

IN THE FAMILY COURT OF NOVA SCOTIA

Citation: Family and Children's Services of Lunenburg County v. T.C., 2006
NSFC 12

Date: 200603030

Docket: FAMCFSA-031011

Registry: Bridgewater

Between:

Family and Children's Services of
Lunenburg County

Applicant

v.

T. M. C., D. M. G., and C. L. G.

Respondents

LIBRARY HEADING

Editorial Notice

Identifying information has been removed from this electronic version of the library sheet.

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

Judge: The Honourable Judge William J. Dyer

Heard: January 23, 2006, in Bridgewater, Nova Scotia
January 24, 2006, in Lunenburg, Nova Scotia
January 25, 2006, in Bridgewater, Nova Scotia
February 6, 2006, in Bridgewater, Nova Scotia

February 7, 2006, in Bridgewater, Nova Scotia
February 8, 2006, in Bridgewater, Nova Scotia
February 9, 2006, in Lunenburg, Nova Scotia
February 20, 2006, in Bridgewater, Nova Scotia

Subject Review of Disposition, section 46, **Children and Family Services Act (CFSA)**

Summary: Lengthy and complex history of agency involvement and protracted legal proceedings flowing from concerns under **CFSA** sections 22(2)(b) and (g). Respondents included biological parents and paternal grandmother, each with Plans of Care. Children apprehended following consensual interim, protection and disposition hearings. Original assessments and updates recommended against placement with any of the Respondents. Services and supports over many months determined to be unsuccessful in alleviating underlying protection issues. On review, applied **Catholic Children's Aid Society of Metropolitan Toronto v. M. (C.)** [1994] 2 S.C.R. 165. Only options under section 42 of the **CFSA** (because of statutory maximum duration for disposition orders) were dismissal or permanent care and custody. Children found to be in need of protective services.

Issue: Whether two young children in an agency's temporary care and custody should be placed permanently with the agency or whether the matter should be dismissed, in circumstances where the total permissible duration of disposition orders has been exhausted.

Result: Both children placed in the permanent care and custody of the agency. No order for access. Fact specific.

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