

**SUPREME COURT OF NOVA SCOTIA**

**(FAMILY DIVISION)**

**Citation:** Nova Scotia (Community Services) v. C.C.,  
2010 NSSC 129

**Date:** 20100409

**Docket:** SFHCFSA-61779

**Registry:** Halifax

**Between:**

M.C.S.

Petitioner

v.

C. C. , J. S. and C. C.

and

R. W. J.

Respondents

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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."

**Editorial Notice**

Identifying information has been removed from this electronic version of the judgment.

**Judge:** The Honourable Justice Beryl MacDonald

**Heard:** January 11, 12, 13 and February 9, 2010, in Halifax, Nova Scotia

**Written Decision:** April 9, 2010

**Subject:** Children and Family Services Act, Review of Disposition Order, Access to family

**Summary:** On November 22, 2008 the adolescent was taken into the care of the

Minister. At the time the Minister made the decision to take this adolescent into its' care, it did so in response to the adolescent's grandparents acknowledgment that they were unable within their home to prevent the adolescent from engaging in risky behaviours that may harm himself or others. This adolescent would leave their home without their permission whenever he chose to do so. When out on the street he had engaged in antisocial, personal risk, and criminal behaviors. The Disposition Plan of Care required services to be delivered to the adolescent in a residential facility. There was no residential facility in Nova Scotia that could meet the needs of this adolescent and as a result services were provided at a facility in Ontario. The Minister planned to continue with this plan of care and in doing so, because of difficulties that had developed, the family's contact with the adolescent had been restricted.

**Issue:** Is it in this adolescent's best interests to continue with the Minister's plan, and if not can the Court order the Minister to develop a plan that is in his best interests?

Should the family's access with this adolescent continue to be as determined by the Minister or should specific terms of access be ordered?

**Result:** The Minister's plan of care was in the best interests of this adolescent. The court does have jurisdiction to change the Minister's plan and to order the Minister to change the plan to meet the best interests of the child but in doing so must consider the availability of services and the Minister's capacity to provide them.

No specific terms of access were ordered.

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