

FATCFSA - 051824

IN THE FAMILY COURT FOR THE PROVINCE OF NOVA SCOTIA  
**Citation:** Children's Aid Society of Pictou County v. A.J.G., 2009 NSFC 26

**Date:** 20091222

**Docket:** FNGCFSA - 058974

**Registry:** Pictou

BETWEEN:

THE CHILDREN'S AID SOCIETY OF PICTOU COUNTY  
Applicant

- and -

A.J.G. and J.A.G.

Respondents

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LIBRARY HEADING

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**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:

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

**Judge:** The Honourable Judge James C. Wilson, Judge of the Family Court for the Province of Nova Scotia

**Heard:** Pictou, Nova Scotia on May 8<sup>th</sup>, August 4<sup>th</sup> and 5<sup>th</sup>, November 4<sup>th</sup>, 5<sup>th</sup>, November 25, November 30<sup>th</sup> and December 4<sup>th</sup>, 2009

**Decision Date:**  
December 22nd, 2009

**Subject:** Permanent Care Application

**Summary:** The respondent parents had other children placed in permanent care in a previous proceeding. The respondents had been in an abusive relationship which the respondent mother left during this proceeding. The court did not follow the recommendations of the parental capacity assessment which recommended placing this child in permanent care, but accepted the evidence of others, including experts, that the respondent made the necessary changes to adequately parent the child.

The court considered critique of the parental capacity assessment and commented on the need for timely assessments. The court also considered evidence of hair follicle testing.

**Result:** Application dismissed, the child placed in the respondent mother's care without access to the respondent father.