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Cette publication est également disponible en français.

Introduction

This handbook is intended to assist law enforcement personnel to recognize and properly refer children who may be abused and to familiarize them with the relevant legislation regarding abuse.

As our understanding of child abuse has increased, it has become obvious that close co-operation among all those agencies dealing with the problem is essential to its recognition, treatment and ultimate prevention.

Child abuse situations, by their very nature, involve a large number of agencies and individuals - social workers, doctors and nurses, police, lawyers, teachers, parents and others. It is vital to sort out and understand the roles of all these players. Failure to do so can result in confusion, wasted effort, counter-productive action, contradictory messages to parents and guardians and, in the end, poor service, or ever greater danger, to the child. (See Appendix I, Sec. 37(2) for definition of child in need of protection.)

Difficulties have arisen in the past because of differences in the goals and approaches of police officers and social workers. Improved relationships exist now in many communities because of efforts to learn about, and therefore appreciate, each other's methods and responsibilities.

Police involvement in inter-agency and community committees dealing with abuse not only fosters co-operation among agencies and individuals dealing with child maltreatment, but also helps to clarify the role of the police officer. (See Appendix II.)

To help foster this inter-agency co-operation, the government of Ontario has developed the following general guidelines:

- Primary responsibility for the enforcement of the law and the prosecution of offences shall remain with the police.
- In a case of alleged child abuse, primary responsibility for the protection of the child shall remain with the local children's aid society. (See Appendix III.)
- A plan shall be developed jointly by the police and the local children's aid society to ensure that there is a co-operative working agreement.

Child Abuse: The Problem

The problem of child abuse is obviously a complex one, and the judgement and special skills of many professionals - police, social workers, doctors, nurses, teachers and others - are required, not only to recognize it, but also to take the most appropriate action. No single individual, agency or discipline has the necessary knowledge, skills and resources to provide all the resources required.

A multi-disciplinary approach to the problem of child abuse is not only desired, but feasible and necessary. This approach implies the active co-ordination of all those agencies and organizations having direct involvement with the children and their families.

However, police carry a special responsibility, clearly stated in the Child and Family Services Act, concerning the protection of children and reporting of cases of child abuse. (See Appendix I, Sec. 40; Sec. 68 (1) (3) (4).)

Also, because of their training, police are expected by the general public to be able to "see" individual family problems and difficulties, and to appreciate the seriousness of what they are observing. The responsibilities include knowing how to bring about children's aid society intervention, and knowing how to support that agency in its work with parents and children.

Legal Definition of Abuse

According to the Child and Family Services Act, a child suffers "abuse" in any of the following circumstances:

- (a) the child has suffered physical harm, either inflicted by the person having charge of the child or caused by that person's failure to adequately:
 - care and provide for the child, or
 - supervise the child, or
 - protect the child;
- (b) the child has been sexually molested or sexually exploited by the person having charge of the child, or by another person where the person having charge of the child:
 - knows or should know of the possibility of sexual molestation or sexual exploitation, and
 - fails to protect the child;
- (c) the child requires medical treatment to cure, prevent or alleviate physical harm or suffering; and the child's parent or the person having charge of the child:
 - does not provide the treatment, or
 - refuses to provide the treatment, or
 - is unavailable to consent to treatment, or
 - is unable to consent to the treatment;

(d) the child has suffered emotional harm, demonstrated by:

- severe anxiety, or
- severe depression, or
- severe withdrawal, or
- severe self-destructive or aggressive behaviour,

and the child's parents or the person having charge of the child:

- does not provide services or treatment to remedy or alleviate the condition,
- refuses to do so,
- is unavailable to consent to treatment, or
- is unable to consent to treatment.

[Child and Family Services Act, S.68(1)]

Here are some points to keep in mind:

- There are many kinds and variations of abuse. Abuse may range from excessive shaking to violent assault; constant belittling to outright rejection; sexual fondling to aggravated sexual assault. No single definition can cover all types of abuse.
- Abuse may be inflicted out of anger, hate, frustration, ignorance - or in the guise of discipline.
- Abuse, if ignored, is likely to get worse and lead to serious physical and emotional hurt - sometimes even death.
- There is no easy way to detect abuse or prevent it.

Suspected child abuse cases may be referred or reported to police by a variety of sources, including school teachers, doctors, nurses, coroners, neighbours, relatives, probation officers, social workers and members of the general public.

The police officer may receive the initial complaint from an informant over the telephone, or may be sent to a home or hospital when a report of abuse has been made.

The manner in which police respond to such referrals is particularly important. The police and the children's aid society have a duty both to protect children from abuse and to ensure that they are afforded the protection of the law.

In addition to accepting referrals from other agencies and individuals, law enforcement officers may often be the first to discover suspected cases of child abuse. This is particularly true in cases involving pre-school victims, because often no other agency will come in contact with these children.

Guidelines

Relationship between the Police and the Children's Aid Society

The police must immediately notify and consult with the local children's aid society upon receipt of a report of suspected child abuse. The children's aid society must notify and consult with the local police upon receipt of a report of suspected child abuse in accordance with a mutually agreed upon plan. At the time of notification and consultation, a decision should be made as to the most appropriate and effective means of investigation. This could involve joint investigation by the police and the children's aid society, or separate investigations jointly planned. There should be continuous sharing of information respecting the investigation.

Police and children's aid societies should be jointly involved, wherever possible, in decisions concerning the protection of the child. Primary responsibility for the protection of a child shall, however, rest with the local children's aid society.

Where possible, the police should consult with the children's aid society, and other involved agencies and professionals, prior to laying charges. Primary responsibility for the enforcement of law and the prosecution of offenders rests, however, with the police.

Police and children's aid societies should work together to develop a better understanding of each other's concerns, responsibilities and problems. They should exchange information and training materials on child abuse. Police and children's aid

societies should both be involved in local child abuse teams and in conferences regarding child abuse. They should also involve social workers, doctors, nurses, lawyers, judges, and teachers, in order that these people, who are likely to become involved in cases of abuse, will be kept informed of all aspects of the problem - including indications of abuse, investigations, reporting procedures, legislation and referral practices.

Police and children's aid societies should jointly develop a working agreement specifying their respective roles and responsibilities.

General Principles in Investigating and Assessing Child Abuse Cases

The overall purpose of law enforcement agencies is the protection of society. In addition, there are objectives and principles pertaining to child abuse interventions. They are:

1. to protect the child;
2. to ensure that abuse is not repeated;
3. to minimize emotional trauma for the child;
4. to apprehend and prosecute offenders; and,
5. where appropriate, to support the child and the family in treatment programs.

Every child reporting an incident of abuse, especially of sexual molestations, should be presumed to be telling the truth in the absence of any evidence to the contrary. False accusations by children are rare. Sometimes children may deny the alleged incident, or distort the truth, to protect a perpetrator of abuse when that person is a member of the child's family.

Every case reported should be viewed as one involving a child who is in need of protection and support and who is a member of a potentially dysfunctional family.

In joint interviews involving police and the children's aid society, all necessary information should be gathered, so as to ensure that the child has to tell his own or her story only once.

Effective multi-disciplinary co-operation and the timely exchange of information among the various professionals concerned, are essential at every stage of the intervention process. The initial assessment should involve the police, child protection workers and medical services personnel. Decisions about the protection of the child should be made in consultation with appropriate legal, medical and other professionals.

The meshing of legal considerations, protection, and social treatment is also of prime importance in producing positive changes in the family where the abuse has occurred.

When charges are being considered, early involvement of the Crown Attorney is recommended so that the best interests of the child, the family, and the public at large are served.

Information, counselling, and other support services should be provided by the appropriate social agencies to every child and family member in cases of abuse.

Conducting the Investigation

The police may become involved at any of a number of stages in the investigation process, and to some extent investigative strategies depend upon when officers enter the case and what has already been done. Many cases of child abuse and/or neglect involve a pattern of parental behaviour over an extended period, so a single incident may be difficult to identify and may not even be central to the case as a whole.

Gathering evidence in a child abuse case can be an extremely difficult task. Parents and/or guardians may be reluctant to offer any information or may

be actively hostile. The child concerned may be too young or too frightened to talk to the investigator. Potential witnesses - relatives, friends and neighbours - will often prefer to remain silent and avoid interfering in a "family problem".

The goals of a child abuse investigation include:

- Determining whether the allegations are valid. (Has abuse actually occurred?)
- Assessing the safety of the child. (Is the child safe in his or her present environment? Is the child safe in the care of his or her parents or guardians?)
- Determining the appropriate action to take, in particular whether intervention by the police is warranted. (Does the child need protective custody? Should there be a charge or arrest? Again, consultation with the local children's aid society will obviously be desirable.)
- Collecting and preserving evidence. (Are there witnesses? Admissions of liability? Obvious physical instruments of abuse? Has there been a medical examination? Would photographic evidence be useful?)

Although the primary aim of a police investigation is the discovery of evidence to determine whether a crime has been committed and, if so, to charge and prosecute the offender, those involving child abuse are equally concerned with the protection and future welfare of the victim. Peace officers are given the power of child protection workers for the purpose of apprehending with or without a warrant. (See Appendix I, Sec. 40(17).)

Protective Custody

Police officers have the authority to apprehend children in those situations where there are reasonable grounds to believe that a child is in need of protection. A warrant must be obtained to remove a child unless there would be substantial risk to

the child caused by the time needed to obtain a warrant. In executing a warrant or in an emergency, a police officer has the authority to enter a premises, by force if necessary, to search for and remove the child to a place of safety. (See Appendix I, Sec. 40.)

The decision as to whether a child is safe in a home may be the most crucial factor in the investigation of a child abuse case.

If the child is considered to be at substantial risk, it is the police officer's duty to ensure the child's safety before proceeding with the investigation. A decision to remove a child may cause disruption - but, on the other hand, failure to take such action in extreme cases, may result in the death of the child. When possible, decisions in these cases should be made in consultation with the local children's aid society.

In deciding whether the apprehension of a child is warranted, the police officer should be guided by the consideration of certain factors. Since there are many types of abuse, abusers, and abused children, the following factors are neither exhaustive nor must they all be present in order to reach a decision to remove a child:

- Maltreatment in the home, whether actual or potential, is such that a child may suffer permanent physical or mental damage if left there.
- The child is in need of immediate medical and/or psychiatric care and the parents refuse to obtain it.
- The child's age, physical or mental condition render him or her incapable of self-protection, or for some reason, are characteristics that the parents find intolerable.
- Evidence suggests that the parents are torturing the child, or systematically resorting to physical force in excess of reasonable discipline.
- The physical and/or emotional environment of the home pose an immediate threat to the child.

In addition, the investigating officer may consider the following "signals", if they are accompanied by evidence of physical or emotional harm:

- Parental anger toward the child, and punishment or retaliation because of the investigation itself. Such information could be gleaned through a review of past parental behaviour, statements and behaviour of parents during an investigatory interview, and/or information from others familiar with the family.
- Evidence suggesting that the parents or guardians are so out of touch with reality that they cannot provide for the child's basic needs.
- A history of the child being "hidden" by the family from the social authorities with whom the child would normally meet - doctors, home-visiting nurses, and social workers.
- A history of child abuse.
- Resistance by parents or guardians to investigation.

The "Place of Safety"

Under normal circumstances, the decision to remove the child should be that of the children's aid society. Only in emergency situations should the police take such action, bearing in mind that they have no authority to "place" children apprehended, apparently in need of protection, with neighbours or relatives. By statute they are confined to removing the child they deem to be in danger and delivering him/her to a "place of safety" as defined by law. Each locality will have its own designated place of safety. Police officers should confer with the local children's aid society for lists. (See Appendix I, Sec. 37(1Xe).)

Certain settings (i.e. open detentions and open custody) may be designated as places of safety for children who cannot be contained in a less restrictive resource.

Methods of Investigation

Police in child abuse cases, as in other investigations, collect their material through the following four methods:

1. interviews,
2. observations,
3. the gathering of physical evidence, and
4. searches of records.

1. Conducting Interviews

As trained police officers are well aware from their own experience, most of the information will be gleaned through interviews with those who have knowledge of the case in question - parents, siblings, relatives, neighbours, baby-sitters, doctors, nurses, teachers, social workers and others familiar with the family.

But because cases of child abuse involve such questions as the future welfare of the victim and the integrity of the family as a whole, some specific suggestions on methods of interviewing may be useful here.

The most important interviews will be with the family itself - both in terms of gathering evidence and of helping create an atmosphere which might allow for constructive changes within the family relations. Many professionals with experience in cases of child abuse and neglect suggest that successful rehabilitation within families where such problems have occurred begins - and largely depends - on the initial contacts such families have with the social agencies involved.

For police officers involved in the early stages of an investigation, the following suggestions may be helpful:

The Parents

Once the parents or guardians have been permitted to express their feelings concerning the investigation, the most successful approach, in general,

starts with the police officer encouraging them to tell their side of the story. This lets the parents or guardians know that the investigator is impartial and intends to get all sides of the story, and gives them a sense that what they say is important.

In conducting interviews, the appropriate procedures applicable to the interviewing of any witness to, or suspect of, a criminal occurrence should be followed.

The Child

The child may have gone through a traumatic experience. The investigator should, therefore, begin the interview by making every attempt to relieve the child's anxiety. The child should be informed of his/her parent's awareness of the interview, its purpose, the parent's permission (if obtained), and how the response will be used. The child should be allowed to talk freely about any concerns regarding retaliation or confidentiality before being asked to give information about the case. When talking with the child, the officer should not be critical of the parents, but must be reassuring that the child is not to blame.

2. Observations

The police officer's observations during the course of an investigation are a major source of information, and should be recorded in detail in order to provide effective testimony, if and when the case goes to court.

The officer should document facts such as the physical setting and condition of the home - including eating and cooking facilities, plumbing fixtures, electrical fittings and outlets, lighting, ventilation, cleanliness and tidiness and the state of basic amenities such as beds. The officer should also record general observations on the physical condition of all the children in the home - such as the clothing, overall appearance and, especially, existence of any visible injuries.

3. Collecting Evidence

In cases of physical abuse, medical testimony is essential in establishing the extent of the victim's injuries or poor state of health, and in identifying the likely causes.

Photographs of injuries are especially effective as evidence in cases of child beating or burning. Court trials in such cases often do not take place until bruises, swellings or burns have healed. Colour photographs are preferable, as they obviously provide more graphic evidence as to the nature and extent of injuries'.

Physical objects which might constitute important evidence in child abuse cases include instruments used in a beating, such as whips, belts, electrical cords, paddles, or any instruments of "torture". In cases involving burns to a child, the officer may identify and preserve the source of heat, such as a cigarette lighter, an iron, or an electric grill or hot plate.

In sexual abuse cases, much of the tangible evidence is based on laboratory tests of physical examinations. If the investigation occurs soon enough after the act, evidence might include such things as semen, blood, fecal matter, saliva, pubic hair, vaginal and/or anal smears. Other types of material evidence in sexual abuse cases may include clothing, or implements, such as ropes, chains and knives, used by the abuser.

When investigating a case in which a child has died, the terminal position of the body and the findings surrounding the child's death, whether or not they appear unusual at the time, are of considerable significance. Occasionally, the terminal position of a baby in a crib may indicate the mechanism of death when a subsequent post-mortem examination is inconclusive.

All such deaths should be treated with suspicion and the appropriate procedures of a homicide investigation adopted until it is determined otherwise.

The Ministry of Community and Social Services is required to maintain a central child abuse register specifically for purposes of monitoring, tracking, diagnosis and research. The register contains information on verified child abuse. (See Appendix I, Sec. 71.)

The information is classified as confidential and available to a police officer, but only when authorized in writing and directed by a coroner for the purpose of an investigation or inquest under the Coroners Act. A children's aid society case worker does, in the normal course of events, have access to this information for investigative purposes.

Canadian Police Information Centre

Police should check their own records as well as those of the Canadian Police Information Centre (CPIC) to determine if the alleged abuser is known.

While police officers have a vital and central role in preventing and prosecuting cases of child abuse, their guiding principle should be the safety of the child at risk. As well, they are part of a team of professionals who are concerned with the future well-being of children and their families. Mutual co-operation and co-ordination among the agencies and individuals involved ensure the greatest potential for success.

Appendix I

Some relevant provisions of the Child and Family Services Act are as follows:

Child in Need of Protection

Section 37

- (1) In this Part,
 - (a) "child" does not include a child as defined in paragraph 6 of subsection 3 (1)** who is actually or apparently sixteen years of age or older, unless the child is the subject of an order under this Part;
 - (e) "place of safety" means a foster home, a hospital, and a place or one of a class of places designated as such by a Director under subsection 17(2) of Part I (Flexible Services), but does not include
 - (i) a place of secure custody as defined in Part IV (Young Offenders), or
 - (ii) a place of secure temporary detention as defined in Part IV;
- (2) A child is in need of protection where,
 - (a) the child has suffered physical harm, inflicted by the person having charge of the child or caused by that person's failure to care and provide for or supervise and protect the child adequately;
 - (b) there is a substantial risk that the child will suffer physical harm inflicted or caused as described in clause (a);

* *child means a person under the age of eighteen years

- (c) the child has been sexually molested or sexually exploited, by the person having charge of the child or by another person where the person having charge of the child knows or should know of the possibility of sexual molestation or sexual exploitation and fails to protect the child;
- (d) there is a substantial risk that the child will be sexually molested or sexually exploited as described in clause (c);
- (e) the child requires medical treatment to cure, prevent or alleviate physical harm or suffering and the child's parent or the person having charge of the child does not provide, or refuses or is unavailable or unable to consent to, the treatment;
- (f) the child has suffered emotional harm, demonstrated by severe,
 - (i) anxiety,
 - (ii) depression,
 - (iii) withdrawal, or
 - (iv) self-destructive or aggressive behaviour
 and the child's parent or the person having charge of the child does not provide, or refuses or is unavailable or unable to consent to, services or treatment to remedy or alleviate the harm;
- (g) there is a substantial risk that the child will suffer emotional harm of the kind described in clause (f), and the child's parent or the person having charge of the child does not provide, or refuses or is unavailable or unable to consent to, services or treatment to prevent the harm;
- (h) the child suffers from a mental, emotional or developmental condition that, if not remedied, could seriously impair the child's development and the child's parent or the person having charge of the child does not provide, or refuses or is unavailable or unable to consent to, treatment to remedy or alleviate the condition;

- (i) the child has been abandoned, the child's parent has died or is unavailable to exercise his or her custodial rights over the child and has not made adequate provision for the child's care and custody, or the child is in a residential placement and the parent refuses or is unable or unwilling to resume the child's care and custody;
- (j) the child is less than twelve years old and has killed or seriously injured another person or caused serious damage to another person's property, services or treatment are necessary to prevent a recurrence and the child's parent or the person having charge of the child does not provide, or refuses or is unavailable or unable to consent to, those services or treatment;
- (k) the child is less than twelve years old and has on more than one occasion injured another person or caused loss or damage to another person's property, with the encouragement of the person having charge of the child or because of that person's failure or inability to supervise the child adequately; or
- (l) the child's parent is unable to care for the child and the child is brought before the court with the parent's consent and, where the child is twelve years of age or older, with the child's consent, to be dealt with under this Part.

Commencing Child Protection Proceedings

Section 40

- (1) A society may apply to the court to determine whether a child is in need of protection.
- (2) A justice of the peace who is satisfied on the basis of a child protection worker's sworn information that,

- (a) there are reasonable and probable grounds to believe that a child is in need of protection; or
- (b) a child actually or apparently under the age of sixteen years has left or been removed from a society's lawful care and custody without its consent,

may, where he or she is also satisfied on the basis of the information that there are reasonable and probable grounds to believe that a less restrictive course of action is not available or will not protect the child adequately, issue a warrant authorizing a child protection worker to bring the child to a place of safety.

- (3) Where the court is satisfied, on a person's application upon notice to a society, that there are reasonable and probable grounds to believe that,
 - (a) a child is in need of protection, the matter has been reported to the society, the society has not made an application under subsection (1), and no child protection worker has sought a warrant under subsection (2) or apprehended the child under subsection (6); and
 - (b) the child cannot be protected adequately otherwise than by being brought before the court,the court may order,
 - (c) that the person having charge of the child produce him or her before the court at the time and place named in the order for a hearing under subsection 43 (1) to determine whether he or she is in need of protection; or
 - (d) where the court is satisfied that an order under clause (c) would not protect the child adequately, that a child protection worker employed by the society bring the child to a place of safety.

- (4) It is not necessary, in an application under subsection (1), a warrant under subsection (2) or an order made under subsection (3), to describe the child by name.
- (5) A child protection worker authorized to bring a child to a place of safety by a warrant issued under subsection (2) or an order made under clause (3) (d) may at any time enter the premises specified in the warrant or order, by force if necessary, and may search for and remove the child.
- (6) A child protection worker who believes on reasonable and probable grounds that,
 - (a) a child,
 - (i) is in need of protection, or
 - (ii) is actually or apparently under the age of sixteen years and has left or been removed from a society's lawful care and custody without its consent; and
 - (b) there would be a substantial risk to the child's health or safety during the time necessary to bring the matter on for a hearing under subsection 43 (1) or obtain a warrant under subsection (2),may without a warrant bring the child to a place of safety.
- (7) A child protection worker acting under this section may call for the assistance of a peace officer.
- (8) A child protection worker acting under subsection (6) or under a warrant issued under subsection (2) or an order made under clause (3) (d) may authorize the child's medical examination where a parent's consent would otherwise be required.
- (9) Where a child protection worker who brings a child to a place of safety under this section

believes on reasonable and probable grounds that no less restrictive course of action is feasible, the child may be detained in a place of safety that is a place of open temporary detention as defined in Part IV (Young Offenders).

- (10) A peace officer who believes on reasonable and probable grounds that a child actually or apparently under twelve years of age has committed an act in respect of which a person twelve years of age or older could be found guilty of an offence may apprehend the child without a warrant and shall, on doing so,
- (a) as soon as practicable, return the child to the child's parent or other person having charge of the child; or
 - (b) where it is not possible to return the child to the parent or other person within a reasonable time, take the child to a place of safety to be detained there until the child can be returned to the parent or other person.
- (11) The person in charge of a place of safety in which a child is detained under subsection (10) shall make reasonable efforts to notify the child's parent or other person having charge of the child of the child's detention so that the child may be returned to the parent or other person.
- (12) Where a child detained in a place of safety under subsection (10) cannot be returned to the child's parent or other person having charge of the child within twelve hours of being taken to the place of safety, the child shall be deemed to have been apprehended under subclause (6) (a) (i) as being apparently in need of protection.
- (13) Where a child is detained under this Part in a place of safety that has been designated as a place of open temporary detention as defined in Part IV (Young Offenders) and leaves the place without the consent of,

(a) the society having care, custody and control of the child; or

(b) the person in charge of the place of safety,

a peace officer, the person in charge of the place of safety or that person's delegate may apprehend the child without a warrant and,

(c) take the child to a place of safety to be detained until he or she can be returned;

(d) arrange for the child to be returned; or

(e) return the child, to the first-mentioned place of safety.

(14) Where a person authorized under subsection (6), (10) or (13) believes on reasonable and probable grounds that a child referred to in the relevant subsection is on any premises, the person may without a warrant enter the premises, by force if necessary, and search for and remove the child.

(15) A person authorized to enter premises under subsection (5) or (14) shall exercise the power of entry in accordance with the regulations.

(16) No action shall be instituted against a child protection worker or peace officer for any act done in accordance with this section, unless the act is done maliciously or without reasonable grounds.

(17) A peace officer has the powers of a child protection worker for the purpose of this section.

Duty to Report

Section 68

- (1) In this section and in sections 69,70 and 71, "to suffer abuse", when used in reference to a child, means to be in need of protection within the meaning of clause 37 (2) (a), (c), (e), (f) or (h).

- (2) A person who believes on reasonable grounds that a child is or may be in need of protection shall forthwith report the belief and the information upon which it is based to a society.
- (3) Despite the provisions of any other Act, a person referred to in subsection (4) who, in the course of his or her professional or official duties, has reasonable grounds to suspect that a child is or may be suffering or may have suffered abuse shall forthwith report the suspicion and the information on which it is based to a society.
- (4) Subsection (3) applies to every person who performs professional or official duties with respect to a child, including,
 - (a) a health care professional, including a physician, nurse, dentist, pharmacist and psychologist;
 - (b) a teacher, school principal, social worker, family counsellor, priest, rabbi, clergyman, operator or employee of a day nursery and youth and recreation worker;
 - (c) a peace officer and a coroner;
 - (d) a solicitor; and
 - (e) a service provider and an employee of a service provider.
- (5) In clause (4) (b), "youth and recreation worker" does not include a volunteer.
- (6) A society that obtains information that a child in its care and custody is or may be suffering or may have suffered abuse shall forthwith report the information to a Director.
- (7) This section applies although the information reported may be confidential or privileged, and no action for making the report shall be instituted against a person who acts in accordance with subsection (2) or (3) unless the per-

son acts maliciously or without reasonable grounds for the belief or suspicion, as the case may be.

- (8) Nothing in this section abrogates any privilege that may exist between a solicitor and his or her client.

Child Abuse Register

Section 71

- (1) In this section and in section 72,
 - (a) "Director" means the person appointed under subsection (2);
 - (b) "register" means the register maintained under subsection (5);
 - (c) "registered person" means a person identified in the register, but does not include,
 - (i) a person who reports to a society under subsection 68 (2) or (3) and is not the subject of the report, or
 - (ii) the child who is the subject of a report.
- (2) The Minister may appoint an employee of the Ministry as Director for the purposes of this section.
- (3) A society that receives a report under section 68 that a child, including a child in the society's care, is or may be suffering or may have suffered abuse shall forthwith verify the reported information, or ensure that the information is verified by another society, in the manner determined by the Director, and if the information is verified, the society that verified it shall forthwith report it to the Director in the prescribed form.
- (4) No action or other proceeding for damages shall be instituted against an officer or employee of a society, acting in good faith, for an act done in the execution or intended exe-

cution of the duty imposed on the society by subsection (3) or for an alleged neglect or default of that duty.

- (5) The Director shall maintain a register in the manner prescribed by the regulations for the purpose of recording information reported to the Director under subsection (3), but the register shall not contain information that has the effect of identifying a person who reports to a society under subsection 68 (2) or (3) and is not the subject of the report.
- (6) Despite the provisions of any other Act, no person shall inspect, remove, alter or permit the inspection, removal or alteration of information maintained in the register, or disclose or permit the disclosure of information that the person obtained from the register, except as this section authorizes.
- (7) A person who is,
 - (a) a coroner, or a legally qualified medical practitioner or peace officer authorized in writing by a coroner, acting in connection with an investigation or inquest under the *Coroners Act*; or
 - (b) the Official Guardian or the Official Guardian's authorized agent,may inspect, remove and disclose information in the register in accordance with his or her authority.
- (8) The Minister or the Director may permit,
 - (a) a person who is employed by,
 - (i) the Ministry
 - (ii) a society, or
 - (iii) a recognized child protection agency outside Ontario; or
 - (b) a person who is providing or proposes to provide counselling or treatment to a registered person,

to inspect and remove information in the register and to disclose the information to a person referred to in subsection (7) or to another person referred to in this subsection, subject to such terms and conditions as the Director may impose.

- (9) The Minister or the Director may disclose information in the register to a person referred to in subsection (7) or (8).
- (10) A person who is engaged in research may, with the Director's written approval, inspect and use the information in the register, but shall not,
 - (a) use or communicate the information for any purpose except research, academic pursuits or the compilation of statistical data; or
 - (b) communicate any information that may have the effect of identifying a person named in the register.
- (11) A child, a registered person or the child's or registered person's solicitor or agent may inspect only the information in the register that refers to the child or registered person.
- (12) A legally qualified medical practitioner may, with the Director's written approval, inspect the information in the register that is specified by the Director.
- (13) The Director or an employee of the Ministry acting under the Director's authority,
 - (a) shall remove a name from or otherwise amend the register where the regulations require the removal or amendment; and
 - (b) may amend the register to correct an error.
- (14) The register shall not be admitted into evidence in a proceeding except,
 - (a) to prove compliance or non-compliance with this section;

- (b) in a hearing or appeal under section 72;
- (c) in a proceeding under the *Coroners Act*; or
- (d) in a proceeding referred to in section 77 (recovery on child's behalf).

Definitions and Conditions of Abuse

Section 75

- (1) In this section, "abuse" means a state or condition of being physically harmed, sexually molested or sexually exploited.
- (2) No person having charge of a child shall,
 - (a) inflict abuse on the child; or
 - (b) by failing to care and provide for or supervise and protect the child adequately,
 - (i) permit the child to suffer abuse, or
 - (ii) permit the child to suffer from a mental, emotional or developmental condition that, if not remedied, could seriously impair the child's development.
- (3) No person having charge of a child less than sixteen years of age shall leave the child without making provision for his or her supervision and care that is reasonable in the circumstances.
- (4) Where a person is charged with contravening subsection (3) and the child is less than ten years of age, the onus of establishing that the person made provision for the child's supervision and care that was reasonable in the circumstances rests with the person.
- (5) No person having charge of a child less than sixteen years of age shall permit the child to,
 - (a) loiter in a public place; or

- (b) be in a place of public entertainment, unless accompanied by the person or by an individual eighteen years of age or older who is appointed by the person,

between the hours of midnight and 6 a.m.

- (6) Where a child who is actually or apparently less than sixteen years of age is in a place to which the public has access, unaccompanied by a responsible adult, between the hours of midnight and 6 a.m., a peace officer may apprehend the child without a warrant and proceed as if the child had been apprehended under subsection 40 (10) (child under twelve).
- (7) The court may, in connection with a case arising under subsection (2),(3) or (5), proceed under this Part as if an application had been made under subsection 40 (1) (child protection proceeding) in respect of the child.

Offences

Section 81

- (1) A person who contravenes,
 - (a) an order for access made under subsection 54 (1);
 - (b) subsection 68 (3) (reporting child abuse);
 - (c) subsection 70 (5) (disclosure of information obtained by court order);
 - (d) subsection 71 (6) or (10) (confidentiality of child abuse register);
 - (e) an order made under subsection 72 (8) (amendment of society's records);
 - (f) subsection 75 (3) or (5) (leaving child unattended, etc.);

(g) a restraining order made under subsection 76 (1);

(h) section 78 (unauthorized placement);

(i) any provision of section 79 (interference with child, etc.); or

(j) clause 80 (a) or (b),

and a director, officer or employee of a corporation who authorizes, permits or concurs in such a contravention by the corporation is guilty of an offence and on conviction is liable to a fine of not more than \$1,000 or, except in the case of a contravention of subsection 68 (3), to imprisonment for a term of not more than one year, or to both.

(2) A person who contravenes subsection 75 (2) (child abuse), and a director, officer or employee of a corporation who authorizes, permits or concurs in such a contravention by the corporation is guilty of an offence and on conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than two years, or to both.

(3) A person who contravenes subsection 41 (8) or 72 (11) (publication of identifying information) or an order prohibiting publication made under clause 41 (7) (c) or subsection 41(9), and a director, officer or employee of a corporation who authorizes, permits or concurs in such a contravention by the corporation, is guilty of an offence and on conviction is liable to a fine of not more than \$10,000 or to imprisonment for a term of not more than three years, or to both.

Appendix H

Resources to Help

Children's aid societies (See Appendix III)

Clergy and church synagogue programs

Day care centres

Employment counselling services

Hospitals and pediatricians

Housing and rental authorities

Information centres

Legal aid societies

Local child abuse committees

Local child abuse diagnostic and treatment teams

Marital counselling services

Mental health clinics

Parent education programs

Parent relief programs

Psychiatric services

Public health nurses

Recreational programs

Special education programs

Transition houses for women

Visiting homemaker services

Work retraining programs

Appendix III

Children's Aid Societies

Algoma
65 Willow Avenue
Sault St. Marie, Ontario
P6B 5B1
(705) 949-0162

Brant
Box 774
70 Chatham Street
Brantford, Ontario
N3T 5R7
(519) 753-8681

Bruce
Box 279
30 Park Street
Walkerton, Ontario
NOG 2V0
(519) 881-1822

Dufferin
299 Broadway
Orangeville, Ontario
L9W 1L4
(519) 941-1530

Durham*
Box 321
200 John Street West
Oshawa, Ontario
L1H 7L3
(416) 433-1551

Essex
690 Cataraqui Street
Windsor, Ontario
N9A 3P1
(519) 252-1171

Essex R. C.
Box 2306
Walkerville Postal Station
1700 Assumption Street
Windsor, Ontario
N8Y 4S2
(519) 256-4521

Frontenac
329 Johnson Street
Kingston, Ontario
K7L 1Y6
(613) 542-7351

Grey
Box 129
715-3rd Avenue East
Owen Sound, Ontario
N4K 5P1
(519) 376-7893

Haldimand*
Box 909
653 Broad Street West
Dunnville, Ontario
N1A 1T8
(416) 774-7471

Halton
467 Speers Road
Oakville, Ontario
L6K 3S4
(416) 844-8211

Hamilton-Wentworth
Box 1107, Station A
(143 Wentworth Street South
Hamilton, Ontario
L8N 4B9
(416) 522-1121

Hamilton-Wentworth R.C.
499 King Street East
2nd Floor
Hamilton, Ontario
L8N 1E1
(416) 525-2012

Hastings*
Box 186
363 Dundas Street W.
Belleville, Ontario
K8N 5A2
(613) 962-9291

Huron
46 Gloucester Thrace
Goderich, Ontario
N7A 1W7
(519) 524-7356

Kapuskasing*
Box 188
20 Stewart Avenue
Kapuskasing, Ontario
P5N 2Y3
(705) 335-2301

Kawartha-Haliburton
721 Vinette Street
Peterborough, Ontario
K9H 7E9
(705) 743-9751

Kenora*
R.R. 1
Ocean Avenue
Kenora, Ontario
P9N 3W7
(807)468-5508

Kent
Box 157
435 Grand Avenue West
Chatham, Ontario
N7M 5K3
(519) 352-0440

Lanark
Box 37
Sunset Boulevard
Perth, Ontario
K7H 3E2
(613) 267-4200

Leeds and Grenville*
Box 549
R.R. 1
Brockville, Ontario
K6V 5V7
(613) 342-0310

Lennox and Addington
41 Dundas Street West
Napanee, Ontario
K7R 1Z5
(613) 354-4744

London and Middlesex*
Box 848, Station B
164 Albert Street
London, Ontario
N6A 4Z5
(519) 434-8461

Muskoka*
Box 1200
Pine Street
Bracebridge, Ontario
POB 1CO
(705) 645-4426

Niagara Region*
Box 516
311 Geneva Street
St. Catharines, Ontario
L2R 6W5
(416) 937-7731

Nipissing
Box 1035
433 McIntyre Street West
North Bay, Ontario
P1B 2Z3
(705)472-0910

Norfolk*
Box 601
23 Argyle Street
Simcoe, Ontario
N3Y 1V6
(519) 426-4290

Northumberland*
230 Walton Street
Port Hope, Ontario
L1A 1P2
(416) 885-8131

Ottawa
1370 Bank Street
Ottawa, Ontario
K1H 7Y3
(613) 733-0670

Oxford*
Box 312
92 Light Street
Woodstock, Ontario
N4S7X6
(519) 539-6176

Parry Sound
76 Church Street
Parry Sound, Ontario
P2A 1Z1
(705) 746-9354

Payukotayno:
James and Hudson Bay*
P.O. Box 336
Moosonee, Ontario
POL 1Y0
(705) 336-2996

Peel
10 Peel Centre Drive
Brampton, Ontario
L6T 4B9
(416) 791-5151

Perth
380 Hibernia Street
Stratford, Ontario
N5A 5W3
(519) 271-5290

Porcupine and District
12 Elm Street North
Timmins, Ontario
P4N 6A1
(705) 264-4257

Prescott and Russell
Box 248
178 Main Street
Plantagenet, Ontario
KOB 1LO
(613) 673-5148

Prince Edward
Box 1510
6 Ross Street
Picton, Ontario
KOK 2T0
(613) 476-2765

Rainy River
Box 751
450 Scott Street
Fort Frances, Ontario
P9A 3N1
(807) 274-7787

Renfrew*
77 Mary Street
Suite 100
Pembroke, Ontario
K8A 5V4
(613) 735-6866

St. Thomas and Elgin
27 Southwick Street
St. Thomas, Ontario
N5R 3R7
(519) 631-1492

Sarnia-Lambton
171 Kendall Street
Point Edward, Ontario
N7V 4G6
(519) 336-0623

Simcoe
County Administration
Centre
Midhurst, Ontario
LOL 1X0
(705) 726-6587

Stormont, Dundas and
Glengarry
Box 983
27 Rue York Street
Cornwall, Ontario
K6H 5V1
(613) 933-2292

Sudbury-Manitoulin
1492 Paris Street
Sudbury, Ontario
P3E 3B8
(705) 522-8600

Tikinagan
P.O. Box 627
Sioux Lookout, Ontario
POV 2T0
(807) 737-3466

Timiskaming*
Box 1150
64 Government Road West
Kirkland Lake, Ontario
P2N 3M7
(705) 567-9201

Thunder Bay
Box 2027, Station P
309 South Court Street
Thunder Bay, Ontario
P7B 5E7
(807) 344-9124

Toronto
33 Charles Street East
Toronto, Ontario
M4Y 1R9
(416) 924-4646

Toronto R. C.
26 Maitland Street
Toronto, Ontario
M4Y 1C6
(416) 925-6641

York*
Box 358
85 Eagle Street West
Newmarket, Ontario
L3Y 4X7
(416) 895-2318

Jewish Family and
Child Service
4600 Bathurst Street
6th Floor
Willowdale, Ontario
M2R 3V3
(416) 638-7800

Waterloo
355 Charles Street East
Kitchener, Ontario
N2G 2P8
(519) 576-0540

Weechi-it-to-win*
P.O. Box 812
Fort Francis, Ontario
P9A 3N1
(807) 274-3201

Wellington**
Box 1088
55 Delhi Street
Guelph, Ontario
N1H 6N3
(519) 824-2410

*Name is Family and Children's Services
"Name is Children's Aid Society and Family Counselling Service
* * *Name is Child and Family Services