

APPENDIX A**LEGAL DUTY TO REPORT**

The *Child, Family and Community Service Act*, section 14 (1), requires any person who has reason to believe that a child (under 19 years) has been, or is likely to be, physically harmed, sexually abused or sexually exploited by a parent or other person or needs protection under section 13 (1) (a) - (k) of that Act to promptly report the matter to a Child Protection Social Worker.

Section 13 (1) (a) to (k) of the Act reads:

- (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) if the child is emotionally harmed by the parent's conduct;
- (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;
- (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 parents are 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.

Section 13 (2) further specifies:

For the purpose of subsection 13 (1) (e), a child is emotionally harmed if the child demonstrates severe

- (a) anxiety;
- (b) depression;
- (c) withdrawal; or
- (d) self-destructive or aggressive behavior.

If the child is in immediate danger and requires police assistance, the R.C.M.P. should be called without delay.

The obligation to report remains even if a person believes someone else will make a report about the same situation. In addition, the duty to report overrides any duty of confidentiality established between persons and/or clients, with the exception of client-solicitor relationship.

Failing to promptly report suspected abuse or neglect to a Child Protection Social Worker is a serious offence under the *Child, Family and Community Service Act*. So is knowingly making a false report. Both offences carry a maximum penalty of a \$10,000 fine, or six months in jail, or both. No action for damages may be brought against a person for reporting information under the *Child, Family and Community Service Act* unless the person knowingly reported false information.

When a Child Protection Social Worker learns that someone may have failed to report child abuse or neglect, or has knowingly made a false report, they assess this information. If they believe there has been a failure to report, or that false information was reported, they inform the police, who may investigate and recommend charges under the *Child, Family and Community Service Act*.