

Reporting Child Abuse and Neglect

March 2022

What is the Duty to Report?

The Child, Youth and Family Services Act, 2017 states we all have a shared responsibility to protect children from harm.

Section 125 of the CYFSA states that the public, including professionals who work with children, must promptly report any suspicions that a child is, or may be, in need of protection to a children's aid society (society). The CYFSA defines the phrase "child in need of protection" and explains what must be reported to a society. It includes physical, sexual and emotional abuse, neglect, and risk of harm.

Who is responsible for reporting a child in need of protection?

Anyone who has reasonable grounds to suspect that a child is, or may be, in need of protection must promptly report the suspicion and the information upon which it is based to a society. Section 125 (1) describes the specific circumstances that must be reported (See pages 8 to 11). [CYFSA s.125 (1)]

What are "reasonable grounds" to suspect child abuse or neglect?

It is not necessary for you to be certain a child is, or may be, in need of protection to make a report to a society. "Reasonable grounds" refers to the information that an average person, using normal and honest judgment, would need in order to decide to report.

What is the age of the children to whom the "duty to report" applies?

The duty to report applies to any child who is, or appears to be, under the age of 18. On January 1, 2018, Ontario raised the age of protection from 16 to 18. A professional, or member of the public, who is concerned that a 16-or 17- year-old is, or may be, in need of protection may, but is not required to, make a report to a society and the society is required to assess the reported information. [CYFSA, s. 125(4)]

What does an "ongoing duty to report" child abuse or neglect mean?

Even if you know a report has already been made about a child who is under 16, you must make a further report to the society if there are additional reasonable grounds to suspect that the child is, or may be, in need of protection. [CYFSA s.125 (2)]

Can I rely on someone else to report?

No. You must report directly to a society. You must not rely on anyone else to report on your behalf. [CYFSA s.125 (3)]

Do professionals and officials have any special responsibilities to report?

Professionals and officials have the same duty as the rest of the public to report their suspicion that a child is, or may be, in need of protection. However, the CYFSA recognizes that people working closely with children have a special awareness of the signs of child abuse and neglect, and a particular responsibility to report their suspicions. Any professional or official who fails to report a suspicion is liable on conviction to a fine of up to \$5,000, if they obtained the information in the course of their professional or official duties.

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Reporting is not mandatory in the case of 16- and 17- year-olds and the offence/penalty provisions don't apply. [CYFSA s.125 (5), (8), (9)]

Who does the CYFSA consider a person who performs professional or official duties?

- health care professionals, including physicians, nurses, dentists, pharmacists and psychologists
- teachers and school principals
- social workers and family counsellors
- religious officials
- operators or employees of a child care centre or home child care agency
- youth and recreation workers (not volunteers)
- peace officers and coroners
- child and youth service providers and employees of these service providers
- any other person who performs professional or official duties with respect to a child.

In addition to the professionals and officials outlined above, directors, officers or employees of a corporation also have a legislated duty to report if they have knowledge that a child who is under 16 is, or may be, in need of protection. [CYFSA s. 125 (8)]

These are examples only. If you are unsure whether you fall into any of these categories, ask your local society, or the legal counsel for your professional association, regulatory body, or organization. [CYFSA s.125 (6)]

What about professional confidentiality?

A professional must report that a child is, or may be, in need of protection, even when the information is otherwise confidential or privileged. This duty overrides any other provincial statutes, including the Personal Health Information Protection Act, 2004, and specifically overrides any provisions that would otherwise prohibit someone from making a disclosure. Only lawyers may not divulge "privileged" information about their clients. [CYFSA s.125 (10), (11)]

How do I contact a society or get more information?

You can find your local society in your local telephone listings or, where available, by dialing 411. In some communities, the society is known as "family and children's services" or "child and family services". You can also find information about all of Ontario's societies at oacas.org, the website of the Ontario Association of Children's Aid Societies. Anyone who has a reasonable suspicion that a child is, or may be, in need of protection must contact a society immediately. If you think the matter is urgent and you cannot reach the society, call your local police.

Source: [Reporting Child Abuse and Neglect: It's Your Duty - Your responsibilities under the Child, Youth and Family Services Act, 2017 \(gov.on.ca\)](#). Also, refer to Ministry of Education Policy/Program Memorandum 9, January 7, 2019 at: [Education in Ontario: policy and program direction: Policy/Program Memorandum 9 | Ontario.ca](#)