Minister will issue, with no provision for access to the Respondent(s) in relation to the children A.D., S.A.D., and E.D. An Order for Permanent Care and Custody in favour of the Minister will issue in relation to the child, S.D., with a provision for access to the Respondents.

Cases: **F.H. v. McDougall** [2008] 3 S.C.R. 41

Catholic Children's Aid Society of Metropolitan Toronto v. C.M. [1994] S.C.J. No. 37 (SCC)

Nova Scotia (Minister of Community Services) v. L.L.P.
[2003] N.S.C.A. 1

D.G. v. Family and Children Services of Lunenburg County and T.M.C. and C.L.G. [2006] N.S.C.A. 118

G.S. v. Nova Scotia (Minister of Community Services)
[2006] N.S.C.A. 20

Children's Aid Society of Cape Breton-Victoria v. A.M.
[2005] N.S.C.A. 58

Children and Family Services of Colchester County v. K.T.
[2010] N.S.C.A. 72

Nova Scotia (Community Services) v. T.H. [2010] N.S.C.A.
63

P.H. v. Minister of Community Services and R.W. [2013]
N.S.C.A. 83.

Mi'kmaw Family and Children's Services v. L.(B.) [2011]
N.S.C.A. 104

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