



Ontario Association of
Children's Aid Societies

Duty to Report...and Support!



Presentation Overview:

- Identify Duty to Report obligations of persons who perform professional or official duties
- Recognize when you are obligated to contact a Children's Aid Society with concerns regarding a child or youth
- Understand how perceptions influence reporting to a Children's Aid Society
- Know how to make a referral
- Be familiar with what happens when a Children's Aid Society receives a referral

Duty to Report Legislation

The paramount purpose of Ontario's *Child, Youth and Family Services Act* (2017) is to promote the best interests, protection and well-being of children and youth up to the age of 18.

Section 125 of the *Act* outlines a person's (including a professional's) duty to report suspicions that a child or youth is or may be "in need of protection". It states that a person, including professionals who work with children or youth, must promptly report any suspicions to a Children's Aid Society.

As a professional, you may become aware of situations that cause concern about the well-being of a child or youth.

Our Shared Community Responsibility

Child safety and well-being is a shared community responsibility.

Children and youth have a right to safety and well-being wherever they are, not just in their homes, but also in their communities. Children, youth and families rely on all of us to work together.

As part of a shared responsibility, it is important that members of the community share concerns regarding vulnerable children, youth, and families with us.

We rely on individuals in the community to become kin, foster, and adoptive families, to volunteer as tutors or drivers, or participate on their board of directors.

Understanding The Difference Between Alternative Parenting Practices and Signs of Harm

Our perceptions and biases can inadvertently influence our decision to call a Children's Aid Society.

Culture:

All of us have a culture. Factors such as ethnicity, religion, family structure, and history influence family practices. Child-rearing practices vary across families and cultures. There are various parenting practices that are safe and healthy, but may differ from your own.

Stereotypes:

Stereotypes, prejudice and discrimination based on race, ethnicity, religion, poverty, and sexual orientation can also lead to overreporting. While poverty is a risk factor for children and youth, it is not a cause of child maltreatment.

Indigenous and Racial Disproportionality

Any services provided must be rooted in an understanding of the disparity and racial and Indigenous disproportionality that is engrained in child welfare systems and practice.

The Declaration on the Rights of Indigenous Peoples focuses on the urgent need to respect and promote the rights of Indigenous peoples, while the United Nation on the Declaration of the Child calls for the provision of services “without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status”.

(UN Declaration of Child)

Overrepresentation in the Child Welfare System

Many groups have concerns about being reported to a Children's Aid Society due to stereotypes, prejudice, and discrimination.

Indigenous children and youth are overrepresented in Ontario's child welfare system. This is due to the historical and ongoing legacy of colonization and anti-indigenous racism perpetrated against First Nations, Inuit and Metis communities in Canada.

African Canadian children and youth are also overrepresented due to the historical legacy of slavery and the colonization of African descent people. This results in anti-Black sentiment and anti-Black racism.

Overrepresentation begins at the referral stage based on racial and ethnic stereotypes.

We all need to be aware of personal and systemic biases that may impact a decision to call a CAS. We need to reflect if we are helping or harming the family's situation.

Who Must Report a Child or Youth in Need of Protection?

Any person who has “reasonable grounds” to suspect that a child may be in need of protection has a duty to report.

The Act recognizes that people who work closely with children and youth have a particular responsibility to report their suspicions and states that a person convicted of not reporting is liable to a fine of up to \$5,000.

In Emergencies: when a child or youth needs help right away because of an injury or an immediate danger – please call 911

“Reasonable Grounds”:

“Reasonable grounds” refers to the information that somebody using honest judgment would need in order to decide to report that a child may be in need of protection. This standard has been recognized by courts in Ontario as the threshold for reporting.

You only need to reasonably suspect that a child or youth may be in need of protection. You do not have to be sure about concerns to make a referral: use your best judgment. It is also not your responsibility to prove the information. The Children’s Aid Society has the expertise to assess and decide whether to intervene.

It is important to be mindful that our own biases, perceptions and cultural misunderstandings impact a decision to call. This leads to overrepresentation of Indigenous and Black children and youth in the child welfare system.

Ongoing Duty to Report

The Child, Youth and Family Services Act states that there is an ongoing duty to report which refers to your obligation to continue to report if further concerns arise.



Can Someone Else Call?

If you're concerned about a child or youth, you must call the Children's Aid Society yourself.

No one else can call for you, not even a superior, a colleague, a friend or a neighbour.

Advising your supervisor about the child doesn't change your responsibility to make the call promptly. Child's safety requires time sensitive responses.

Privacy and Professional Confidentiality

Professionals working with children or youth must ensure they do not see privacy or confidentiality as a barrier to making a referral to a Children's Aid Society.

The duty to report overrides any other provincial statutes, and specifically overrides any provisions that would otherwise prohibit someone from disclosing confidential information.

Even if you did not make the referral about the child or youth, you can provide information to the agency conducting the assessment/investigation. Ontario's privacy legislation is not a barrier to such disclosure.

It is expected that professionals working with children will identify themselves when making a report to a Children's Aid Society. While confidentiality cannot be assured, concerns regarding the identification of the referent should be shared with the Children's Aid Society.

Age of Protection and Duty to Report

In 2018, the age of protection was raised to include youth up to 18 years old.

Now, 16 and 17-year-olds are eligible to receive child welfare services.

While reporting for 16 and 17-year old youth is not mandatory, it is recommended that you call if you have concerns about the safety or well-being of a youth.

Child welfare is uniquely positioned through its legislated mandate to provide a wide variety of prevention and protection services to youth. Services must be in collaboration with the youth while respecting their diversity and the principles of inclusion consistent with the Human Rights Code and the Canadian Charter of Rights and Freedoms and as required by the *Child, Youth and Family Services Act 2017* (CYFSA).

Working with Families Prenatally

Even though pre-natal services are not mandated under the CYFSA, critical engagement can occur at the pregnancy planning stage

Timely and intentional community collaboration increases the likelihood of infant and family wellbeing.

Family and child focused planning, inter-agency collaboration and communication is crucial to work toward the safety of all infants. Safety is not found in services alone.

The ongoing meaningful engagement of community members is essential to working with families both prenatally and post birth. These relationships are critical in circumstances where families choose to engage with child welfare or to promote strengths and mitigate risk during pregnancy for those who decline services.

Recognizing the Need to Report

What We Know About Child Protection:

Neglect is a key factor in 90 percent of the children and youth who receive services from Children's Aid Societies.

Nearly 50% of all substantiated investigations of child abuse in Ontario involved exposure to intimate partner violence.

In 97% of investigations by Children's Aid Societies, children and families are provided with services in their homes. Only 3% of investigations involved moving a child or youth out of their home for their safety and well-being.

The top referrers to Children's Aid Societies in order are:

1. Law enforcement
2. Schools
3. Other Children's Aid Societies
4. Self (mother/father/child)
5. Community caregivers/professionals

Who is a Child in Need of Protection?

The Child, Youth and Family Services Act specifies the ways in which a child may be in need of protection due to the actions or inactions of the person having charge of that child:

A child may have been harmed, or may be at risk of harm, due to this person's actions or inactions.

Types of harm include:

- Neglect
- Physical Harm
- Emotional Harm
- Exposure to Intimate Partner Violence
- Sexual Abuse

Who is a “Person Having Charge”?

Examples of a “person having charge”:

Primary caregiver:

- someone such as a mother, father, a parent’s live-in partner
- adult with a custody and control order for the child
- foster parent

Community caregiver:

- Someone who is assigned charge of a child or youth, e.g. child care worker, babysitter
- This also includes assumed caregivers, such as teachers, coaches, recreational group leaders, religious leaders, and bus drivers



Neglect:

A child or youth can be in need of protection due to concerns regarding neglect.

Neglect requires a pattern where a person having charge is not able or willing to meet the child's needs.

Signs of neglect may include (but are not limited to) :

- Poor hygiene
- Continually tired, lacking energy, unkempt
- Frequent absence from school
- Missing many basic clothing items for season
- Regularly missing meals

None of these indicators on their own necessarily constitutes neglect. Remember, poverty is not a cause of child maltreatment. These indicators may be also be opportunities for community support and assistance.

Physical Harm:

The Children's Aid Society investigates allegations where a caregiver having charge of a child or youth has committed an act of physical aggression against the child and the child is at risk of harm or has been harmed by that action.

It may be one incident or occur over time.

A caregiver's inability to protect a child or youth from physical harm or risk of physical harm, can also be reason for a Children's Aid Society to investigate.

Possible indicators of Physical Harm:

- Injuries that don't fit the explanation
- Injuries to soft body parts like ears, neck or cheek
- Injuries inconsistent with the child's age and developmental stage
- Child cannot recall how injuries occurred
- Child may cringe or flinch if touched unexpectedly
- Highly aggressive or withdrawn



Emotional Harm:

Emotional harm is a pattern of negative behaviours or repeated destructive interpersonal interactions by a caregiver to the child or youth. Shaming, blaming, humiliation, belittling are examples.

Emotional harm has a different effect on a child or youth depending on their developmental stage.

Emotional harm does not affect each child in a predictable manner. Its impact depends on a child's internal resources and on available supports.

Possible Indicators of Emotional Harm include:

- Helplessness, avoidance
- Hyper-vigilance to perceived threats and anger
- Self blame, shame, rage
- Inhibition of emotional expression

Intimate Partner Violence and Adult Conflict:

A child or youth can also be in need of protection due to exposure to intimate partner violence or adult conflict.

Intimate partner violence is any behaviour within an intimate relationship that causes physical, psychological or sexual harm to those in the relationship.

There are different types of exposure to intimate partner violence that children may experience:

- Witnessing
- Hearing from another room
- Observing the aftermath
- Being aware of tension in the home: 'walking on eggshells'

The leading study on child abuse and neglect shows that nearly 50% of all substantiated investigations of child abuse in Ontario involved exposure to intimate partner violence.

Adult conflict is violence within the home between household members whose relationship is something other than partners/parents.

Sexual Abuse

Sexual abuse or sexual exploitation includes, but is not limited to, when a child or youth is used for the caregiver's sexual gratification

It includes:

- sexual intercourse
- exposing a child or youth's private areas
- fondling for sexual purposes
- watching a child or youth undress for sexual pleasure
- showing a child or youth pornographic materials
- Asking a child or youth to engage in sexual behaviours
- facilitating the sexual exploitation of a child or youth, such as making pornographic materials

Sexual abuse may also be happening online, which could include luring and grooming for possible future sexual abuse, or engaging a child or youth in sexually-explicit conversations.

What happens when I call?

You will speak to an authorized child protection worker who will ask questions which will help in determining if there is a role for child welfare.

The worker will want to hear about your specific concerns as well as about any family strengths. This may include other caregivers in the child's community (grandparents, neighbours).

Even if you are unable to provide all the information, it is important that you provide what you can. Answer honestly about what you know and acknowledge what you're not sure about.



What happens when I call? cont'd

The child protection worker will ask questions such as the age, name, address of the child or youth, and what specifically made you call.

They will ask for information about the child concerned, including their family name, address, date of birth, and other children in the household.

The child protection worker will also ask about the functioning of the child and family, the child and family's support network, the family's ethnic origin, first language, and religion, and whether the child and family is Indigenous.

The child welfare system is attempting to collect better data on who they are serving to ensure that they are providing equitable services and are meeting the cultural needs of the children, youth, and families

What Happens when I call? cont'd

You will also be asked to provide information about the person alleged to have caused the concern, including their name, relationship to the child, address, phone number, place of work, as well as that person's current whereabouts.

The child protection worker will want to know your specific concerns and how you became aware of them.

The worker will also inquire about any known or potential worker safety issues.

Remember: in emergencies, when a child or youth needs help right away because of an injury or an immediate danger – please call 911

Once You Call:

We will then determine if there is a role for us.

The worker may not be able to tell you details about how they are going to respond to your concerns, but may be able to provide a general overview of what might occur.

If it's determined that no assessment is required, an agency still may:

- Reach out and offer support services;
- Refer the child or youth and/or the family to a community agency for services such as family counselling, the food bank, daycare, recreational supports

Once you call, cont'd

Sometimes an assessment or investigation is required. The agency will determine what type of response is needed. If a child or youth may be in imminent risk of harm, a child protection worker can respond immediately.

When options to keep the child or youth safe in their home are not feasible, most often they will stay with relatives or other members of their community until the safety issues are resolved. The child protection worker will engage with the family to work towards solutions.

If it is not possible to place the child or youth with extended family, they may need to be placed in foster care.

Please Remember:

In 97% of investigations by Children's Aid Societies, children and families are provided with services in their homes. Only 3% of investigations involved moving a child or youth out of their home for their safety and well-being.

There continues to be an overrepresentation of Indigenous and Black children and youth in the child welfare system, including in out of home placements. We need to be aware of our biases that contribute to this overrepresentation.

When a Child Discloses

Some of the information shared by a child or youth may be overwhelming. You may hear information that suggests abuse or traumatic experiences. It is important to listen to the child to support them in sharing the information with the CAS.

DO:

- Listen to the child or youth in a calm manner
- Allow the child or youth to tell the story in their own words
- Offer comfort and support. Examples: “you were brave to tell about this; I am sorry that this has happened; I will do what I can to help them”
- Where possible, maintain notes about what was said
 - Contact the CAS immediately

DO NOT:

- ask leading questions or attempt to obtain details about what happened
- Interrupt or suggest words or phrases about what they are saying
- Ask about *why* something may have happened
- Continue to ask a lot of questions to try to prove or disprove the abuse
- Make comments about the person who may have abused the child/youth
- Make promises to the child or youth as to what will/will not happen next

Where Do I Report My Concerns?

The most important step you can take to help a child is to be the one to make the call.

We are your local Children's Aid Society!

613-545-3227 extension "0" - Request to speak to the referral centre