SELF-REPRESENTED APPELLANTS
CHILD PROTECTION APPEALS BEFORE THE NOVA SCOTIA COURT OF APPEAL

1. Read the attached Notice of Appeal (Child Protection) Form 90.08 carefully and retype the Notice of Appeal with your own information. When drafting your own Notice of Appeal, you must list as one of the Respondents the Minister of Community Services (now the Minister of Opportunities and Social Development) – Civil Procedure Rule 90.16(3).

2. You must include the date and time for the Motion for Directions as part of the Notice of Appeal. The date may be a Thursday at 10:00 a.m. OR can be heard at a pre-booked time in telephone Chambers on a Wednesday. To pre-book a telephone Chambers you must contact the Deputy Registrar at 902-424-6937. The motion date must be at least four (4) days, but no more than ten (10) days after the filing of the Notice of Appeal. Time is calculated in accordance with Civil Procedure Rule 94 – this is more fully explained at paragraph 8 below. **If you do not meet this deadline for bringing the Motion for Directions, your appeal will be deemed dismissed pursuant to Civil Procedure Rule 90.08(3).**

3. Civil Procedure Rule 90 applies to all civil appeals before the Nova Scotia Court of Appeal – review the rule on the courts website at www.courts.ns.ca.

4. You should contact Nova Scotia Legal Aid to inquire as to whether they will offer you legal assistance to bring forward this appeal before the Court of Appeal.

5. You must file multiple copies of your Notice of Appeal with the Court. The Court will keep one copy, plus you will need enough additional copies so there is one for each Respondent, one to attach to each affidavit of service and one for yourself. A copy of the decision and order you are appealing must be filed with the Notice of Appeal, if the decision or order is in writing – see Civil Procedure Rule 90.11(2).

6. A person may appeal from a decision for which no order is issued, but the order must be filed with the court before the appeal is set down for hearing – Civil Procedure Rule 90.15.

7. The court filing fee is $218.05.

8. A Notice of Appeal must be filed with the Registrar of the Nova Scotia Court of Appeal within twenty-five (25) days of the date of the decision or order you wish to appeal. Remember time is calculated in accordance with Civil Procedure Rule 94. This means that you do not count the date the decision you wish to appeal was made, you do not count any Saturday or Sunday or holiday on which the Prothonotary's office is closed and you exclude the 25th day. By way of example: if the decision you wish to appeal was rendered on June 12, 2017, the Notice of Appeal must be filed no later than July 19, 2017.

9. As the Appellant, you must serve one copy of the Notice of Appeal on each Respondent before the deadline set out at item 8 above has expired. This means that the Notice of Appeal must be served on each Respondent within the twenty-five (25) day period. You must provide proof of service of the Notice of Appeal on the Respondents to the Registrar by filing an Affidavit of Service on Form 31.05.

10. As the Appellant, you must also send a copy of the Notice of Appeal to the judge from whose judgment the appeal is brought – Civil Procedure Rule 90.16 (5).

11. Your Notice of Appeal must set out grounds of appeal that are clear and concise. Grounds of appeal are limited to error or law or judicial error.

12. For the Motion for Directions, you must file a Certificate of Readiness Form 90.26 with the Court of Appeal before your motion to set the appeal down for hearing is heard. Please note that the Minister of Community Services must prepare the transcript of the proceedings subject to the appeal pursuant to subsection 49(4) of the ***Children and Family Services Act.*** You must obtain the information from counsel for the Minister to complete the Certificate of Readiness.

13. For more information, contact:

Registrar, Nova Scotia Court of Appeal
1815 Upper Water Street
Halifax, NS
P: 902-424-8962
F: 902-424-0524

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