

SUMMARY OF LEGAL REQUIREMENTS FOR REPORTING SUSPICIONS OF CHILD ABUSE - YUKON

There are laws in the Yukon under the *Child and Family Services Act* about what must happen when a person believes that a child may have been abused or is at risk for abuse. Below is a summary of these laws. **You are responsible for reporting any suspicions of child abuse, not for proving whether or not child abuse has occurred. It is the responsibility of a child protection agency to investigate, with police where necessary, and decide on the best plan for the child.**

DUTY TO REPORT

A **person** in the Yukon who has reason to believe that a child is being abused or is at risk for abuse must immediately report that information to a director¹ or a peace officer.²

HOW OLD IS A CHILD IN THE YUKON?

In the Yukon a person is a child from birth until his/her 19th birthday.

PROTECTION FROM LIABILITY

If a person reports suspected child abuse, s/he cannot be sued if it is proven that the report was made in good faith and did not knowingly present false information.

FAILURE TO REPORT

If a person fails to report to a director or peace officer, there is a possibility of a charge and fine up to \$10,000 or a prison term up to 1 year, or both. Should that same individual fail to report again, s/he can be charged and fined up to \$20,000 or have to serve a prison term for as long as 2 years, or both.

CONFIDENTIALITY

There are some relationships that are considered confidential, for example between a doctor and patient, or between clergy and members of the congregation. However, a confidence cannot be kept if child abuse is suspected. No matter what the relationship between people, one must always follow through on the duty to report suspicions of child abuse. The only exception to this is the lawyer-client relationship. Under the *Child and Family Services Act*, the identity of the reporter is protected. The reporter's name may be disclosed only with the written consent of the reporter, unless there is a court order.

¹ A **director** refers to the Director of Family and Children's services or director designated by the Commissioner in Executive Council.

² A **peace officer** refers to a police officer or a person appointed by the Minister.