

SUPREME COURT OF NOVA SCOTIA
(FAMILY DIVISION)

Citation: Mi'kmaw Family and Children's Services v. C.G., 2013 NSSC 296

Date: October 1, 2013

Docket: SFPACFSA - 079197 and SFPACFSA - 083540

Registry: Port Hawkesbury

Between:

Mi'kmaw Family and Children's Services

Petitioner

v.

C.G., A.P. (also known as A.G.)

Respondent

LIBRARY HEADING

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 subject of a proceeding pursuant to this Act, or a parent or guardian, a foster parent or relative of the child.”

Judge: The Honourable Justice Moira C. Legere Sers

Heard: June 18, 2013; June 21, 2013 and July 4, 2013 in Port Hawkesbury, Nova Scotia

Subject: Child Protection

Issue: A discussion of the legislative objectives and requirements in the process of Agency intervention to address the identified risk to the children, the lack of timely provision of services, lack of resources for children with Autism and special needs and the conflict with the Agency's of care.

Summary: Four (4) First Nations children apprehended, a fifth born during the process was also apprehended. Three of the five children diagnosed with

moderate to sever Autism. The oldest was removed from the community and placed in a place of safety 3 hours from his home due to lack of resources. The oldest child remained in this short term placement for 19 months at considerable cost.

The remaining children were placed in a kinship placement.

Children requiring significant intervention to address their special needs. Plan of Care is to maintain the four youngest in their community and return the 5th to a kinship placement with in home resources.

Result:

Permanent care with access. The Plan of Care did not accord with the therapeutic recommendations. The youngest four would continue to live with the grandmother with a promise of in-home assistance.

Absent opposition from parents and no alternate plan or place for the oldest, the Court was limited to a permanent care order with a plan that included a return to community with in-home care. Concerns were noted with the sustainability of this plan should resources not be properly allocated. The only other available option was out of province placement.

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QUOTES MUST BE FROM THE DECISION, NOT THIS LIBRARY SHEET.***