Duty to Report – Responding to Child Welfare Concerns

YOUR ROLE AND YOUR DUTY IN KNOWING WHEN AND WHAT TO REPORT
A person who has reason to believe that a child needs protection under section 13 must promptly report the matter to a director or a person designated by a director.
Between November 2014 – September 2015, MCFD received 45,856 child protection reports.
Understanding your legal duty to report if you have reason to believe that a child or youth has been or is likely to be abused or neglected, or may need protection.

To raise awareness of the continued responsibilities in recognizing and reporting suspected abuse and neglect of children and youth.
You are in a unique and trusted position to identify and report abuse and neglect of children and youth.

You may be positioned to offer support and assistance to an abused or neglected child or youth.
A child welfare worker is delegated under the Child Family and Community Services Act to provide child welfare services including responses to suspected child abuse and neglect.

A Delegated Aboriginal Child and Family Services Agency (which can have different levels of delegation):

- Provides services to Aboriginal children and families
- Responds to reports of suspected child abuse and neglect if staff have delegation under the CFCSA
Working Together
Partners and Roles

MCFD and Delegated Aboriginal Agencies

Lead responsibility for receiving and responding to child welfare concerns

Service Providers

Police
Child, Family & Community Services Act
Provides the mandate for child protection

Section 13
Lays out circumstances under which a child needs protection

Section 14
Outlines the Duty to Report
The Act creates a “Duty to Report” (s.14)

A person has reason to believe that a child or youth has or likely to be abused or neglected must report the concern promptly to a child welfare worker.

What is “reason to believe”?

- You do not need to be certain
- You don’t need proof

It does not matter if you think someone else has reported or a child welfare worker is already involved, you still must report.
Duty to Report

Failing to report promptly is an offence, as is knowingly making a false report

Maximum penalty of a $10,000 fine, six months in jail, or both

Legal duty overrides duty of confidentiality except a solicitor-client privilege
Physical Abuse/Harm
Emotional Abuse/Harm
Sexual Abuse/Exploitation
Neglect
Domestic Violence
Physical abuse is a deliberate physical assault or action by a person that results in, or is likely to result in, physical harm to a child. It includes the use of unreasonable force to discipline a child or prevent a child from harming him/herself or others. The injuries sustained by the child may vary in severity and range from minor bruising, burns, welts or bite marks to major fractures of the bones or skull to, in the most extreme situations, death.
Emotional abuse that is chronic and persistent, it can result in emotional harm to the child or youth.

Under the Child, Family and Community Service Act, a child or youth is defined as emotionally harmed if they demonstrate severe AND there is reason to believe these are related to the parent’s conduct.

- anxiety
- depression
- withdrawal, or
- self-destructive or aggressive behaviour.
## Emotional Abuse

- Can range from habitually ignoring and/or humiliating the child/youth to withholding life-sustaining nurturing.
- Generally involves acts or omissions by those in contact with a child/youth that are likely to have serious, negative emotional impacts.
- May occur separately from, or along with, other forms of abuse and neglect.
- Includes the emotional harm caused by witnessing domestic violence including living in a situation where there is a domestic violence by or towards a person with whom the child/youth resides.
- Can be the most difficult type of abuse to define and recognize.
Types of Abuse

Sexual Abuse

Sexual abuse is when a child/youth is used (or likely to be used) for the sexual gratification of another person. This includes:

- Touching or invitation to touch for sexual purposes
- Intercourse (vaginal, oral or anal)
- Menacing or threatening sexual acts, obscene gestures, obscene communications or stalking
- Requests that the child/youth expose their body for sexual purposes
- Deliberate exposure of the child/youth to sexual activity or material
- Sexual aspects of organized or ritual abuse.
Sexual exploitation occurs when a child or youth engages in a sexual activity, usually through manipulation or coercion, in exchange for money, drugs, food, shelter or other considerations. Sexual activity includes:

- performing sexual acts
- sexually explicit activity for entertainment
- involvement with escort or massage parlour services, and appearing in pornographic images
- Children/youth living on the street are particularly vulnerable to exploitation

Children/Youth in the sex trade are not prostitutes or criminals. They are victims of abuse.
Neglect is failure to provide for a child/youth’s basic needs

It involves an act of omission by the parent or guardian, resulting in (or likely to result in) harm to the child or youth

Neglect may include failure to provide food, shelter, basic health care, supervision or protection from risks, to the extent that the child’s physical health, development or safety is, or is likely to be, harmed
Domestic violence is a pattern of intentionally coercive and violent behaviour towards an individual with whom there is or has been an intimate relationship.

These behaviours can be used to establish control of an individual and can include physical and sexual abuse, psychological abuse, intimidation, social isolation, or economic control.
In March, 2013 the Child Family and Community Services Act was amended.

The purpose of the amendment is to clarify that there are situations in which the presence of domestic violence can be emotionally harmful to children and increase the risk of physical harm and, if so, that protective services are needed.
Whenever you have reason to believe that a child or youth under the age of 19 is being abused or neglected
What to Watch For

- Direct and Indirect
- Physical indicators & Behavioural indicators
- Disclosures of Child Abuse or Neglect
- Indicators of Possible Child Abuse or Neglect
Responding to the Child or Youth

When there are Indicators of Child Abuse or Neglect

- Be relaxed, casual, and be a good listener
- Keep it private
- Be neutral

When a Child Discloses Abuse or Neglect

- Stay calm and listen
- Go slowly
- Be supportive
- Get only the essential facts
- Tell child what will happen next
- Make notes
**Responding to the Child or Youth**

- **Talk to the child or youth to minimize trauma**

  **Be Private**
  - Find a suitable place where you will not be disturbed.
  - Try to stay calm. It is okay to not know what to do right away.
  - Treat the information as confidential, sharing it with only the relevant people

  **Do not interview the child**
  - There may be situations where you may want to clarify information
  - Encourage the child by asking careful questions, like “Can you tell me a bit more?”. Do not rush him or her
  - Establish enough information to pass on to others

  **Try to Remember**
  - Listen attentively and try to remember the words that the child used to describe the situation.
  - After the conversation it is important that you write down what you heard, using the child’s words if possible.
What to Report to the Child Welfare Worker
→ You don’t need to have all the details to make the call

When to Call Police
→ Child is in immediate danger or criminal offence

Reporting
• To make a child protection report:

1(800) 663-9122

• If the child or youth is in immediate danger:

911
What is your role after making a report?

- When appropriate you may be required to provide your ongoing support and expertise
- Keep information confidential
- Access support as required within your organisation
- Call a child welfare worker again if ongoing concerns arise even when you have previously called
If you are a child or youth and would like to talk to someone:

310-1234
Children and Youth Helpline
What the Child Welfare Worker Will Ask You

When you report suspected abuse, the social worker will ask you about:

• the child's age, name and location
• any immediate concerns for the child's safety
• why you believe the child needs protection
• any statements the child has made
• the child's parents and other family members
What the Child Welfare Worker Will Ask You

- the alleged offenders
- any other children such as siblings who may be involved or at risk
- any previous incidents or concerns for the child
- any other relevant information such as the child's language or special needs
- Family Strengths and Support
What will the Child Welfare Worker Do?

- Gather the caller information
- Review the family history through available files and computer system
- Determine the most appropriate response
What will the Child Welfare Worker Do?

The most appropriate response may be:

- No response necessary
- Refer to community agency
- Offer Support Services
- Protection Response: Family Development or Investigation
- Ongoing family services if required
If a Protection Response is Required

There are many ways to intervene to help keep children safe
Working Together

- Critical and valued community partner
- Reliance on your expertise
- Mutual sharing of information
- Integrated Case Management Meetings
- Family Group Conferences
- Traditional and Culturally Appropriate Practices
What Links should I Know?

The Handbook:


MCFD External Website

- [http://www2.gov.bc.ca/gov/content/governments/organizational-structure/ministries-organizations/ministries/children-and-family-development](http://www2.gov.bc.ca/gov/content/governments/organizational-structure/ministries-organizations/ministries/children-and-family-development)

DAA in BC

- [http://www.mcf.gov.bc.ca/about_us/aboriginal/delegated/pdf/agency_list.pdf](http://www.mcf.gov.bc.ca/about_us/aboriginal/delegated/pdf/agency_list.pdf)
s.13(1) A child needs protection in the following circumstances:

(a) if the child has been, or is likely to be, physically harmed by the child's parent;

(b) if the child has been, or is likely to be, sexually abused or exploited by the child's parent;

(c) if the child has been, or is likely to be, physically harmed, sexually abused or sexually exploited by another person and if the child's parent is unwilling or unable to protect the child;

(d) if the child has been, or is likely to be, physically harmed because of neglect by the child's parent;

(e) (i) if the child is emotionally harmed by the parent's conduct;

(ii) living in a situation where there is domestic violence by or towards a person with whom the child resides;

(f) if the child is deprived of necessary health care;

(g) if the child's development is likely to be seriously impaired by a treatable condition and the child's parent refuses to provide or consent to treatment;

(h) if the child's parent is unable or unwilling to care for the child and has not made adequate provision for the child's care;
When protection is needed - CFCSA

(i) if the child is or has been absent from home in circumstances that endanger the child's safety or well-being;

(j) if the child's parent is dead and adequate provision has not been made for the child's care;

(k) if the child has been abandoned and adequate provision has not been made for the child's care;

(l) if the child is in the care of a director or another person by agreement and the child's parent is unwilling or unable to resume care when the agreement is no longer in force.

(1.1) For the purpose of subsection (1) (b) and (c) and section 14 (1) (a) but without limiting the meaning of "sexually abused" or "sexually exploited", a child has been or is likely to be sexually abused or sexually exploited if the child has been, or is likely to be,

(a) encouraged or helped to engage in prostitution, or

(b) coerced or inveigled into engaging in prostitution.

(2) For the purpose of subsection (1) (e), a child is emotionally harmed if the child demonstrates severe

(a) anxiety,

(b) depression,

(c) withdrawal, or

(d) self-destructive or aggressive behaviour.