

NOVA SCOTIA COURT OF APPEAL

**Citation: A.M. v. Nova Scotia (Community Services),
2013 NSCA 29**

Date: 20130301

Docket: CA 409094

Registry: Halifax

Between:

A.M. and J.W.

Appellants

v.

Minister of Community Services

Respondent

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

Judges: MacDonald, C.J.N.S.; Farrar and Bryson, J.J.A.

Appeal Heard: February 15, 2013, in Halifax, Nova Scotia

Held: Appeal dismissed per reasons for judgment of Farrar, J.A.; MacDonald, C.J.N.S. and Bryson, J.A. concurring.

Counsel: Alan Stanwick, for the appellants
Peter C. McVey and Sanaz Gerami, for the respondent

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

Reasons for Judgment:

[1] The appellants appeal from the Order of Supreme Court (Family Division) Justice Darryl W. Wilson dated October 10, 2012, which placed the appellants' twin daughters in the permanent care and custody of the Minister of Community Services and denied access to the appellants (reported decision 2012 NSSC 343).

[2] The appellants do not allege any error of law. Rather, they raise what is essentially a single ground of appeal attacking the factual findings of the trial judge.

[3] The standard of review is well-known for an alleged error in a judge's factual findings; we will not interfere unless he made a palpable or overriding error. (**Children's Aid Society of Cape Breton-Victoria v. L.D.**, 2010 NSCA 20, ¶26).

[4] The appellants in their factum, boldly state that certain factual findings by the trial judge were wrong without elaboration or explanation as to why his findings would constitute a palpable or overriding error on his part. They are nothing more than bald assertions.

[5] Upon a review of the decision, the record, and after reading and hearing the submissions of counsel, in my view, the appeal is without merit.

[6] There is an evidentiary basis for all of the trial judge's factual findings. He concluded that on all of the evidence an order for the permanent care and custody without access to the parents was in the children's best interests. His conclusions are amply supported by the record.

[7] I would dismiss the appeal without costs.

Farrar, J.A.

Concurred in:

MacDonald, C.J.N.S.

Bryson, J.A.