

SUPREME COURT OF NOVA SCOTIA
(FAMILY DIVISION)

Citation: Nova Scotia (Community Services) v. C.L.D., 2014 NSSC 21

Date: 20140220

Docket: SFHCFSA-088450

Registry: Halifax

Between:

M.C.S.

Applicant

v.

C.L.D.

Respondent

LIBRARY HEADING

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 Beryl A. MacDonald

Heard: December 12, 2013 and January 6, 2014, in Halifax, Nova Scotia

Oral Decision: January 15, 2014

**Written Release
of Decision:** February 20, 2014

Keywords: Family, Child Protection, Variation Hearing, Burden of Proof, Substantial Risk to Health and Safety

Legislation:

Children and Family Services Act, S.N.S. 1990, c.5 s.39 (4)
Children and Family Services Act, S.N.S. 1990, c.5 s. 39 (7)
Children and Family Services Act, S.N.S. 1990, c.5 s. 39 (9)

Summary:

Child removed from Mother's care because the Mother was homeless, used marijuana, did not enroll the child in school, engaged in conflict with her mother that was seen or heard by the child, failed to permit the child to be interviewed when there was an allegation of sexual abuse, caused the child to become parentified and allowed religious belief to distort rational thinking.

In this Variation Hearing the Mother satisfied the Court there were reasonable and probable grounds to believe there were significant changes in circumstances since the date when the child was taken into care and those changes indicated a Supervision Order was adequate to protect against risks to the child's health and safety.

***THIS INFORMATION SHEET DOES NOT FORM PART OF THE COURT'S DECISION.
QUOTES MUST BE FROM THE DECISION, NOT THIS LIBRARY SHEET.***