

## SUMMARY OF LEGAL REQUIREMENTS FOR REPORTING SUSPICIONS OF CHILD ABUSE: ONTARIO

There are laws in Ontario under the *Child, Youth and Family Services Act* that tell us what must happen when a person suspects that a child may have been abused or is at risk for abuse. Below is a summary of these laws. ***People working with children are responsible for reporting 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.***

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### DUTY TO REPORT

1. Every person in Ontario, including someone who works with children, must call a child protection agency immediately to report their suspicion that a child may have been abused or is at risk for abuse.

Suspicious of abuse:

- a. **must be** reported for children 15 years of age and under.
  - b. **may be** reported for youth 16 and 17 years old.\*
2. The person who suspects that a child may have been abused or is at risk for abuse **must report to a child protection agency, and cannot ask anyone else to report for them.**
  3. If a person has more suspicions or information about a child, then a child protection agency must be contacted again, even if other reports have been made before.

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### HOW OLD IS A CHILD IN ONTARIO?

In Ontario a person is a child from birth until their 18th birthday.

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### PROTECTION FROM LIABILITY

If a person reports suspected child abuse, they cannot be sued if it is proven that the report was made in good faith and not to cause trouble for anyone.

\*Please note that best practice is to consult with a child protection agency for all children and youth under the age of 18 so that the child protection agency can determine any next steps.

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## **FAILURE TO REPORT**

If a person who has professional or official duties in their work with children 15 years of age and under does not report a suspicion of child abuse, then this person can be charged and fined up to \$5,000.

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## **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.