

SUPREME COURT OF NOVA SCOTIA
(FAMILY DIVISION)

Citation: Nova Scotia (Community Services) v. F. L., 2011 NSSC 512

Date: 20120902

Docket: SFPHCFA 076511

Registry: Port Hawkesbury

Between:

Nova Scotia (Community Services)

Applicant

and

F. L. and K. W.

Respondents

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.”

LIBRARY HEADING

Judge: The Honourable Associate Chief Justice Lawrence I. O’Neil

Written Submissions: N/A

Date of Oral Decision: September 2, 2011

Edited for Release: April 4, 2012

Issue(s): Placement of child following completion of the Interim Hearing

Summary: At the five day interim hearing stage, the child was found to be in need of protective services and his placement in the care of the agency was confirmed. Following completion of the Interim Hearing at the thirty day hearing, the Court directed that the child be placed with the maternal grandmother under the terms of the supervision order. The Court considered whether it could revisit the five day finding that the child was

in need of protective services. It found that as a matter of law, it could but on the evidence the finding would still be made. The issue was therefore moot.

Keywords: Interim Hearing; Placement Hearing; Thirty Day Hearing

Legislation: s.39 *Children and Family Services Act*, S.N.S. 1990, c.5

Cases Considered: *Minister of Community Services v. J.P.G.*, 2011 NSSC 378;
The Children's Aid Society of Halifax v. B.(S.L.), (1993), 120 N.S.R. (2d) 72 (NSFC);
Family and Children's Services of Annapolis County v. J.M.M. [1997] N.S.J. No. 269 (NSCA);
Nova Scotia (Minister of Community Services) v. J.O. [1998] N.S.J. No. 544 (NSFC); and
Nova Scotia (Minister of Community Services) v. C. & H., 2006 NSSC 372

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