

FAMILY COURT OF NOVA SCOTIA

Citation: K.B. v. Nova Scotia (Community Services), 2013 NSFC 5

Date: 20130130

Docket: 10Y073241

Registry: Yarmouth

Between:

K.B.

Applicant

v.

Minister of Community Services

Respondent

LIBRARY HEADING

Publication restriction:

Publishers of this case please take note that Section 94(1) of the Children and Family Services Act applies and may require editing of this judgment or its heading before publication.

Section 94 provides:

94(1) No person shall publish or make a public information that has the effect of identifying a child who is a witness or a participant in a hearing or the subject of a proceeding pursuant to this Act, or a parent or a guardian, a foster parent or a relative of the child.

Judge: The Honourable Judge John D. Comeau

Heard: December 5, 2012 and January 2, 2013 at Yarmouth, Nova Scotia

Issue: Application to terminate permanent care and custody under s. 48 *CFSAct*

Summary: The Applicant, mother of three children applied to have permanent care and custody of her children terminated and returned to her under supervision. The order for permanent care was made over a year before and the children were doing well and thriving in foster care.

The applicant pointed to her progress in parenting ability and that she no longer had a relationship with the children's father, which it was agreed had been violent and contrary to the children's best interest.

Result: Application dismissed. There was a two-fold test. A change in circumstances and the children's best interest.

The Court found no significant change in circumstances and a further supervision order would make no difference. It was in the children's best interests to remain in care.

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