IN THE SUPREME COURT OF NOVA SCOTIA

(FAMILY DIVISION)

Citation: CAS v. B. and R., 2004 NSSF 84

Date: 20040813

Docket: SFHC-20154

Registry: Halifax

Between:

CHILDREN'S AID SOCIETY OF HALIFAX

Applicant

v.

D.B. and S.R.

Respondent

Revised Decision: The text of the original decision has been revised to remove personal identifying information of the parties on August 7, 2008.

Restriction on publication: PUBLISHERS OF THIS CASE PLEASE TAKE NOTE THAT S. 94(1) OF THE **CHILDREN AND FAMILY SERVICES ACT, S. N. S., 1990, CHAPTER 5** APPLIES AND MAY REQUIRE EDITING OF THIS JUDGMENT OR ITS HEADING BEFORE PUBLICATION. SECTION 94(1) PROVIDES:

> "94(1) 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 A RELATIVE OF THE CHILD."

PUBLISHERS OF THIS CASE FURTHER TAKE NOTE THAT IN ACCORDANCE WITH S. 94(2) NO PERSON SHALL PUBLISH INFORMATION RELATING TO THE CUSTODY, HEALTH AND WELFARE OF THE CHILDREN.

Judge: The Honourable Justice R. James Williams

Heard: July 5, 6, 7, 8, 20, 21, 2004, in Halifax, Nova Scotia

Oral Decision: August 13, 2004

Written Decision: September 21, 2004

Counsel:	Peter Van Feggelen, for the Children's Aid Society of Halifax Colin Campbell, for the Respondent, D.B. David Grant, for the Respondent, S.R.

By the Court:

[1] This is a proceeding under the Children and Family Services Act. The Children's Aid Society of Halifax is seeking an order placing H.E.A.R., born [in 2002], in its permanent care and custody. The order is opposed by H.E.A.R.'s parents, D.B. and S.R.. The matter has a lengthy history before the Court. I will review that history and some of the events that have punctuated the various court appearances, then move on to consideration of the issues before the Court.

[2] On October 16th , 2002 the Children's Aid Society of Halifax commenced a protection application. H.E.A.R. had been taken into care following events of October 10th, 2002. D.B. had been intoxicated at that time, and there had been a physical altercation and argument with S.R.. There were reports that she had assaulted S.R.. She was verbally abusive to police and at one point "flashed" one of the policemen.

[3] On October 18th, 2002, an Interim Order was granted by the Court placing H.E.A.R. in the temporary care of the agency.

[4] On October 31st, 2002 the Interim Order was continued. The Order continued temporary care and custody with the agency. The issues before the Court were drug and alcohol use by the parents, especially non-prescription drug use (by D.B.) and domestic violence. The Order contained provisions that D.B. refrain from use of alcohol.

[5] On December 10th, 2002, by consent, the child was found in need of protective services pursuant to s. 22(2)(g) of the Children and Family Services Act. That section provides:

> **s. 22(2)(g)** there is a substantial risk that the child will suffer emotional harm of the kind described in clause (f), and the parent or guardian does not provide, or refuses or is unavailable or unable to consent to, services or treatment to remedy or alleviate the harm;

[6] Subsection (f) provides:

> **s. 22(2)(f)** the child has suffered emotional harm, demonstrated by severe anxiety, depression, withdrawal, or self-destructive or aggressive behaviour and the child's parent or guardian does not provide, or refuses or is unavailable or unable to consent to, services or treatment to remedy or alleviate the harm;

[7] From the outset, the primary concern in this proceeding has been the impact on H.E.A.R. of the issues of addiction and domestic violence between and involving his parents. As well, the use of prescription drugs by D.B. has been an issue, and related to that, mental health issues that give rise to the need for the prescription drugs.

[8] On February 3rd, 2003, the first Disposition Order was made in the proceeding. A Temporary Care and Custody Order was made. As with the other orders, there was provision for access to the parents, a prohibition on alcohol and drug use by the parents, and referral to addiction and domestic violence services.

[9] On February 8th, 2003, D.B., S.R. and C.T., D.B.'s former partner, were drinking. D.B. and S.R. were intoxicated. There was police involvement. There was blood on the floor. This incident was not reported to the agency or the Court in a timely fashion. It came to light after police records were secured.

[10] On April 17th, 2003, a further order of the Court was made - the Temporary Care Order was on virtually the same terms as the February Order. During this time frame, D.B. had contact with Catherine Hennigar-Shur, a counsellor. Ms. Shur's report of April 7, 2003 refers to discussions between D.B. and Ms. Shur. D.B. reporting that the arguments between her and S.R. were now controlled, that steps had been taken to correct medication issues and that she had stopped drinking. She also indicated to Ms. Shur in this time frame that she had not realized that alcohol should not be consumed when she was on lithium. All of these statements to Ms. Shur, it appears, were somewhat less than accurate. In the same time frame, on April 30th, D.B. is indicating to a representative of the agency that she would never drink again and to Ms. Short, a Community Health Worker and counsellor, that she had stopped drinking. D.B. referred to "all the gifts she has received since getting and staying clean and sober". Again the incident of February 8th was not referred to or reported to any of those involved.

[11] On May 19th, 2003, another drunken evening occurred in the home of, or in the presence of D.B. and S.R.. There were cuts and scratches on D.B.'s body. She was offered medical treatment by police and refused. She was in a drunken stupor, very difficult to arouse. There was broken furniture in the home. S.R. was charged with assaulting a police officer arising from this night. He was very agitated. Again there was no report to the agency or the Court.

[12] On June 3rd, approximately two weeks later, a risk management meeting was held at the agency. This involved S.R. and D.B.. The discussion was essentially about how well they were doing. They chose not to mention the February and May incidents.

[13] On June 18th the Court, relying on their misinformation, endorsed a Consent Order placing H.E.A.R. in their care under the supervision of the agency. There again was a series of conditions in the Order, including provisions relating to no alcohol use. From this point on H.E.A.R. is in the care of D.B. and S.R..

[14] On July 6th, 2003 D.B. was again drunk. Police were again involved. The police had come in response to reports of a domestic dispute. D.B. reported that there was no assault on her from S.R. on this occasion. She was very intoxicated. H.E.A.R. was present. The incident, again, was not reported to the agency or the Court.

[15] On August 27th, 2003 police responded to a call at the [name of establishment changed]. D.B. was highly intoxicated on this occasion. She spent the night in cells, essentially in the "drunk tank". Her evidence concerning this night is rather confusing. She indicates on the one hand that she drove somebody else who was drunk to the [name of establishment changed] for whatever reason, one can only speculate, saying that she drove this person because he (the person not known to her) was intoxicated. Clearly D.B. was highly intoxicated by the time the police arrived. D.B. apparently had an abortion sometime shortly before this and indicated that she had turned to alcohol, in part, out of stress related to that. The events are significant in showing that D.B., in a time of stress, turned to alcohol. Again, these events were not disclosed by D.B..

[16] On September 13th, 2003, another drinking incident occurred. Again D.B. and S.R. were involved. D.B. had glazed eyes, was flushed and smelled of alcohol. It does not appear that she and S.R. were as intoxicated on this occasion as on previous occasions. S.R. was injured. He reported that it was an accident. The evidence around that is, at points, rather inconsistent. There is speculation from the police that there was a stab. The calls to police came because of yelling and loudness at the home. Whether the injury occurred by accident or a stab is almost irrelevant to this proceeding. The fact is there was a domestic call from police, there was conflict of some kind between the parents and all of the concerns about H.E.A.R. in this proceeding were being visited. S.R. refused treatment from paramedics on this occasion. H.E.A.R. was in their care.

[17] There was a visit from a representative of the agency shortly after this. The events of the night were minimized and treated somewhat as a "slip".

[18] On September 24th, 2003 at 1:00 a.m. a "bizarre" evening took place. H.E.A.R. was taken back into care by the agency this evening. D.B., I conclude from the evidence before me, was very intoxicated. There are a series of events where the evidence is conflicting. One concerns an allegation that D.B. was on stairs and then either pushed or fell down the stairs with H.E.A.R. in her arms, another a suggestion that police were at the door and from inside the door they heard someone yell "You paedophile! I should have called the police!". On entering the room, D.B. was the only one in the room or in the apartment with H.E.A.R. and she was laying down when he entered the room. My conclusion from the whole of the evidence is that in all probability both of these events occurred. There was much to do about the incident on the stairs. Ms. M., who testified concerning that night, said that the same person was on the stairs as was at her door the next day. It was D.B. at the door the next day. In any event, what exactly happened that evening is less important than the fact that both S.R. and D.B. were intoxicated. There are later reports from D.B. that she did not drink on that evening. Her affidavit of October 28th indicates that, at paragraph 10, she had "completely ceased to use alcoholic beverages" following the apprehension of H.E.A.R. and at paragraph 21, in referring to the September 24th incident, says "I use no alcoholic beverages whatsoever".

[19] This is contradicted by the affidavit evidence of C.T. and her own evidence later. The importance of this contradiction and the affidavit of October 28th (asserting no alcohol use) lies in the circumstances in which the affidavit was filed. H.E.A.R. had been taken back into care (on September 24th) by the agency on an emergency basis. D.B.'s position was that this was all a case of mistaken identity, that she was a victim and a contested hearing was set with respect to H.E.A.R.'s temporary care. That hearing was set down on an emergency basis for November 24th. This affidavit (of October 28th) was essentially going to be her evidence in support of having H.E.A.R. returned to her. She was asking that H.E.A.R. return to her, knowing that the primary concerns with respect to H.E.A.R.'s safety or welfare in her or S.R.'s care was alcohol and domestic violence. She chose to, put simply, lie.

[20] On October 9th, 2003 the police were to their residence again. S.R. was drunk on that evening and taken to the station. On October 30th the date for the contested hearing was set. D.B., at that point, had filed the October 28th Affidavit and taken the position that this was all a mistake, she had not been drinking on September 24th.

[21] On November 13th everything spiralled out of control. There was an extraordinarily serious domestic assault upon D.B. by S.R.. They visited with H.E.A.R. that afternoon or that day (D.B. and S.R.). They both drank, things escalated. There was yelling, there was a physical altercation. S.R. assaulted her. Her nose was broken, she had three broken ribs, black

eyes, bruising on her mouth and face. The hearing asking that H.E.A.R. be returned to their joint care was scheduled for the next morning, November 14th. S.R. was, at that point, in police custody. D.B. tragically appeared and clearly had been severely and seriously beaten. The temporary care order placing H.E.A.R. with the Agency was continued.

[22] On December 8th, 2003, D.B. was again intoxicated. She was exposing herself to the police on that occasion again. She reported having received threats or being beaten for "working on a corner" of the city and then said she did not want to report it. She was taken to the police station. Again, she "flashed" the police.

[23] On December 16th, 2003 the Temporary Care Order was continued. Trial dates were set for January 21st, 22nd and 23rd. The agency had, prior to this, taken the position that permanent care was the appropriate disposition from its point of view.

[24] On January 15th, 2004 there was an appearance in Court. Counsel agreed that there was insufficient time to complete the trial by the outside date of February 3rd, 2004. By consent it was agreed that the matter would proceed with the then existing proceeding being terminated. A new proceeding would be commenced. A consent finding would be made (again) pursuant to s. 22(2)(g). A section 96 order would be made incorporating the information from the first proceeding in the new proceeding. New trial dates were set for April 26th, 27th, 28th, 29th, May 3rd and May 4th . This Consent Order was crystalized by consent and endorsed by the Court on January 23rd, 2004. On February 18th a Temporary Care Order was made. On April 5th a pre-trial took place before Justice Coady. On April 26th and 27th, 2004 the matter appeared before Justice Coady for trial. D.B.'s counsel had withdrawn. The matter was adjourned without the trial going forward. The temporary care order was renewed. The matter was adjourned to new trial dates of July 5th, 6th, 7th, 8th, 20th and 21st . The Temporary Care order was renewed on June 15th and again, at the time of the trial.

[25] Some thirty-one witnesses testified at the trial. There were a large number of files, exhibits, affidavits and documents. A series of police witnesses testified. As well, witnesses testified in support of D.B. and S.R.. For D.B., notably her former husband, and for S.R., notably his mother and new partner.

[26] The new proceeding commenced January 23rd, 2004 and the first Temporary Care Order was made at that date, therefore the Court has jurisdiction for a period of one year from that date. The positions of the parents are as follows:

[27] D.B. initially put forward a plan that H.E.A.R. be returned to her care and I am treating her as continuing with that wish. She also, at the time of trial, indicated that she was supporting

S.R.'s plan. S.R.'s plan was that H.E.A.R. be either returned to his care or the matter adjourned and worked towards return to his care. He has formed a new relationship with Ms. T..

[28] D.B. has complained at times of mistreatment by Ms. Sly and at other times has indicated that she was very well treated by Ms. Sly. There are one or two occasions when Ms. Sly was less than professional in her treatment of D.B.. This has little or no impact on my decision at this point. I would note that D.B., at the time of her testimony, did indicate that on the whole she had been treated well by Ms. Sly.

[29] D.B. has, however, refused to discuss the issues before the Court in any substantive way with the agency since January or shortly after January of 2004. This, of course, is her right. The result, however, is that there is little information concerning her circumstances since then, other than her own evidence.

[30] D.B. is 44 years of age. She put forward, by affidavit, a plan that involved T.A.S.. Her Affidavit of May 18th indicates that she would like to be seen as a single mother who is free of alcohol and drugs. Her boyfriend, T.A.S., leads a drug and alcohol-free life. T.A.S., she asserted, has his own residence, he works on oil rigs, he's active in [name of church changed], a great support person. He is also a parent of three children and would be "an asset to H.E.A.R. and myself". He has interacted with H.E.A.R. recently, and they get along well together.

[31] T.A.S.' Affidavit, filed in June, indicates "I do not have a criminal record". D.B.'s affidavit of June 28th, 2004 indicates that "if my relationship with T.A.S. continues to grow, I hope to move in with him. I do not expect this to happen for six months. We both hope to get married some day.

[32] In fact, T.A.S. had pled guilty to a sexual assault charge (in relation to a child) on February 4th, 2004. He was not sentenced then. It appears that D.B. and T.A.S. suggest that somehow this meant that he didn't have a criminal record. He did. They knew it. D.B. knew of the conviction on February 4th, 2004. His sentencing was after the filing of the Affidavits. D.B., on this issue, appears to have taken the same attitude she took with respect to the alcohol abuse in the spring and early summer of 2003, that is, "if nobody finds out about it, it didn't happen". Suggesting that T.A.S. would be a good influence on her and H.E.A.R. in circumstances where he has a sexual assault conviction involving a child is a long way from being open and frank with the Court and the agency.

[33] D.B. has acknowledged using alcohol after H.E.A.R.'s return to her dare in June of 2003. Since the September 24th, 2003 incident, she has had a great deal of difficulty keeping her story straight

(concerning September 24th), saying alternatively that alcohol was not consumed, that there was some alcohol consumed, that it was all a mistake.

[34] Her management of prescription drugs has been flagged early in the proceeding, even before the proceeding, as an issue. I have scant evidence to indicate that it is now appropriately dealt with.

[35] D.B. supports S.R.'s plan in what is effectively a knee-jerk reaction to the discovery by the agency and the agency putting the information concerning T.A.S. before the Court.

[36] D.B. speaks of wanting another chance.

[37] There is a lengthy and established pattern of deceit with D.B. - deceit and half-truths being told to everybody. Her probation officer was told on September 10th , 2003 that she had had no alcohol for eight months and on October 29th that September 24th was "all a mistake" and "she was no longer drinking". She lied in her October 24th affidavit (and I've referred to paragraphs 10 and 21). I have referred to the significance of it. She and S.R. were actively misleading the agency about the drinking and fights through the spring and summer of 2003. They acknowledge that they were drinking three or four times a month over and above the incidents referred to when the police were not there. D.B. even lied to Bryony House, saying that she didn't know about the service, when it is evident from her medical records that she knew about the services at Bryony House as long ago as June 3rd, 2000. T.A.S. knew about his sexual assault charge concerning a young child when he signed his affidavit. He told D.B. about it on February 4th, immediately after having pled guilty. The behaviour of T.A.S. and D.B. with respect to the non-disclosure or hiding of this part of his life shows a healthy disregard for this process and for H.E.A.R.'s welfare.

[38] D.B. has virtually no credibility with the Court. It is difficult to believe anything that she says. She has had numerous services. Virtually all of them have been lied to or deceived or misled or not told the entire truth at various times. I have no way of knowing whether D.B.'s difficulties are a result of the alcohol, a part of her personality, or really just come from her over-whelming desire to have a relationship in the future with H.E.A.R. and her willingness to do anything, including being less than truthful, with the Court and the agency to attempt to further that. Unfortunately if that has been her motivation, it is motivation that is misplaced and indeed has harmed the possibility of having such a relationship.

[39] Essentially, in the end, D.B.'s situation is one where T.A.S.' sexual assault conviction coming to light part-way through the trial created the situation where she had been caught in so many mistruths that she had no alternative but to support the plan of S.R. - taking essentially a position that any plan was better than the plan being put forward by the agency.

[40] S.R. is 43 years of age. He, too, has serious alcohol problems. I am not going to refer to all of the incidents again in referring to his testimony. He was more forthright in acknowledging that he deceived the agency with D.B. on an on-going basis (and acknowledged that he deceived the Court also) through a good part of 2003. He was in jail as a result of the serious assault that took place on November 14th, 2003 for part of the spring of this year. He was released from jail shortly before the trial dates. His plan to have H.E.A.R. eventually with him was filed on June 28th, shortly before the trial.

[41] He has developed a relationship with a D.J. (Ms.T.). His evidence with respect to many of the incidents involving the police was that he had "no recollection" or very general recollection. He, on December 12th , 2003, lied to Ms. Sly, telling her that D.B. had stabbed him. He clearly has had a very volatile relationship with D.B., a relationship where their mutual domestic problems, were fed into by alcohol abuse .

[42] D.J. (formerly Ms.T.) is his new partner. In a general sense, she appears to be a positive influence on him. At the time of the hearing they had been together some six weeks. He had been out of jail for eight days. She testified that as a couple they liked to have a cold beer now and then. S.R., in doing that, is violating the terms of Orders of this Court and the criminal court.

[43] S.R. is an individual whose alcohol problem resulted in or contributed to his committing a very serious criminal offence in November of last year. He has, and I believe he used the same words, "just started" in terms of getting treatment for that. His mother, whose testimony in many ways was a breath of fresh air in this proceeding, is a woman who had great difficulty coming to the Court. She clearly cares for her son, S.R., a great deal, and clearly cares for her grandson a great deal. Her evidence, I take it, is torn. She knows that her grandson would be in jeopardy if he was in a household with S.R. and D.B.. I take her evidence and conclude from her evidence and the totality of the evidence, that he would be in jeopardy if he was in their joint care in any way where they were interacting.

[44] The burden of proof in proceedings such as this is on the child welfare agency - here the Children's Aid Society of Halifax. It is a serious burden of proof. It is a high burden of proof because of

the serious consequences attending proceedings such as this. I have had regard to that. I have had regard to the preamble of this legislation and particularly the preamble's reference to the child's sense of time and the rights of children, and the desire or position of the legislation that removal of children from the care of their parents is an act of last resort. I have had regard to sections 2(1) and 2(2) of the legislation. Section 2(1) provides:

> Sec. 2 (1) The purpose of this Act is to protect children from harm, promote the integrity of the family and assure the best interests of children.
>
> Sec. 2 (2) In all proceedings and matters pursuant to this Act, the paramount consideration is the best interests of the child.

[45] I have had regard to Section 3(2) of the Act which defines the best interests test under the legislation. I have considered the various factors there. I have also considered the evidence concerning visits and access between the parents and, in particular, the positive reports respecting S.R.'s interaction, when he has had it, with his son.

[46] Section 42(1) and Section 45 of the legislation create time lines under the legislation. Under the proceeding we are under, the outside date for this proceeding is January of 2005. Essentially, though, we are beyond the time frame of the initial proceeding which commenced in October of 2002. H.E.A.R. has been in care for some nineteen or twenty months of the twenty-eight or twenty-nine months he has been alive.

[47] The Court of Appeal in LLP and Minister of Community Services (2003) N. S. C. A., 1 stated at paragraph (31):

> The Act does not require a Court to defer a decision to order permanent care until the maximum statutory time limits have expired. The direction of s. 46(6) of the Act is to the opposite effect. Where a child is in the temporary care and custody of an agency at each further disposition hearing the Court may not make a further order of temporary care and custody if the Court is satisfied that the circumstances justifying the earlier order are unlikely to change within a reasonable foreseeable time frame, not exceeding the remainder of the applicable time period.

[48] Section 42(2) of the legislation provides:

> **Sec. 42 (2)** The court shall not make an order removing the child from the care of a parent or guardian unless the court is satisfied that less intrusive alternatives, including services to promote the integrity of the family pursuant to Section 13,

(a) have been attempted and have failed;

(b) have been refused by the parent or guardian; or

(c) would be inadequate to protect the child.

[49] Both parents here have repeatedly lied to the agency and the Court. It would be very difficult to enter upon or contemplate a supervision regime of any kind and rely on what either of these parents have said. Once caught they have acknowledged essentially systematic efforts to deceive the Court. With respect to D.B., these have extended to the events with T.A.S. and his background.

[50] Section 42(3) of the Act provides:

> **Sec. 42 (3)** Where the court determines that it is necessary to remove the child from the care of a parent or guardian, the court shall, before making an order for temporary or permanent care and custody pursuant to clause (d), (e) or (f) of subsection (1), consider whether it is possible to place the child with a relative, neighbour or other member of the child's community or extended family pursuant to clause (c) of subsection (1), with the consent of the relative or other person.

[51] I have no such plan before me.

[52] Finally, Subsection 42(4) provides:

> The court shall not make an order for permanent care and custody pursuant to clause (f) of subsection (1), unless the court is satisfied that the circumstances justifying the order are unlikely to change within a reasonably foreseeable time not exceeding the maximum time limits, based upon the age of the child, set out in subsection (1) of Section 45 so that the child can be returned to the parent or guardian.

[53] Here we have exceeded the time periods. We have done it by agreement of the parties and, essentially, agreement of the Court. The problems that existed at the time of the original apprehension still exist now. In many ways they are worse. S.R. has been convicted of a serious criminal offence within the last seven to eight months. He has been imprisoned, which has resulted in a break in his visits with H.E.A.R.. He is in a relationship where he is continuing to drink, contrary to Orders of the Court. D.B. is in a new relationship with T.A.S.. His background is unquestionably relevant to a proceeding such as this. She essentially hid that background, his sexual assault conviction.

[54] I am satisfied that there is no possibility that these issues can be resolved within the time frame left in this proceeding, that time frame being to January of next year. The problems of these parents, whether together or individually, are long-standing lifestyle issues. I sincerely hope that these events might motivate them to commit to some form of change. I do not have any control over that, nor does the agency.

[55] Considering all that I have set forward, I conclude that it is in H.E.A.R.'s best interests to be placed in the permanent care and custody of the agency. I believe that that is the only plan that is remotely consistent with his best interests. He has been in limbo for a lengthy period of time while his parents struggled with the issues and circumstances that I have outlined. He has been, I conclude, endangered by their behaviour, particularly during the period of supervision in their care from June to September of 2003.

[56] The issue of access is dealt with in Section 47 of the Children and Family Services Act. The Court of Appeal in N.S. v. S.N.S., 1992 112 (N. S. R.) (2d), 248, stated that:

> Under this section, s. 47(2), the burden is on a parent or guardian to show that access is in the best interests of the child. Indeed the section is more restrictive than that. The section provides that where an order of permanent care and custody is made, [and I conclude that it should be made here and conclude that H.E.A.R. continues to be in need of protective services to some degree even more so than at the time of the consents] the Court may make an order for access, but the Court shall not make an order for access unless the Court is satisfied that permanent placement in a family setting has not been planned [it has been planned here, that is the agency plan], the child is twelve years of age and wishes to maintain contact [the child is not twelve years], the child has been or will be placed with a person who does not wish to adopt the child [I do not have evidence that that would occur], some other special circumstance [and I have no such special circumstance before me].

[57] In the result, I have no alternative but to order that there be no access.

[58] This is a tragic case. I have no question and no doubt that both S.R. and D.B. care deeply for their son. The problems that permeate this file and which evidence has been given on are dangerous problems. Someone could have died. D.B. was extremely seriously hurt. In the end, the many lies that have been told by S.R. and D.B. demonstrate an indifference to their problems, and indifference and lack of awareness of the potential impact their problems can have, not only on themselves, but on their child. Fortunately H.E.A.R. was not physically injured during the events of the last year. Tragically D.B. was. S.R. has been scarred with the consequences of his behaviour, and particularly that of November 14th, 2003.

[59] The lies here are so pervasive, the problems on-going and over-whelming that I am satisfied that it is absolutely clear that H.E.A.R.'s best interests lie in a permanent care and custody order.

J. S. C. (F. D.)

Halifax, Nova Scotia