

Manitoulin-Sudbury District Services Board POLICY & PROCEDURES MANUAL	
Section: H. Ontario Works	Effective Date: July 1, 2009
Topic: 1. Introduction to Ontario Works	Replaces: November 2004
Subject: 1.5. Children in Need of Protection	
Policy No. H.1.5.	Page 1 of 4

POLICY

Responsibility to Report a Child in Need of Protection

Authority: Child and Family Services Act, 1984

RESPONSIBILITY TO REPORT A CHILD IN NEED OF PROTECTION (CFSA s. 72(1))

If a person has reasonable grounds to suspect that a child is or may be in need of protection, the person must promptly report the suspicion and the information upon which it is based to a children's aid society.

ONGOING DUTY TO REPORT (CFSA s. 72(2))

The duty to report is an ongoing obligation. If a person has made a previous report about a child, and has additional reasonable grounds to suspect that a child is or may be in need of protection, that person must make a further report to a children's aid society.

PERSONS MUST REPORT DIRECTLY (CFSA s. 72(3))

The person who has the reasonable grounds to suspect that a child is or may be in need of protection must make the report directly to a children's aid society. The person must not rely on anyone else to report on his or her behalf.

CONSEQUENCES (CFSA s.72(4), (6.2))

We have a moral and a professional responsibility to report cases of suspected abuse. Any person who **fails to report an incident** of child abuse noticed in the course of his/her professional duties is liable on conviction of a fine of up to \$1,000.00.

PROFESSIONAL CONFIDENTIALITY (CFSA s.72(7), (8))

The professional's duty to report overrides the provisions of any other provincial statute, specifically, those provisions that would otherwise prohibit disclosure. That is, the professional **must report** that a child is or may be in need of protection **even when the information is supposed to be confidential** or privileged.

"REASONABLE GROUNDS"

You do not need to be sure that a child is or may be in need of protection to make a report to a children's aid society. "Reasonable grounds" are what an

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Topic: 1. Introduction to Ontario Works	Replaces: November 2004
Subject: 1.5. Children in Need of Protection	
Policy No. H.1.5.	Page 2 of 4

average person, given his or her training, background and experience, exercising normal and honest judgement, would suspect.

If you suspect one of the following, you shall forthwith report the suspicion and the information on which it is based to a Children's Aid Society.

1. The child has suffered physical harm, inflicted by the person having charge of the child or caused by or resulting from that person's
 - i. failure to adequately care for, provide for, supervise or protect the child, or
 - ii. pattern of neglect in caring for, providing for, supervising or protecting the child.

2. There is a risk that the child is likely to suffer physical harm inflicted by the person having charge of the child or caused by or resulting from that person's,
 - i. failure to adequately care for, provide for, supervise or protect the child, or
 - ii. pattern of neglect in caring for, providing for, supervising or protecting the child.

3. The child has been sexually molested or sexually exploited, by the person having charge of the child or by another person where the person having charge of the child knows or should know of the possibility of sexual molestation or sexual exploitation and fails to protect the child.

4. There is a risk that the child is likely to be sexually exploited as described in paragraph 3.

5. The child requires medical treatment to cure, prevent or alleviate physical harm or suffering and the child's parent or the person having charge of the child does not provide, or refuses, or is unavailable or unable to consent to, the treatment.

6. The child has suffered emotional harm, demonstrated by serious,
 - i. anxiety,
 - ii. depression,
 - iii. withdrawal,
 - iv. self-destructive or aggressive behaviour, or
 - v. delayed development

and there are reasonable grounds to believe that the emotional harm

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Subject: 1.5. Children in Need of Protection	
Policy No. H.1.5.	Page 3 of 4

suffered by the child results from the actions, failure to act or pattern of neglect on the part of the child's parent or the person having charge of the child.

7. The child has suffered emotional harm of the kind described in subparagraph i, ii, iii, iv or v of paragraph 6 and the child's parent or the person having charge of the child does not provide, or refuses or is unavailable or unable to consent to, services or treatment to remedy or alleviate the harm.
8. There is a risk that the child is likely to suffer emotional harm of the kind described in subparagraph i, ii, iii, iv or v of paragraph 6 resulting from the actions, failure to act or pattern of neglect on the part of the child's parent or the person having charge of the child.
9. There is a risk that the child is likely to suffer emotional harm of the kind described in subparagraph i, ii, iii, iv or v of paragraph 6 and that the child's parent or the person having charge of the child does not provide, or refuses or is unavailable or unable to consent to, services or treatment to prevent the harm.
10. The child suffers from a mental, emotional or developmental condition that, if not remedied, could seriously impair the child's development and the child's parent or the person having charge of the child does not provide, or refuses or is unavailable or unable to consent to, treatment to remedy or alleviate the condition.
11. The child has been abandoned, the child's parent has died or is unavailable to exercise his or her custodial rights over the child and has not made adequate provision for the child's care and custody or the child is in a residential placement and the parent refuses or is unable or unwilling to resume the child's care and custody.
12. The child is less than 12 years old and has killed or seriously injured another person or caused serious damage to another person's property, and services or treatment are necessary to prevent a recurrence and the child's parent or the person having charge of the child does not provide, or refuses or is unavailable or unable to consent to, those services or treatment.
13. The child is less than 12 years old and has on more than one occasion

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Policy No. H.1.5.	Page 4 of 4

injured another person or caused loss or damage to another person's property, with the encouragement of the person having charge of the child or because of that person's failure or inability to supervise the child adequately.

PROCEDURE

If you suspect child abuse or neglect as defined above, immediately refer the case for investigation to the Children's Aid Society of the Districts of Sudbury & Manitoulin at:

Sudbury Location

319 Lasalle Boulevard, Unit 3
Sudbury, ON
P3A 1W7

Toll Free: 1-877-272-4334

Phone Number: (705) 566-3113

Fax Number: (705) 521-7372

Manitoulin Location

9050 Hwy 6, Suite E
Little Current, ON
P0P 1K0

Toll Free: 1-800-461-3583

Phone Number: (705) 368-2810

Fax Number: (705) 368-3200

Chapleau Location

34 Birch Street East
Chapleau, ON
P0M 1K0

Phone Number: (705) 864-0329

Fax Number: (705) 864-2133