

SUPREME COURT OF NOVA SCOTIA
(FAMILY DIVISION)

Citation: *Nova Scotia (Community Services) v. D.R.*, 2017 NSSC 170

Date: 2017-06-22
No. SFHCFSA-099449
Registry: Halifax

Between:

Minister of Community Services

Applicant

v.

D.R. and R.P.

Respondents

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Judge: The Honourable Justice Leslie J. Dellapinna

Heard: May 4,5,8 and 9, 2017 in Halifax, Nova Scotia

Subject: A Motion for Permanent Care and Custody pursuant to the *Children and Family Services Act*

Summary: The Respondents' infant son was taken into care at birth by the Agency pursuant to section 33(1) of the *Children and Family Services Act*.
It was the position of the Agency that the Respondents were unable to adequately care for the child due primarily to their own cognitive and other delays. Further, that there was no family member or member of the community with whom the child could be placed.
The Respondent mother did not present evidence or present a plan.
The Respondent father and the paternal grand-mother presented plans.

Issues: Should the Respondents' son be placed in the permanent care and custody of the Agency or would some less intrusive order -

including dismissal – be more appropriate?

Result:

Permanent care and custody was ordered. The child continued to be in need of protective services. Neither of the parents nor the paternal grand-mother could adequately protect the child from harm (or substantial risk of harm). No other family member or community member presented themselves as a possible placement. The circumstances leading the Court to believe that permanent care and custody was the appropriate disposition were not likely to change before the expiration of the timelines stipulated by the *Act*.

Fact specific.

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