

SUPREME COURT OF NOVA SCOTIA
(FAMILY DIVISION)

Citation: Nova Scotia (Community Services) v. K.B., 2010 NSSC 131

Date: 20100409

Docket: SFHCFSA-059990

Registry: Halifax

Between:

Minister of Community Services

Applicant

v.

K. B. & B.J.

Respondents

LIBRARY HEADING

Restriction on Publication:

PUBLISHERS OF THIS CASE PLEASE TAKE NOTE THAT S. 94(1) OF THE **CHILDREN AND FAMILY SERVICES ACT, S. N. S., 1990, CHAPTER 5** 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."

PUBLISHERS OF THIS CASE FURTHER TAKE NOTE THAT IN ACCORDANCE WITH S. 94(2) NO PERSON SHALL PUBLISH INFORMATION RELATING TO THE CUSTODY, HEALTH AND WELFARE OF THE CHILDREN.

Judge: The Honourable Justice Douglas C. Campbell

Heard: February 15, 16, 17 and 18, 2010 in Halifax, Nova Scotia

Subject: Family Law, Child Protection, Permanent Care

Summary: A child was first placed in the parents' care under supervision of the agency. After the parents separated, the child was placed in the care of the mother under agency supervision and later moved to the care of the father under agency supervision. It was conceded that the father could meet the

basic physical needs of the child. The child protection concern was that the father, due to lack of progress in therapy regarding personality deficits, would not meet the child's emotional, psychological and social developmental needs.

Issue: Whether the child should be placed in permanent care.

Result: Given that the case had reached the outside statutory deadline, the Court had no authority to order continued services which would have been fundamental for the return of the child to the father. Accordingly, the court ordered the child to be placed in the permanent care and custody of the agency.

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