

SUMMARY OF LEGAL REQUIREMENTS FOR REPORTING SUSPICIONS OF CHILD ABUSE: ALBERTA

There are laws in Alberta under the *Child, Youth and Family Enhancement Act* about what must happen when a person suspects that a child may have been abused or is at risk of abuse. Below is a summary of these laws. ***You 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.***

DUTY TO REPORT

A person in Alberta who believes that a child may have been abused or is at risk for abuse must immediately report the information to a director.¹

HOW OLD IS A CHILD IN ALBERTA?

In Alberta, a person is a child from birth until his/her 18th 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 not intended to cause trouble for anyone.

FAILURE TO REPORT

If a person fails to report to a director, there is a possibility of a charge and a fine of up to \$2,000, or imprisonment of up to 6 months if the fine is not paid.

In addition to the above penalty, if a person who works with children has known about and not reported a suspicion of child abuse, an appropriate governing body of the profession or occupation of that individual will be notified.

CONFIDENTIALITY

There are some relationships that are considered confidential such as a doctor and patient or between clergy and members of the congregation. However, if child abuse is suspected, this confidence cannot be kept. No matter what the relationship between people, a person must always follow through on the duty to report suspicions of child abuse.

¹ A **director** refers to the child protection authorities in your province, and not to staff within your own program/agency.

SUMMARY OF LEGAL REQUIREMENTS FOR REPORTING SUSPICIONS OF CHILD ABUSE: BRITISH COLUMBIA

There are laws in British Columbia under the *Child, Family and Community Service Act* about 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. ***You 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.***

DUTY TO REPORT

A person in British Columbia who believes a child may have been abused or is at risk for abuse is required to immediately report the information to a director² or a person designated by a director.

HOW OLD IS A CHILD IN BRITISH COLUMBIA?

In British Columbia, 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 not to cause trouble for anyone.

FAILURE TO REPORT

If a person fails to report to a director, or knowingly reports false information, s/he can be charged with a fine of up to \$10,000 or imprisonment of up to 6 months, 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, a person must always follow through on the duty to report suspicions of child abuse. The only exception to this is the lawyer-client relationship.

² A **director** refers to the child protection authorities in your province, and not to staff within your own program/agency.

SUMMARY OF LEGAL REQUIREMENTS FOR REPORTING SUSPICIONS OF CHILD ABUSE: MANITOBA

There are laws in Manitoba under the *Child and Family Services Act* about 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. ***You 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.***

DUTY TO REPORT

1. **Every person in Manitoba, including a person who works with children**, who believes that a child may have been abused or is at risk for abuse must immediately report the information to a child and family services agency or to a parent or guardian of the child.
2. If a person does not know the parent/guardian, or believes the parent/guardian is responsible for the abuse or risk of abuse, or is unable or unwilling to protect the child, then the report should be made directly to a child and family service agency.

HOW OLD IS A CHILD IN MANITOBA?

In Manitoba, a person is a child from birth until his/her 18th birthday.

PROTECTION FROM LIABILITY

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

FAILURE TO REPORT

If a person fails to report to an agency, that person can be held guilty of an offence and may be liable to a fine up to \$50,000 or imprisonment of up to 24 months, 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.

The *Child and Family Services Act* protects the identity of the person who reported to an agency.

SUMMARY OF LEGAL REQUIREMENTS FOR REPORTING SUSPICIONS OF CHILD ABUSE: NEW BRUNSWICK

There are laws in New Brunswick under the *Family Services Act* about 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. ***You 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.***

DUTY TO REPORT

Every person in New Brunswick, including a person who works with children, who suspects that a child may have been abused or is at risk for abuse must immediately report that suspicion to the Minister.³

HOW OLD IS A CHILD IN NEW BRUNSWICK?

In New Brunswick, 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 not to cause trouble for anyone.

FAILURE TO REPORT

If a person who works with children fails to report a suspicion of child abuse, the Minister may require any professional society, association or other organization authorized under the laws of the Province to regulate the professional activities of that person, in order to conduct an investigation.

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.

The *Family Services Act* protects the identity of the person who reported to the Minister. The reporter's name may be disclosed only during judicial proceedings or with that person's written consent.

³ The **Minister** refers to the child protection authorities in your province, and not to staff within your own program/agency.

SUMMARY OF LEGAL REQUIREMENTS FOR REPORTING SUSPICIONS OF CHILD ABUSE: NEWFOUNDLAND

There are laws in Newfoundland under the *Children and Youth Care and Protection Act* about 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. ***You 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.***

DUTY TO REPORT

Every person in Newfoundland, including a person who works with children, who suspects that a child may have been abused or is at risk for abuse must immediately report the information to a manager, social worker, or peace officer.⁴

HOW OLD IS A CHILD IN NEWFOUNDLAND?

In Newfoundland, a person is a child from birth until his/her 16th 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 not to cause trouble for anyone.

FAILURE TO REPORT

If a person fails to report to a manager, social worker, or peace officer, s/he may be charged with an offence and may be given a fine of up to \$10,000, or imprisonment of up to 6 months, or to 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.

⁴ A **manager/social worker/peace officer** refers to the child protection authorities in your province, and not to staff within your own program/agency.

SUMMARY OF LEGAL REQUIREMENTS FOR REPORTING SUSPICIONS OF CHILD ABUSE: NOVA SCOTIA

There are laws in Nova Scotia under the *Children and Family Services Act* about 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. ***You 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.***

DUTY TO REPORT

Every person in Nova Scotia, including someone who works with children, who suspects that a child may have been abused or is at risk for abuse must immediately report the information to a child protection agency.

HOW OLD IS A CHILD IN NOVA SCOTIA?

In Nova Scotia, 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 not to cause trouble for anyone.

FAILURE TO REPORT

If a person fails to report to a child protection agency, s/he can be charged and fined up to \$2,000 or imprisoned for up to 6 months, 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.

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.***

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.

HOW OLD IS A CHILD IN ONTARIO?

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

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.

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.

*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.

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.

SUMMARY OF LEGAL REQUIREMENTS FOR REPORTING SUSPICIONS OF CHILD ABUSE: PRINCE EDWARD ISLAND

There are laws in Prince Edward Island under the *Child Protection Act* about 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. ***You are responsible for reporting suspicions of child abuse, not for proving whether or not child abuse has occurred. It is the responsibility 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 Prince Edward Island who suspects that a child may have been abused or is at risk for abuse must immediately report that suspicion to the Director⁵.

HOW OLD IS A CHILD PRINCE EDWARD ISLAND?

In Prince Edward Island, a person is a child from birth until his/her 18th 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 not to cause trouble for anyone.

FAILURE TO REPORT

If a person fails to report a suspicion to the Director, s/he can be charged and fined up to \$2,000.

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.

The *Child Protection Act* protects the identity of the person who reported to the Director.

⁵ The **Director** refers to the child protection authorities in your province, and not to staff within your own program/agency.

SUMMARY OF LEGAL REQUIREMENTS FOR REPORTING SUSPICIONS OF CHILD ABUSE: QUEBEC

There are laws in Quebec under the *Youth Protection Act* about 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. ***You 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.***

DUTY TO REPORT

1. **A professional who provides care or assistance to children**, who believes that a child may have been abused or is at risk for abuse must immediately report the information to a director.⁶
2. **Every person who believes that a child has been physically or sexually abused or is at risk of physical or sexual abuse** must immediately report the information to a director.
3. **Every person who believes that a child may have been neglected or is at risk of neglect, or has been abandoned or emotionally abused** may report the information to a director.

HOW OLD IS A CHILD IN QUEBEC?

In Quebec, a person is a child from birth until his/her 18th 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 not to cause trouble for anyone.

FAILURE TO REPORT

A professional who fails to report to a director, and anyone who fails to report physical or sexual abuse to a director can be found guilty of an offence and fined between \$250 to \$2,500.

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.

The *Youth Protection Act* protects the identity of the person who reported to a director; the reporter's name may not be disclosed without his/her consent.

⁶ A **director** refers to the child protection authorities in your province, and not to staff within your own program/agency.

SUMMARY OF LEGAL REQUIREMENTS FOR REPORTING SUSPICIONS OF CHILD ABUSE: SASKATCHEWAN

There are laws in Saskatchewan under the *Child and Family Services Act* about 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. ***You 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.***

DUTY TO REPORT

A person in Saskatchewan who believes that a child may have been abused or is at risk for abuse must immediately report the information to an officer.⁷

HOW OLD IS A CHILD IN SASKATCHEWAN?

In Saskatchewan, a person is a child from birth until his/her 16th birthday.

PROTECTION FROM LIABILITY

If a person reports suspected child abuse, s/he cannot be sued.

FAILURE TO REPORT

If a person fails to report to an officer, s/he is guilty of an offence and can be charged with a fine of up to \$25,000 or be imprisoned for up to 24 months, 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.

⁷ An **officer** refers to the child protection authorities in your province, and not to staff within your own program/agency.

SUMMARY OF LEGAL REQUIREMENTS FOR REPORTING SUSPICIONS OF CHILD ABUSE: NORTHWEST TERRITORIES

There are laws in the Northwest Territories under the *Child and Family Services Act* about 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. ***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

1. **A person** in the Northwest Territories who suspects that a child may have been abused or is at risk for abuse must immediately report the matter to a Child Protection Worker; or if a Child Protection Worker is unavailable, to a peace officer or an authorized person.⁸
2. The person who suspects that a child may have been abused or is at risk for abuse **must report to a Child Protection Worker, and cannot ask anyone else to report for him/her.**

HOW OLD IS A CHILD IN THE NORTHWEST TERRITORIES?

In the Northwest Territories, a person is a child from birth until his/her 16th 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 not to cause trouble for anyone.

FAILURE TO REPORT

If a person fails to report suspected child abuse, there is a possibility of a charge and fine up to \$5,000 or a prison term of up to 6 months, 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.

⁸ An **authorized person** refers to a person appointed by the Director of Child and Family Services.

SUMMARY OF LEGAL REQUIREMENTS FOR REPORTING SUSPICIONS OF CHILD ABUSE: NUNAVUT

There are laws in Nunavut under the *Child and Family Services Act* about 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. ***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 Nunavut who suspects that a child may have been abused or is at risk for abuse must immediately report the matter to a Child Protection Worker; or if a Child Protection Worker is unavailable, to a peace officer or an authorized person.⁹

HOW OLD IS A CHILD IN NUNAVUT?

In Nunavut a person is a child from birth until his/her 16th 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 not to cause trouble for anyone.

FAILURE TO REPORT

If a person fails to report suspected child abuse, there is a possibility of a charge and fine up to \$5,000 or a prison term of up to 6 months, 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.

⁹ An **authorized person** refers to a person appointed by the Director of Child and Family Services.

SUMMARY OF LEGAL REQUIREMENTS FOR REPORTING SUSPICIONS OF CHILD ABUSE: YUKON TERRITORY

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 director¹⁰ or a peace officer.¹¹

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.

¹⁰ A **director** refers to the Director of Family and Children's services or director designated by the Commissioner in Executive Council.

¹¹ A **peace officer** refers to a police officer or a person appointed by the Minister.