



Introduction to Reporting of Child Protection & Child Abuse

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Agenda

- Child Welfare structure in Manitoba
- Guiding Legislation
- Definitions of Abuse / in need of protection
- Revised Protocols & Reporting Handbook
- Duty to Report
- Protection for those who report
- How to Report
- Working together-to keep children safe
- Question Period

Whose job is it to keep children safe?

- great question





By the end of my presentation

- You will know:
 - What must be reported
 - How to report child abuse/child protection concerns
 - Why reporting is everyone's responsibility
- You will believe:
 - that working together keeps children safer.



CHILD WELFARE IN MANITOBA

- In Manitoba, child welfare services are provided by mandated Agencies reporting to four Authorities-First Nations South, First Nations North, Metis, and General.
- The Child and Family Services Act (CFSA) is the mandate under which services are provided.



Services Provided by Agencies

- Community Based Early Intervention
- Family Services
- Perinatal Services
- Foster Care
- Family Support / Differential Response
- Alternative Care
- Permanency Planning
- Adoption
- Abuse Investigation



Guiding Legislation

- The Child and Family Services Act
- The Criminal Code of Canada

- Are the two key pieces of legislation
- This guides all our mandated work including investigations



How legislation guides findings

- Police or criminal investigations are concluded in court and are based on “reasonable doubt”.
- CFS investigations are based on “law of probability”;
 - This allows for CFS to ensure the safety of children
 - Allows for a review of all the facts and inclusion of all data/information



Declaration of Principles

- safety, security and well-being of children and their best interests
- family is the basic unit of society
- family is the basic source of care and parents have the primary responsibility to ensure the wellbeing of their children.
- Families and children have the right to the least interference
- Children have a right to a continuous family environment
- Families and children are entitled to be informed of their rights and to participate in the decisions
- Families are entitled to receive preventative and supportive services
- Families are entitled to services which respect their cultural and linguistic heritage.
- Decisions to place children should be based on the best interests of the child
- Communities have a responsibility to promote the best interests of their children and families
- Indian bands are entitled to the provision of child and family services in a manner that respects their unique status as Aboriginal people.



Mandate of CFS & Parental Rights

- Protection of children
- Parents and guardians have a fundamental right and responsibility to raise their children and act in their best interest.
- CFS will step in when caregivers are unable and/or unwilling to protect their children.
- CFS will investigate reported concerns as this is their mandate



Reporting of Child Protection and Child Abuse Handbook

- The goal of this handbook is to create a more competent and efficient process of identifying and reporting child abuse.
- Professionals in Manitoba should be familiar with the Revised Manitoba Guidelines and the legal requirements involved in identifying and reporting children in need of protection
- The Reporting Handbook and Revised Guidelines are a resource for those involved in identifying, reporting and dealing with a child in need of protection, including child abuse.
- **Reporting of child abuse is mandatory**



Professional Protocols

- Child and Youth Care Practitioners
- Correction Staff
- Early Childhood Educators
- Nurses
- Physicians and Other Health Care Practitioners
- School Staff
- Social Workers



Who is to report child abuse?

- **In Manitoba, it is everyone's legal obligation to protect children by reporting suspected child abuse.**
- **You do not have to know for sure if a child is in need of protection.**
- **If, in your honest judgment, you believe that a child may not be safe, you are legally required to report it.**



Why are the Revised Provincial Guidelines Important?

- ***They incorporate legislative changes and explain the basic obligations under the CFS act to report a child in need of protection. The guidelines also outline the steps to be followed by the various disciplines involved in the investigation and management of child abuse and child protection.***
 - Page 11 in the handbook for more detail
 - Or Appendix A on page 130



Illustrations of a child in need of protection

- **Under section 17(1) of *The Child and Family Services Act*, a child is in need of protection, where “the life, health or emotional well-being of the child is endangered by the act or omission of a person.”**
- Subsection 17(2) of the act outlines specific examples where a child ought to be considered in need of protection.



A Child in Need of Protection is:

- (a) is without adequate care, supervision or control
- (b) is in the care, custody, control, or charge of a person
 - (i) who is unable or unwilling to provide adequate care, supervision or control of the child, or
 - (ii) whose conduct endangers or might endanger the life, health or emotional well-being of the child, or
 - (iii) who neglects or refuses to provide or obtain proper medical or other remedial care or treatment necessary for the health or well-being of the child or who refuses to permit such care or treatment to be provided to the child when the care or treatment is recommended by a duly qualified medical practitioner
- (c) is abused or is in danger of being abused, including where the child is likely to suffer harm or injury due to child pornography
- (d) is beyond the control of a person who has the care, custody, control or charge of the child
- (e) is likely to suffer harm or injury due to the behaviour, condition, domestic environment or associations of the child or of a person having care, custody, control or charge of the child
- (f) is subjected to aggression or sexual harassment that endangers the life, health, or emotional well-being of the child
- (g) is, being under the age of 12 years, left unattended and without reasonable provision being made for the supervision and safety of the child; or
- (h) is the subject, or is about to become the subject of an unlawful adoption under *The Adoption Act*, or of a sale under section 84.



Legal Definition of Child Abuse

- According to the Child and Family Services Act, abuse is *“the act or omission by any person where the act or omission results in*
 - a) physical injury to the child,*
 - b) emotional disability of a permanent nature in the child or is likely to result in such disability,*
 - c) sexual exploitation of the child with or without the child’s consent.*



The definition of child abuse has been expanded to include any person and is not limited to parents or persons having care, custody, control or charge of children.



Physical Abuse

- Can be deliberator or intentional assault or act by a person that results in or likely to result in physical injury or harm
- An act of omission (when one fails to act and a child is injured/abused)
- Physical Punishment – that results in an injury (intentional or not) is considered physical abuse



Spanking / is it physical abuse

- Sec 43 of Criminal Code of Canada states that a parent is “justified in using force of correction..if the force does not exceed what is reasonable under the circumstances”
- Teachers are NOT permitted to use physical punishment
- In Manitoba, Foster Parents are NOT permitted to use physical punishment



Seven criteria noted by Supreme Court of Canada

- Criteria used by Courts to determine if punishment is reasonable or abusive:
 - 1. Done by a parent
 - 2. child is between ages of 2-12, inclusive
 - 3. child is capable of learning from correction
 - 4. minor corrective force of a transitory and trifling nature
 - 5. no use of objects or blows/slaps to head
 - 6. Parent/caregiver is not angry or frustrated when using physical punishment
 - 7. it is not degrading, inhuman or harmful



Sexual Abuse including Sexual Exploitation

- Is when a child is used for the sexual gratification of another person with or without the child's consent
- Children exploited in the sex trade are not prostitutes or criminals. They are victims of abuse.
- Child Pornography (indecent images of children) is a pervasive form of sexual exploitation.



Sexual Abuse includes

- Touching or invitation to touch for a sexual purpose
- Oral, anal or genital penile penetration
- Sexual intercourse
- Other forms of penetration
- Fondling
- Genital contact without penetration
- Any acts used for sexual gratification



Sexual Exploitation

- when a child becomes engaged in sexual activities as a result of manipulation, coercion, in exchange for money, drugs, food, shelter.
- It can include:
 - Performing sexual acts in exchange for basic necessities of life
 - Involvement in sexually explicit activity for entertainment
 - Involvement with escort or massage parlour services (or on-line/listings for services)
 - Appearing in pornographic images



Child Pornography

- **In Manitoba it is mandatory to report all forms of child pornography.**
- Section 1(1) of the CFSA defines it as:
 - (a) a photographic, film, video or other visual representation, whether or not it was made by electronic or mechanical means,
 - (i) that shows a child engaged in, or depicted as engaged in, explicit sexual activity, or
 - (ii) the dominant characteristic of which is the depiction, for a sexual purpose, of a sexual organ of a child or the anal region of a child,
 - (b) any written material, visual representation or audio recording that advocates or counsels sexual activity with a child that would be an offence under The Criminal Code (Canada);
 - (c) any written material whose dominant characteristic is the description, for a sexual purpose, of sexual activity with a child that would be an offence under The Criminal Code (Canada), or
 - (d) any audio recording that has as its dominant characteristic the description, presentation or representation, for a sexual purpose, of sexual activity with a child that would be an offence under The Criminal Code (Canada).



How to report child pornography concerns

- ***If you have come across an image of child pornography, you need to make an online report to www.cybertip.ca.***
- ***If you know a child under 18 years of age who has been (or is) involved in child pornography or other forms of sexual exploitation, you have the legal duty to report the incident to your local child and family services (CFS) agency.***
- ***If you think the child is in immediate danger, call 911 or your local police.***



Age of Consent

- What is the age of consent for sexual activity?
- 16 years
- Remember “All sexual activity without consent, regardless of age is a criminal offence and a child welfare concerns”



Factors impacting age of consent

- A 16 yr old (age of consent) cannot consent if the sexual activity is exploitive.
- If the person is in a position of trust
- Close in age or peer group exception
 - Permits 14 & 15 yrs old to engage in sexual activity with someone who is less than 5 yrs older (if no position of trust/authority or dependency)
 - Permits 12 & 13 yr olds to consent to someone less than 2 yrs older (again unless exploitative)



Concerning Adult Behavior

- Some examples can be found on pg. 22
 - Walking in on a child changing
 - Asking a child about sexual activities
 - Telling a child sexually explicit jokes or showing them images/content
 - “accidentally touching”
 - Wrestling or snuggling
 - Bathing, showering, or pool activities
 - Physical restraints
 - Taking pictures
 - Adults displaying their bodies or changing



Emotional Abuse

- Involves acts where a child experience persistent rejection to humiliation, scapegoating or verbal attacks/put downs by a parent, caregiver or adult
- It is a series of events, a pattern of on-going abusive behaviour
- It has a negative impact on a child's self esteem
- Pg. 30 lists possible indicators



Child Neglect

- Is the failure of a child's primary caregiver to provide adequate food, clothing, shelter, supervision and /or medical care.
- Involves an act of omission resulting in or likely to result in harm or imminent risk of harm to a child
- Possible indicators listed on pg 31



Children with Disabilities

- Children with disabilities have unique risk factors
- Having a disAbility does not mean you will be abused however, there are some important factors to consider
- Section 12 (pg 115) describes the factors that increase risk



Factors to consider

- Power imbalance
- Symptoms of abuse may go unnoticed
- Compliance is rewarded
- Isolation
- Limited peers or adult contacts
- Limited understanding of boundaries
- Compromised ability to disclose

Duty to Report

- Why you must report?



Facts

- 1 in 3 girls (33.3 %)
- 1 in 4 boys (25%)
- How does this affect you?





Reporting facts

- Out of that 33.3% of child victims
- Only 21% report
- 12% result in criminal charges
- 6% result in convictions
- Recent research in Canada and UK depicts that 75-90% of non-contact offenders admit to contact offending.
- 85%-90% of all offenders know their victim
 - 45-50% of these are neighbors, friends, babysitter etc.
 - 10-15% are acquaintances or strangers



Reporting is the law

- When ever you reasonably believe a child is in need of protection or may be abused, neglected, exploited you **MUST** report to the CFS Agency.
- You do not have to know for certain; you just have to “reasonably believe” that a child(ren) is in need of protection.
- Staff are in a position of trust therefore behaviors and reporting expectations are at a higher degree



You don't have to know for sure,
just reasonably believe,

- If you think a child under 18 years of age is being abused, you have the **legal duty** to report your concern to your local child and family services (CFS) Agency
- 1-866-345-9241
- If you think a child is in immediate danger, call 911 or your local police station.



Referral Process

- Referrals within Winnipeg to go to ANCR as the Designated Intake agency;
944-4200
- Refer the matter to the child's social worker or the agency responsible (DIA- Designated Intake Agency) should the matter be outside city limits.
1-866-345-9241 will get you to the local intake agency in your area.



Reporting to CFS vs Parent Notification – it's complex

- Service providers are required to report abuse concerns directly to a CFS Agency
- A report to a parent clause was included in legislation to allow for safety items to be addressed, including
 - ensuring the immediate safety of a child
 - For example if the alleged person is a family member
 - Or if the identity of the alleged offender is unknown CFS will work to determine demographics as other children may be at risk (a loving parent cannot do this)
 - DO NOT discuss the referral to CFS with the parent
 - (pg 39)



Documenting the Situation

- Each protocol outlines “documenting the situation” (can vary slightly)
- There are key elements child welfare likes to have when receiving a report
- However, you are not conducting an interview so only collect what you know/can.
- Write down only the facts
- All the information is confidential



What to include in your referral

- Include basic demographic information such as names, addresses, phone numbers etc
- Your relationship to the child/ how you know or became aware of the child
- Any immediate safety concerns
- Provide your information so that as the Source of Referral you can be contacted at a later date.
- Provide a description of your concern; if you have specific information please provide this as well.
- As much information as you can write down or explain the better.
- Clarify how you came to be concerned or how you are aware of the concerns.
- If you kept detailed notes provide those to CFS.



How to handle an abuse disclosure

When receiving a disclosure:

Do:

- Listen to what the child is telling you, be sensitive.
- Stay calm and listen
- Go slowly
- Get essential facts but remember you are NOT conducting an interview, that is CFS's role
- Be supportive
- Don't make promises
- Tell the child what will happen next but only what you know for sure
- Take notes of what the child tells you.
- Report to CFS immediately
- Document what was said as soon as you can, and as accurately as possible – quote if/when you can

Don't:

- Interview the child – leave this for the investigating authority
- Ask leading or suggestive questions
- Try to comfort by providing possible explanations for the offence
- Talk to the child about your own or another person's experiences of abuse



Protection of the source of referral

- If you make a report you are protected under the CFSA
- No retaliatory action can be taken against someone who, in good faith, reports information about suspected child abuse.
- The person cannot be dismissed, suspended, demoted, disciplined, harassed or disadvantaged as a result of making a report.
- The identity of the informant (i.e.: the person making the report) will be protected and kept confidential except as required in the course of judicial proceedings or with the written consent of the informant.
- Also, the **identity of the informant is specifically protected from disclosure** to the alleged perpetrator or other parties involved.



Failure to Report

- The most serious consequence of not reporting is that the children are left vulnerable and unsafe.
- Failure to promptly report suspected child abuse or neglect could leave children at continuing risk and, in some situations, lead to death.
- Failure to report child abuse by professionals, service providers and/or the general public is viewed as a serious breach of legislation.
- Where a person fails to report a child in need of protection, the person commits an offence punishable on summary conviction leading to a fine of not more than \$50,000 or imprisonment of a term of not more than 24 months, or both.



Professionals who Fail to report

- The person may face his/her's Professional Associations internal penalties. (pg 89)
- The Director may make a report to the Professional governing/licensing body.
- The licensing body will investigate further.



You do not need permission to report

- It is the responsibility of the service provider who suspects child abuse, or to whom there has been a disclosure, to report the abuse.
- **The service provider does not need permission from his/her supervisor to make a report.**
- **You have a duty to report even when the information is obtained via your professional capacity.**



Abuse by Professionals

- This does occur
- Criminal and child welfare investigations will occur
- The employer is notified
- The governing body will be notified of criminal charges laid and outcomes of a child abuse investigation if the finding is abuse occurred.



Information Sharing

- Your job, after making the initial report, is to cooperate with the ensuing investigation by child abuse investigators and other authorities involved.
- **To ensure the best course of action is taken in every case, there will be mutual sharing of all relevant information by the agencies and professionals involved in the investigation and treatment process.**
- **Manitoba not only permits the sharing of information for ensuring child protection; it requires it.**



Information Sharing and Confidentiality

- Confidentiality can be perceived as a barrier to team formation and effective teamwork.
- **Manitoba legislation not only permits the sharing of information for the purposes of ensuring child protection; it requires it.**



Lets Work Together

- The handbook speaks to a Multidisciplinary and collaborative approach (pg. 45)
- The roles of :
 - Police
 - Physicians /Health Care Practitioners
 - Victim Services Branch
 - Child Abuse Committees
 - Chief Medical Examiner
 - Office of Children's Advocate



Working together

- The various protocols contained in the Handbook further enhance this value and approach
- Each protocol is the same but different/unique based on knowledge and roles
- Each protocol is used with the handbook and Revised Guidelines
- If there is no protocol you still are a work partner



Who is PACCA ?

- Provincial Advisory Committee on Child Abuse (PACCA)
- Is an inter-sectoral committee that has been in existence for decades
- Four key departments – Justice, Health, Education and Family Services & Labour
- FSL is the lead department
- Many others are part of PACCA
- www.pacca.mb.ca



Feelings – this work changes us

Shock, denial, disbelief, anger, pity and disgust are all common reactions to hearing abuse disclosures. All of these reactions must be dealt with in order to be able to provide appropriate support to the child.

Use of our own upbringing to gauge child care as good or bad, acceptable or unacceptable, may be inevitable; however, the process requires our being aware of what belongs to our personal lives alone, and what has general validity. Each situation demands individual judgment, which requires continual self-evaluation.

Self-awareness:

- Should help us so that when we are trying to help families, we neither accost them with anger nor over-identify with them
- Should ensure that we don't impose personal values on persons who are/were helpless and vulnerable.

UNLESS someone like you
cares a whole awful lot,
nothing is going to get better.
It's not.

—*The Lorax*





Closing Remarks

- TOGETHER WE KEEP CHILDREN SAFER BY SHARING OUR KNOWLEDGE, EXPERIENCE & INFORMATION
- Reasonable belief – that is how you decide
- Listen to kids and families
- Read & Use the Reporting Handbook including the Protocols



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