

IN THE SUPREME COURT OF NOVA SCOTIA
(FAMILY DIVISION)

Citation: Nova Scotia (Community Services) v. K.H., 2011 NSSC 121

Date: 2010 10 27

Docket: SFHCFSA- 055303

Registry: Halifax

Between:

Minister of Community Services

Applicant

v.

K. H. and G. G.

Respondents

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Editorial Notice

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Judge: The Honourable Justice Leslie J. Dellapinna

Heard: October 27, 2010 in Halifax, Nova Scotia

Counsel: J. Underhill counsel for the Minister
Jennifer Schofield counsel for G. G.
Sheena McCarthy counsel for K. H.
Peter Katsihtis counsel for the Guardian *ad litem*

Subject: Review of a Disposition Order pursuant to section 46 of the *Children and Family Services Act*.

Summary: This decision is a transcript of an oral decision rendered on October 27, 2010, provided at the request of counsel. The Respondents' two children had been found to be in need of protection and at the first Disposition the parties' younger child (a son) was placed in the interim care and custody of

his father subject to the supervision of the Agency. The parties' daughter, was placed in the temporary care and custody of the Agency. Both Respondents had supervised access to their daughter.

At the Review Hearing the Agency sought a renewal of both orders. The Agency's position was supported by the children's father and their daughter's guardian *ad litem*. The mother sought care and custody of both children subject to the Agency's supervision.

Both orders were renewed. It was determined that it was not possible at that time to return the parties' daughter to the care of her father due to outstanding criminal charges against him (in relation to the daughter) and because their daughter did not want to live with him. It was also not in their daughter's best interest to return her to the care of her mother for numerous reasons including the mother's ongoing relationship with a man who had been abusive to her and to their daughter, the mother's unwillingness to cooperate with the Agency or to comply with the Court's previous orders, the mother's lack of insight or acknowledgment of the protection concerns relating to the children, and the mother's limited cooperation with services that were ordered.

The son's placement with his father were working well and notwithstanding the relationship difficulties between the father and the parties' daughter, the father and the parties' son seemed to have a good relationship.

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