

SUPREME COURT OF NOVA SCOTIA
(FAMILY DIVISION)

Citation: Nova Scotia (Community Services) v. A.B., 2011 NSSC 114

Date: 20110317

Docket: SFHCFSA-074508

Registry: Halifax

Between:

Minister of Community Services

Applicant

v.

A.B.

Respondent

LIBRARY HEADING

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."

Judge: The Honourable Justice Mona M. Lynch

Heard: March 17, 2011 in Halifax, Nova Scotia

Written Decision: March 21, 2011

Subject: Extension of Permanent Care and Custody of a child in the care of a Child Protection Agency

Summary: Child placed in foster care in Quebec until reaching the age of majority. Child has lived in Nova Scotia since 1997 and has been supported by the Minister of Community Services in Nova Scotia. Order placing child in care will terminate on her reaching the age of 18 (age of majority in

Quebec). Minister applies to have the child remain in care to support her until age twenty-one for completion of her grade 12 and education at community college.

Issue: Is there jurisdiction to extend the care of the child under the **Children and Family Services Act** or *parens patriae*?

Result: There is no jurisdiction under the **CFSA** to extend care of a child placed in care in another province. Child's care extended to the age of twenty-one through *parens patriae* jurisdiction.

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