

**NOVA SCOTIA COURT OF APPEAL**

**Citation:** *A.C. v. Nova Scotia (Community Services)*, 2017 NSCA 1

**Date:** 20170104

**Docket:** CA 453246

**Registry:** Halifax

**Between:**

A.C.

Appellant

v.

The Minister of Community Services, R.R., and L.O.

Respondents

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

**Judge:** The Honourable Justice Cindy A. Bourgeois

**Appeal Heard:** November 25, 2016, in Halifax, Nova Scotia

**Subject:** Child protection; access after permanent care

**Summary:** After a lengthy trial, three children were placed in the permanent care of the Minister of Community Services. The trial judge concluded that, although the respondent mother and R.R. had made some improvements, the children remained in need of protective services. The permanent care order did not provide for access.

**Issues:**

1. Did the learned trial judge make a palpable and overriding error in failing to appreciate the evidence before her fully and correctly in relation to the risk to the children if placed in A.C.'s care?

2. Did the learned trial judge err in law in failing to consider to the extent required of her, the principle emphasizing the integrity of the family as set out in the

CFSA?

3. Did the learned trial judge err in not ordering access after permanent care?

4. Did the learned trial judge err in not ordering the Minister to give notice to the biological father of the child T.C.?

**Result:**

Appeal dismissed without costs. The trial judge made no palpable and overriding errors justifying appellate intervention; nor was the Court satisfied that she failed to properly consider the integrity of the family. The trial judge made no apparent error in law or fact in declining to grant access following the permanent care orders. Nor did she commit an error in failing to provide notice of the proceedings to a purported biological father.

*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.*