

Fact Sheet

DEPARTMENT OF OPPORTUNITIES AND SOCIAL DEVELOPMENT
CHILD AND FAMILY WELLBEING

Duty to Report

Overview

The *Children and Family Services Act (CFSA)* aims to protect children from harm, promote family preservation and assure the best interests of children.

This legislation allows for early intervention which enables Child and Family Wellbeing (CFW) within the Department of Opportunities and Social Development and Mi'kmaw Family & Children's Services of Nova Scotia (MFCS) to provide services to children and families sooner, enhance child safety and reduce impacts of further harm.

Duty to Report

Every individual in Nova Scotia has a legal obligation to report information to CFW or MFCS when a child, under the age of 19, is in need of protection.

The legislated duty to report applies to all forms of child abuse, including sexual exploitation.

Three Types of Reporting

1. Duty to report for every Nova Scotian
2. Duty of professionals and officials to report
3. Duty to report third-party abuse

The CFSA legislation highlights the legal obligation of every Nova Scotian to report concerns of abuse or neglect of a child to ensure children are protected from harm.

Sections 23, 24 and 25 of the CFSA require individuals who believe a child is in need of protective services, or may be at risk of harm under Section 22(2) to make a report to Child and Family Wellbeing or Mi'kmaw Family & Children's Services of Nova Scotia.

This legislation helps ensure the safety of Nova Scotian children by requiring that all abuse and neglect situations be reported.

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Duty to Report**1. Duty to Report as per Section 23 of the CFSA**

- Applies to any person in Nova Scotia who has information, whether it is confidential or privileged, indicating a child is in need of protective services.
- The information is to be reported immediately. Failure to report is a criminal offence.
- If more than one person is aware of the information, it is necessary for each person to report their information to CFW or MFCS to fulfill the legal duty to report.

2. Duty of Professionals and Officials to Report as per Section 24 of the CFSA

- Applies to every person who performs professional or official duties with respect to a child.
- If, in the course of a person's professional or official duties, they have reasonable grounds to suspect a child has, may have, is, or is about to suffer abuse, the information (confidential or privileged) shall be reported immediately to CFW or MFCS.
- This section also requires a professional, when they have been notified by CFW or MFCS that a child is, or may be, in need of protection to advise of the location of the child, if known.
- If more than one person is aware of the information, it is necessary for each person to report their concerns.

Professionals include:

- Health care professionals
- Physicians
- Nurses
- Dentists
- Pharmacists
- Psychologists
- Teachers
- School principals
- Social workers
- Counselling Therapists
- Members of the clergy
- Peace officers
- Medical examiners
- Youth workers
- Recreation workers
- Operators or employees of a day-care facility

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Duty to Report**3. Duty to Report Third-Party Abuse as per Section 25 of the CFSA**

This applies to any child under the age of 16 who has suffered, or is at risk of suffering, physical, sexual, or emotional abuse caused by someone other than their parent or guardian, including harm from inadequate supervision or protection. Any information suggesting current or potential risks, whether recent or historical, must be reported.

What to do when a child discloses, or harm is suspected?

- a) **Listen** – Allow the child to express themselves and let them explain what happened in their own words, without interruption.
- b) **Document** – Keep track of any identified changes in the child or concerns.
- c) **Support** – Focus on the child’s feelings and ensure they know it is not their fault.
- d) **Report by doing the following:**
 - Contact Child and Family Wellbeing or Mi’kmaw Family & Children’s Services of Nova Scotia.
 - Provide identifying information including names and contact information for the child and the parent.
 - Provide the social worker with all the information available – disclosure, observations.
 - As a Professional / Official, provide contact information as a referral source.

It is important to note the Duty to Report Third-Party Abuse ONLY applies to children under the age of 16. However, a report must be made if the person alleged to have caused harm has access to, or responsibility for, other children under the age of 16 who may be at risk.

A professional will be provided with a letter of acknowledgement indicating whether their reported concern will be assessed further. Other individuals will receive an acknowledgement letter if requested.

To report a concern during regular business hours, call CFW Provincial Screening 1-833-424-5800 or 902-424-5800. For MFCS call 1-800-263-8686.

After Hours, please contact the Provincial After Hours Response Team at 1-866-922-2434 or the MFCS After Hours Service at 1-800-263-8686.

For offices with CFW/MFCS services please follow:

<http://www.gov.ns.ca/coms/department/contact/ChildWelfareServices.html>