

**SUPREME COURT OF NOVA SCOTIA**  
**FAMILY DIVISION**

**Citation:** *Nova Scotia (Community Services) v. KD*, 2016 NSSC 276

**Date:** 2016-10-21

**Docket:** *Sydney* SFSNCFSA No. 82562

**Registry:** Sydney

**Between:**

**Minister of Community Services**

Applicant

v.

**KD and JT**

Respondents

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**Judge:** The Honourable Justice Theresa Forgeron

**Heard:** June 27, 28, 29 and 30, 2016, in Sydney, Nova Scotia

**Written Decision:** October 21, 2016

**Subject:** Child Protection

**Issues:** Credibility: Sexual Abuse of Step-Daughter; Disposition Review; Supervised Access; Wishes of Child

**Result:** The court refused the joint request of the Minister and father to return a developmentally delayed son to the care of the father.

The court did not accept the premise that protection risks were reduced because the father's sexual abuse involved a non-biological female, while the son was a biological male. The protection risk did not arise because the father had a heterosexual orientation. The protection risk arose because the father systematically abused a vulnerable child, his step-daughter, for his own pleasure and control for about seven years.

Within that seven year period, the father manipulatively groomed his step-daughter to provide him with unlimited sexual favours, often while plying her with alcohol, and while convincing her that

the odious sexual relationship was normal. The father was a sexual predator who abused his position of trust. The step-daughter was scarred for life because of the father's conduct.

The considerable protection risk associated with the lengthy period of sexual predation against a vulnerable child was not addressed by addiction counselling, mental health therapy, family support sessions, or any other service. The protection risk was not reduced because the father no longer abuses alcohol and does not take illegal drugs.

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