

NOVA SCOTIA COURT OF APPEAL

**Citation: *A.J.G. v. Children's Aid Society of Pictou County* ,
2007 NSCA 78**

Date: 20070628

Docket: CA 277523

Registry: Halifax

Between:

A.J.G.

Appellant

v.

The Children's Aid Society of Pictou County

Respondent

- and -

J.G.

Respondent

Restriction on Publication: pursuant to s. 94(1) of the **Children and Family Services Act**

Judge: The Honourable Justice Nancy Bateman

Appeal Heard: June 13, 2007

Subject: Child welfare - permanent care - access - **Children and Family Services Act**, S.N.S. 1990, c. 5. ("CFSA")

Summary: Children of a young mother were ordered into permanent care without access. The mother was from an abusive family with no other support. She was emotionally compromised. Prospects for improvement in her ability to parent were uncertain and would not occur, if at all, short term. Children were adoptable and that was the agency plan.

Issue: Should the court have extended the time lines beyond the statutory limits? Should access have been ordered?

Result: Once the statutory time lines have expired, the Court's only options are to dismiss the protection proceeding or to order permanent care. The 2005 amendments to the **CFSA** permitting an access order to co-exist with an adoption order did not change the law regarding the granting of access on permanent care (s. 42(2) **CFSA**). The onus is upon the parent seeking access to demonstrate that it would be in the child's interests and the statutory criteria of s. 47(2) must be satisfied. Appeal dismissed.

This information sheet does not form part of the court's judgment. Quotes must be from the judgment, not this cover sheet. The full court judgment consists of 15 pages.