

SUPREME COURT OF NOVA SCOTIA
(FAMILY DIVISION)

Citation: Nova Scotia (Community Services) v. MS, 2015 NSSC 307

Date: 2015-10-30

Docket: SFSND No. 92568

Registry: Sydney

Between:

Minister of Community Services

Applicant

v.

MS, SA and SF

Respondents

and

Date: 2015-10-30

Docket: SFSNMCA:97384

Registry: Sydney

Between:

SS

Applicant

v.

MS, SA and SF

Respondents

LIBRARY HEADING

Judge: **The Honourable Justice Theresa Forgeron**

Heard: September 23, 2015; October 5 and 27, 2015, in Sydney, Nova Scotia

Oral Decision: October 27, 2015

Written Decision: October 30, 2015

Subject: Family Law

Issues: Party Standing (*CFSA*); Leave and Custody (*MCA*)

Result:

- Applications of grandmother denied
- The children's welfare would not be enhanced by having contact with their grandmother. The grandmother's ability to care for the children was marred because of a myriad of unresolved mental health and social welfare challenges. The grandmother did not provide a reasonable alternative plan. Her proposal was not sound, not sensible, not workable, or well-conceived. A biological connection, standing alone, is not a strong basis upon which to grant party standing.
- The child protection proceeding must be determined before applications are heard under the *MCA*. In any event, leave would have been denied for the same reasons which led to the denial of the grandmother's *CFSA* application.

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