

**SUPREME COURT OF NOVA SCOTIA (FAMILY DIVISION)**  
Citation: *D.J.H. v. Nova Scotia (Community Services)*, 2017 NSSC 353  
**ENDORSEMENT**

DJH v. Minister of Community Services  
2017; SFH CFSA 106451  
October 6, 2017

James R. Morris for DJH  
Elizabeth Whelton, Q.C. for the Minister of Community Services

DJH applies to have his name removed from the Child Abuse Register under section 64(2) of the *Children and Family Services Act*, S.N.S. 1990, c. 5.

**Decision:**

DJH does not pose a risk to children and his name must be removed from the Child Abuse Register.

**Reasons:**

1. A person whose name is entered in the Child Abuse Register may apply to have their name removed from the Register if I am satisfied that the person does not pose a risk to children.
2. The Register is a means of protecting children from risk, not a means of ongoing punishment for a person who has been convicted.
3. The Minister of Community Services has received notice of DJH's application and takes no position.
4. Twenty years ago, DJH's name was entered in the Child Abuse Register as a result of his conviction for sexually assaulting a young person. The offence occurred when DJH was under the influence of alcohol.
5. DJH's application for a pardon identifies a criminal charge which was withdrawn and one which resulted in an acquittal. Being named on the Child Abuse Register results from a criminal conviction – not from being charged. If DJH had only been charged and the charges were withdrawn or had resulted in an acquittal, he would not be named on the Child Abuse Register. Regardless, I do consider all the charges when I assess DJH's circumstances in this application. To do otherwise would be to

- minimize the risk I'm to assess. DJH was charged as a result of multiple incidents.
6. Since his conviction, when DJH was a young man with an alcohol problem, he has lived a blameless life.
  7. DJH has completed an alcohol and substance abuse program. Alcohol is no longer a problem in his life. He drinks socially and not to the point of drunkenness.
  8. DJH and his wife are childless, as are other members of their immediate families and many of their friends and neighbours. Young people are not a part of their social circle, their workplaces or their volunteer activities.
  9. DJH has taken steps to minimize his interaction with young people, particularly if he is drinking.
  10. DJH's steps are confirmed by his family and friends.
  11. DJH's intimates are aware of his conviction which provides him with a measure of accountability if he was ever inclined to behave in a way that would pose a risk to children.
  12. I received a report from Dr. Kelln, psychologist, who assessed DJH and administered psychological testing. Dr. Kelln opines that DJH represents a "very low risk" for sexual offence recidivism and "appears genuinely motivated" to remain offence-free. Dr. Kelln says there is no evidence of sexual deviance.
  13. I am satisfied that DJH does not pose a risk to children and his name must be removed from the Child Abuse Register.

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**Elizabeth Jollimore, J.S.C.(F.D.)**