

# DUTY TO REPORT A Child Needing PROTECTION

According to s 8(1) of the *Child and Family Services Act*:

A person who has information of the need of protection of a child shall, without delay, report the matter

- (a) to a Child Protection Worker; or
- (b) if a Child Protection Worker is not available, to a peace officer or an authorized person.



## WHO IS A CHILD IN NEED OF PROTECTION?

A child (0-16 years of age) who is either being, or who is felt to be at risk of being, physically, sexually or emotionally abused and/or neglected by a parent or caregiver may be in need of protection.



## FAILURE TO REPORT

According to Section 8(5) of the *Child and Family Services Act*:

### Offence and Punishment

Every person who contravenes subsection (1) is guilty of an offence and liable on summary conviction to a fine not exceeding \$5000, to imprisonment for a term not exceeding six months or to both.



### What if a profession (e.g. teachers) has a protocol in place for reporting child abuse?

A professional protocol does not override the requirements for reporting a child who is in need of protection as established under the *Child and Family Services Act*.

### Confidentiality and Privilege

According to Section 8(2) of the *Child and Family Services Act*

Subsection (1) applies notwithstanding that the information reported is confidential or privileged.

### Civil Liability

Section 8(3) of the *Act*, provides that no action shall be commenced against a person for reporting information in accordance with this section unless it is done maliciously.



## WHAT IF I AM NOT SURE?

- 1 Call Family Services to consult; tell the intake worker what you saw, heard, and suspect;
- 2 Seek direction from the worker. Do you need to report and what are the next steps to take?;
- 3 Follow the advice received from Family Services.

## WHAT WILL FAMILY SERVICES DO?

### Assessment and Investigation

As outlined in Section 9(1) of the *Act*:

A person to whom a report is made shall assess the report and, where the person considers it advisable; investigate the child's need for protection.

The person to whom a report has been made may take one or more of the following actions:

- record checks
- there may be a joint investigation with the police
- child may be interviewed
- other children interviewed who may be at risk
- interviews with other sources of information
- assessment of child's safety and action taken if necessary
- caregivers interviewed
- assessment of future risk
- plan to address the child's needs



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Department of Family Services