

SUPREME COURT OF NOVA SCOTIA
(FAMILY DIVISION)

Citation: Nova Scotia (Community Services) v. A.M., 2013 NSSC 414

Date: 20131212
Docket: 84382
Registry: Sydney

Between:

Minister of Community Services

Applicant

v.

A.M. and J.W.

Respondents

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Judge: The Honourable Justice Kenneth C. Haley

Heard: October 15, 2013 and October 17, 2013 in Sydney, Nova Scotia

Written Decision: December 12, 2013

Counsel: Mr. Adam Neal, for the Minister
Mr. William Meehan, for the Respondent, J.W.
Ms. A.M., Respondent - self -represented

Issue: The Applicant seeks a Permanent Care Order with no provision for access for the Respondents' infant daughter who was apprehended at birth. The Applicant relied upon the admission of s. 96, historical evidence from an earlier Permanent Care Hearing resulting in the Respondents' six year old twin daughters being placed in the permanent care of the Minister, with no provision for access. The Applicant further submitted that nothing had changed in the Respondents' lives since the issuance of the earlier Permanent Care Order, and therefore the newly born infant child would be at risk of harm if entrusted to the care of the Respondents.

The Respondents submitted that the dismissal of all sexual assault charges against the Respondent, J.W., was a change in circumstance since the issuance of the earlier Order which, thus, eliminated any concern regarding risk of harm and it was, therefore, safe to return their infant daughter to them.

Result: The Court found that the infant child was in need of protective services, that the Respondents lacked total insight with regard to the parenting concerns of the Minister, and that there was no reasonable likelihood of change in the foreseeable future - **Permanent Care Order granted with no provision for access.**

Case Law: Nova Scotia (Community Services) v. A.M. and J.W., 2012 NSSC 343
A.M. & J.W. v. Minister of Community Services, 2013 NSCA 29.
Minister of Community Services v. N.L. & W.M., 2011 NSSC 35.
NS (MCS) v. D.J.M., 2002 N.S.J. No. 368 (NSCS)
F.H. v. McDougall, 2008, 3 S.C.R. 41
Catholic Children's Aid Society of Metropolitan Toronto v. C.M., 1994, S.C.J. No. 37 (SCC)
Nova Scotia Minister of Community Services v. L.L.P., 2003 N.S.J. No. 1 (C.A)
Mi'kmaw Family and Children's Services v. K.D.O., 2012 NSSC 379.
Nova Scotia (Minister of Community Services) v. P.M.D., 2002, NSSF 38.
Nova Scotia (Minister of Community Services) v. S.W., 2010 NSSC 472.
Minister of Community Services v. MAB 2013 NSFC 11
G.S. v. Nova Scotia (Minister of Community Services) 2006 N.S.J. No. 52 (NSCA)
Nova Scotia (Community Services) v. T.H., 2010 NSCA 63
Mi'kmaw Family and Children's Services v. L.(B)., 2011 NSCA 104.

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