

# Children and Family Services Act

# DUTY TO REPORT

## Overview

The Children and Family Services Act is designed to protect children from abuse and neglect. There have recently been dedicated improvements to the Act, resulting in over 80 amendments. Some of these changes have a direct impact on the Duty to Report sections, which may impact community organizations.

These changes promote early intervention and are intended to prevent long-term harm. It is no longer required that children demonstrate that they have suffered serious harm as a result of abuse and neglect. The amendments allow the Agency to intervene earlier, allowing risk to be reduced before long term damage can occur.

## Duty to Report

Every individual in the province of Nova Scotia has a legal obligation to report concerns of abuse or neglect of a child under the age of 19 in order to ensure children are protected from harm. Failure to report is a criminal offence.

## Three Types of Reporting

1. Duty to report for every Nova Scotian
2. Duty of professionals and officials to report
3. Duty to report third-party abuse

## Processes

There are three sections of the Act that outline the Duty to Report provisions. In accordance with Section 22(2), any concerns that a child is or may be at risk of harm, must be reported to the agency, preferably closest to where the child resides. The obligation to report is as follows:

### 1. Duty to Report as per Section 23 of the CFSA

- Applies to any person in Nova Scotia who has information, whether it is confidential or privileged, indicating a child is in need of protective services.
- This person is obligated to report the information to the child protection office closest to where the child resides.
- The information is to be reported immediately. If the information is not reported, the individual is liable to a fine of not more than \$2,000.00 or imprisonment for a period not exceeding 6 months or both.
- If more than one person is aware of the information, it is necessary for each person to report their information to the agency to fulfill the legal duty to report.

The legislation outlining the “Duty to Report” highlights the legal obligation of every Nova Scotian to report concerns of abuse or neglect of a child in order to ensure children are protected from harm.

### Location within the CFSA

Sections 23, 24 and 25 of the CFSA legislate individuals who believe a child is or may be at risk of harm under Section 22 (2) to make a report to child protection.

This legislation helps ensure the safety of Nova Scotian children by requiring all abuse and neglect situations be reported.

## 2. Duty of Professionals and Officials to Report as per Section 24 of the CFSA

- Applies to every person who performs professional or official duties with respect to a child, including but not limited to; a health care professional, physician, nurse, dentist, pharmacist, psychologist, teacher, school principal, social worker, family counsellor, member of the clergy, peace officer, medical examiner, youth worker, recreation worker, operator or employee of a day-care facility.
- If, in the course of a person's professional or official duties, they have reasonable grounds to suspect a child has, may have, is, or is about to suffer abuse, the information (confidential or privileged) shall be reported immediately to the agency closest to where the child resides.
- This section also requires a professional, when they have been notified by the agency that a child is or may be in need of protection, to advise the agency of the location of a child if known.
- If more than one person is aware of the information, it is necessary for each person to report the information.

### What should professionals do when they suspect abuse?

- a) Trust their feelings – have trust in the disclosure by the child and trust their own knowledge of the child in determining whether they believe a child may be at risk of abuse.
- b) Document – Keep track of the identified changes in the child or concerns.
- c) Report by doing the following:
  - Contact the child welfare agency in the area in which the child resides
  - Provide identifying information including names and contact information for the child and the parent
  - Provide the social worker with all the information available – disclosure, observations
  - Professionals will not be anonymous.

## 3. Duty to Report Third-Party Abuse as per Section 25 of the CFSA

- This applies to a child under 16 years of age who suffers or is at risk of suffering physical harm or sexual or emotional abuse inflicted by someone other than the parent/guardian or the abuse is caused by the failure of the parent or guardian to supervise and protect the child adequately.

### Professionals include:

- Health care professionals
- Physicians
- Nurses
- Dentists
- Pharmacists
- Psychologists
- Teachers
- School principals
- Social workers
- Family counsellors
- Members of the clergy
- Peace officers
- Medical examiners
- Youth workers
- Recreation workers
- Operators or employees of a day-care facility

### What happens after professionals call in to make a report?

- A child protection social worker will gather information and review the referral and determine whether to investigate based on the information provided.
- A professional will be provided with a letter of acknowledgement indicating whether the concern was investigated.

### Duty to Report Third Party Abuse

It is important to note the Duty to Report Third-Party Abuse ONLY applies to children under the age of sixteen. However, the reporter must report if the alleged offender has access to or parents children who in turn may be at risk.