

## CHILD ABUSE AND NEGLECT

### Background

Because of the trust relationships cultivated between teachers and students, school personnel often become aware of suspected cases of child abuse and neglect. The Child, Youth and Family Enhancement Act R.S.A. 2000, c. C-12 (hereinafter called the *Enhancement Act*) requires that “Any person who has reasonable and probable grounds to believe that a child is in need of intervention shall forthwith report the matter to a director of Child and Youth Services (“CYS”)”.

School personnel shall report all suspected cases of child abuse and neglect to the appropriate authorities as specified in the Enhancement Act.

The Enhancement Act prescribes penalties for those who fail to report such situations, and provides protection from legal action against a person making a report unless the reporting is done maliciously or without reasonable and probable grounds.

The Investigation of child protection complaints is the responsibility of child welfare workers from the local Child and Family Services Authority, who may, where appropriate, be assisted by Police Services.

Under the “*Child, Youth and Family Enhancement Act*, R.S.A. 2000, c C-12, caseworkers have the same rights as parents for those children who are temporary or permanent wards of the government (Child and Family Services Authority). Furthermore, child welfare workers and police officers have the authority to apprehend a child where there is sufficient reason to believe that the child is in need of protective services. In such cases, the Child and Family Services Authority immediately assumes guardianship and other parental rights for the child (later confirmed or altered by Family Court).

Child welfare workers are authorized to apprehend a child from the school premises during the course of an investigation.

See Appendix A for specific child abuse and neglect issues.

### Procedures

1. When the staff member suspects that a child has been abused or is in need of intervention, the staff member should make a written note of the reasons for concern and any relevant statements made by the child.
2. The staff member should then immediately inform the school Principal in order to manage the child’s situation appropriately. No investigation should be carried out by the school personnel at this or any other time.

3. The obligation to report is not discharged until the person, who has reasonable and probable grounds to believe that a child is in need of intervention services, has reported directly to the appropriate authority such as a case-worker or director. Such a person does not require specific permission of the principal before making the report, though informing the principal will assist in managing the child's situation appropriately.
4. The staff member should then contact the appropriate authorities. The principal may be present. A written note should be made at this time of:
  - 4.1 The name of the person making the call.
  - 4.2 The name of the intake social worker receiving the call.
  - 4.3 The time and date the call was made.
  - 4.4 The action proposed by Alberta Child and Family Services.

This information should be retained by the school in the confidential counselor file.

5. The principal must contact division administration (Director- Early Childhood Education and Learning Support Services) with the information on this report.
6. The Principal should follow up on the case by contacting Alberta Child and Family Services to obtain relevant information on the disposition of the case.
7. At the end of the investigation and disposition of the case, the staff member, counsellor and school administrator should meet to discuss the steps they could take to assist the abused child.
8. Staff members of Greater St. Albert Roman Catholic Separate School Division shall cooperate with personnel from the Child and Family Services Authority and Police Services in the investigation of suspected cases of children in need of protective services.

Reference: Section 11, *Education Act*

Section Child, Youth and family Enhancement Act R.S.A. 2000, c. C-12, section (2), (3).

## **CHILD, YOUTH AND FAMILY ENHANCEMENT ACT - Excerpt**

2. For the purposes of this Act, a child is in need of intervention if there are reasonable and probable grounds to believe that the survival, security or development of the child is endangered because of any of the following:
- (a) the child has been abandoned or lost;
  - (b) the guardian of the child is dead and the child has no other guardian;
  - (c) the child is neglected by the guardian;
  - (d) the child has been or there is substantial risk that the child will be physically injured or sexually abused by the guardian of the child;
  - (e) the guardian of the child is unable or unwilling to protect the child from physical injury or sexual abuse;
  - (f) the child has been emotionally injured by the guardian of the child;
  - (g) the guardian of the child is unable or unwilling to protect the child from emotional injury;
  - (h) the guardian of the child has subjected the child to or is unable or unwilling to protect the child from cruel and unusual treatment or punishment.
  - (i) repealed 2003 c16 s3.
- 2.1 For the purposes of subsection (2)(c), a child is neglected if the guardian
- (a) is unable or unwilling to provide the child with the necessities of life,
  - (b) is unable or unwilling to obtain for the child, or to permit the child to receive, essential medical, surgical or other remedial treatment that is necessary for the health or well-being of the child, or
  - (c) is unable or unwilling to provide the child with adequate care or supervision.
3. For the purposes of this Act,
- (a) a child is emotionally injured
    - (i) if there is impairment of the child's mental or emotional functioning or development, and
    - (ii) if there are reasonable and probable grounds to believe that the emotional injury is the result of

- (A) rejection,
  - (A.1) emotional, social, cognitive or physiological neglect,
  - (B) deprivation of affection or cognitive stimulation,
  - (C) exposure to domestic violence or severe domestic disharmony,
  - (D) inappropriate criticism, threats, humiliation, accusations or expectations of or toward the child,
  - (E) the mental or emotional condition of the guardian of the child or of anyone living in the same residence as the child;
  - (F) chronic alcohol or drug abuse by the guardian or by anyone living in the same residence as the child;
- (b) a child is physically injured if there is substantial and observable injury to any part of the child's body as a result of the non-accidental application of force or an agent to the child's body that is evidenced by a laceration, a contusion, an abrasion, a scar, a fracture or other bony injury, a dislocation, a sprain, haemorrhaging, the rupture of viscus, a burn, a scald, frostbite, the loss or alteration of consciousness or physiological functioning or the loss of hair or teeth;
- (c) a child is sexually abused if the child is inappropriately exposed or subjected to sexual contact, activity or behaviour including prostitution related activities.

## **CHILD, YOUTH AND FAMILY ENHANCEMENT ACT - Excerpt**

1. Any person who has reasonable and probable grounds to believe and believes that a child is in need of protective services shall forthwith report the matter to a director.
2. Subsection 1 applies notwithstanding that the information on which the belief is founded is confidential, and its disclosure is prohibited under any other act.
3. This section does not apply to information that is privileged as a result of a solicitor-client relationship.
4. No action lies against a person reporting pursuant to this section unless the reporting is done maliciously or without reasonable and probable grounds for the belief.
5. Notwithstanding and in addition to any other penalty provided by this act, if a director has reasonable and probable grounds to believe that a person has not complied with Subsection 1 and that person is registered under an act regulating a profession or occupation prescribed in the regulations, the director shall advise the appropriate governing body of that profession or occupation of the failure to comply.

Any person who fails to comply with Subsection 1 is guilty of an offence and liable to a fine of not more than \$2,000.00 and, in default of payment, to imprisonment for a term of not more than six (6) months.