

Child abuse and the duty to report

Most of us are aware of our duty to report suspected instances of child abuse. However, I do speak with counsellors who, despite their commitment to uphold this duty, have not yet read the full extent of this responsibility as stated in the Act that outlines this statutory duty in the province in which they work. I thought, therefore, that it might be helpful to quote in this Notebook the complete text of this responsibility as stated in the Act in Newfoundland and Labrador (it is very similar in all other provinces). It is found in the **Child, Youth and Family Services Act, S.N.L. 1998 C-12.1**. Section 15 of this statute contains the Duty to Report. It states that any person in the course of their professional duties who has reasonable grounds to suspect that a child is in any of the circumstances as started in Section 14 shall immediately report the matter to a Director, a social worker, or a peace officer. In Section 2(1)(d) a child is defined as “..person actually or apparently under the age of 16 years.”

Under Section 14, a child is in need of protective intervention where the child is:

- (a) is, or is at risk of being, physically harmed by the action or lack of appropriate action by the child's parent;
- (b) is, or is at risk of being, sexually abused or exploited by the child's parent;
- (c) is emotionally harmed by the parent's conduct;
- (d) is, or is at risk of being, physically harmed by a person and the child's parent does not protect the child;
- (e) is, or is at risk of being, sexually abused or exploited by a person and the child's parent does not protect the child;
- (f) is being emotionally harmed by a person and the child's parent does not protect the child;
- (g) is in the custody of a parent who refuses or fails to obtain or permit essential medical, psychiatric, surgical or remedial care or treatment to be given to the child when recommended by a qualified health practitioner;
- (h) is abandoned;
- (i) has no living parent or a parent is unavailable to care for the child and has not made adequate provision for the child's care;
- (j) is living in a situation where there is violence; or
- (k) is actually or apparently under 12 years of age and has
 - i. been left without adequate supervision,

- ii. allegedly killed or seriously injured another person or has caused serious damage to another person's property, or
- iii. on more than one occasion caused injury to another person or other living thing or threatened, either with or without weapons, to cause injury to another person or other living thing, either with the parent's encouragement or because the parent does not respond adequately to the situation.

P.S. If you have not already done so I invite you to obtain a copy of our CCA publication Standards of Practice for Counsellors, and if you already have copy please tell others about it. And remember, your comments on anything that appears in the Notebook are always welcome.