

SUPREME COURT OF NOVA SCOTIA
(FAMILY DIVISION)

Citation: *Nova Scotia (Minister of Opportunities and Social Development) v T.U.*,
2025 NSSC 327

Date: 20251020

Docket: HFD No. 137000

Registry: Halifax

Between:

Nova Scotia (Minister of Opportunities and Social Development)

Applicant

v.

T.U., T.O

Respondents

Judge: The Honourable Justice Cindy G. Cormier

Heard: June 17, 2025 and August 20, 2025, in Halifax,
Nova Scotia

Final Written Submissions: September 16, 2025

Counsel: Deanna Bru, for the Applicant
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T.O., self-represented Respondent
Susan Young, counsel for K.M., GAL

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By the Court:

1 Introduction

[1] This is the matter of the Minister of Opportunities and Social Development (the Minister) v. T.U (the mother) and T.O (the father). In 2024, in response to concerns about child behaviour/ parenting and intimate family violence between the parties, the Minister was involved with the family on a voluntary basis. When the parties separated, the three subject children remained living in the matrimonial home with their mother.

[2] In March 2025, after the Minister found she had substantiated concerns related to “parent physical abuse, inadequate parenting skills, emotional harm, and lack of insight,” the Minister took the matter to court. The proceeding commenced with the Notice of Protection Application dated March 21, 2025 and concerns three children under the age of majority, E.O. [born in 2012], C. O. [born in 2014] and H. O [born in 2016].

[3] On March 27, 2025 and on April 17, 2025, with the consent of the parties and pursuant to section 39 of the *Children and Family Services Act*, I found there were reasonable and probable grounds to believe the three subject children were in

need of protective services. At the Minister's request, I ordered that the children be placed in the care of their father, subject to the supervision of the Minister. The mother's access was ordered to be at the discretion of the Minister.

[4] The mother advised the Court she was seeking legal representation and a placement hearing date. The mother chose to remain in the parties' matrimonial home with her adult brother and her teenage daughter, who was mostly in the home when on break from university on weekends and / or in the summer months. The father made arrangements for the three subject children to live with him in his friend's home.

[5] On June 17, 2025, the parties consented to a protection finding under section 22(2)(g) of the *Children and Family Services Act*. Once again, all three children were placed in the care of their father subject to the supervision of the Minister with the mother's access continuing to be at the discretion of the Minister. The mother remained in the matrimonial home as noted above.

[6] The mother had sought to vary the interim order and have two of the three subject children, E.O. and H.O., placed in her care, while a third subject child, the parties' son C.O., would remain in his father's care subject to the supervision of the Minister. On an interim basis, neither the Minister nor the Guardian Ad Litem

for the child E.O supported the mother's request to move E.O. and H.O. from their father's care to their mother's care on an interim basis.

[7] The placement hearing was commenced on June 17, 2025 and adjourned to August 20, 2025. The mother was represented by legal counsel at the hearing while the father was self represented. On the first day of the placement hearing, witnesses for the Minister, C.B., and R.N-B, the Guardian Ad Litem for E.O., K.M, and the mother and her witnesses, M.B. and D.U., testified. The matter was adjourned. On the second day of the placement hearing, the father and his witness, J.O., testified.

[8] At the interim stage of any proceeding pursuant to the *Children and Family Services Act* I may admit and act on evidence that I find credible and trustworthy.

[9] I agree with the mother that the father, who was self-represented at trial, at times focussed on matters which were not necessarily relevant to the mother's request to have E.O. and / or H.O. placed in her care. I also agree that the father's affidavit evidence did contain submissions, opinions, and impermissible hearsay evidence. Further, I agree with the mother's submission that the father's brother's testimony should be given less weight given the short period of time he resided with the parties.

[10] The Minister presented evidence to support a finding that both parties had at times been uncooperative with the Minister's agents and lacked insight. I do not agree with the mother's suggestion that due to the passage of time between the close of her evidence on June 17, 2025 and the close of the father's evidence on August 20, 2025, but absent reliable evidence from service providers, that I can or should find that the mother must have benefited from services that were being offered to her during the adjournment period.

[11] The parties presented different versions of some of the facts but both parties alleged that the children had been exposed to domestic violence in the parties' home. Of note, the mother acknowledged that among other inappropriate parenting decisions she had made, she had bitten her eleven year old son, C.O., in an effort to control his aggressive behaviours.

[12] The Minister argued that:

The information provided by the children in their conversations / interviews with social workers meet the twin burdens of **best interest and threshold reliability** and can be considered by the Court. This consideration is subject to the Court's exercise of discretion as to weight and relevance. The statements are necessary and reliable. They are necessary because it is not in the children's best interest for them to testify, and it's reliable considering the factors in this case.

...

[13] I agree the children's statements made to the Minister's agents under controlled circumstances are admissible. Of particular relevance in this matter are

the disclosures by C.O., on or about March 6, 2025, of his mother biting him, which the mother admitted to. Other highly relevant evidence included C.O.'s disclosure about his maternal uncle who lives with the mother, and the uncle's evidence about using physical means to respond to C.O.'s behaviours. The evidence from various sources which related to the children "settling in" and managing quite well while in their father's interim care was also significant.

2 Issue

[14] The only issue for me to decide is whether it is in E.O.'s and / or H.O.'s best interests to be moved from their current placement with their father and placed in the primary care of their mother who continues to reside with her brother and, at times, her older daughter.

3 Background Information

[15] The parties moved to Nova Scotia from Ontario approximately five years before the placement hearing was held. In or around 2024, the Minister became involved with the parties on a voluntary basis in an attempt to mediate the ongoing conflict in the home. The Minister understood that the father left the matrimonial home while the mother and the three subject children remained in the matrimonial home with other family members.

[16] The maternal grandmother did not testify, however, I understood that the parties agreed that she had lived with the family on and off over the years. The mother's brother, D.K., also lived with the parties at times and as noted above, he did testify at that hearing. Also noted above, the mother's teenage daughter, P.U., was at times living with the family and at other times she was living independently at a nearby university.

[17] The evidence supports a finding that the mother at times struggled with managing the children's behaviours and that she at times either chose to involve the father, her mother, her brother and / or her eldest daughter in her attempts to manage the subject children's behaviour, or other family members felt it necessary to intervene in an effort to manage various situations which arose in the home. Unfortunately, months after the Minister's initial voluntary involvement in 2024, the children continued to be exposed to their parents' conflictual relationship, to questionable parenting practices, and they remained enmeshed in the parental / family conflict.

[18] In March 2025, the Minister chose to take a more intrusive approach and applied to the court for a supervision order. The Minister's court application was prompted in large part by reports of several incidents of "substantiated concerns of physical violence" by the mother on her children.

[19] When the mother was initially questioned by the Minister's representatives about a biting incident with C.O., the mother accused C.O. of being physical with other family members, and she suggested that his behaviour justified her choice and / or response to his behaviours. She argued that she had no choice but to bite her eleven year old son, C.O., to "get him off her." Further, the mother suggested C.O. needed support / services but she did not require and / or she would not benefit from any support services.

[20] Upon review of the evidence presented at the hearing in June and in August 2025, I understood that the mother had changed her position and she had agreed to participate in support services. However, initial participation in a service is not an indication that the participant has necessarily gained insight into their previous maladaptive / abusive parenting choices.

[21] Given the concerns about the use of extremely inappropriate discipline by the mother, without adequate intervention services there is a very real, ongoing risk of physical harm. At the interim stage, the litigants and / or the subject children have just started to engage and / or to participate in services. They have not "completed" services.

[22] Because the mother has not completed services, it is far less likely that she has had an adequate opportunity to fully reconsider what I find are most likely her long held beliefs that the use of corporal punishment / emotionally abusive punishment should be and / or could be her “go to” response when presented with a subject child’s elevated / inappropriate / aggressive / violent behaviour and / or is defensible. I have no reason to believe that the mother in this case, especially given the seriousness of the physical abuse she inflicted on C.O., requires less time / services than is usually thought to be necessary to make significant, long-lasting changes.

[23] The Minister has raised concerns about the parties’ ability to provide for the children’s emotional and physical safety while in the home and / or when the parties have contact in the children’s presence. Neither the Minister, nor the Guardian Ad Litem have questioned either parties’ ability to provide for the children’s basic needs such as food and shelter. The father has moved back into the matrimonial home with the three subject children while the mother has secured accommodations on the same street, only several houses away from the matrimonial home. Given the close proximity of the parties’ homes, a question does arise with respect to whether the parties can change their previously established patterns which often resulted in the children being exposed to ongoing

and serious conflict both when the parties came in contact in the presence of the children or not in the children's presence.

[24] The Minister has proven there is an ongoing and a significant risk of future emotional and / or physical harm to the children given the ongoing risk of conflict between the parties and the unrefuted evidence suggesting the mother has at times lacked insight into her parental skill deficits (and the child caregiving deficits of her adult brother who resides with her). There is a lack of credible and convincing evidence that the parties are able to co-parent effectively and / or that at this early stage in the proceeding the mother has somehow acquired the necessary parenting skills to mitigate the very real risk of future emotional and physical harm to the subject children due to her parenting choices.

4 Legislation and Law

[25] The Honourable Justice Forgeron stated at paragraphs 27 - 29 in *Nova Scotia (Community Services) v. SD and KM*, 2022 NSSC 248:

[27] The Minister relies on the law discussed in *Nova Scotia (Minister of Community Services) v. A.L.*, 2019 NSSC236. I reviewed the case and I confirm that I applied the principles outlined. I considered the threefold purposes of the *Act*, which are to **promote the integrity of the family, to protect children from harm, and to ensure the children's best interests**. However, in my decision, I focused on the *Act's* paramount consideration, as found in s. 2(2), which is the **children's best interests**.

[28] In addition, I applied a child-centered approach in keeping with the best interests principle as defined in s.3(2) of the *Act*. This definition is multifaceted.

It directs me to **consider various factors unique to each child**, including those associated with the child's emotional, physical, cultural, and social developmental needs, and those associated with risk of harm.

[29] I was also cognizant that the placement hearing began before the protection finding was entered and **before the disposition hearing was held**. The parties correctly referenced s. 39 of the Act as the authority from which to grant the placement decision. I do note, however, that the protection finding was nonetheless entered at the conclusion of the placement hearing as an admission pursuant to s. 22(2)(g), which is an admission of a substantial risk of emotional abuse. The scheduled disposition pretrial and hearing will focus on the Minister's plan and proposed services for the family.

(Emphasis mine)

[26] The *Children and Family Services Act* defines the best interests test at section 3(2). I have considered section 3(2) and all of the relevant subclauses enumerated therein. I have also considered and reviewed the preamble of the *Act* and sections 2(1), and 2(2) which define the purposes of *the Act* and mandate.

[27] Section 2(1) and 2(2) state:

(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.

(2) In all proceedings and matters pursuant to this Act, the paramount consideration is the best interests of the child. 1990, c. 5, s. 2.

[28] In this matter, the relevant subclauses of section 3(2) are:

(2) Where a person is directed pursuant to this Act, except in respect of a proposed adoption, to make an order or determination in the best interests of a child, the person shall consider those of the following circumstances that are relevant:

(a) **the importance for the child's development of a positive relationship with a parent or guardian and a secure place as a member of a family;**

- (b) **the child's relationships with relatives;**
- (c) **the importance of continuity in the child's care and the possible effect on the child of the disruption of that continuity;**
- (d) **the bonding that exists between the child and the child's parent or guardian;**
- (e) **the child's physical, mental and emotional needs, and the appropriate care or treatment to meet those needs;**
- (f) **the child's physical, mental and emotional level of development;**
- (g) the child's cultural, racial and linguistic heritage;
- (ga) the child's sexual orientation, gender identity and gender expression;
- (h) the religious faith, if any, in which the child is being raised;
- (i) the merits of a plan for the child's care proposed by an agency, including a proposal that the child be placed for adoption, **compared with the merits of the child remaining with or returning to a parent or guardian;**
- (j) the effect on the child of delay in the disposition of the case;
- (k) **the child's views and wishes, if they can be reasonably ascertained;**
- (l) **the risk that the child may suffer harm through being removed from, kept away from, returned to or allowed to remain in the care of a parent or guardian;**
- (m) **the degree of risk, if any, that justified the finding that the child is in need of protective services;**
- (n) any other relevant circumstances.
- ...

[29] The Minister argued that any orders granted based on evidence properly before me at a placement hearing held prior to a disposition order (September 11, 2025) must be governed by section 39 of the *Children and Family Services Act*. I have treated this matter as an interim hearing on placement only. In making my decision, I have focussed on those sections which relate most to Agency placement in this family's circumstances and in each child's circumstances.

[30] Section 39 of the *Children and Family Services Act* provides and sets out the options for the court in making an Interim Order as follows:

...

(b) the **child shall remain in, be returned to or be placed in the care and custody of a parent** or guardian or third party, **subject to the supervision of the agency and on such reasonable terms and conditions as the court considers appropriate**, including the future taking into care of the child by the agency in the event of non-compliance by the parent or guardian with any specific terms or conditions;

(c) a parent or guardian or other person shall not reside with or contact or associate in any way with the child;

...

(f) a parent or guardian or third party shall have access to the child on such reasonable terms and conditions as the court considers appropriate and, where an order is made pursuant to clause (d) or (e), access shall be granted to a parent or guardian unless the court is satisfied that continued contact with the parent or guardian would not be in the child's best interests;

...

(4A) Where the court makes an order pursuant to clause (b) or (d) of subsection (4), any representative of the supervising agency has the right to enter the residence of the child to provide guidance and assistance and to ascertain whether the child is being properly cared for.

...

(11) For the purpose of this Section, the court **may admit and act on evidence that the court considers credible and trustworthy** in the circumstances. 1990, c. 5, s. 39; 2015, c. 37, s. 28.

(Emphasis mine)

5 The Mother's Position

[31] The children's mother has acknowledged she is not in a position to parent C.O., however, she argued that it was in E.O.'s and H.O.'s best interests to move from their father's interim care back to her care.

[32] The following are some of the issues the mother raised in support of E.O. and H.O. being moved from their father's interim care to her care:

1. *That she has been the victim of family violence by the father and that her responses to conflict were negatively impacted by past emotional, physical and sexual violence "at the hands" of the father.*

As noted earlier in my decision, the parties do not agree on certain facts – the father denies the mother's allegations of abuse toward her – suggesting that both parties were abusive to each other at times. Based on the limited evidence available to me at the placement hearing, I am unable to conclude if either party was a primary aggressor in all or in any of the alleged incidents summarized in the materials. On the other hand, with respect to the evidence available to me regarding the children's interim placement with the father, I conclude that all three children had settled and were functioning relatively well while placed with their father on an interim basis. Whereas, while the children had

been initially placed with the mother, the mother used inappropriate emotional and physical force in an effort to influence / control the children.

2. *That the father had initially failed to participate in anger management counseling as directed by the Minister, as he did not believe he needed it.*

The mother's choice to use violence in response to C.O. behaving violently is the reason the Minister chose to take more intrusive measures in March 2025. At that time, neither party had sought out or pursued recommended services. Many of the services recommended by the Minister are available in the community, but the family had not sought those out. When the hearing concluded in August 2025, both parties were engaged in services.

3. *That in November 2024 she had "begged" the Minister for support services and no services were "put in place."*

I find it is more likely than not that neither party was entirely forthright with the Minister's representatives when the Minister initially became involved on a voluntary basis. At times, the facts being presented by each party conflicted, making it difficult for the

Minister and / or any service provider to know how they could help the family. Another complicating factor was that, unexpectedly, the serious concerns the mother had reported about C.O.'s behaviours were not being observed by others who were familiar with C.O., including his father and school officials. In my experience, it has been the Minister's expectation that parents try to access community resources to address concerns which arise. For instance, if children are presenting with particular needs, parents are expected to approach healthcare providers for referrals to pediatricians, for formal expert assessments, and to follow through on recommendations arising from those consultations and / or assessments. Looking for an answer with respect to why the Minister only offered and / or referred the family for services after the Minister initiated a court application does not help me decide whether two of the children should be moved from their father's interim care to their mother's interim care. I find it is in the best interests of the children for their mother to complete recommended services and any follow up necessary to mitigate the identified risk before any consideration is given to whether it is in the best interests of any of the three children to be returned to her care.

4. *That the father has focussed on the mother's choices of intimate partners, at times communicates impulsively, and shows no insight into his "problematic behaviour," and the court should find he likely speaks to the children about inappropriate topics.*

The issue of either parties' choice of intimate partner may be relevant if either the father or the mother introduce a new partner to the children while the Minister is supervising the children's placement with either parent. Background checks / prior agency involvement / prior police involvement could be relevant to a determination of risk to a child. Any parent asking the Court to place children with them and / or to return children to their care should consider what, if any, risk may be posed to the children due to any association the parent has with any individuals who will be having any contact with the children in the home or through association outside the home. The evidence would suggest that both parties are responsible for involving the children in adult matters and this must stop. I would go one step further and state that the mother should consider the pitfalls of involving her teenage daughter (in university) in any disputes with the father and / or asking her adult daughter, or her adult brother, for that

matter, to assist her in responding to the subject children's behaviours.

If either parent anticipates asking others to support their parenting they may need to ensure their support person is aware of the changes they are making to their parenting practices after participating in family skills education / parenting education and / or consulting with expert health professionals. Persons responsible for childcare and / or assisting with childcare should be prepared to follow the recommendations of any experts involved in addressing any of the subject children's special needs.

5. *That when the parties did cross paths in the community while the mother was in the company of a male companion, there was no conflict or contact between the parties while the children were present.*

While it is obviously good that the parties did not engage in any "conflict" when the "parties crossed paths in the community," that is not conclusive evidence that the parties can co-parent effectively.

6. *The mother works close to home 9:00 a.m. to 2:30 p.m. Monday through Friday each week while the father works approximately 40 hours per week with his own business renovating. That C.O. plays*

soccer 4 to 5 times per week and if she was caring for E.O. and H.O. the father would be freed up to concentrate on C.O.'s needs. The parties have indicated they are prepared to share the parenting, however, the mother appears to be requesting to “split” the parenting, with their son, C.O., continuing to live with the father and their two daughters, H.O. and E.O., living with the mother. Aside from the concern about splitting up the siblings, the interim issue is whether it is safe for any of the children to live with their mother on an interim basis.

7. *The parties' homes are close to one another.* Again, this may be helpful if the parties can co-parent effectively. However, as of August 20, 2025, there was insufficient evidence to indicate whether the proximity would create more conflict or not.
8. *That while the parties have services in place, and while they have the assistance of the Minister and both parties are open to a shared parenting arrangement, this would be a good opportunity to move E.O. and H.O. to the mother's care.* Again, the mother was seeking a split parenting arrangement. It would certainly be ideal for the Minister to be able to supervise any move for any of the children back to the

mother's care, but the Minister is not able to supervise every minute of the day. The Minister's supervision is not a substitute for the parties completing the services they have consented to complete and / or the Court has ordered them to complete.

9. *The children's bond with their mother.* Despite the mother's history as the children's primary caregiver, at least one of the children, C.O., does not or did not wish to have contact with her. However, the parties have acknowledged that both H.O and E.O. have expressed a desire to return to their mother's care. The reasons for C.O.'s, H.O.'s and E.O.'s positions have not been explored in any great detail re: proximity to school / different expectations in either home / other enticement and / or need / desire to support the other parent.

[33] At this interim stage, with the lack of detailed evidence about the children's positions, I am not prepared to make assumptions about the reasons for the children's preferences. Courts have found that children's attachments to their caregivers can be both secure and / or insecure attachments and although in each case children may "voice" a preference, children do not get a "choice" as their preference is not the only factor a court must consider when determining their best interests.

[34] It is of concern to me that the mother has suggested that the breakdown in her relationship with C.O. is directly linked to the sexual abuse she states C.O. witnessed the father perpetrate on the mother. The father has denied the allegations. Given the very serious nature of the allegation the mother has made against the father, and the failure of C.O. to corroborate what the mother has suggested C.O. witnessed, I am not prepared to come to a conclusion either way without both parties having an opportunity to present all of the available evidence related specifically to the incident in question.

[35] In this case, the parties have both acknowledged playing a role in physical altercations which occurred within the matrimonial home. The Minister is attempting to guide the family forward by recommending appropriate services to address future risk. As stated above, in March 2025, all three children were removed from the mother's primary care after she admitted to physically assaulting (biting) C.O. Because of that incident, and the previous allegations, both the mother and the father were ordered to participate in remedial services.

[36] The primary focus of an interim placement hearing is to ensure the Minister is using the least intrusive approach when placing the children on an interim basis while the parents are completing services to address outstanding child protection concerns. There is insufficient evidence of risk of harm to the children while in

their father's care to support a change to the children's interim status quo placement with their father. In addition, there was insufficient evidence that the mother had completed the services necessary services and / or made the changes necessary to address the identified risk to the children if placed in her care.

[37] Although the mother's concerns about the father not providing the children with sufficient structure in his home (cellular telephones) is relevant to a determination of the children's best interests, in this case, there are more pressing matters. Again, the Minister intervened primarily because the mother chose to bite her eleven year old child to control his physical outburst. There is no reasonable excuse for the mother's behaviour. The Minister is not punishing the mother. They are requiring her to learn different ways to respond to violence exhibited by a child in her care.

[38] While the subject children were placed in the mother's care following the parties' separation, the mother at times had the assistance of her mother, her brother, and her eldest daughter, however, the mother struggled to maintain a home in which she could assure the children's and her own emotional and physical safety. There is insufficient evidence for me to conclude that, although services are not completed, the mother has sufficiently addressed the pre-existing stressors

or parenting deficits and that the very real risk of emotional and / or physical harm to any of the children has been mitigated.

6 Minister's Position

[39] The Minister recognized that E.O. and H.O. had asked to be placed with their mother. The Minister also recognized that the parties had suggested they would consider sharing the care of the children.

[40] The focus of the Minister's concerns did not relate to issues such as either parent's ability to secure accommodations, provide meals, or have the physical means to get the children to school. The concerns initially identified by the Minister included intimate partner violence and then the Minister became concerned about parent physical abuse, inadequate parenting skills, and emotional harm. It was the mother's lack of parenting skills and lack of insight into her own parenting decisions which brought the matter to court.

[41] The Minister made an application to the Court asking that the children be taken from the mother's care and be placed in the father's interim care as a least intrusive measure. Unlike with respect to the mother, the Minister is unaware of any serious incidents where the father relied on corporal punishment to discipline and / or to manage the children, thereby exposing them to further trauma.

[42] The Minister has argued that the children have stabilized in their placement with their father. The Minister acknowledges the mother has apologized for her parenting decisions – including the use of physical force and emotional coercion with the children. However, the Minister emphasized the lack of evidence of mitigation of risk of physical and emotional abuse of the children by the mother as she had not yet successfully completed recommended services.

[43] In particular, the Minister takes the position that until there is evidence that the mother has developed some insight into how her abusive responses to the children's behaviours were likely to negatively impact the children, and until the mother can demonstrate she has learned alternative approaches to parenting the children, the children remain at risk of further trauma while in the care of their mother. The Minister took the position that the mother's contact with C.O. should be supervised and that her contact with E.O. and H.O. should continue to be overseen by the Minister.

7 The Guardian Ad Litem for E.O.

[44] E.O.'s guardian ad litem did not support the mother's request for E.O. to be transitioned to her interim care. The guardian took the position that it was in E.O.'s best interests to maintain the children's status quo placement with their father until the mother's service providers confirmed the mother had not only participated in

some appropriate services but more importantly, that she had gained some insight from having engaged in services.

[45] The guardian ad litem for E.O. recognized that E.O. had expressed a desire to reside with their mother. However, the guardian took the position that there was insufficient independent evidence of the mother's progress to justify moving E.O. from her father's care to her mother's care.

8 The Father's Position on Placement

[46] The father took the position that it was in the children's best interests to remain in his care until the mother showed insight into her negative parenting decisions. He supported the continuation of the current placement of the children in his care with supervised, monitored access for the mother until she demonstrated insight and compliance. In addition, he argued that it was not in the subject children's best interests to be separated.

[47] The father denies all of the mother's allegations that he has or does abuse substances while in a childcaring role. The father highlighted the Minister's evidence suggesting the mother has behaved inappropriately and / or has been uncooperative with the Minister.

9 Conclusion

[48] I have considered all of the evidence which was properly before me at the close of evidence on August 20, 2025. I have also considered the written submissions of the mother filed on August 22, 2025, the Minister's written submissions filed on August 28, 2025, the father's written submissions filed on September 10, 2025, and finally the mother's written submissions filed in reply on September 16, 2025.

[49] Considering all the evidence and the law, I find there is insufficient evidence to support a finding that it is in E.O.'s and H.O.'s best interests to be moved from their father's interim care to their mother's care. It is unclear to me whether either parent has sufficiently addressed the protection concerns, but I find there is sufficient evidence that the father has provided reasonable stability for the children on an interim basis.

[50] There have been allegations and cross-allegations of an extraordinarily serious kind made by both parties, however, in or around March 2025, the Minister was able to confirm there were real concerns about the mother's parenting choices.

[51] The Agency cannot be present to supervise constantly. The type of behaviours alleged by both parents, in particular about what the parents tell their

children / or text to them, cannot be supervised. The Agency cannot supervise minute to minute, hour to hour or even day to day. It can visit from time to time. Issues such as hygiene and cleanliness can be supervised through occasional visits / reports from schools. Issues related to an individual's interactions with their children cannot. The risk to these children lies not only in the conflict between these parties but in the actions of each of party as individuals.

[52] Up to this point, I have been able to conclude that the risk to the children can be remedied through an order pursuant to section 39 (4) (a), (b) or (c). My decision might be different if the parties remained living together. With respect to 39(4)(a) and specifically the mother's request for the return of two of the children to her care (as the mother has acknowledged that she cannot take the care of C.O), the mother's actions form a significant part of the risk to all three of the children. I cannot conclude that not only has her attitude changed, but that as of August 20, 2025, she has learned new parenting skills / approaches.

[53] The children's situation after the parties separated was chaotic with the children being subjected to an incredible amount of stress and likely trauma. Any suggestion that the children should be placed with the mother before there is reliable evidence that she has adopted a new approach to parenting and has a stable

home for the children to return to (without risk of harm from her or any other person residing with her) is totally inconsistent with the children's best interests.

[54] These children need stability, and absent clear evidence of risk of harm through continued placement with their father, continuing to live with their father is preferable to the alternative of being returned to their mother before she has made the necessary changes to her parenting approach. I have considered the children's adjustment to living with their father in making this decision. As noted, I conclude that the children's next / final placement should hold the promise at least of a long-term parenting plan remaining in place.

[55] The protection hearing was completed on June 17, 2025, and the disposition hearing was completed on September 11, 2025. I conclude that as of August 20, 2025, there remained reasonable and probable grounds to believe the children were in need of protective services. A review of the order is scheduled December 5, 2025 at 10:00 a.m. The issues before the Court now involve the long-term placement of these children and their next placement (hopefully a parenting arrangement) should be one that is a long-term one.

Cindy G. Cormier, J.

