

IN THE FAMILY COURT OF NOVA SCOTIA

Citation: R.C.C. v. Nova Scotia (Community Services), 2008 NSFC 8

Date: 20080328

Docket: 07Y051651

Registry: Yarmouth

Between:

R.C.C.

Applicant

v.

Minister of Community Services

Respondent

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Judge: The Honourable John D. Comeau, Chief Judge of the Family Court for the Province of Nova Scotia

Heard: March 21, 2007, April 24, 2007, May 2, 2007
June 20, 2007, October 3, 2007, December 5, 2007,
February 13, 2008, at Yarmouth, Nova Scotia

Decision Date: March 28, 2008

Counsel: Raymond Jacquard Esq., for the Applicant
Terrence Potter Esq., for the Respondent

Issue : **Removal of name from the Child Abuse Registry
Burden and Standard of Proof**

Summary: **Applicant convicted of sexual assault in 1996 for an offence that took place in 1984 when he was 19 years of age. The victim was a relative 10 years of age at the time, and the assault consisted of touching under the clothes. The Applicant completed probation and an intermittent sentence of 60 days in 1996. Part of the terms of the Probation Order was psychiatric counselling for sexual or mental issues. He completed this successfully and has had no further involvement with the law , receiving a pardon in 2006. He has had court ordered unsupervised access with a step-child for a number of years.**

Result:

The court looked at a professional report from a family therapist (not a psychiatrist as the Applicant's psychiatrist had died and his records were not available) but considered it only one factor to determine whether the Applicant posed a risk to children. That question was answered in the negative after the court reviewed the burden and standard of proof. Risk to children was interpreted as that set out in section 22 of the CFS Act " real chance of danger apparent on the evidence". On a balance of probabilities, the court found the Applicant did not pose a risk to children and his name was ordered removed from the Child Abuse Registry.

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