



CHILD ABUSE

**Approved by
Independent Schools**

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The B.C. Handbook for *Action* on Child Abuse and Neglect

For Service Providers




BRITISH
COLUMBIA

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*As a service provider, you have a key
role to play in helping to keep children
safe, and this Handbook can help.*

If you think a child is being abused or neglected, you have the legal duty to report your concern to your local child welfare worker.

There is contact information available on page 57.

If it is after hours or you are not sure who to call, phone the Helpline for Children at 310-1234 at any time of the day or night. The Helpline call is free. You do not need an area code and you do not have to give your name.

If the child is in immediate danger, call 9-1-1 or your local police.

ABOUT THIS HANDBOOK

All of us - families, communities and service providers – share responsibility for the safety and well-being of British Columbia's children. That means we must all work together and, if we suspect that child abuse or neglect is taking place, we must report it to a child welfare worker.

The *United Nations Convention on the Rights of the Child*, to which Canada is a signatory, requires us to provide special protection and assistance to children to enable them to reach their full potential as adults. While parents are primarily responsible for ensuring a child's rights are upheld, government and community also have an important role to play in protecting children. For example, article 19 of the Convention requires government to take all appropriate measures to protect children from abuse and neglect while in the care of the parent or legal guardian.

As a service provider, you have a key role to play in helping to keep children safe, and this Handbook can help. A companion guide entitled *Responding to Child Welfare Concerns: Your Role in Knowing When and What to Report* is available for the general public, to help ensure that all British Columbians are able to recognize and take action on suspected child abuse and neglect. Both publications are available online at

www.mcf.gov.bc.ca/child_protection/publications.htm

Most children grow up in safe, secure families, but others need our help. And anyone with reason to believe a child is being abused or neglected – or at risk for abuse or neglect – where the parent is unwilling or unable to protect them, has a legal duty to report that concern. That is why it is so important to know the warning signs of child abuse and neglect, and to take the right action when we see them.

Purpose

This Handbook is designed to support an integrated, collaborative response to child abuse and neglect by:

- » providing information about identifying and reporting suspected child abuse and neglect
- » providing an overview of relevant law and government policies
- » clarifying the roles and shared responsibilities of service providers, including their accountability for responding to suspected child abuse and neglect, and
- » ensuring that responses to suspected child abuse and neglect in British Columbia are effective, consistent and sensitive to the needs of children.

Organization

This Handbook is organized into the following sections:

Working Together explains the roles and responsibilities of various groups and individuals, including service providers. Service providers include a wide range of employees, contractors and volunteers serving children and families.

Recognizing Child Abuse and Neglect defines child abuse and neglect, tells you how to recognize the possible indicators and provides advice on handling disclosures.

Responding to Child Abuse and Neglect sets out the steps to follow in responding to suspected child abuse and neglect. It includes guidance on:

- » talking to the child, and
- » reporting your concern.

It also explains what happens after you make a report, including the processes followed by child welfare workers and police.

For More Information provides contact information and links to additional resources.

If you think a child is being abused or neglected, you have the legal duty to report your concern to your local child welfare worker. There is contact information available on page 57.

If it is after hours or you are not sure who to call, phone the Helpline for Children at 310-1234 at any time of the day or night. The Helpline call is free. You do not need an area code and you do not have to give your name. If the child is in immediate danger, call 9-1-1 or your local police.

If you would like more information or clarification on any points, please contact your local Ministry of Children and Family Development (MCFD) office or your local Delegated Aboriginal Child and Family Services Agency. Staff will be pleased to answer your questions and meet with you in the community. For contact numbers and web links, check the "For More Information" section at the back of this Handbook.

Thank you for taking time to read this Handbook, and doing your part to help.

Glossary

A number of the terms used in this Handbook have specific meanings in the context of the British Columbia child welfare system. These are defined below to help ensure clarity and support a collaborative response to suspected child abuse and neglect.

*Note: child abuse and neglect are defined in detail in the **Recognizing Child Abuse and Neglect** Section of this handbook.*

Aboriginal: includes the Indian, Inuit and Métis peoples

Caregiver: a person who is legally responsible for a child's day-to-day care, for example, a foster parent

Child: in British Columbia, under the *Child, Family and Community Service Act (CFCSA)*, a child is anyone under the age of 19

Child welfare worker: a person delegated under the *CFCSA* to provide child welfare services, including responses to suspected child abuse and neglect

Delegated Aboriginal Child and Family Services Agency:

an organization that provides culturally-appropriate services to Aboriginal children and families, and whose child welfare workers have delegated authority under the *Child, Family and Community Service Act* to provide child welfare services, including responses to suspected child abuse and neglect

Director: a person designated by the Minister of Children and Family Development under the *Child, Family and Community Service Act*. The director may delegate any or all of his/her powers, duties and responsibilities under the Act

Parent: the mother of a child; the father of a child; a person to whom custody of the child has been granted by a court order or agreement; or a person with whom the child resides and who stands in place of the child's mother or father

Service provider: any of a wide range of employees, contractors and volunteers who provide services for children and families, including:

- » child care providers
- » child and family mental health counsellors
- » child welfare workers
- » coroners
- » facilitators and analysts employed by Community Living British Columbia
- » paramedics
- » physicians and other health care practitioners
- » police
- » teachers and other school board employees and personnel
- » transition house staff
- » victim service workers
- » youth justice workers, and
- » youth service workers.



***Communities play an integral role
in responding to suspected
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Working Together

If you think a child is being abused or neglected, you have the legal duty to report your concern to your local child welfare worker.

There is contact information available on page 57.

If it is after hours or you are not sure who to call, phone the Helpline for Children at 310-1234 at any time of the day or night. The Helpline call is free. You do not need an area code and you do not have to give your name.

If the child is in immediate danger, call 9-1-1 or your local police.

WORKING TOGETHER

Roles and Responsibilities

The primary responsibility for children's safety and well-being rests with their parents. Where a parent is unwilling or unable to care for a child or protect the child from harm, child welfare workers are authorized to intervene.

Communities also play an integral role in responding to suspected child abuse and neglect. For example, the *Child, Family and Community Service Act (CFCSA)* states that Aboriginal people should be involved in planning and delivery of services to Aboriginal children and their families, and that the community should be involved, wherever possible and appropriate, in the planning and delivery of services to families and children.

MINISTRY OF CHILDREN AND FAMILY DEVELOPMENT

In British Columbia, the Ministry of Children and Family Development (MCFD) has lead responsibility for responding to suspected child abuse and neglect. Child welfare workers employed by MCFD are delegated under the *CFCSA* to assess reports, provide support services, investigate as needed and collaborate with other service providers, such as police, school personnel, health practitioners, etc. to help ensure the safety and well-being of children.

DELEGATED ABORIGINAL CHILD AND FAMILY SERVICES AGENCIES

The *CFCSA* recognizes the importance of preserving the cultural identity of Aboriginal children and maintaining their kinship ties and attachment to extended family. It also specifically states that Aboriginal people should be involved in planning and delivering services to Aboriginal children and families.

Consistent with these principles, MCFD has formal agreements with many Aboriginal communities, enabling them to operate their own child and family services agencies with delegated authority under the *CFCSA*. Delegated Aboriginal Child and Family Services Agencies work to ensure that Aboriginal children and families are served in ways that are culturally appropriate, reflecting their unique needs, strengths and circumstances.

As of July 1, 2006, 24 Delegated Aboriginal Child and Family Services Agencies were operating in British Columbia. Of these:

- » some were at the start-up phase, meaning that their child welfare workers did not yet have delegated authority under the *CFCSA*
- » some were authorized to develop resources and provide voluntary services, such as counselling and family supports
- » some had further authority to provide guardianship services for children in care (in addition to voluntary services), and
- » some were authorized to provide the full range of services including child protection. Child welfare workers in these agencies have the same delegated authority as MCFD to respond to reports of suspected child abuse or neglect.

For an up-to-date list of Delegated Aboriginal Child and Family Services Agencies, including contact information and the services they are delegated to provide, go to: www.mcf.gov.bc.ca/about_us/aboriginal/delegated/pdf/agency_list.pdf

POLICE

Police officers and child welfare workers have complementary roles in responding to reports of suspected child abuse or neglect. Police have authority under the *Criminal Code of Canada* and the *Child, Family and Community Service Act* to respond:

- » when a child is in immediate danger, and
- » when a criminal offence against a child is suspected.

When an officer has reasonable grounds to believe that a child's safety or well-being is in immediate danger, the officer has authority to take charge of the child and notify a child welfare worker as quickly as possible.

Where a criminal offence against a child is suspected, police may investigate, working in collaboration with child welfare workers.

Many abused and neglected children are also victims of offences under the *Criminal Code*, such as:

- » physical or sexual assault / exploitation
- » sexual exploitation
- » failure to provide the necessities of life, or
- » criminal negligence causing bodily harm.

If you believe a child is in immediate danger call 9-1-1 or your local police. Police can respond immediately and contact a child welfare worker once the child is safe.

SERVICE PROVIDERS

As someone who works with children, you have opportunities to speak with them, observe their behaviour and possibly notice changes over time. For purposes of this Handbook, the term "service providers" refers to everyone working with children and families as an employee, contractor or volunteer.

As a service provider, your role is to be aware of, and alert to, signs of child abuse or neglect. If you have reason to suspect that a child has been, or is likely to be, at risk for abuse or neglect, you have a duty to report your concern to a child welfare worker. If the child is in immediate danger, call police first.

Depending on the kinds of services you offer, you may also have an important role to play in responding to child abuse or neglect. This is usually determined on a case-by-case basis.

Legislation, Principles and Protocols

LEGISLATION

Child, Family and Community Service Act

The *Child, Family and Community Service Act* is the legislative authority for child welfare in British Columbia. Its fundamental guiding principle is that the safety and well-being of children are the paramount considerations.

The CFCSA is available online at
www.qp.gov.bc.ca/statreg/stat/C/96046_01.htm

Criminal Code of Canada

The other legislation that plays an essential role in ensuring the safety and well-being of children is the *Criminal Code of Canada* (*Criminal Code*). The *Criminal Code* provides the justice system with the legal authority to enforce criminal law as it applies to the abuse and neglect of children. It establishes criminal offences, procedures for investigation, and prosecution and sanctions for offenders.

The *Criminal Code* is available online at
<http://laws.justice.gc.ca/en/C-46/>

PRINCIPLES

The *Child, Family and Community Service Act* is guided by the following principles, which – in a collaborative setting – inform all parties serving children and families:

- » the safety and well-being of children are the paramount considerations
- » children are entitled to be protected from abuse, neglect, harm or threat of harm
- » a family is the preferred environment for the care and upbringing of children and the responsibility for the protection of children rests primarily with the parents
- » if, with available support services, a family can provide a safe and nurturing environment for a child, support services should be provided
- » the child's views should be taken into account when decisions relating to a child are made
- » kinship ties and a child's attachment to the extended family should be preserved if possible
- » the cultural identity of Aboriginal children should be preserved, and
- » decisions relating to children should be made and implemented in a timely manner.

Child welfare workers take the least disruptive action possible to help ensure a child's safety and well-being.

In addition to the guiding principles above, the *CFCSA* sets out the following service delivery principles:

- » families and children should be informed of the services available to them and encouraged to participate in decisions affecting them
- » Aboriginal people should be involved in the planning and delivery of services to Aboriginal families and their children
- » services should be planned and delivered in ways that are sensitive to the needs and the cultural, racial and religious heritage of those receiving the services
- » services should be integrated, wherever possible and appropriate, with services provided by government ministries, community agencies and Community Living British Columbia, and
- » the community should be involved, wherever possible and appropriate, in the planning and delivery of services, including preventive and support services to families and children.

PROTOCOLS

Protocols provide clear guidance on what to report and how different agencies and organizations work together to respond to suspected child abuse and neglect. You should be familiar with any protocols and/or guidelines your organization has in place. Following protocols at all levels helps to ensure an effective, collaborative response to child abuse and neglect in British Columbia. In case of any inconsistency between protocols and the *Child, Family and Community Service Act*, the *Act* takes precedence.

Protocols are written agreements that set out specific details of how the parties work together. They help ensure that everyone is clear on roles, responsibilities and channels of communication – and they may involve any number of parties.

Protocols between and among organizations

Many organizations have signed provincial, regional or local protocols with the Ministry of Children and Family Development or Delegated Aboriginal Child and Family Services Agencies. Protocols – and the discussions that lead to their development – help to solidify and clarify commitments to a collaborative response to suspected child abuse and neglect.

For example, MCFD and Delegated Aboriginal Child and Family Services Agencies have provincial, regional and local protocols with provincial ministries, boards of education, health authorities, professional associations and other partners, clarifying the roles and working relationships among:

- » public school employees
- » police (municipal and RCMP)
- » physicians and other health care practitioners
- » coroners
- » victim services workers
- » child welfare workers, and
- » employees of Community Living British Columbia.

Independent school personnel follow the guidelines in "Supporting Our Students: A Guide for Independent School Personnel Responding to Child Abuse".

Protocols may also be in place between Delegated Aboriginal Child and Family Services Agencies and band-run schools.

If your employer or professional organization has a protocol in place with MCFD or a Delegated Aboriginal Child and Family Services Agency, you should be familiar with it. Check with your supervisor or the head of your organization.

If you would like to develop or review protocols on reporting and responding to suspected child abuse and neglect with your local MCFD office or Delegated Aboriginal Child and Family Services Agency, contact them directly. For phone numbers and web links, check the "For More Information" section at the back of this Handbook.

Protocols and guidelines within organizations

In addition to external protocols, such as those with MCFD or Delegated Aboriginal Child and Family Services Agencies, many organizations have their own, internal protocols and/or guidelines addressing their response to suspected child abuse and neglect.

These internal protocols complement this Handbook, providing detailed direction on issues such as:

- » specific roles and responsibilities within the organization, and
- » additional reporting information; for example, when reporting suspected abuse or neglect to a child welfare worker, employees may also be required to report to someone responsible within their organization, such as a supervisor or principal.

Information Sharing

Sharing information is a critical part of a collaborative response to suspected child abuse and neglect. Many organizations serving children and families receive information in confidence. But children's health and safety must be paramount.

That is why the *Child, Family and Community Service Act* (Section 96) gives child welfare workers the right to access any information held by a public body, where that information is necessary to carry out their duties. "Public bodies" include many provincial agencies and organizations serving children and families.

In most cases, your duty to report suspected child abuse or neglect overrides your duty to protect the privacy of clients, patients, students, staff or colleagues. The only exceptions are:

- » solicitor-client privilege, and
- » confidentiality provisions of the federal *Youth Criminal Justice Act*.

If you report suspected child abuse or neglect, your name will be kept confidential, unless it is required for purposes of a court hearing. This is a requirement under the *Child, Family and Community Service Act*. Information about what is reported is shared with a child's family only to the extent needed to respond to concerns about the child's safety and well-being.

You may also need to share information with other professionals, family members or a child's Aboriginal community as part of a collaborative response to child abuse or neglect.

The primary objective of sharing information is to help ensure the safety and well-being of children. Child welfare workers are legally entitled to access any information held by a public body, where that information, in the opinion of the child welfare workers, is needed to carry out their duties.

Generally, as noted above, information may be shared on an as-needed basis to help ensure a child's safety and well-being. In many cases, specific guidance on information sharing is provided in protocols and/or guidelines. You should also be familiar with any provisions specifically related to your workplace.

The table below provides an overview of which information and privacy legislation may apply to you as a service provider. For further direction, talk to the person in your organization who is responsible for information-sharing policy.

LEGAL BASIS FOR COLLECTING AND SHARING INFORMATION – GENERAL OVERVIEW

SERVICE PROVIDER	APPLICABLE LEGISLATION
Most employees of provincial public bodies, including those who work for the Province of British Columbia: » ministries » agencies » boards, and » commissions	<i>Freedom of Information and Protection of Privacy Act (FOIPPA)</i>
Child welfare workers employed by MCFD or a Delegated Aboriginal Child and Family Services Agency	<i>Child, Family and Community Service Act</i>
Most employees of local public bodies, including those who work for: » school boards » hospitals » municipal and regional boards » Community Living British Columbia, and » municipal and First Nations police forces	<i>FOIPPA</i>

SERVICE PROVIDER	APPLICABLE LEGISLATION
RCMP	Federal <i>Privacy Act</i>
<p>Service providers not within public bodies, including:</p> <ul style="list-style-type: none"> » physicians » private psychologists » child care providers, and » employees of most community-based service agencies (e.g., transition houses, neighbourhood houses, sexual assault centres, family service agencies) 	<p><i>Personal Information Protection Act</i></p> <p>May also be covered by the FOIPPA if specified in the terms of a contract or protocol agreement</p> <p>Check with your regulatory body, professional association, contract manager or other appropriate person/organization for details of which legislation or provisions (e.g., code of conduct, policies, code of ethics) may apply.</p>
<p>Where the case at hand involves a person under 18 who may have committed a criminal offence, provisions of the <i>Youth Criminal Justice Act</i> may also apply. These provisions prohibit the disclosure of information that could identify the accused.</p>	

Summary of Roles and Responsibilities

- » Everyone in British Columbia shares responsibility for keeping children safe. The primary responsibility rests with parents. When parents are unwilling or unable to care for a child – or protect the child from harm – the Ministry of Children and Family Development is authorized to intervene.
- » MCFD has the lead responsibility for responding to suspected child abuse and neglect. It also delegates authority for child protection and family support to Aboriginal Child and Family Services Agencies, which provide services to their communities.

- » Police respond where a child is in immediate danger. Police also investigate cases where a criminal offence is suspected.
- » As a service provider, your role is to be aware of, and alert to, signs and symptoms of possible child abuse or neglect – and to respond appropriately if you have concerns about a child's safety or well-being. This is important to ensuring a collaborative response to suspected child abuse and neglect.
- » Anyone who has reason to believe a child may be at risk – and the child's parent is unwilling or unable to protect the child – has a legal duty to report that belief to a child welfare worker.
- » Your duty to report overrides any duty to protect the privacy of clients, patients, students or your staff – with the exception of solicitor-client privilege or confidentiality provisions of the federal *Youth Criminal Justice Act*.
- » Many organizations have protocols with MCFD or Delegated Aboriginal Child and Family Services Agencies that set out specific details of how they work together and share information to help keep children safe. This ensures that, when child abuse or neglect is suspected, everyone knows their roles and responsibilities.



*As a service provider, your role is
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Recognizing

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There is contact information available on page 57.

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If the child is in immediate danger, call 9-1-1 or your local police.

RECOGNIZING CHILD ABUSE AND NEGLECT

Defining Child Abuse and Neglect

Understanding what child abuse and neglect are and knowing how to take appropriate action are critical in ensuring the safety and well-being of children. The following plain-language definitions will help you understand and respond to child abuse and neglect. While recognizing that one profession may use a particular term somewhat differently from another profession, the definitions below are intended to support the work of all service providers.

PHYSICAL ABUSE

Physical abuse is a deliberate physical assault or action by a person that results in, or is likely to result in, physical harm to a child. It includes the use of unreasonable force to discipline a child or prevent a child from harming him/herself or others. The injuries sustained by the child may vary in severity and range from minor bruising, burns, welts or bite marks to major fractures of the bones or skull to, in the most extreme situations, death.

EMOTIONAL ABUSE

This is the most difficult type of abuse to define and recognize. It may range from ignoring to habitually humiliating the child to withholding life-sustaining nurturing. Generally, it involves acts or omissions by those in contact with a child that are likely to have serious, negative emotional impacts. Emotional abuse may occur separately from, or along with, other forms of abuse and neglect. It includes the emotional harm caused by witnessing domestic violence. Emotional abuse can include a pattern of:

- » scapegoating
- » rejection
- » verbal attacks on the child
- » threats
- » insults, and
- » humiliation.

Emotional harm

When emotional abuse is chronic and persistent, it can result in emotional harm to the child. Under the *Child, Family and Community Service Act*, a child is defined as emotionally harmed if they demonstrate severe:

- » anxiety
- » depression
- » withdrawal, or
- » self-destructive or aggressive behaviour.

SEXUAL ABUSE

Sexual abuse is when a child is used (or likely to be used) for the sexual gratification of another person. It includes:

- » touching or invitation to touch for sexual purposes
- » intercourse (vaginal, oral or anal)
- » menacing or threatening sexual acts, obscene gestures, obscene communications or stalking
- » sexual references to the child's body/behaviour by words/gestures
- » requests that the child expose their body for sexual purposes
- » deliberate exposure of the child to sexual activity or material, and
- » sexual aspects of organized or ritual abuse.

SEXUAL EXPLOITATION

Sexual exploitation is a form of sexual abuse that occurs when a child engages in a sexual activity, usually through manipulation or coercion, in exchange for money, drugs, food, shelter or other considerations. Sexual activity includes:

- » performing sexual acts
- » sexually explicit activity for entertainment
- » involvement with escort or massage parlour services, and
- » appearing in pornographic images.

Children living on the street are particularly vulnerable to exploitation. Children in the sex trade are not prostitutes or criminals. They are victims of abuse.

NEGLECT

Neglect is failure to provide for a child's basic needs. It involves an act of omission by the parent or guardian, resulting in (or likely to result in) harm to the child. Neglect may include failure to provide food, shelter, basic health care, supervision or protection from risks, to the extent that the child's physical health, development or safety is, or is likely to be, harmed.

What to Watch For

Anyone who provides services to children should watch for signs of possible child abuse or neglect. There are two main types of signs – disclosures and indicators. You should be prepared to recognize and respond to both.

It is important to note that many indicators – especially those of a behavioural nature – may be signs of other problems. However, a series or cluster of indicators observed over a period of time may be a child's reaction to abuse or neglect, and may appear as dramatic changes from the child's normal behaviour. By themselves, indicators do not prove child abuse or neglect. But they do tell us we need to know more about the child's circumstances. That is why they should be reported to a child welfare worker.

DISCLOSURES OF CHILD ABUSE AND NEGLECT

Direct disclosures

Sometimes children will tell you directly that they are being abused or neglected. They might begin with one example and see how you react. Research shows that children often tell about their experiences many times before action is taken to respond.

Indirect disclosures

In other cases, children do not tell directly, but communicate what they have experienced indirectly – through their behaviours, emotions, art, writing, appearance, inquiries or discussions about fears, concerns or relationships.

Children also divulge information through indirect statements, statements with conditions (e.g., "promise not to tell") or third-party statements (e.g., "my friend's parent is hurting her").

For more detailed information, see "Talking with the Child" on page 37 of this Handbook.

VULNERABILITY

While all children are vulnerable, some are more vulnerable than others. Children with disabilities and very young children may not be able to protect themselves, and are particularly dependent on adults for their safety and well-being. As a service provider, you should be especially vigilant in cases of suspected abuse or neglect involving such children.

INDICATORS OF POSSIBLE CHILD ABUSE OR NEGLECT

The following tables list common physical and behavioural indicators or "warning signs" of possible child abuse or neglect. By themselves, these indicators do not prove that a child has been abused or neglected. They can result from phenomena such as divorce, separation, the death of a significant person or the arrival of a new sibling. That is why indicators must be assessed by child welfare workers.

If you have questions, contact a child welfare worker. The worker can help you determine if the indicators you have observed are cause for concern. You do not have to give your name. Remember, it is always best to err on the side of caution.

Some regions in the province have hospital-affiliated medical Suspected Child Abuse or Neglect (SCAN) Teams whose purpose is to address the medical aspects of child abuse and neglect. Team members are available to consult with service providers on questions or issues related to child maltreatment.

To contact the SCAN Team in your area, call the Children's Hospital at 604-875-2345 and ask for the Child Protection Service Unit.

POSSIBLE INDICATORS OF PHYSICAL ABUSE

Physical Indicators

- » any injury to an infant who is not yet mobile, especially head/facial injuries
- » injuries to a toddler or older child for which there is no explanation, the explanation does not fit with the injuries, or the story keeps changing
- » injuries at different stages of healing
- » injuries that have a pattern or look like they may have been caused by an object (e.g., hand, stick, buckle, stove element), and
- » bruising in unusual places such as ears, trunk, neck or buttocks

Behavioural Indicators

- » afraid or reluctant to go home, or runs away
- » shows unusual aggression, rages or tantrums
- » flinches when touched
- » has changes in school performance and attendance
- » withdraws from family, friends and activities previously enjoyed
- » poor self-esteem (e.g., describes self as bad, feels punishment is deserved, is very withdrawn), and
- » suicidal thoughts or self-destructive behaviour (e.g., self-mutilation, suicide attempt, extreme risk-taking behaviour)

POSSIBLE INDICATORS OF SEXUAL ABUSE (SEE CONTINUED)

Physical Indicators

- » unexplained or persistent pain, bleeding or unusual discharge in the genital or anal area
- » pregnancy, and
- » sexually transmitted diseases

Behavioural Indicators

- » engages in age-inappropriate sexual play or exhibits age-inappropriate sexual knowledge (e.g., through drawing or play)
- » forces or coerces another child to engage in sexual play
- » inserts objects into vagina or rectum
- » directs sexually intrusive behaviour to adults
- » has unexplained gifts, new clothes or money
- » has changes in school performance and attendance
- » is secretive about "new" friends, activities, phone calls or Internet use
- » has unexplained developmental setbacks (e.g., was toilet trained but reverts back)
- » is involved in sexually exploitive activities, such as performing sex acts for money

POSSIBLE INDICATORS OF SEXUAL ABUSE

- » is involved in behaviours such as misuse of drugs or alcohol, stealing, fire setting, and
- » flinches when touched

POSSIBLE INDICATORS OF EMOTIONAL ABUSE

Physical Indicators

- » bed wetting and/or frequent diarrhea, and
- » frequent psychosomatic complaints, headaches, nausea, abdominal pains

Behavioural Indicators

- » mental or emotional development lags
- » isolated and has no friends or complains of social isolation
- » behaviours inappropriate for age
- » fear of failure, overly high standards, reluctant to play
- » fears consequences of actions, often leading to lying
- » extreme withdrawal or aggressiveness, mood swings
- » overly compliant, too well-mannered
- » excessive neatness and cleanliness
- » extreme attention-seeking behaviours
- » poor peer relationships
- » severe depression, may be suicidal
- » runaway attempts
- » violence is a subject for art or writing
- » forbidden contact with other children
- » shows little anxiety towards strangers, and
- » unusual severe anxiety or worries

POSSIBLE INDICATORS OF NEGLECT (HILTON 1998)

Physical Indicators

- injuries where medical care has been unusually delayed or avoided
- injuries resulting from a lack of supervision
- medical or dental needs that are consistently unattended to
- "failure to thrive" in a child where no medical reason has been found (see table below for further information on failure to thrive)
- clothing consistently inadequate for weather conditions
- persistent hunger
- poor or inadequate nutrition, and
- poor personal hygiene

POSSIBLE INDICATORS OF NEGLECT (...CONTINUED)

Behavioural Indicators

- forages for, hoards or steals food
- developmental delay or setbacks related to a lack of stimulation
- poor school attendance
- inappropriately takes on a caregiver role for a parent or siblings
- tired or unable to concentrate at school
- appears sad or has flat affect
- reluctant to go home; speaks of being or appears to be left alone at home a lot, unsupervised
- is involved in behaviours such as misuse of drugs or alcohol, stealing, fire-setting and
- does not respond to affection or stimulation

POSSIBLE INDICATORS OF FAILURE TO THRIVE

A child who has stopped growing and/or has experienced significant weight loss may be suffering from "failure to thrive" syndrome. Medical assessment is necessary to determine whether the syndrome is organic or non-organic in origin.

Physical Indicators

- appears pale, emaciated, has "sunken cheeks"
- body fat ratio is extremely low (e.g. wrinkled buttocks)
- skin may feel like parchment paper as a result of dehydration, and
- significant developmental milestones have not been attained within their age range (e.g., cannot hold head up at six months of age, cannot walk at 18 months)

Behavioural Indicators

- appears lethargic and undemanding (e.g., cries very little)
- uninterested in environment or surroundings, and
- displays little or no movement (e.g., lies in crib motionless)

Remember: You should report to a child welfare worker any time you have reason to believe a child is, or may be, at risk for abuse or neglect – and the parent is unwilling or unable to protect the child. Reason to believe simply means that, based on what you have seen or information you have received, you believe a child may be at risk.

When Should I Call a Child Welfare Worker?

We all share responsibility for the safety and well-being of children in British Columbia. Child welfare workers have the lead responsibility for responding to suspected child abuse or neglect in cases where the parent is unwilling or unable to protect the child from harm.

Children may also be harmed outside the home – where the parent is not present and cannot reasonably be expected to protect the child. In these cases, service providers such as police, school personnel, health care practitioners or child care providers may have a primary role in helping to ensure the child's safety and well-being.

The following table provides some examples of situations you may come across and indicates who is primarily responsible for responding when a child may be at risk. Child welfare workers can assist in cases where they do not have the lead responsibility, as part of a collaborative response. However, when they do not have the lead role, other authorities should be involved. Protocols can be helpful in these situations. If you are not sure what to do, call a child welfare worker to discuss the situation.

EXAMPLE OF SITUATION	WHO IS PRIMARILY RESPONSIBLE
Minor altercation or aggression between children, e.g., on a playground, in a child care setting or youth custody centre	<p>Conflicts between children where there is no significant power imbalance are part of normal childhood behaviour and typically do not involve abuse or neglect.</p> <p>The head of the agency or organization that has jurisdiction where the situation occurred may need to be informed according to local protocols or guidelines.</p>
Sexual play or exploration between children of similar ages	<p>Sexual play between children where there is no significant power imbalance typically does not involve abuse or neglect.</p> <p>If the situation occurred in a school, youth custody or child care centre, the head of the agency or organization may need to be informed according to local protocols or guidelines.</p>

EXAMPLE OF SITUATION	WHO IS PRIMARILY RESPONSIBLE
<p>Physical or sexual aggression between children where there is a power imbalance (e.g., significant difference in age, or where one child is much more vulnerable)</p>	<p>As there may be a risk of harm to the vulnerable child, some intervention would be warranted.</p> <p>If the situation occurred in the home, or the parent is present outside the home and is unwilling or unable to protect the child, you have a duty to report this to a child welfare worker.</p> <p>If the situation occurred in a setting such as a school, child care setting, youth custody centre, etc. and the parent was not present and could not be reasonably expected to intervene, the head of the agency or organization would be primarily responsible. This person can make parents aware of the situation and assist with referrals to services.</p> <p>Someone other than a child welfare worker may be best able to respond. For example, police or victim services may have a lead responsibility if there is a criminal offence.</p>
<p>You learn of historical abuse (abuse that has occurred in the past)</p>	<p>If the abused person is a child, and abuse was due to the action or inaction of a parent, a child welfare worker is responsible for responding.</p> <p>If the child was abused in a school, youth custody or child care centre, the head of the organization is primarily responsible.</p> <p>If an adult discloses that they were abused as a child, they may be in a position to know if their abuser could be abusing other children. If the adult has reason to believe this is happening, that person has a legal duty to report this belief to a child welfare worker.</p> <p>Police and victim services may also have a role to play, if there is a possible criminal offence.</p>

EXAMPLE OF SITUATION	WHO IS PRIMARILY RESPONSIBLE
You learn that a child has witnessed violence at home	<p>Witnessing domestic violence may cause emotional harm to a child.</p> <p>A child welfare worker is responsible for responding to your concern.</p> <p>Police and victim services may also have a role to play, if there is a possible criminal offence.</p>
You learn that a child has been exposed to criminal behaviour at home (e.g., where drugs are being produced in the home)	<p>Witnessing criminal behaviour may cause harm to a child's health, safety or well-being. A child welfare worker is responsible for responding to your concern.</p> <p>In most instances, police would initially be involved and they would make a report to a child welfare worker. If the police are not already involved, they should be notified.</p>
<p>You witness some of the physical and/or behavioural indicators of possible abuse or neglect</p> <p>or</p> <p>A child discloses abuse or neglect, or tells you someone they know has been abused</p>	<p>Indicators and child disclosures are the main ways child abuse and neglect can be identified. If you have reason to believe a child has been abused or neglected, you have a duty to report to a child welfare worker. If the abuse or neglect is the result of a parent's action or inaction, a child welfare worker is primarily responsible for responding.</p> <p>If the abuse occurs in a setting such as a school, youth custody or child care centre, the head of the organization is responsible for responding.</p> <p>Police and victim services may also have a role to play, if there is a possible criminal offence.</p>

EXAMPLE OF SITUATION	WHO IS PRIMARILY RESPONSIBLE
An allegation of abuse or neglect is made during a custody or access dispute	If you have reason to believe a child has been abused or neglected in these circumstances, you have a duty to report to a child welfare worker. The worker is primarily responsible for responding to these allegations. In addition, in the course of the dispute, a family justice counsellor, or anyone else directed by the court to assess custody and access disputes, has a duty to report the allegation to a child welfare worker.
A child under 12 has committed a serious criminal offence such as killing, assaulting or endangering another person	The police would be involved in this situation, and are required to make a report to a child welfare worker.

[illegible]

If you have questions, contact a child welfare worker. The worker can help you determine if the indicators you have observed are cause for concern.



If you think a child is being abused or neglected, you have the legal duty to report your concern to your local child welfare worker.

There is contact information available on page 57.

If it is after hours or you are not sure who to call, phone the Helpline for Children at 310-1234 at any time of the day or night. The Helpline call is free. You do not need an area code and you do not have to give your name.

If the child is in immediate danger, call 9-1-1 or your local police.

RESPONDING TO SUSPECTED CHILD ABUSE AND NEGLECT

Talking with the Child

As a service provider working with children, you often have relationships with them, putting you in a position of trust. For this reason, you may find yourself in a situation where a child discloses to you, or you may see something that makes you suspect a child has been or is likely to be abused or neglected.

If you find yourself in either of these situations, it is important to honour the child and remember that your role is to report to a child welfare worker.

There may be some situations where you want to seek further information before deciding whether to make a report. For example, you may wish to clarify a statement the child has made, or to inquire about a child's provisions such as lunch or clothes.

Do not interview the child. It is the child welfare worker's job to determine whether child abuse or neglect has taken, or is taking place and to decide on the appropriate action to take.

WHEN A CHILD DISCLOSES ABUSE OR NEGLECT

Children who may have been abused or neglected are particularly vulnerable. It is critical that, in responding to their needs, we take every caution to avoid upsetting or traumatizing them any further.

If the child is in immediate danger, call police first.

When talking to the child, be sensitive to his or her needs and follow the general guidelines below. Your primary role is to support the child, gather basic information and report it to a child welfare worker as quickly as possible.

✓ **Stay calm and listen.** An abused or neglected child needs to know that you are calm and available to help. If you react with shock, outrage or fear, you might inhibit the child and make him or her feel more anxious or ashamed. A calm response supports the child to tell you what has happened. It also provides some reassurance that what the child is experiencing can be talked about and worked through together.

✓ **Go slowly.** It is normal to feel inadequate or unsure about what to do or say when a child tells you about abuse or neglect. Do not let this discomfort rush you into asking questions. Remember to proceed slowly. Gentle questions, such as "Can you tell me more about what happened?" are helpful.

✓ **Be supportive.** Reassure the child that he or she has not done anything wrong. Children need support and reassurance when discussing abuse or neglect. It is helpful to let children know that:

- » they are not in trouble with you, the child welfare worker or the police (if they are involved)
- » they are safe with you
- » you are glad that they have chosen to tell you about this
- » they have done the right thing in telling you about this
- » you are sorry that they have been hurt or that this has happened to them
- » you will do everything you can to make sure they get the help they need, and
- » you know others who can be trusted to help solve this problem.

✓ **Get only the essential facts.** Once you have enough information and reason to believe that abuse or neglect has occurred, stop gathering facts and be supportive. The child may be interviewed in depth by a child welfare worker and, if there is a criminal investigation, by the police; to avoid the stress of multiple interviews, limit your discussion to finding out generally what took place. If you need more information, be sure to ask *how*, *when*, *who* and *what* questions. Avoid using *why* questions. They can suggest indirectly that the child may have done something wrong and increase the child's reluctance to discuss the matter.

✓ **Tell the child what will happen next.** Children who disclose their abuse feel anxious and vulnerable about what people think of them and what will happen next.

Tell them only what you know (e.g., that they are not in trouble, and that you will help) and avoid making promises. For example, do not promise that the alleged perpetrator won't get into trouble. Provide only reassurance that is realistic and achievable. Discuss with the child what you think will happen next and who will be involved.

✓ **Make notes.** As soon as possible after the child's disclosure, write down as much as you can of what the child told you. This will help ensure accuracy when reporting to the appropriate authority. (Direct disclosures may be admissible in court, so accuracy is important.)

WHEN THERE ARE INDICATORS OF CHILD ABUSE OR NEGLECT

Children do not always tell us about their abuse or neglect, and sometimes the indicators are not obvious.

When you see indicators and are talking to children about possible abuse or neglect, the following points may be helpful.

- » **Choose your approach carefully.** The child may be fearful or reluctant to talk about what happened.
- » **Be relaxed and casual.** If you appear anxious or exhibit strong feelings, the child may withdraw.
- » **Keep it private.** Make sure you have enough time and a private setting with little chance for interruptions. The child is more likely to confide in you in a place where he or she feels safe.
- » **Be neutral.** Express your concerns to the child in a neutral and objective manner and seek or ask for their explanation for the indicators you have observed.
- » **Be a good listener.** Pay attention and express your confidence in the child. This shows your genuine concern for his or her safety and well-being.

Reporting Suspected Child Abuse or Neglect

DUTY TO REPORT

As noted elsewhere in this Handbook, the *Child, Family and Community Service Act* requires that anyone who has reason to believe that a child has been or is likely to be abused or neglected, and that the parent is unwilling or unable to protect the child, **must** report the suspected abuse or neglect to a child welfare worker.

WHAT DOES "REASON TO BELIEVE" MEAN?

In British Columbia, anyone with reason to believe a child has been or is likely to be abused or neglected – and the child's parent is unwilling or unable to protect them – has a legal duty to report that concern to a child welfare worker.

"Reason to believe" simply means that, based on what you have seen or information you have received, you believe a child has been or is likely to be at risk.

You do not need to be certain. It is the child welfare worker's job to determine whether abuse or neglect has occurred or is likely to occur.

Keep in mind that:

- » You do not need proof – it is the child welfare worker's job to determine whether abuse or neglect has taken place; your role is to report your concern, including any disclosures or indicators you have witnessed.
- » It does not matter if you think someone else is reporting the situation – you still must make a report.
- » It does not matter if a child welfare worker is already involved with the child – you still must make a report.
- » The legal duty to report overrides any duty of confidentiality, except a solicitor-client relationship or where provisions of the *Youth Criminal Justice Act* apply.

Failure to report and making false reports

Failing to promptly report suspected abuse or neglect to a child welfare worker is a serious offence under the *Child, Family and Community Service Act*. So is knowingly making a false report. Both offences carry a maximum penalty of a \$10,000 fine, six months in jail, or both.

No action for damages may be brought against you for reporting information under the CFCSA unless:

- » you knowingly report false information, or
- » the report was not made in good faith.

Circumstances that must be reported

The *Child, Family and Community Service Act* sets out the circumstances under which you must report to a child welfare worker. You must report when you have reason to believe that:

- » a child has been, or is likely to be, physically harmed, sexually abused or sexually exploited by a parent or another person and the parent is unwilling or unable to protect the child
- » the child has been or is likely to be physically harmed because of neglect by the child's parent
- » the child is emotionally harmed by the parent's conduct
- » the child is deprived of necessary health care
- » the child's development is likely to be seriously impaired by a treatable condition and the child's parent refuses to provide or consent to treatment
- » the child's parent is unable or unwilling to care for the child and has not made adequate provisions for the child's care
- » the child is or has been absent from home in circumstances that endanger the child's safety or well-being
- » the child's parent is dead and adequate provision has not been made for the child's care, or
- » the child has been abandoned and adequate provision has not been made for the child's care.

HOW TO CONTACT A CHILD WELFARE WORKER

You can call a child welfare worker at either your local Ministry of Children and Family Development office or your local Delegated Aboriginal Child and Family Services Agency. For contact information, see the back of this handbook and the "For more Information" section.

If it is after hours, or you are not sure who to phone, the fastest, easiest way to report your concern to a child welfare worker is to call the Helpline for Children, any time of the day or night. The person who answers will make sure your concerns are directed to the right place.

If you think a child is being abused or neglected, you have the legal duty to report your concern to your local child welfare worker. There is contact information available on page 57.

If it is after hours or you are not sure who to call, phone the Helpline for Children at 310-1234 at any time of the day or night. The Helpline call is free. You do not need an area code and you do not have to give your name. If the child is in immediate danger, call 9-1-1 or your local police.

WHAT TO REPORT TO THE CHILD WELFARE WORKER

When making a report to a child welfare worker, it is helpful to include your name, your phone number and your relationship to the child. But you can make an anonymous call if you prefer. The child welfare worker will want to know:

- » the child's name and location
- » whether there are any immediate concerns about the child's safety
- » why you believe the child is at risk
- » any statements or disclosures made by the child
- » the child's age and vulnerability
- » information about the family, parents and alleged offender
- » information about siblings or other children who may be at risk
- » whether you know of any previous incidents involving, or concerns about the child
- » information about other persons or agencies closely involved with the child and/or family
- » information about other persons who may be witnesses or may have information about the child

- » information about the nature of the child's disabilities, his or her mode of communication, and the name of a key support person, and
- » any other relevant information concerning the child and/or family, such as language or culture.

You do not need all this information to make a report. Just tell the child welfare worker what you do know. Time is of the essence in responding, so if you have concerns, do not delay.

WHEN TO CALL POLICE

Police and child welfare workers have complementary roles in responding to abuse and neglect. Call your local police detachment or 9-1-1 and ask for the police when:

- » a child is in immediate danger, and/or
- » a criminal offence against a child has been or is likely to be committed

Report your concerns to a child welfare worker after you call the police.

Children who are abused or neglected may be victims of criminal offences such as, but not limited to:

- » criminal negligence causing bodily harm
- » physical and sexual assault
- » sexual interference or sexual invitation to touch a child under 14
- » sexual exploitation of a child, or
- » failure to provide the necessities of life.

WHEN TO NOTIFY OTHER AUTHORITIES

As noted elsewhere in this Handbook, everyone has a role to play in keeping children safe. When you believe a child may have been abused or neglected, you may need to inform someone other than a child welfare worker and/or police.

If your employer or professional association has a protocol and/or guidelines for reporting abuse and neglect, it may direct you to inform other people such as a manager, supervisor, director or superintendent in the organization. Protocols help ensure that information is shared in a timely and appropriate way.

High impact or multiple victim cases

Collaboration is critically important in cases where there are, or may be, multiple child victims, or where an offense against a child will otherwise have an extraordinary impact on the community.

If you become aware of such a case, follow your local protocols and/or guidelines to determine which ministries or agencies should be immediately notified to ensure an effective, coordinated response.

Information sharing is also key in these cases. Everyone involved in the collaborative response will need to continue sharing relevant and updated information while the issues are resolved.

IF YOU SUSPECT CHILD ABUSE OR NEGLECT BY A SERVICE PROVIDER

Under the *Child, Family and Community Service Act*, child welfare workers in the Ministry of Children and Family Development and Delegated Aboriginal Child and Family Services Agencies are delegated to respond to suspected child abuse and neglect where the parent is unwilling or unable to protect the child. Children may also be harmed outside the home, where a parent cannot reasonably be expected to intervene.

If you have reason to believe a child has been or is likely to be abused or neglected by an employee, contractor, service provider or volunteer in an agency or organization, contact the agency or organization to ensure that the appropriate person is informed, and able to respond according to their mandate. You may also contact a child welfare worker and discuss the situation.

If you are not sure whom to notify, review your organization's protocols and/or guidelines. The child welfare worker can help you ensure the information gets to the right place.

If you believe a criminal offence may have occurred, call the police.

The table following provides an overview of who is responsible in different situations.

IF THE PRIMARY PURPOSE IS TO DETERMINE WHETHER A CHILD HAS BEEN HARMED BY SOMEONE WHO WORKS, VOLUNTEERS, OR WORKS ON CONTRACT FOR:	THE RESPONSIBILITY RESTS WITH:
the Ministry of Children and Family Development	the designated regional director under the <i>CFCSA</i> who delegates authority to child welfare workers
a Delegated Aboriginal Child and Family Services Agency or Community Living British Columbia	the head of the agency or the designated regional director under the <i>CFCSA</i> who delegates authority to child welfare workers
a public school	the superintendent of the school district
an independent school	the appointed school official if you work for an independent school, follow the guidelines in "Supporting Our Students: A Guide for Independent School Personnel Responding to Child Abuse"
a licensed community care facility, such as a child care centre or staffed residential resource	the medical health officer of the local health authority
a youth custody centre	the director of the custody centre
an agency or organization, such as a hospital, volunteer group, athletic team, etc.	the head of the agency or organization
If the service provider is a member of a regulated profession (e.g., a lawyer, teacher, registered nurse) contact the registrar of the regulated profession. The registrar is responsible for investigating the person's professional conduct.	

What Happens After You Make a Report

YOUR ROLE

As a service provider, you may be well positioned to offer support or assistance to a child who may have been abused or neglected. For example, the child welfare worker may ask you to assist by:

- » offering an appropriate place for the child welfare worker to interview the child
- » being present during the interview to support the child if requested, or
- » offering your support to the child and/or family if they would like to talk with someone.

THE CHILD WELFARE WORKER'S ROLE

Receiving the report

When you report to a child welfare worker that a child may have been abused or neglected, the worker will talk to you about what happens next. That includes:

- » the estimated timeframes for the response
- » whether and how you will be advised of the outcome of a child welfare worker's assessment of the case
- » any ongoing responsibility you may have as a resource for the child and family, and
- » confirmation that your identity is confidential and will not be disclosed without your consent, unless required in a court proceeding or if a criminal offence may have occurred.

Assessing the report

After receiving your report, the child welfare worker will assess the situation. The purpose of the assessment is to gather enough information to determine:

- » the most appropriate response to the report, and
- » whether the child is at immediate risk of harm.

An assessment includes a careful review of the information in the report and of any other information readily accessible to the child welfare worker, such as records of previous contact with the Ministry of Children and Family Development or Delegated Aboriginal Child and Family Services Agencies. Where necessary to clarify information, the child welfare worker may also contact the parent or others with knowledge of the child's situation.

If the child is at immediate risk of harm

If the child is at immediate risk of harm, the child welfare worker will take immediate action in collaboration with other service providers, such as police, school personnel, medical professionals, child care providers, etc. Immediate actions the child welfare worker might take include:

- » staying with the child until the parent(s) can be located
- » taking the child to a safe place, such as a hospital, child care facility, temporary foster home or home of an extended family member or someone who can keep the child safe, or
- » staying with the child and/or family while police remove an offender from the home.

Determining the least disruptive response to keep the child safe

Reports of suspected child abuse and neglect are assessed on a case-by-case basis and, depending on the circumstances, will warrant different types of responses. Child welfare workers choose the response that is least disruptive to the child, and will keep the child safe.

After the assessment process is complete, if the child is not at immediate risk of harm, the child welfare worker may:

- » offer the family support services
- » refer the child and/or family to a community agency, or
- » take no further action, if no further action is needed.

If the child welfare worker continues to have reason to believe that the child may be at risk of harm, he or she will initiate one of the following:

- » a "family development response" that engages the family in developing a plan to keep the child safe, supported by services that emphasize and build on the family's strengths; this response is used in low-risk situations where the family agrees to collaborate with the child welfare worker
- » a "youth service response," if the child is old enough; this is a plan developed in collaboration with the youth to keep him/her safe while developing his/her capacity to live independently, or
- » an investigation.

Consistent with the principles of the *Child, Family and Community Service Act*, child welfare workers will also – where feasible – involve the child's family and community in a shared decision-making process to plan for the child's safety and well-being.

COLLABORATIVE PLANNING AND DECISION-MAKING

When there are concerns about a child's well-being, child welfare workers often work directly with the family (and others as appropriate) to develop a plan to keep the child safe – without having to go to court. Options for collaborative planning and decision-making include:

- » **Family group conference:** a formal meeting with members of the child's immediate family, extended family and community – often including service providers – guided by an impartial co-ordinator.
- » **Traditional decision-making processes:** family members work together to solve problems by following community or cultural traditions; for example, in an Aboriginal community, elders might lead families and child welfare workers through a traditional process to help them make decisions.
- » **Mediation:** a trained, impartial person helps the family and the child welfare worker agree on the best way to meet the child's needs.

Family development response

Family development response is an approach that focuses on keeping a child safe while the family stays together and works through its challenges. Family development response emphasizes and builds on the family's strengths and connects them with resources such as counselling, parenting programs and other services in their community. The process typically lasts three months. Families who need more support may continue receiving services after the family development response process is complete. If circumstances change, or risk to a child increases, an investigation will commence.

Youth service response

A youth service response is an approach that focuses on developing a plan in collaboration with a youth 16 to 18 years of age to keep him or her safe, while exploring options which may include providing support services and assistance to stay with the family or live independently. A youth service response emphasizes the need for a long-term comprehensive plan that identifies the youth's needs, strengths and personal, family and community resources. These plans may include:

- » youth family mediation
- » youth safe houses or shelters and/or youth transitional housing supports (where available)
- » one-to-one youth support workers
- » youth agreements which provide comprehensive supports directly to a youth in need of assistance with the aim of returning him or her to family or successfully transitioning to independence, and/or
- » referrals to specialized support services for mental health, addictions and/or sexual exploitation issues.

The investigation process

If the child welfare worker believes the child is at risk of harm, and a family development response or youth services response is inadequate to ensure the child's safety, the worker will begin an investigation. The purpose of an investigation is to gather and assess as much information as possible to determine the risk of harm to the child. Depending on the level of risk, the investigation may begin immediately, or within five days of the initial report.

The investigation process includes:

- » seeing and interviewing the child and any other vulnerable children in the household
- » directly observing the child's living situation
- » seeing and interviewing the parent(s)
- » reviewing any existing case records and files, and
- » gathering information from people such as extended family and service providers who may have relevant knowledge of the child or family.

If the child is Aboriginal, their band or community may also be involved.

Protecting the child

If the investigation determines that the child needs protection, the child welfare worker will take whatever steps are most appropriate and least disruptive to the child. These may include:

- » support services
- » a court order for essential health care
- » arrangements for the child to live outside the home (e.g., with relatives or friends) with the consent of the parent, or
- » an agreement or court order to remove an offender from the child's home, or to prohibit that person from contacting or interfering with the child.

The child welfare worker may only remove the child if the child is in immediate danger, or if there is no less disruptive way to ensure the child's safety. In those cases, a Family Court Judge will hear evidence from all sides and make the final decision about where the child will live.

THE ROLE OF THE POLICE

Police can respond quickly to protect children who are in immediate danger. They also play a key role when a criminal offence may have been committed against a child.

When a child is in immediate danger

When a police officer has reasonable grounds to believe that a child's health or safety is in immediate danger, and there are no other means available to protect the child, the officer may take charge of the child under Section 27 of the *Child, Family and Community Service Act*. The officer must notify a child welfare worker immediately after taking charge of the child.

The child welfare worker will speak with the parent and the child and work with police to ensure the child is safe. This may include:

- » returning the child to the parent at a safe place
- » taking the child to a safe place identified by the parent (such as the home of a relative or family friend), or
- » taking the child to another place of safety, such as a foster home

If the alleged offence did not occur recently and the child's safety has been ensured by a child welfare worker, an immediate response by the police may not be required.

Where a criminal offence may have occurred or is about to occur

Children who suffer abuse and neglect are also often victims of an offence under the *Criminal Code*. Whenever a child has been physically or sexually abused, abandoned or neglected, an investigation may reveal that a crime or crimes have been committed.

A criminal investigation involves gathering evidence in order to establish facts, and preparing for criminal proceedings where appropriate. This may include, after ensuring that everyone is safe:

- » preserving the crime scene
- » arranging to obtain, preserve and test any physical evidence
- » obtaining a videotaped account from the child of the relevant events
- » obtaining statements from other witnesses
- » determining whether the legal grounds exist to arrest a suspect
- » obtaining a legally admissible statement from the alleged offender
- » obtaining warrants or legal authorizations to access relevant evidence
- » obtaining medical and other expert opinions if needed, and
- » submitting a report to Crown Counsel recommending criminal charges.

Wherever possible, criminal investigations involving child abuse or neglect should be done in collaboration with a child welfare worker. This will help keep the number of interviews to a minimum and limit the emotional impact on the child.

Arranging for medical forensic evidence

Where police require a medical examination of the child for the purpose of obtaining forensic evidence, and a child welfare investigation is underway, police will:

- » collaborate with the child welfare worker in making arrangements for the medical examination, in order to keep the number of examinations to a minimum for the child
- » ensure that the examination is conducted and evidence collected in a way that is least intrusive to the child (Note: Several of the larger hospitals in the province have Suspected Child Abuse or Neglect teams who may assist police, child welfare workers and physicians in fulfilling their roles in an investigation.)
- » discuss with the health care practitioner and, where involved, the child welfare worker, the type of forensic evidence that needs to be collected, and
- » ensure that the child and parent(s) are aware of their options to consent to all or parts of the medical examination, and how the criminal prosecution may be affected if consent is not given.

YOUTH CONSENT TO A MEDICAL EXAMINATION

*Under the *Infants Act*, a person under the age of 19 can consent to a medical examination if the health care practitioner is satisfied that the person understands the nature and consequences of the examination and has determined that the examination is in their best interests.*

Sexual assault service protocols are in place in all B.C. hospitals to ensure that a youth capable of making his or her own care decisions can choose not to have a medical forensic examination, because of the intrusive nature of this procedure.

INVOLVING VICTIM SERVICES PROGRAMS WHEN A CRIMINAL OFFENCE IS SUSPECTED

As soon as a report of child abuse or neglect is made to the police or a child welfare worker – and there is a suspected criminal offence – victim services may have a role to play and will be contacted. If a victim is aware of services, they may choose to contact a program directly; however, referrals can be made by child welfare workers, police and other justice system personnel.

British Columbia's *Victims of Crime Act* entitles victims to information and support. The province funds over 150 community-based and police-based programs and directly operates the Crime Victim Assistance Program and the Victim Safety Unit.

Victim service workers

Victim service workers can provide children and their caregivers with:

- » practical and emotional support in the initial interview with the child welfare worker and/or police
- » accompaniment to a medical examination
- » information and referrals to support or therapeutic services
- » court orientation and accompaniment as they go through the criminal justice system
- » information about the status of the police investigation, court dates, outcomes and the criminal justice system generally
- » assistance with Crime Victim Assistance Program applications and Victim Impact Statements
- » information on the release conditions of the accused/offender, and
- » assistance with safety planning.

VICTIM LINK

To connect with the victim service program in your community, contact VICTIM LINK toll-free at 1-800-563-0808 or online at www.pssg.gov.bc.ca/victim_services.

VICTIM LINK is a 24-hour, multilingual, province-wide telephone service that provides information and referral services for all victims of crime in British Columbia. It also provides immediate crisis support for victims of family and sexual violence.

Benefits for victims of crime

Benefits are available to victims of crime through the Crime Victim Assistance Program (CVAP, formerly the Criminal Injury Compensation Program). The benefits are intended to assist the recovery of those who have been impacted by crime. Immediate family members may also be eligible for benefits.

Benefits can range from counselling to financial remuneration for medical expenses. (Note: An adult who was a victim of crime as a child may be eligible for benefits under CVAP if they apply before they turn 20 or at any time if they were sexually abused as a child.) For information about how a child or parent may apply for benefits, contact:

- » your local victim service agency
- » Victim LINK (toll-free 1 800-563-0808), or
- » CVAP directly at 604 660-3888 in the Lower Mainland or toll-free 1 866-660-3888 elsewhere in B.C.

Victim safety notifications

The Victim Safety Unit, through the Ministry of Public Safety and Solicitor General, provides victims of crime with notification about the status or release of provincially incarcerated offenders, and works with local victim service programs to ensure that victims are aware of and have access to services designed to enhance their safety. If the offender is in federal custody, Correctional Services Canada should be contacted at 1 888-999-8828, in order to register victims for notification.

For more information, call the Victim Safety Unit at 604 660-0316 in the Lower Mainland or toll-free 1 877-315-8822 from elsewhere in B.C.



***We all share responsibility for children's
safety and well-being, and the most
effective way to fulfill that responsibility
is by working together.***

For More Information

If you think a child is being abused or neglected, you have the legal duty to report your concern to your local child welfare worker.

There is contact information available on page 57.

If it is after hours or you are not sure who to call, phone the Helpline for Children at 310-1234 at any time of the day or night. The Helpline call is free. You do not need an area code and you do not have to give your name.

If the child is in immediate danger, call 9-1-1 or your local police.

Telephone Device for the Deaf (TDD)

Call toll-free 1 866-660-0505, province-wide and 24 hours a day.

LINKS

Legislation referred to in the Handbook can be viewed at the following Internet locations:

- » *Child, Family and Community Service Act*
www.qp.gov.bc.ca/statreg/stat/C/96046_01.htm
- » *Criminal Code of Canada*
<http://laws.justice.gc.ca/en/C-46/>
- » *Freedom of Information and Protection of Privacy Act*
www.qp.gov.bc.ca/statreg/stat/F/96165_01.htm
- » *Infant's Act*
www.qp.gov.bc.ca/statreg/stat/I/96223_01.htm
- » *Victims of Crime Act*
www.qp.gov.bc.ca/statreg/stat/V/96478_01.htm

OTHER ORGANIZATIONS YOU MAY WISH TO CONTACT:

- » To contact a Suspected Child abuse or Neglect team in your area, call Children's Hospital at 604-875-2345 and ask for the Child Protection Service Unit
- » Representative for Children and Youth - Responsibilities of the Representative include advocating and supporting children and youth, protecting their rights, and making the child protection system more responsive, particularly for those who are most vulnerable.
Phone: 1-800-476-3933 (Confidential, for all of B.C.)
www.rcybc.ca
- » Office of the Information and Privacy Commissioner
www.oipcbc.org

- » Victim LINK toll free 1-800-563-0808 has a 24 hour a day, multilingual, province-wide telephone services to locate a victim service program in your community or go to the web site at **www.pssg.gov.bc.ca/victim_services**
- » Independent schools are guided by the document, *Supporting Our Students: A Guide for Independent School Personnel Responding to Child Abuse* which is at **www.bced.gov.bc.ca/independentschools/is_resources/**
- » For more information about children witnessing family violence, see Best Practice Approaches: Child Protection and Violence Against Women at **www.mcf.gov.bc.ca/child_protection/publications.htm**

Report your concern

Every person who has reason to believe that a child has been or is likely to be abused or neglected must report the suspected abuse or neglect to a child welfare worker. This legal duty applies to everyone, including service providers, family members and the public.

Report your concern as quickly as possible, even if

- » you do not have all the information, or
- » you think someone else may also be reporting.

And remember: it's not up to you to determine whether abuse or neglect has taken place. That is the role of the child welfare worker.

If a child is in immediate danger, or if a criminal offence has occurred, is occurring, or is likely to occur, call the police. Make a report to a child welfare worker after you have called the police.

If a child is not in immediate danger, but you have reason to believe that he or she has been or is likely to be abused or neglected, call a local child welfare worker. Contact information is available on page 57. If it is after hours or you are not sure who to call, phone the Helpline for Children toll free at 310-1234 (no area code) any time of day or night from anywhere in B.C.

NOTES:

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To receive additional copies of *The British Columbia Handbook for Action on Child Abuse and Neglect (for Service Providers)* fax a request to the Distribution Centre - Victoria at 250-952-4559 or phone 250-952-4460. The Handbook is also available online at:

www.mcf.gov.bc.ca/child_protection/pdf/handbook_action_child_abuse.pdf