

Report to a Child Protection Agency

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Introduction

Simcoe Muskoka District Health Unit (SMDHU) employees and students come in contact with children and their families as a result of their work. In the course of providing SMDHU programs and services, employees and students may have cause to involve a Child Protection Agency out of concern for the health, safety and/or wellbeing of a child.

The Child, Youth and Family Services Act (CYFSA) Section 125(1) states that professional persons and officials have the same duty as any member of the public to report a suspicion that a child is in need of protection. The CYFSA recognizes, however, that persons working closely with children have a special awareness of the signs of child abuse and neglect, and a particular responsibility to report their suspicions. The CYFSA prescribes an offence for failure to report a suspicion and provides for a fine of up to \$1,000 upon conviction.

In addition to this policy, there are SMDHU program based protocols relating to reporting obligations that are required to be followed that are more specific.

It should be noted that referrals may occur to a Child Protection Agency in order for clients to access a variety of services provided at any time during the prenatal period, at the time of birth or at any stage of a child's development. A referral requires client consent.

Purpose

The purpose of this policy is to inform Simcoe Muskoka District Health Unit employees and students of the parameters within which a report to a Child Protection Agency will take place.

Legislative Authority

Child, Youth and Family Services Act, 2017.S.O. 2017, c. 14 (Last amendment: 2022, c.2, Sched. 3.).

Bill C-92, *An Act respecting First Nations, Inuit and Metis children, youth and families* (2019).

Policy Definitions and Interpretation

For the purposes of this policy, a "Child Protection Agency" refers to either:

- a Children's Aid Society (CAS, which in our catchment area is named Simcoe Muskoka Family Connexions (SMFC))
- or an Indigenous Child and Family Well-Being Agency (for our catchment area, this is Dnaagdawenmag Binnoojiyag Child & Family Services (DBCFS))

For the purposes of this policy a "report" is defined as the report of an individual or family to a Child Protection Agency as required by the duty to report. A report to a Child Protection Agency does not require client consent.

Child: As per the Child, Youth and Family Services Act child refers to a person less than 18 years of age.

The following definitions of abuse and neglect were extracted from [Ontario Association of Children's Aid Societies](#) website (extracted from website November 2, 2023):

Child abuse includes physical, emotional and sexual abuse and/or neglect. It also addresses a pattern of abuse and risks of harm.

Physical abuse is any deliberate physical force or action, by a parent or caregiver, which results, or could result, in injury to a child. It can include bruising, cuts, punching, slapping, beating, shaking, burning, biting or throwing a child. Using belts, sticks or other objects to punish a child can cause serious harm and is also considered abuse.

Neglect occurs when a caregiver fails to provide basic needs such as adequate food, sleep, safety, education, clothing or medical treatment. It also includes leaving a child alone or failing to provide adequate supervision.

Emotional abuse is a pattern of behaviour that attacks a child's emotional development and sense of self-worth.

Sexual abuse occurs when a child is used for the sexual gratification of an adult or an older child.

Policy

If any SMDHU employee or student in the performance of their duties suspects that a child is or may be in need of protection, that individual is obligated by the Child, Youth and Family Services Act to report these findings as soon as possible to the closest Child Protection Agency referred to as the Duty to Report.

The CYFSA Section 125(2) also refers to the ongoing, direct duty to report which states: "A person who has additional reasonable grounds to suspect that a child is or may be in need of protection shall make a further report under subsection (1) even if the person has made previous reports with respect to the same child". Therefore, in the event that a SMDHU employee or student is aware of additional concerns regarding a child who already has SMFC/DBCFS involvement that employee or student will report their concerns to SMFC/DBCFS.

CYFSA Section 125(3) states that "A person who has a duty to report a matter ... shall make the report directly to the society and shall not rely on any other person to report on their behalf." The person having information bears the responsibility of making the report directly to the Child Protection Agency.

Procedures

1. If an employee or student in the performance of their duties has reason to suspect that a child is in need of protection, the employee or student will immediately report via telephone to the appropriate Child Protection Agency.
 - a. When a child protection/child well-being report is made and either of the parents or child are known to have Indigenous heritage, or to identify as Indigenous, the report is made to DBCFS.

- b. Where no family member is known to be or identify as Indigenous, the report is made to SMFC.
 - c. Where there is uncertainty, the report will be made to either DBCFS or SMFC. (The receiving child welfare organization will ensure the matter goes to the appropriate agency for any required action or service).
2. a. Contact information for SMFC:
 - i. Simcoe County: (705) 726-6587 or 1-800-461-4236;
Fax: (705) 726-9788.
 - ii. District of Muskoka: (705) 645-4426 or 1-800-680-4426;
Fax: (705) 645-1905.
 - b. Contact information for DBCFS (Simcoe County and District of Muskoka):
1-844-523-2237.
 3. If during the course of agency work a situation arises where the reporting obligation is unclear the employee, or student must call to provide a report to SMFC/DBCFSW about the situation with a child protection agency.
 4. Following a telephone report, the employee or student will document the information upon which the decision to report was based according to established agency and/or program documentation procedures. The employee or student will inform their Program Manager of the report according to established communication procedures within the program.
 5. CYFSA section 125 (3) Person Must Report Directly states that “A person who has a duty to report...shall make the report directly to the society and shall not rely on any other person to report on the person’s behalf”. When a case of suspected or actual abuse or neglect comes to the attention of an employee or student indirectly by another person (i.e. a community member), the employee or student will advise that person that the responsibility to report cannot be delegated to them as a SMDHU employee or student, and the person should proceed with making a report to a Child Protection Agency. However, while the duty to report to a Child Protection Agency cannot be delegated to another individual, should the information lead the employee or student to suspect child abuse or believe neglect may or has occurred, then the duty to report would apply even though the other person is responsible for directly reporting to a Child Protection Agency.

Related Policies

IM0101 Personal Health Information Privacy Policy

Related Forms

Final Approval Signature: _____

Review/Revision History:

Revision: June 27, 2001

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