

PROVINCIAL AND TERRITORIAL CHILD PROTECTION LEGISLATION AND POLICY 2018



PROTECTING AND EMPOWERING CANADIANS TO IMPROVE THEIR HEALTH



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**TO PROMOTE AND PROTECT THE HEALTH OF CANADIANS THROUGH LEADERSHIP, PARTNERSHIP,
INNOVATION AND ACTION IN PUBLIC HEALTH.**

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PROVINCIAL AND
TERRITORIAL CHILD PROTECTION
LEGISLATION AND POLICY 2018

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Note

The contents of this document are not to be considered legal advice. It is information only, a compilation of policy and legislation drawn from publicly available sources.

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LIST OF ACRONYMS

PHAC	Public Health Agency of Canada
CMSRWG	Child Maltreatment Surveillance and Research Working Group
DOJ	Department of Justice Canada
CIS	Canadian Incidence Study of Reported Child Abuse and Neglect
CRCMSS	Canadian Reported Child Maltreatment Surveillance System
PA	Physical abuse
SA	Sexual abuse
NG	Neglect
EIPV	Exposure to Intimate Partner Violence
EM	Emotional maltreatment
UN	United Nations
SDM	Structured Decision Making System
PEI	Prince Edward Island
DAA's	Delegated Aboriginal Agencies
CYFS	Child and Youth Family Services
CAS	Children's Aid Society
MOU	Memorandum of Understanding
RCMP	Royal Canadian Mounted Police
CAC	Child Advocacy Centres
CYAC	Child and Youth Advocacy Centre
CRIA	Children's Rights Impact Assessment
FPT	Federal Provinces and Territories

BACKGROUND

Child maltreatment is a significant Canadian and global problem that can have serious physical, psychological and emotional impacts lasting long beyond childhood. To prevent and address child maltreatment, the ongoing, systematic collection of data on child abuse and neglect reported to child welfare is essential. The federal, provincial, and territorial governments recognize the importance of surveillance in providing evidence about the contexts, risk factors and types of child maltreatment to inform policy, program, service and awareness interventions. Through their child welfare ministries, the provincial and territorial governments are responsible for assisting children in need of protection; they are also the primary source of administrative data and information related to reported child maltreatment. Each jurisdiction has its own child protection legislation and regulations; policies and practices may differ.

Preventing and addressing child maltreatment is a complex undertaking that requires engagement of governments at all levels, and various sectors, including social services, policing, justice, and health. At the federal level, the Family Violence Initiative brings together multiple departments to prevent and address family violence, including child maltreatment. For more than two decades, the Public Health Agency of Canada (PHAC) and provincial and territorial partners have been involved in child maltreatment surveillance and have collaborated on data collection, analysis, and interpretation. PHAC gathers and/or analyzes surveillance information from a variety of sources, including administrative data, survey data, and data gathered from proxy informants such as child welfare workers. The Child Maltreatment Surveillance and Research Working Group (CMSRWG) is mandated to provide advice to the Family Violence Surveillance Section of PHAC about the improvement of national child maltreatment surveillance and research. The Department of Justice Canada (DOJ) has been a partner department in the PHAC-led Family Violence Initiative since its inception and has been a member of the Child Maltreatment Surveillance and Research Working Group for the past five years. The DOJ is responsible for the *Criminal Code*, which includes several forms of child abuse. DOJ officials also apply a victim's lens to all federal work through the Policy Centre for Victim Issues. As well, DOJ and PHAC co-chair the Interdepartmental Working Group on Children's Rights.

The 1998 Canadian Incidence Study of Reported Child Abuse and Neglect (CIS) was the first national child maltreatment study. The CIS is a survey of reported cases of child maltreatment from a sample of child welfare agencies in all provinces and territories, including on-reserve; cycles took place in 1998, 2003, and 2008, and PHAC and Indigenous Services Canada are currently funding the 2018–2019 study. Over the last two decades, other surveys and projects have collected data on child maltreatment; for example, the Canadian Community Health Survey—Mental Health, the General Social Survey, and the Pan-Northern Minimum Data Set Project.

PHAC is currently collaborating with Statistics Canada to explore the development of an ongoing surveillance data system called the Canadian Reported Child Maltreatment Surveillance System (CRCMSS), using existing administrative data to track trends in reported child maltreatment. Statistics Canada will assist with methodological advice and security measures for storing and transferring sensitive information. Discussions with provinces and territories have informed an environmental scan for CRCMSS, focused on increasing federal understanding of the provincial and territorial child welfare data landscape. CRCMSS will

produce a database to provide estimates of the number of children investigated by child welfare officials because of reported maltreatment. These cases would be categorized by age, sex/gender, and type of maltreatment—neglect, exposure to intimate partner violence, emotional maltreatment, physical abuse, and sexual abuse—using consistent, nationally established definitions. The potential benefits of this project include the ability to track trends in the five types of maltreatment; track trends in the number of children placed in care; and link to other data sources.

CRCMSS will run in parallel with the current CIS, and complement other national, provincial, and territorial efforts. The CIS will fulfil a research function by revealing the context and circumstances of children involved in the child welfare system, while CRCMSS will serve an ongoing surveillance function.

The success of collecting and analyzing data on child maltreatment depends on collaboration with provinces and territories, national Indigenous organizations, First Nations, other government departments, experts in surveillance, researchers, and service providers. Both PHAC and DOJ are committed to using evidence-based approaches to address child maltreatment. To support ongoing surveillance and research efforts, at the December 2016 meeting of the Child Maltreatment Surveillance and Research Working Group, it was determined that a scan of provincial and territorial legislation, policies, and practices on child protection would be valuable. This report is the final product of that scan.

RESEARCH OBJECTIVE

The objective of this project is to document the legislation, policies, and practices of each province and territory in the context of child protection.

This report can be used as a reference tool to provide context for researchers and policy-makers who are interpreting child protection data.

RESEARCH QUESTIONS

Broad research questions include:

1. Since 2012, have there been any *key legislative or regulatory changes* that might affect the investigation (assessment) and substantiation of the five types of maltreatment—Physical abuse (PA), Sexual abuse (SA), Neglect (NG), Exposure to Intimate Partner Violence (EIPV) and Emotional maltreatment (EM) and risk of future child maltreatment? If so, what are they?
2. Since 2012, have there been any *key policy changes* that would affect the investigation (assessment) and substantiation of the five types of maltreatment (PA, SA, NG, EIPV and EM) and risk of future child maltreatment? If so, what are they?
3. Since 2012, have any *key practices* changed or been implemented with respect to the investigation (assessment) and substantiation of the five types of maltreatment (PA, SA, NG, EIPV and EM) and risk of future child maltreatment? If so, what are they?

METHODOLOGY

This scan sought provincial/territorial legislative or regulatory changes, policy changes, and changes in key practices that could affect investigation (assessment), substantiation of the five types of maltreatment, and risk of future child maltreatment that occurred since 2012.

The following areas were identified:

- Since 2012, have there been any key legislative or regulatory changes that might affect the investigation (assessment) and substantiation of the five types of maltreatment (PA, SA, NG, EIPV and EM)?
- Have there been any key non-legislative changes that might affect the investigation (assessment) and substantiation of the five types of maltreatment (PA, SA, NG, EIPV and EM)?
- What is the age of protection?
- What are the grounds for intervention, and has the definition expanded in the last five years (with explanations)?
- Is there a delegated First Nations agency (with description)?
- Does the legislation mention the duty to report (yes/ no, describe)?
- Does the legislation mention false reporting (yes/ no, describe)?
- What standards are used by child protection authorities in each jurisdiction to determine whether to intervene/whether maltreatment has occurred?
- Is there an inter-agency child abuse protocol?
- Are there any Child Advocacy Centres in the provinces and territories?
- Does the legislation refer to the United Nations Convention on the Rights of the Child?
- Is there an independent child advocate or representative in the jurisdiction?
- How does each province and territory address the culture and Indigenous heritage in the legislative provisions relating to the best interests test?
- Are there additional information or references and links that are important to include?

These areas of interest will be described in the tables in the following pages. Provinces and territories are presented by alphabetical order.

TABLE 1: CHILD PROTECTION LEGISLATION AND REGULATIONS

Table 1 shows changes to child protection statutes and regulations. During the last five years, these changes address a wide variety of topics such as sharing of information between government departments and the expansion of agency mandates through, for example, changes to the age of protection.

TABLE 1: Legislative or Regulatory Changes

ALBERTA	BRITISH COLUMBIA	MANITOBA
<p>The Child, Youth and Family Enhancement Act oversees the quality and delivery of child protection. It was proclaimed in 2004.</p> <p>Amendments to the Act in the last five years included the following:</p> <ul style="list-style-type: none"> • Provisions regarding the rights of previous caregivers who seek to become guardians of a child • Changes to the Quality Assurance provisions of the Act • Provisions permitting children of any age to appeal court decisions made under the Act (previously, only children over the age of 12 had a right of appeal) • Changes to the Appeals Panel hearing appeals of decisions of directors • Provisions regarding publication bans where a child is deceased • Removal of the requirement of “wilfulness” in the offence of causing a child to be in need of protection. 	<p>The Child, Family and Community Service Act oversees the quality and delivery of child protection services. It was proclaimed in 2000.</p> <p>Amendments to the Act in the last five years included the following:</p> <ul style="list-style-type: none"> • Provisions allowing the director to make an agreement with prospective adoptive parents to care for a child • Provisions permitting agreements for services to children over 19 years of age • Changes to the grounds for protection to include emotional harm caused by living in a situation where there is domestic violence, and to clarify that the presence of domestic violence increases the risk of physical harm to a child • Changes to the possible responses to a report that a child needs protection, in order to allow for services to be provided without a determination that the child is in need of protection • Changes to the provisions regarding restraining orders • Changes to allow for children to be placed in the permanent custody of someone other than their parent. 	<p>The Child and Family Services Act oversees the quality and delivery of child protection. It was proclaimed in 1985.</p> <p>The Child and Family Services Authorities Act establishes authorities that are responsible for administering and providing for the delivery of child and family services. It was originally proclaimed in 2003.</p> <p>There have been no significant amendments to either statute in the last five years.</p>

NEW BRUNSWICK	NEWFOUNDLAND AND LABRADOR	NORTHWEST TERRITORIES
<p>The Family Services Act oversees the quality and delivery of child protection services. It was enacted in 1980.</p> <p>Since 2016 there have been amendments relating to the release of confidential information, particularly concerning adoptions.</p>	<p>The Children and Youth Care and Protection Act oversees the quality and delivery of child protection services. It was proclaimed in 2011.</p> <p>There have been no significant amendments to the Act in the last five years.</p>	<p>The Child and Family Services Act oversees the quality and delivery of child protection. It was proclaimed in 1998.</p> <p>The most recent revisions to the Act came into force on April 1, 2016 and August 1, 2016. The amendments included the following:</p> <ul style="list-style-type: none"> • A new definition of youth and protections and services available to youth • A new provision requiring the Director to notify a child and the child's parents of the right to be represented by legal counsel • A new provision providing for mediation and other alternative dispute mechanisms • The extension of services to age 23 for permanent custody youth to support independent living • Amended criteria for determining when a child or youth needs protection as it relates to domestic violence and prostitution • A new provision requiring notification of Aboriginal organizations of orders relating to Aboriginal children, and permitting the organizations' participation in hearings • Time limits for temporary custody, depending on the child's age • A new provision requiring a review of the Child and Family Services Act every five years.

NOVA SCOTIA	NUNAVUT	ONTARIO
<p>The Children and Family Services Act oversees the quality and delivery of child protection services. It came into force in 1990.</p> <p>A total of 90 amendments to the Act were proclaimed in December 2016 and came into effect March 1, 2017. Amendments include:</p> <ul style="list-style-type: none"> • Expansion of the definition of a child in need of protective services, to allow services to be provided in more cases • Provisions to encourage permanency for children in care • Provisions to allow voluntary services to be provided to children between 16 and 18 years old • Provisions defining the duty to report • Provisions allowing social workers to interview a child without parental consent • Provisions emphasizing the importance of a child's culture. 	<p>The Child and Family Services Act provides child protection laws for state intervention where a child is in need of protection.</p> <p>It came into force in 1998.</p> <p>The most recent substantive revisions to the Act came into force in 2014. These amendments include:</p> <ul style="list-style-type: none"> • New provisions which require the Act to be administered and interpreted so as to reflect specific Inuit societal values • New provisions setting limits for the amount of time in which children can be in temporary care • Amendments extending the age at which a youth can no longer receive voluntary services from 18 to 26 • A prohibition on maliciously making a false report claiming a child needs or may need protection • The addition of new grounds for a finding that a child is in need of protection: exposure to or involvement in child pornography, repeated exposure to family violence, and significant contact with a person who possesses child pornography • A requirement that the Director respond within 60 days to recommendations of coroner's inquests following deaths of children in care, and a requirement that the Minister table the Director's annual report before the Legislative Assembly. 	<p>The Child, Youth and Family Services Act oversees the quality and delivery of child protection services. It replaced the <i>Child and Family Services Act</i> in 2018.</p> <p>The new legislation includes the following new features:</p> <ul style="list-style-type: none"> • A new Preamble, new purposes of the legislation, and changes to the best interests test • Recognition of Jordan's Principle and the UN Declaration on the Rights of Indigenous Peoples (see Table 11) • Provisions requiring agencies to pursue plans for customary care for First Nations, Inuk or Métis children • Raising the age of protection from 16 to 18 • Provisions permitting the apprehension and return of children subject to interprovincial child protection proceedings • Improved oversight of service providers • Updated language, including "extended society care" in place of "Crown wardship". <p>Provisions relating to the use of personal information will come into effect in January 2020.</p>

PRINCE EDWARD ISLAND	QUEBEC	SASKATCHEWAN
<p>The Child Protection Act oversees the quality and delivery of child protection services. It was proclaimed in 1988.</p> <p>In 2013, the Act was amended to permit the Director of Child Protection to disclose information required for an investigation or inquest under the <i>Coroner's Act</i>.</p> <p>In 2017, the Act was amended to allow a court to admit certain forms of hearsay, including hearsay evidence of the child who is the subject of the hearing.</p>	<p>The Youth Protection Act oversees the quality and delivery of child protection services. It was enacted in 1984.</p> <p>The Act was amended in 2016 with amendments coming into force in 2017. The Amendments include:</p> <ul style="list-style-type: none"> • The inclusion of cultural identity as a best interests factor; • Requirements that placements for Indigenous children attempt to preserve their cultural identity; • Provisions requiring child protection services to inform Indigenous communities when a child is removed, and to seek the communities' cooperation. 	<p>The Child and Family Services Act oversees the quality and delivery of child protection services. It was proclaimed in 1990.</p> <p>The Act was amended in 2017. The 2017 amendments included:</p> <ul style="list-style-type: none"> • Provisions establishing the criteria for the disclosure of personal information • Provisions clarifying the requirements for agreements delegating the Minister's powers to provide child protection services to Aboriginal bands and organizations.
YUKON		
<p>The Child and Family Services Act oversees the quality and delivery of child protection services. The Act came into effect in 2010. There have been no significant amendments since it came into force.</p>		

TABLE 2: NON-LEGISLATIVE CHANGES

Table 2 shows the key non-legislative changes over the last five years that had an impact on the investigation (assessment) and substantiation of the five types of maltreatment (PA, SA, NG, EIPV and EM). The non-legislative changes include changes on the practice level such as to customize and implement Structured Decision Making System (SDM) to local context.

TABLE 2: Non-Legislative Changes

ALBERTA	BRITISH COLUMBIA	MANITOBA
<p>Alberta has implemented the Child Intervention Practice Framework over the past five years. The Framework outlines principle-based practice for child intervention. Practice Strategies supporting this Framework were implemented in 2014. These strategies guide decision-making for caseworkers from initial contact with the family, and support the “slowing down” of the Intake and Investigation to better service the needs of families. The Strategies require caseworkers to focus on kinship as priority to reduce trauma, loss and grief for the child, to involve extended family and cultural connections early in the process to build sustainable safety plans, and to ensure children in care maintain connections to family, community and culture.</p> <p>The province has also adopted Collaborative Service Delivery. This province-wide initiative focuses on improved assessment, collaboration, and engagement with service providers and families, with a focus on prioritizing improved outcomes for at-risk children, youth and families. It supports the implementation of the Casework Practice Model and compliments the core principles of Signs of Safety.</p> <p>Safety and Risk Assessment: Signs of Safety</p>	<p>In May 2015, the province imposed a moratorium on the use of hair-strand drug and alcohol testing in child protection cases, following the discovery of concerns regarding the reliability of testing conducted at the Motherisk Lab at the Hospital for Sick Children in Toronto.</p> <p>Safety and Risk Assessment: Structured Decision Making</p>	<p>Not found</p> <p>Safety and Risk Assessment: Structured Decision Making</p>

NEW BRUNSWICK	NEWFOUNDLAND AND LABRADOR	NORTHWEST TERRITORIES
<p>In March 2016, New Brunswick ended the use of hair-strand tests for drug and alcohol in child protection cases. The province cited concerns about the overall reliability of such tests, following the discovery of serious problems with the testing performed by the Motherisk Lab at the Hospital for Sick Children in Toronto.</p> <p>Safety and Risk Assessment: Structured Decision Making</p>	<p>In 2013, the province implemented a mandatory decision-making framework for child protection, the Risk Management Decision Making Model. In 2016, a plan was put in place to transition from the Risk Management Decision Making Model to the Structured Decision Making Model, which was adapted for use in Newfoundland and Labrador.</p> <p>Safety and Risk Assessment: Structured Decision Making</p>	<p>The Building Stronger Families Action Plan was implemented by the Department of Health and Social Services in 2014 to improve and enhance the child and family services system in the NWT. This Action Plan has led to the establishment of a new accountability framework, manual revisions, and information system replacement. (The 2016 changes to the legislation were also part of this Action Plan.)</p> <p>The province implemented the Structured Decision-Making System for Child Protection, which was adapted to serve the people and context of the NWT. Four of the six SDM tools were implemented between January 2016 and March 2017.</p> <p>Safety and Risk Assessment: Structured Decision Making</p>
NOVA SCOTIA	NUNAVUT	ONTARIO
<p>In May 2016, Nova Scotia suspended use of hair-strand drug and alcohol tests in child protection cases. This came in response to the discovery of serious flaws in hair-strand tests conducted by the Motherisk Lab at the Hospital for Sick Children. Nova Scotia hair samples had been tested at labs in Toronto, including the Motherisk Lab, prior to the suspension of testing by the government.</p> <p>Safety and Risk Assessment: Washington State Risk Assessment Matrix (WARM)</p>	<p>Not found</p> <p>Safety and Risk Assessment: Structured Decision Making (being planned for 2019)</p>	<p>In 2016, Ontario implemented new Child Protection Standards governing the work of child protection workers. It also revised the province's Eligibility Spectrum, which is designed to assist children's aid society staff in making consistent and accurate decisions about eligibility for service at the time of referral.</p> <p>In April 2015, the Ontario government issued a policy directive to all children's aid societies, requiring them to cease using or relying on hair-strand drug and alcohol testing in child protection services. This was in response to the discovery of serious problems with the reliability of hair-strand tests conducted by the Motherisk Lab at the Hospital for Sick Children.</p> <p>Safety and Risk Assessment: Eligibility Spectrum and Structured Decision Making in certain cases.</p>

PRINCE EDWARD ISLAND	QUEBEC	SASKATCHEWAN
<p>In December 2013, a formalized protocol was developed between the province's Child Protective Services and the Mi'kmaq Confederacy of PEI. This protocol provides clarity on roles, responsibilities and procedures in the delivery of child protection services involving PEI First Nation children and families. The goal of the protocol is to ensure child protection services are provided to PEI First Nation children and families in a manner that preserves and promotes the Aboriginal cultural identity of children and families.</p> <p>In 2016, the province implanted a "HUB" model for dealing with high-risk cases. Representatives from key government and community groups that work with families in crisis come together at what is called a "situation table". Cases involving multiple risk factors cutting across disciplines and departments are brought to this situation table to determine the required level of risk response. The group connects the individuals and families to services and coordinated collaborative interventions. This model is intended to prevent apprehensions or calls to police through information-sharing and collaborative responses.</p> <p>Safety and Risk Assessment: PEI is planning to implement Structured Decision Making</p>	<p>The province's youth protection department is part of a multi-sectorial agreement on young victims of sexual abuse, physical abuse and neglect. This agreement is being updated to consider sexual exploitation, honour-based violence, and sects. A plan is in place to introduce multi-sectorial teams to coordinate intervention aimed at young people at risk of sexual exploitation.</p> <p>Safety and Risk Assessment: Système de Soutien à la Pratique (SSP) (System of support to practice)</p>	<p>In 2014, changes were made to the Saskatchewan Child Abuse Protocol in order to enhance the province's co-ordinated and integrated approach to child abuse investigations, while clarifying responsibilities for protecting children. The duty to report suspected child abuse was clarified, and the protocol was shortened and made more user-friendly.</p> <p>The new Structured Decision Making (SDM) Model was implemented across the province and in two First Nation child and family services agencies in June 2012.</p> <p>Effective October 2013, the Ministry began a pilot for a Flexible Response program. The model allows for different responses to reports of child abuse and neglect depending on the level of urgency and severity. The pilot is being expanded to the south service area before it is rolled out province-wide.</p> <p>Intensive in-home support programs are offered through community-based organizations in Regina, Saskatoon, and Yorkton. They are intended to provide an intensive response to a family crisis to ensure the personal safety of children while allowing them to remain within their family home, or be placed with family, as opposed to coming into Ministry care.</p> <p>The first HUB program in Canada, where child welfare agencies work with other social service agencies and police to identify and intervene with families at risk, was started in Prince Albert in 2011. This model has expanded throughout Saskatchewan since then.</p> <p>Safety and Risk Assessment: Structured Decision Making</p>

YUKON		
<p>Non-legislative changes in recent years include increased use of family group conferencing; Integrated Supports for Yukon Youth, a pilot project providing one-stop after-hours access to a variety of government services, including child protective services; and expansion of Family Support Services and preventative programming.</p> <p>Safety and Risk Assessment: To be determined</p>		

TABLE 3: AGE OF PROTECTION

Table 3 shows the age of protection in each province and territory for child protection services intervention. Age of protection varies from under 16 to under 19. The table also shows the ages for youth service agreements (voluntary agreements between Directors and Youth, which may include residential care.) It also shows the ages for agreements for support and financial assistance for adults who were in care or receiving services before they reached the maximum age for youth service agreements.

TABLE 3: Age of Protection

ALBERTA	BRITISH COLUMBIA	MANITOBA
<p>Protection: under 18</p> <p>Service agreements: 16–18</p> <p>Support and financial assistance: 24</p> <p>“Child” is defined as a person under the age of 18 years and includes a youth unless specifically stated otherwise. “Youth” is defined as a child who is 16 years or older. The duty to report includes all children (under 18). Directors may enter into agreements with youth who are in need of intervention, either through custody or the provision of services while the youth continues to live independently. Youth who are the subject of certain agreements or orders under the Act may also receive support and financial assistance between the ages of 18 and 24.</p>	<p>Protection: under 19</p> <p>Service agreements: 16–18</p> <p>Support and financial assistance: 19 and older if in school or a life skills or rehabilitative program.</p> <p>“Child” is defined as a person under 19 years of age and includes a youth. “Youth” is a person between 16 and 18. The Director may make agreements for residential, educational or support services and/or financial assistance where the youth can’t live at home or has no parent or caregiver willing to provide assistance. The agreements end when the youth turns 19. Directors may make agreements with youth who were in care, the subject of a custody order, or a party to an earlier agreement when they turned 19 for support service or financial assistance while the person is enrolled in an educational or training program, or is taking part in a life skills or rehabilitative program. There is no age limit for such agreements.</p>	<p>Protection: under 18</p> <p>Service agreements: no provisions</p> <p>Support and financial assistance: no provisions</p> <p>“Child” is defined as a person under the age of majority, which is 18 in Manitoba (under the <i>Age of Majority Act</i>). There is no definition of “youth.” There are no provisions in Manitoba’s legislation for extended services for young adults past their 18th birthday.</p>

NEW BRUNSWICK	NEWFOUNDLAND AND LABRADOR	NORTHWEST TERRITORIES
<p>Protection: under 19 (and as “neglected adults” for mentally incompetent people aged 19 and over)</p> <p>Service agreements: In 2014 government introduced Youth Engagement Services, a program providing financial and other supports to eligible youth aged 16–18 years, who are determined to be unable to live safely in a parental home and for whom there are no other options. The program is also extended to a youth with a dependent, living in a parental home where the household income is less than \$30,000.00. Youth are required to enter into a Youth Services Agreement and actively participate in a case plan related to education, employment and permanence.</p> <p>Support and financial assistance: The Child in Care Program Practice Standards provide for “post guardianship services” to:</p> <ul style="list-style-type: none"> • Any child who has been under a Guardianship Order or Agreement, after they reach the age of 19 and up to the age of 24, provided that the young person is enrolled in an education program; or • A young person who is not self-sufficient by reason of a physical, mental or emotional disability until the person reaches the age of 24. However, the young person who is not self-sufficient may be transferred to the Disability Support program, any time after the age of 19. <p><i>Continued on next page</i></p>	<p>Protection: under 16, and between 16 and 18 if unable to protect himself or herself due to a lack of mental capacity.</p> <p>Service agreements: no provisions</p> <p>Support and financial assistance: no provisions</p> <p>“Child” is defined as a person actually or apparently under the age of 16 years. “Youth” is defined as a person 16 of age or older but younger than 18. Youth may receive the same protective interventions and services as children where the youth meets the same criteria for protection as children and is also “unable to protect himself or herself due to a lack of mental capacity.”</p>	<p>Protection: under 19 (separate protection scheme for youth between 16 and 19)</p> <p>Service agreements: 16–19</p> <p>Support and financial assistance: until age 23</p> <p>“Child” is defined as a person who is or, in the absence of evidence to the contrary, appears to be under 16 years of age. “Youth” is defined as a person who is over 16 and under the age of majority (19 in the Northwest Territories). There is a separate process for seeking and obtaining youth protection orders under the legislation; youth may be subject to a protection application if the worker “has reason to believe that the youth cannot reside with his or her parents, and is unable to care for and protect himself or herself, and is unwilling or unable to enter into a voluntary agreement for services due to incapacity, or otherwise meets the criteria for a child in need of protection. The Director may make agreements with youth on a voluntary basis to provide services to assist the youth in caring for himself or herself, including foster care. These agreements expire when the youth reaches the age of majority, but services can be extended until the age of 23 for youth who were in the permanent custody of the Director before reaching the age of majority.</p>

NEW BRUNSWICK	NEWFOUNDLAND AND LABRADOR	NORTHWEST TERRITORIES
<p><i>Continued from previous page</i></p> <p>"Child" is defined as a person actually or apparently under the age of majority (19 in New Brunswick) (and includes an unborn or stillborn child). There is no definition of "youth." The Act provides for protective services for neglected or abused adults and provides that a child in care who reaches adulthood, who is mentally incompetent and who does not have an adult who could assume responsibility for the child's care can be treated as a neglected adult by the court. The Act permits the Minister to continue to provide care and support for a child who has been in care under a guardianship order who has reached the age of majority. The eligibility for continued care and support is set out in the Child in Care Program Practice Standards.</p>		

NOVA SCOTIA	NUNAVUT	ONTARIO
<p>Protection: under 19 (children over 16 can only be brought into care if a protection proceeding was commenced before their 16th birthday)</p> <p>Service agreements: over 16 and under 19</p> <p>Support and financial assistance: no provisions</p> <p>“Child” is defined as a person under the age of 19 years. Children older than 16 and younger than 19 who are in need of protective services may enter into agreements with an agency for placement or services. A court can order a care and custody order to extend past the child’s 19th birthday if the child is under a disability, in which case the order can extend to the child’s 21st birthday.</p>	<p>Protection: under 19</p> <p>Service agreements: 16–19</p> <p>Support and financial assistance: under age 23</p> <p>“Child” is defined as a person who is or, in the absence of evidence to the contrary, appears to be under the age of 16 years. “Youth” is defined as a person over 16 years but younger than the age of majority (19 in Nunavut). There is a separate process for seeking and obtaining youth protection orders under the legislation; youth may be subject to a protection application if the youth cannot reside with his or her parents, is unable to care for and protect himself or herself, and is unwilling or unable to enter into a voluntary agreement for services due to incapacity, or otherwise meets the criteria for a child in need of protection. The Director may make agreements with youth on a voluntary basis to provide services to assist the youth in caring for himself or herself, including foster care. These agreements expire when the youth reaches the age of majority, but services can be extended until the age of 23 for youth who were in the permanent custody of the Director before reaching the age of majority.</p>	<p>Protection: under 18</p> <p>Service agreements: under 18</p> <p>Support and financial assistance: monthly financial support until age 20; tuition and living costs grants available for students ages 21–25; “youth in transition workers” provide assistance for youth ages 16–24; health and dental benefits are provided to former youth in care between ages 21 and 29.</p> <p>“Child” means a person younger than 18. Children over 15 have the authority to agree to a placement in care over their parent’s objection.</p>

PRINCE EDWARD ISLAND	QUEBEC	SASKATCHEWAN
<p>Protection: under 18</p> <p>Service agreements: over 12 and under 18</p> <p>Support and financial assistance: under 21</p> <p>“Child” is defined as a person under the age of 18. “Youth” is defined as a person over 12 and under 18. Youth over the age of 16 and under 18 may make agreements for protective services without parental consent if their parent is unavailable, the relationship between the youth and parent has serious difficulties, the youth is not living with the parent, or it would be harmful to the youth’s best interests to require the parent’s consent. A child over 18 may enter into a written agreement for continued services until the age of 21 to prepare the child for independent living if the child is a student or in an approved training or rehabilitation program, or where there are unusual circumstances necessitating special transitional support. If the child is mentally incompetent, the Director must bring an application to transfer guardianship to another person but can continue to provide transitional support until the child is 21.</p>	<p>Protection: under 18</p> <p>“Child” is defined as a person under 18.</p>	<p>Protection: under 16; age 16 and 17 in “circumstances of an exceptional nature”</p> <p>Service agreements: age 16 and 17</p> <p>Support and financial assistance: under 21</p> <p>“Child” is defined as an unmarried person actually or apparently under 16 years of age. However, a person aged 16 or 17 may be apprehended and be the subject of a protection application where there are reasonable grounds to believe that the person is in need of protection and where the director “considers the circumstances to be of an exceptional nature”.</p> <p>Where a person who is 16 or 17 years old is in need of care and supervision and there is no person willing to assume their responsibility or the person cannot be re-established with their family, they may enter into an agreement with the director for residential services and/or financial assistance. People who have agreements with the director under this provision may also be subject to protective intervention orders prohibiting contact between a person named in the order and the 16 or 17-year-old.</p> <p>Children may stay in the custody of the minister until age 18. They may receive financial assistance including education, counselling and rehabilitative services up to age 21, provided they are continuing their education or are disabled or impaired and require care or programming to assist them.</p>

YUKON		
<p>Protection: under 19</p> <p>Service agreements: over 16 and under 19</p> <p>Support and financial assistance: under 24</p> <p>“Child” is defined as a person under 19 years of age. “Youth” is a person between 16 and 19. Youth who have no parent or who can’t be re-established with their family may make service agreements with the director. They also may make agreements to provide for transitional support to assist the youth to move to independent living; these agreements may be renewed until the child’s 24th birthday.</p>		

TABLE 4: GROUNDS FOR INTERVENTION

Table 4 explores the grounds for intervention in provincial and territorial child protection legislation as each jurisdiction sets out unique parameters for determining when a child is in need of protection.

This table also tracks where the grounds for intervention have changed in the last five years.

TABLE 4: Grounds of Intervention

ALBERTA	BRITISH COLUMBIA	MANITOBA
<p>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 [due to the following circumstances]:</p> <ul style="list-style-type: none"> • The child has been abandoned or lost • Guardian is dead and the child has no other guardian • Neglect • Physical injury • Substantial risk of physical injury • Sexual abuse (inappropriately exposed or subjected to sexual contact, activity or behavior including prostitution related activities) • Substantial risk of sexual abuse • Emotional injury • Guardian has subjected child to or is unwilling or unable to protect child from cruel and unusual treatment or punishment. <p><i>No amendments in the last five years.</i></p>	<p>A child needs protection in the following circumstances:</p> <ul style="list-style-type: none"> • Physical harm • Likelihood of physical harm (the likelihood of physical harm is identified as increasing when the child is living in a situation where there is domestic violence by or towards a person with whom the child resides) • Sexual abuse or exploitation (including being encouraged, helped, coerced or inveigled into engaging in prostitution) • Likelihood of sexual abuse or exploitation • Emotional harm by parent's conduct, or living in a situation with domestic violence by or toward someone with whom the child resides • Deprivation of necessary health care • Child's development likely to be seriously impaired and 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 provision for the child's care; • If the child is or has been absent from home in circumstances that endanger the child's safety or well-being; • Parent is dead and adequate provision has not been made for the child's care; <p><i>Continued on next page</i></p>	<p>A child is in need of protection where the life, health or emotional well-being of the child is endangered by the act or omission of a person. Without restricting that definition, a child is in need of protection [in the following circumstances]:</p> <ul style="list-style-type: none"> • Lack of adequate care, supervision or control; • In the care of someone whose conduct endangers or might endanger the life, health or emotional well-being of the child • Failure or refusal to provide or obtain medical treatment • Abuse • In danger of abuse, including harm or injury due to child pornography • Child is beyond the control of a person who has care of the child • Likely to suffer harm or injury due to the behavior, condition, domestic environment or associations of the child or person with care of the child • Subjected to aggression or sexual harassment that endangers the life, health or emotional well-being of the child • Left unattended without reasonable provisions for supervision and safety when under 12 • Subject or about to become the subject of an unlawful adoption or sale. <p><i>No amendments in the last five years.</i></p>

ALBERTA	BRITISH COLUMBIA	MANITOBA
	<p><i>Continued from previous page</i></p> <ul style="list-style-type: none"> Abandonment and adequate provision has not been made for the child's care; The child is in the care of a director or another person by agreement and the child's parent is unwilling or unable to resume care when the agreement is no longer in force. <p><i>Amendments in the last five years:</i> <i>The grounds for intervention were changed to include emotional harm caused by living in a situation where there is domestic violence, and language to clarify that the presence of domestic violence increases the risk of physical harm to a child was also added.</i></p>	
NEW BRUNSWICK	NEWFOUNDLAND AND LABRADOR	NORTHWEST TERRITORIES
<p>The security or development of a child may be in danger [in the following circumstances]:</p> <ul style="list-style-type: none"> Lack of adequate care, supervision or control Living in unfit or improper circumstances In the care of a person who is unable or unwilling to provide adequate care, supervision or control of the child In the care of a person whose conduct endangers the life, health or emotional well-being of the child Physical or sexual abuse Physical or emotional neglect Sexual exploitation including sexual exploitation through child pornography or in danger of such treatment Living in a situation where there is domestic violence Failure or refusal to provide or obtain proper medical, surgical or other remedial care or treatment necessary for the health or well-being of the child <p><i>Continued on next page</i></p>	<p>A child is in need of protective intervention [in the following circumstances]:</p> <ul style="list-style-type: none"> Physical harm Risk of physical harm Sexual abuse or exploitation Risk of sexual abuse or exploitation Emotional harm Risk of emotional harm Failure or refusal to obtain or permit essential medical, psychiatric, surgical or remedial care or treatment recommended by a qualified health practitioner Abandonment No living or available or willing parent and no adequate provision has been made for the child's care Living in a situation where there is violence or a risk of violence Living with a parent whose actions show a propensity to violence or who has allegedly killed or seriously injured another person; <p><i>Continued on next page</i></p>	<p>A child needs protection [in the following circumstances]:</p> <ul style="list-style-type: none"> Physical harm Substantial risk of physical harm Sexual molestation or exploitation Substantial risk of sexual molestation or exploitation Failure to provide or consent to treatment for emotional harm Failure to provide or consent to treatment to prevent emotional harm Failure to provide or consent to treatment for a mental, emotional or developmental condition threatening to impair the child's development Pattern of neglect resulting in physical or emotional harm Pattern of neglect creating a substantial risk of physical or emotional harm Failure to obtain services or treatment to prevent emotional harm caused by exposure to domestic violence <p><i>Continued on next page</i></p>

NEW BRUNSWICK	NEWFOUNDLAND AND LABRADOR	NORTHWEST TERRITORIES
<p><i>Continued from previous page</i></p> <ul style="list-style-type: none"> • Beyond the control of the person caring for him • Likely to injure himself or others by his behaviour, condition, environment or association • In the care of a person who does not have a right to custody of the child, without the consent of a person having such right; • In the care of a person who neglects or refuses to ensure that the child attends school • Has committed an offence or, if under the age of twelve, has committed an act or omission that would constitute an offence for which the child could be convicted if the child were twelve years of age or older. <p><i>No amendments in the last five years.</i></p>	<p><i>Continued from previous page</i></p> <ul style="list-style-type: none"> • Left without adequate supervision appropriate to the child's developmental level • Is actually or apparently under 12 years of age and has allegedly killed or seriously injured another person or has caused serious damage to another person's property, or repeatedly caused or threatened to cause injury to a person or animal, either with the parent's encouragement or because the parent does not respond adequately to the situation • Living in a situation where the mental or emotional health of a parent is negatively affecting the child • Living in a situation where a parent is an abuser of alcohol or drugs • Living in a situation where there is violence. <p><i>No amendments in the last five years.</i></p>	<p><i>Continued from previous page</i></p> <ul style="list-style-type: none"> • Failure to provide or consent to treatment to remedy or alleviate emotional harm caused by the child's use of alcohol, drugs, solvents or similar substances • Failure to provide or consent to treatment to remedy or alleviate where there is a substantial risk of emotional harm caused by the child's use of alcohol, drugs, solvents or similar substances • Failure to provide or consent to treatment required to cure, prevent or alleviate serious physical harm or serious physical suffering • Parents are unavailable, unable to properly care for the child, or have died or abandoned the child, and no adequate provision has been made for child's care or custody • Failure to provide or consent to provision of services to prevent a recurrence where a child under 12 has killed or seriously injured or persistently injured others or caused property damage • Child is engaging in or attempting to engage in prostitution-related activities. <p><i>Amendments in the last five years:</i> <i>Amendments in 2016 provided that exposure to domestic violence no longer has to be "repeated"; prostitution and prostitution-related acts are now set out in the grounds for intervention.</i></p>

NOVA SCOTIA	NUNAVUT	ONTARIO
<p>A child needs protection [in the following circumstances]:</p> <ul style="list-style-type: none"> • Physical harm • Substantial risk of physical harm • Sexual abuse • Substantial risk of sexual abuse • Requires medical treatment • Emotional abuse • Substantial risk of emotional abuse • Mental, emotional or developmental condition which could seriously impair the child’s development • Exposure to or awareness of violence by or towards a parent or guardian or other person residing with the child • Neglect • Substantial risk of neglect • Parent or guardian has died or is unable to exercise custodial rights and has not made adequate provision for the child’s care and custody • Child is in care of an agency or other person and parent or guardian refuses or is unable to resume the child’s care and custody • Child is under 12 and has killed or seriously injured another person or caused serious damage • Child is under 12 and has more than once injured another person or caused loss or damage to another person’s property, because of the parent or guardian’s encouragement or failure to supervise the child <p><i>Continued on next page</i></p>	<p>A child needs protection [in the following circumstances]:</p> <ul style="list-style-type: none"> • Physical harm • Substantial risk of physical harm • Sexual molestation or exploitation, including by exposure to or involvement in child pornography • Substantial risk of sexual molestation or exploitation • Failure to provide or consent to treatment to treat emotional harm • Failure to provide or consent to treatment to prevent a substantial risk of emotional harm • Failure to provide or consent to treatment to remedy or alleviate a mental, emotional or developmental condition that could seriously impair the child’s development • Child’s health or emotional or mental well-being has been harmed by the child’s use of alcohol, drugs, solvents or similar substances and the child’s parent is unavailable, unable or unwilling to properly care for the child; • Substantial risk that the child’s health or emotional or mental well-being will be harmed by the child’s use of alcohol, drugs, solvents or similar substances and the child’s parent is unavailable, unable or unwilling to properly care for the child • Failure to provide or consent to medical treatment to cure, prevent or alleviate serious physical harm or serious physical suffering • Malnutrition <p><i>Continued on next page</i></p>	<p>A child is in need of protection [in the following circumstances]:</p> <ul style="list-style-type: none"> • Physical harm including failure to adequately care for or supervise, or pattern of neglect • Likely risk of physical harm • Sexual abuse or exploitation • Likely risk of sexual abuse or exploitation • Failure to provide or consent to treatment to cure, prevent or alleviate physical harm or suffering • Emotional harm • Failure to provide or consent to treatment or services to remedy emotional harm • Likely risk of emotional harm • Failure to obtain or consent to treatment to alleviate a mental, emotional or developmental condition that could seriously impair the child’s development • Parent has died or unavailable and has not made adequate provision for child’s care and custody • Parent refuses or unable to resume child’s care following residential placement • Child younger than 12 and has repeatedly injured another person or caused loss or damage to property with encouragement of parent or due to failure to supervise properly • Parent is unable to care for child and matter is brought before the court on consent of parent and child (if child is over 12) • Child is 16 or 17 and prescribed circumstance or condition exists <p><i>Continued on next page</i></p>

NOVA SCOTIA	NUNAVUT	ONTARIO
<p><i>Continued from previous page</i></p> <p><i>Amendments in the last five years: The grounds of intervention have expanded in the last five years. Some of the specificity of the subsections was changed to allow a broader interpretation of the statute. For example, the previous subsection on domestic violence was revised to remove the requirements that the abuse be repeated, that it have occurred in the home, and that there be demonstrated harm as a result.</i></p>	<p><i>Continued from previous page</i></p> <ul style="list-style-type: none"> • Abandonment or parents have died or are unavailable, unable or unwilling to care for the child and no adequate provision has been made for the child's care or custody • Failure to provide or consent to services or treatment to prevent a recurrence where child is less than 12 years of age and has killed or seriously injured or has persisted in injuring others or causing property damage • Repeated exposure to family violence • Repeated exposure to pornography • Significant contact with a person who possesses child pornography. <p><i>Amendments in the last five years: New grounds of intervention were added: exposure to or involvement in child pornography; repeated exposure to family violence; and significant contact with a person who possesses child pornography.</i></p>	<p><i>Continued from previous page</i></p> <p><i>Amendments in the last five years: The Act is new in 2018. The new legislation removed "abandonment" as a ground for intervention, and added the ground for children aged 16 and 17 ("the child is 16 or 17 and a prescribed circumstance or condition exists").</i></p>

PRINCE EDWARD ISLAND	QUEBEC	SASKATCHEWAN
<p>A child is in need of protection [in the following circumstances]:</p> <ul style="list-style-type: none"> • Physical harm • Harm caused by neglect • Harm caused by inadequate supervision or protection • Substantial risk of harm caused by neglect • Substantial risk of harm caused by inadequate supervision or protection • Sexual abuse • Substantial risk of sexual abuse • Harm caused by sexual exploitation for the purpose of prostitution • Substantial risk of sexual exploitation for the purpose of prostitution • Harm caused by exposure to or involvement in the production of child pornography • Substantial risk of harm caused by exposure to or involvement in the production of child pornography • Emotional harm • Substantial risk of emotional harm • Physical or emotional harm caused by exposure to domestic violence • Substantial risk of physical or emotional harm caused by exposure to domestic violence • Failure to obtain or consent to medical, psychological or psychiatric treatment for physical or emotional condition or harm suffered • Failure to obtain or consent to treatment to remedy the effects of a mental, emotional or developmental condition that could seriously harm the child <p><i>Continued on next page</i></p>	<p>The security or development of a child is considered to be in danger if the child is abandoned, neglected, subjected to psychological ill-treatment or sexual or physical abuse, or if the child has serious behavioural disturbances. [Each of these terms is defined in the legislation.]</p> <p>The security or development of a child may be considered to be in danger where:</p> <ul style="list-style-type: none"> • He leaves his own home, a foster family, a facility maintained by an institution operating a rehabilitation centre or a hospital centre without authorization while his situation is not under the responsibility of the director of youth protection; • He is of school age and does not attend school, or is frequently absent without reason; • His parents do not carry out their obligations to provide him with care, maintenance and education or do not exercise stable supervision over him, while he has been entrusted to the care of an institution or foster family for one year. <p><i>Amendments in the last five years:</i> <i>The definition of “psychological ill-treatment” was amended to include situations in which a child is subjected to “excessive control.”</i></p>	<p>A child is in need of protection [in the following circumstances]:</p> <ul style="list-style-type: none"> • Physical harm • Likely physical harm • Serious impairment of mental or emotional functioning • Likely serious impairment of mental or emotional functioning • Exposure to harmful interaction for a sexual purpose, including involvement in prostitution and including conduct that may amount to an offence within the meaning of the criminal code • Likely exposure to harmful interaction for a sexual purpose, including involvement in prostitution and including conduct that may amount to an offence within the meaning of the criminal code • Failure to provide medical, surgical or other recognized remedial care or treatment that is considered essential by a duly qualified medical practitioner • Failure to remedy a mental, emotional or developmental condition which will likely seriously impair the child’s development • Exposure to domestic violence or severe domestic disharmony that is likely to result in physical or emotional harm to the child • No adult person is able and willing to provide for the child’s needs, and physical or emotional harm to the child has occurred or is likely to occur <p><i>Continued on next page</i></p>

PRINCE EDWARD ISLAND	QUEBEC	SASKATCHEWAN
<p><i>Continued from previous page</i></p> <ul style="list-style-type: none"> Abandonment or parent has died or is unavailable to take custody of the child and no adequate provisions made for care of the child Child is in care and parent refuses or is unable to resume custody Child is less than 12 and may have killed or seriously injured another, or poses a serious danger to another, or may have caused significant loss or damage to property, and the parent fails to obtain or consent to treatment to prevent a recurrence Significant risk of harm caused by past parenting. <p><i>No amendments in the last five years.</i></p>		<p><i>Continued from previous page</i></p> <ul style="list-style-type: none"> Child is less than 12 years of age and the child has committed an act that, if the child were 12 years of age or more, would constitute an offence, family services are necessary to prevent a recurrence, and the child's parent is unable or unwilling to provide for the child's needs. <p><i>Amendments in the last five years:</i> <i>An explicit reference to sexual exploitation was added, and "domestic violence" was changed to "interpersonal violence".</i></p>
YUKON		
<p>Protective intervention is needed [in the following circumstances]:</p> <ul style="list-style-type: none"> Physical harm Likely physical harm Sexual abuse or exploitation Likely sexual abuse or exploitation Emotional harm Likely emotional harm Deprivation of health care necessary to preserve child's life, prevent imminent serious physical or mental harm, or alleviate severe pain Abandonment, no living or available parent and no adequate provision for child's care has been made Failure to provide or consent to services or treatment to prevent a recurrence where a child under 12 has killed or caused serious injury or repeatedly caused or threatened to cause injury to another person. <p><i>No amendments in the last five years.</i></p>		

TABLE 5: INDIGENOUS CHILD WELFARE AGENCIES

Table 5 shows whether there are Indigenous child welfare agencies with delegated authority in each province and territory.

TABLE 5: Indigenous Delegated Agencies

ALBERTA	BRITISH COLUMBIA	MANITOBA
There are 17 Delegated First Nations Agencies in Alberta, serving 39 of 48 First Nations Reserves.	There are 24 Delegated Aboriginal Agencies (DAAs) in British Columbia providing child welfare services under the <i>Child, Family, and Community Service Act</i> . Three DAAs have staff who are delegated to provide voluntary family services, eight have staff who are delegated to provide guardianship services, and 13 have staff who are delegated to provide child protection services. Eight DAAs provide guardianship services and three provide only voluntary services. Some DAAs are providing services only on reserve, some are providing services only off reserve (Urban and Métis DAAs), and others are providing services on and off reserve. There is one Aboriginal Agency in the readiness process to become a DAA and there are seven existing DAAs who are in the process of increasing the delegated services provided or the communities that they serve.	There are four authorities responsible for overseeing services, dispersing funds and ensuring compliance with the <i>Child and Family Services Authorities Act</i> (2003). Three of the four authorities are Aboriginal (Métis, First Nations of Southern Manitoba, and First Nations of Northern Manitoba); the fourth is the general (non-Aboriginal) authority. There are 18 agencies reporting to the three Aboriginal authorities.
NEW BRUNSWICK	NEWFOUNDLAND AND LABRADOR	NORTHWEST TERRITORIES
There are eight First Nations Child and Family Service agencies in New Brunswick, servicing 15 First Nations. Two of the agencies (Mi'gmaq and Tobique) are incorporated.	There are no delegated First Nations agencies in the province. The Inuit communities of Northern Labrador, Nunatsiavut, are self-governing but have not yet implemented their own child protection legislation or system.	There are no delegated First Nations agencies in the Territory.

NOVA SCOTIA	NUNAVUT	ONTARIO
<p>There is one delegated agency in Nova Scotia, Mi'qmaq Family and Children's Services, which serves all 13 First Nations Communities.</p>	<p>Inuit people represent the majority of Nunavut's population, and there is no separate child and family service system or specific federal funding for Aboriginal child and family service agencies.</p> <p>Aboriginal community councils (councils of municipal corporation or settlement corporations) and Aboriginal not-for-profit corporate bodies can enter into an agreement with the Minister of Family Services to form a Child and Family Services Committee. These committees are made up of appointed community volunteers who participate in the case planning for Aboriginal children and families involved with child and family services</p>	<p>There are 11 Indigenous children's aid societies in Ontario. All children's aid societies in Ontario are responsible for the delivery of child protection services in their jurisdiction.</p>
PRINCE EDWARD ISLAND	QUEBEC	SASKATCHEWAN
<p>There are two First Nations agencies that provide child welfare services through a protocol with the Department. There are no delegated agencies.</p>	<p>There are 16 child welfare agencies for First Nations in Quebec (as of 2011).</p>	<p>There are 17 First Nations child welfare agencies in Saskatchewan.</p>
YUKON		
<p>There are no delegated First Nations agencies in the Territory. There is a Memorandum of Understanding between the Kwanlin Dün First Nation and the Yukon government which requires the parties to work with each other on a government-to-government basis and is designed to ensure full cooperation between the parties on the evaluation and delivery of child welfare services to Kwanlin Dün children and families.</p>		

TABLE 6: DUTY TO REPORT

Table 6 shows the “duty to report” provision in provincial and territorial child protection legislation. It describes the nature of the duty, who has the duty and what that person must do.

TABLE 6: Duty to Report

ALBERTA	BRITISH COLUMBIA	MANITOBA
<p>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.</p> <p>The subsection applies notwithstanding that the information on which the belief is founded is confidential and its disclosure is prohibited under any other Act. This section does not apply to information that is privileged as a result of a solicitor-client relationship.</p>	<p>A person who has reason to believe that a child needs protection must promptly report the matter to a director or a person designated by a director.</p> <p>The subsection applies even if the information on which the belief is based is privileged, except as a result of a solicitor-client relationship, or is confidential and its disclosure is prohibited under another Act.</p>	<p>Where a person has information that leads the person reasonably to believe that a child is or might be in need of protection, the person shall forthwith report the information to an agency or to a parent or guardian of the child.</p> <p>A person who reasonably believes that a representation, material or recording is, or might be, child pornography shall promptly report the information to a reporting entity.</p> <p>These duties to report apply even where the person has acquired the information through the discharge of professional duties or within a confidential relationship, but nothing in the duty to report provision abrogates any privilege that may exist because of the relationship between a solicitor and the solicitor’s client.</p>

NEW BRUNSWICK	NEWFOUNDLAND AND LABRADOR	NORTHWEST TERRITORIES
<p>Any person who has information causing him to suspect that a child has been abandoned, deserted, physically or emotionally neglected, physically or sexually ill-treated, including sexual exploitation through child pornography or otherwise abused shall inform the Minister of Families and Children of the situation without delay.</p> <p>This section applies notwithstanding that the person has acquired the information through the discharge of his duties or within a confidential relationship, but nothing in this subsection abrogates any privilege that may exist because of the relationship between a solicitor and the solicitor's client.</p>	<p>Where a person has information that a child is or may be in need of protective intervention, the person shall immediately report the information to a manager, social worker or a peace officer. This section applies to people who perform professional duties with respect to children, and notwithstanding that the information is confidential or privileged.</p> <p>A manager, social worker, the provincial director or other person is not personally liable for anything done or omitted in good faith in the exercise or performance, or intended exercise or performance, of:</p> <ul style="list-style-type: none"> • a power, duty or function conferred upon him or her by this Act; or • a power, duty or function on behalf of or under the direction of a person on whom the power, duty or function is conferred by this Act, or for the costs in connection with an action or proceeding. 	<p>A person who has information of the need of protection of a child shall, without delay, report the matter:</p> <ul style="list-style-type: none"> • to a Child Protection Worker; or • if a Child Protection Worker is not available, to a peace officer or an authorized person. <p>A person may not delegate this duty to report to another person.</p> <p>The subsection applies notwithstanding that the information is confidential or privileged. Nothing in this section shall abrogate any privilege that may exist between a solicitor and the solicitor's client.</p>

NOVA SCOTIA	NUNAVUT	ONTARIO
<p>Every person who has information, whether or not it is confidential or privileged, indicating that a child is in need of protective services shall forthwith report that information to an agency.</p>	<p>A person who has information or reasonable grounds to believe that a child needs protection shall, without delay, report the matter:</p> <ul style="list-style-type: none"> • to a Child Protection Worker; or • if a Child Protection Worker is not available, to a peace officer or an authorized person. <p>The duty to report applies notwithstanding that the information reported is confidential or privileged but nothing in the duty to report shall abrogate solicitor-client privilege.</p>	<p>If a person, including a person who performs professional or official duties with respect to children, has reasonable grounds to suspect [any of the grounds for a finding that a child is in need of protection], the person shall immediately report the suspicion and the information on which it is based to a society. The duty is ongoing (so subsequent incidents or information will give rise to a new duty to report) and the duty cannot be delegated to another person. The duty is not mandatory in respect of children who are 16 or 17, but reports may be made in respect of such children.</p> <p>This section applies although the information reported may be confidential or privileged. Nothing in this section abrogates any privilege that may exist between a lawyer and the lawyer's client.</p>

PRINCE EDWARD ISLAND	QUEBEC	SASKATCHEWAN
<p>Every person who has knowledge, or has reasonable grounds to suspect that a child is in need of protection shall:</p> <ul style="list-style-type: none"> • without delay, report or cause to be reported the circumstances to the Director, or to a peace officer who shall report the information to the Director, and • provide to the Director such additional information as is known or available to the person. <p>The subsection applies notwithstanding the confidential nature of the information on which the report is based, but nothing in this section abrogates any solicitor-client privilege.</p>	<p>Every professional who, by the very nature of his profession, provides care or any other form of assistance to children and who, in the practice of his profession, has reasonable grounds to believe that the security or development of a child is or may be considered to be in danger with respect to all of the grounds of protection set out in the statute must bring the situation to the attention of the director without delay. Any other person who has reasonable grounds to believe that the security or development of a child is or may be considered to be in danger due to sexual or physical abuse must bring the situation to the attention of the director without delay.</p> <p>An adult is bound to bring the necessary assistance to a child who wishes to seize the competent authorities of a situation that endangers his security or development, that of his brothers and sisters or that of any other child.</p> <p>The first, second and fourth paragraphs of section 39 apply even to persons who are bound by professional secrecy, except to advocates or notaries who, in the practice of their profession, receive information concerning a situation described in section 38 or 38.1 (Youth Protection Act: see Table 1).</p>	<p>Every person who has reasonable grounds to believe that a child is in need of protection shall report the information to an officer or peace officer.</p> <p>Every peace officer who has reasonable grounds to believe that a child is in need of protection shall immediately report the information to an officer.</p> <p>The duty to report applies notwithstanding any claim of confidentiality or professional privilege other than solicitor-client privilege or Crown privilege.</p>
<p>YUKON</p> <p>A person who has reason to believe that a child is in need of protective intervention shall immediately report the information on which they base their belief to a director or peace officer.</p> <p>The subsection applies even if the information on which the belief is based is confidential and disclosure of the information is prohibited under another Act; or is privileged, except as a result of a solicitor-client relationship.</p>		

TABLE 7: FALSE REPORTING

Table 7 shows where provincial and territorial child protection legislation mentions an offence for the false reporting of information to a child protection authority and the associated consequences. It also shows where the legislation places limits on actions for damages which may be brought against a person acting under the duty to report.

TABLE 7: False Reporting

ALBERTA	BRITISH COLUMBIA	MANITOBA
<p>There is no offence of false reporting.</p> <p>No action lies against a person reporting pursuant to the duty to report, including a person who reports information covered by solicitor-client privilege, unless the reporting is done maliciously or without reasonable and probable grounds for the belief.</p>	<p>A person who knowingly reports to a director, or a person designated by a director, false information that a child needs protection commits an offence.</p> <p>No action for damages may be brought against a person for reporting information under this section unless the person knowingly reported false information.</p>	<p>There is no offence of false reporting.</p> <p>No action lies against a person for providing information in good faith and in compliance with the duty to report provision.</p>
NEW BRUNSWICK	NEWFOUNDLAND AND LABRADOR	NORTHWEST TERRITORIES
<p>No action lies, in relation to the giving of information under the duty to report, against a person who in good faith who in good faith complies with that duty.</p> <p>A person who willfully gives false information under the duty to report commits an offence.</p>	<p>There is no offence of false reporting.</p> <p>An action does not lie against the informant unless the making of the report is done maliciously or without reasonable cause.</p>	<p>There is no offence of false reporting.</p> <p>No action shall be commenced against a person for reporting information in accordance with the duty to report unless the report is made maliciously.</p>
NOVA SCOTIA	NUNAVUT	ONTARIO
<p>Every person who falsely and maliciously reports information to an agency indicating that a child is in need of protective services is guilty of an offence and upon summary conviction is liable to a fine of not more than two thousand dollars or to imprisonment for a period not exceeding six months or to both.</p>	<p>No person shall maliciously make a false report claiming that a child needs or may need protection.</p> <p>No action shall be commenced against a person for reporting information in accordance with this section unless it is done maliciously.</p>	<p>No action for making a report shall be instituted against a person who acts in accordance with the duty to report unless the person acts maliciously or without reasonable grounds for the suspicion.</p>

PRINCE EDWARD ISLAND	QUEBEC	SASKATCHEWAN
<p>There is no offence of false reporting.</p> <p>A person who makes a report or provides information pursuant to the duty to report is not liable to any civil action in respect of providing such information or assistance. This limitation of liability does not apply where a person knowingly makes a report or provides information which is false or misleading.</p>	<p>There is no offence of false reporting.</p> <p>No person shall be prosecuted for acts done in good faith under the reporting duties.</p>	<p>There is no offence of false reporting.</p> <p>No action shall be commenced against a person with respect to making a report pursuant to the duty to report except with leave of the Court of Queen's Bench; leave shall not be granted unless the applicant establishes a prima facie case that the person made the report maliciously and without reasonable grounds for his or her belief.</p>
YUKON		
<p>No person shall knowingly report to a director or peace officer false information that a child is in need of protective intervention.</p> <p>No action for damages may be brought against a person for reporting the information unless the person knowingly reports false information.</p>		

TABLE 8: VERIFICATION STANDARD

This table sets out the standards used by child protection authorities in each jurisdiction to determine whether to intervene/whether maltreatment has occurred. (The 2008 CIS uses the following definition: “A case is considered substantiated if it is the worker’s professional opinion that the balance of evidence indicates that abuse or neglect has occurred. The term is synonymous with the terms “verified” or “confirmed”, which are used in some jurisdictions. A case is suspected if there is not enough evidence to substantiate maltreatment, but there nevertheless remains a suspicion that maltreatment may have occurred. A case is unsubstantiated if there is sufficient evidence to conclude that the child has not been maltreated.”)

TABLE 8: VERIFICATION STANDARD

ALBERTA	BRITISH COLUMBIA	MANITOBA
Unclear whether there is a specific standard for verification.	Unclear whether there is a specific standard for verification.	Unclear whether there is a specific standard for verification.
NEW BRUNSWICK	NEWFOUNDLAND AND LABRADOR	NORTHWEST TERRITORIES
<p>The Multiple Response Practice Standards in Child Protection and Family Enhancement Services provides the following definitions:</p> <p>Substantiated—a decision that, on the balance of probabilities, it is more probable than not that the harm or risk of harm has occurred, currently exists or is likely to occur.</p> <p>Unsubstantiated—a decision that, on the balance of probabilities:</p> <ul style="list-style-type: none"> • it is not more probable than not that the harm or risk of harm has occurred, currently exists or is likely to occur • evidence gathered lends weight to the belief that abuse or neglect did not occur • Inconclusive—critical information necessary for establishing that abuse or neglect occurred or did not occur, cannot be obtained. This case finding does not mean that the worker has determined that abuse or neglect did not occur, but rather that a lack of information makes it impossible to establish a balance of probabilities that abuse/neglect did or did not occur. <p><i>Continued on next page</i></p>	<p>From the Protection and In Care Policy and Procedure Manual (2018): Determining the Need for Protective Intervention (Policy 1.3):</p> <p>Upon conclusion of the protection investigation, the social worker determines whether the child protection allegations were verified (e.g. whether the child was harmed or at risk of harm as a result of the child protection concerns reported or identified); and if on-going CYFS involvement with the family is required to ensure the safety and wellbeing of the child...</p> <p>The social worker, in consultation with the supervisor, shall analyze the information gathered during the intake and the investigation processes to determine if the allegations are verified, and if the child is in need of ongoing protective intervention.</p> <p>There are three possible outcomes to the investigation... as follows:</p> <ol style="list-style-type: none"> a) allegation(s) is not verified and the child is not in need of protective intervention; b) allegation(s) is verified but the child is not in need of protective intervention; or c) allegation(s) is verified and the child is in need of protective intervention. 	Unclear whether there is a specific standard for verification.

NEW BRUNSWICK	NEWFOUNDLAND AND LABRADOR	NORTHWEST TERRITORIES
<p><i>Continued from previous page</i></p> <p>Further guidance is provided as follows:</p> <p><i>“More Probable Than Not”</i></p> <p>In applying the test “more probable than not”, the social worker considers two issues:</p> <ul style="list-style-type: none"> • whether the evidence gathered and reviewed by the social worker is credible. Credible evidence is defined as evidence that is trustworthy, believable and dependable, thus reliable • whether the evidence is considered persuasive <p>Credible evidence is considered persuasive when, after carefully reviewing and weighing all the evidence, the social worker finds the weight of the evidence supports a clear conclusion either that abuse or neglect has not occurred and is not likely to occur or that abuse or neglect has occurred or is likely to occur.</p> <p><i>Deciding that Evidence is “Inconclusive”</i></p> <p>All appropriate attempts to gather assessment information should be exhausted before this conclusion is reached. This conclusion is not used as a “default” for cases where the decision to substantiate or not is difficult to make.</p>		

NOVA SCOTIA	NUNAVUT	ONTARIO
<p>Unclear if there is a specific standard for verification.</p>	<p>Unclear if there is a specific standard for verification.</p>	<p>The Child Protection Standards (2016) defines verification as follows:</p> <p>The verification decision is whether it is more probable than not that the originally alleged or new child protection concerns (including harm or risk of harm) have occurred or currently exist. Child protection concerns may be “verified,” “not-verified” or “inconclusive.”</p> <p>Practice Notes The Verification Decision Evidence collected during an investigation may be complex and contradictory in some cases. It is the responsibility of the child protection worker (in conjunction with the police, where appropriate) to obtain as much reliable evidence as possible. In determining whether a child protection concern (including harm or risk of harm) is verified, the worker and supervisor consider all information obtained during the investigation and determine which information is relevant to be used as evidence to verify the concern(s) or not.</p> <p>It is critical that all evidence suggesting that a child was not maltreated be considered as thoroughly as evidence suggesting that child maltreatment did occur.</p> <p>The verification decision is made in a conference involving, at minimum, the child protection worker and supervisor. All relevant information obtained throughout the investigation is reviewed.</p> <p>A child protection concern should not be deemed as “not verified” merely because:</p> <ul style="list-style-type: none"> • the child and/or parent deny that the alleged incident occurred; and/or • physical evidence is inconclusive or non-existent. <p><i>Continued on next page</i></p>

NOVA SCOTIA	NUNAVUT	ONTARIO
		<p><i>Continued from previous page</i></p> <p>Where a child and/or parent deny that an alleged incident occurred, the worker uses his or her knowledge and skills to determine whether the denial is credible. The information obtained throughout the investigation will provide a basis for making these determinations. The absence of risk factors and the presence of a number of family strengths may lend credibility to the denial.</p> <p>“Balance of Probabilities or More Probable Than Not”</p> <p>The verification decision is made on the basis of a balance of probabilities. The child protection worker assesses the evidence to make a decision about whether the original or new child protection concerns are more likely to be true than not true. In assessing the evidence, the worker must consider two issues:</p> <ul style="list-style-type: none"> • Whether the evidence gathered and reviewed by the child protection worker is credible. Credible evidence is defined as evidence that is trustworthy, believable and dependable, thus reliable. • Whether the evidence gathered and reviewed by the child protection worker is persuasive. <p>Credible evidence is considered persuasive when, after carefully reviewing and weighing all the evidence, the child protection worker finds the weight of the evidence supports a clear conclusion that either the originally alleged or new child protection concerns have not occurred or are not present/do not currently exist, or that the originally alleged or new child protection concerns have occurred or are present/currently exist.</p> <p><i>Continued on next page</i></p>

NOVA SCOTIA	NUNAVUT	ONTARIO
		<p><i>Continued from previous page</i></p> <p>Deciding That Evidence Is “Inconclusive”</p> <p>A verification decision of inconclusive means that a CAS cannot determine based on the balance of probabilities that a child protection concern(s) can be verified or not. In order to make this decision the CAS would have had to exhaust all information sources during the investigation and still be unable to conclude with any degree of certainty that the balance is tipped one way or another in favour of verifying or not verifying child protection concerns. This conclusion is not used as a default for cases where the decision to verify or not to verify is difficult to make.</p>
PEI	QUEBEC	SASKATCHEWAN
<p>Unclear if there is a specific standard for verification</p>	<p>Unclear if there is a specific standard for verification</p>	<p>From the Child Protection Services Manual (2017):</p> <p>Final Investigation Finding:</p> <p>Determining whether or not a child is in need of protection as per Section 11 of The Child and Family Services Act requires a comprehensive analysis of all information gathered during the investigation, including:</p> <p>Verification of Child Abuse or Neglect Allegations (did the child suffer abuse/neglect):</p> <ul style="list-style-type: none"> • Substantiated—The weight of the evidence supports a finding that the child has suffered abuse or neglect as a result of an action or omission by the child’s parent; or • Unsubstantiated—The weight of the evidence supports a finding that the child has not suffered abuse or neglect as a result of an action or omission by the child’s parent; or <p><i>Continued on next page</i></p>

PEI	QUEBEC	SASKATCHEWAN
		<p><i>Continued from previous page</i></p> <ul style="list-style-type: none"> • Inconclusive—Critical information necessary for establishing the probability that abuse or neglect occurred or did not occur, cannot be obtained. This finding does not mean that abuse or neglect did not occur, but rather that a lack of information makes it impossible to establish a balance of probabilities that abuse/neglect occurred or did not. All attempts to gather assessment information must be exhausted before this conclusion is reached. This finding is not a “default” for cases where the decision to substantiate or not substantiate is difficult to make. An example of this might be an investigation of physical abuse or sexual abuse allegations where a young child is too young to be interviewed, the doctor is not able to completely rule out accidental injury or non-accidental injury, and therefore critical information necessary to establish the probability that abuse or neglect did or did not occur cannot be obtained.
YUKON		
Unclear whether there is a specific standard for verification		

TABLE 9: INTER-AGENCY CHILD ABUSE PROTOCOLS

Table 9 shows the child abuse protocols across the provinces and territories. It highlights what is covered under the protocol in each jurisdiction and it also provides access to the protocols through a website link.

TABLE 9: Inter-agency Child Abuse Protocols

ALBERTA	BRITISH COLUMBIA	MANITOBA
<p>Responding to Child Abuse: A Handbook was developed by the provincial departments of Children’s Services, Education, Health and Wellness, Justice and Attorney General, Solicitor General and Public Security. It sets out the roles and responsibilities of child care providers, law enforcement, medical treatment providers, and other service providers. Its appendices include protocols on videotaping police statements in child sexual abuse cases and on information-sharing.</p>	<p>There are local trilateral protocol agreements between individual school boards, the Ministry of Children and Family Development, and local police departments in British Columbia. An example is the Kootenay protocol, Responding to Child Abuse and Neglect. The B.C. Handbook for Action on Child Abuse and Neglect is a guide for service providers who work with children and families, including child care providers, police, physicians, and teachers. It sets out the obligations for reporting and facilitating investigations, and explains the legal basis for information-sharing for each type of service provider.</p>	<p>Reporting of Child Protection and Child Abuse: Handbook and Protocols for Manitoba Service Providers (2013) is published by the Manitoba provincial government as a guide for service providers. It contains the full texts of protocols on reporting child abuse for child and youth care practitioners, corrections staff, early childhood educators, nurses, physicians and other health care practitioners, school staff and social workers.</p> <p>The Protecting Children (Information Sharing) Act, which permits information-sharing between service providers, including child protection authorities, came into effect in 2017.</p>
NEW BRUNSWICK	NEWFOUNDLAND AND LABRADOR	NORTHWEST TERRITORIES
<p>New Brunswick has a collection of provincial protocols, published as the Child Victims of Abuse and Neglect Protocols, for employees of the current child-serving departments of Education and Early Childhood Development, Justice and Public Safety, the Office of the Attorney General, Health, Post-Secondary Education, Training and Labour, the Women’s Equality Branch and Social Development.</p>	<p>There is a Memorandum of Understanding between the Department of Child, Youth and Family Services and the Royal Newfoundland Constabulary setting out the obligations for each organization and the process for sharing information during the course of child abuse investigations. (The MOU is at Appendix A-1 of the linked document.)</p>	<p>The Child Abuse Protocol sets out the obligations and roles of the Government of Northwest Territories’ Departments of Health and Social Services, Education, Culture and Employment, Justice, the RCMP and the Public Prosecution Service of Canada in the reporting, investigation, prosecution and follow-up of a report of suspected child abuse, including information-sharing between departments and agencies. (This protocol is not available online.)</p>

NOVA SCOTIA	NUNAVUT	ONTARIO
<p>Nova Scotia has a High Risk Case Coordination Protocol Framework for referral and information-sharing in cases with a high risk of family violence. The parties to this protocol include child protection services, police, shelters and men's intervention programs. Other agencies may be involved in the development of actual protocols at the local level.</p>	<p>Nunavut has a Child Abuse Response Protocol between the departments of Health and Social Services, Education, Justice, Public Prosecutions of Canada, and the RCMP. The protocol sets out the roles and responsibilities of the RCMP, Family and Children's Services, and the Crown at all stages of child abuse investigations. (This protocol is not available online.)</p>	<p>Ontario's Child Protection Standards (2016) require every children's aid society to have protocols with the local police departments related to the investigation of allegations that a criminal act has been perpetrated against a child. The Child Abuse Protocol for Kingston and Frontenac is an example of a local protocol.</p>
PRINCE EDWARD ISLAND	QUEBEC	SASKATCHEWAN
<p>There is a comprehensive Child Sexual Abuse Protocol in PEI between the Government, First Nations, and police agencies. It sets out the obligations of all public bodies to report and investigate child sexual abuse, and contains a joint protocol between police and child protection authorities on the investigation of child sexual abuse.</p>	<p>The Multi-sectoral Agreement on Child Victims of Sexual Abuse, Physical Abuse or Neglect that Threatens their Physical Health is an agreement between the relevant departments, institutions and agencies, designed to promote collaborative responses to child abuse.</p>	<p>There is a Provincial Child Abuse Protocol in place, signed by the Ministries of Health, Justice, Education, Social Services, Parks, Culture and Sport, and the Saskatchewan Association of Chiefs of Police. It addresses the roles and responsibilities of the signatories in responding to all forms of child maltreatment.</p>
YUKON		
<p>The Inter-Agency Agreement for the Investigation of Child Abuse is a protocol between Health and Social Services, Public Prosecution of Canada, the Department of Justice, the Department of Education, and the RCMP. The protocol covers all stages of child abuse investigations. (It is not available online.)</p>		

TABLE 10: CHILD ADVOCACY CENTRES

Table 10 shows which provinces and territories have adopted Child Advocacy Centres

TABLE 10: Alternative Responses

ALBERTA	BRITISH COLUMBIA	MANITOBA
<p>Child Advocacy Centres:</p> <p>Caribou Child and Youth Advocacy Centre, Grand Prairie (Open)</p> <p>Zebra Child Protection Centre, Edmonton (Open)</p> <p>Sheldon Kennedy Child Advocacy Centre, Calgary (Open)</p> <p>Wood Buffalo Child and Youth Advocacy Centre, Fort McMurray (In Development)</p>	<p>Child Advocacy Centres:</p> <p>Willow Child and Youth Advocacy Centre, Kelowna (In Development)</p> <p>Sophie's Place Child Advocacy Centre</p> <p>Treehouse Child and Youth Advocacy Centre, Surrey (Open)</p> <p>Alisa's Wish Child and Youth Advocacy Centre - Maple Ridge Pitt Meadows Community Services, Maple Ridge (Open)</p> <p>Safe Kids & Youth (SKY) Coordinated Response - Kootenay Boundary Community Services Co-operative, Nelson/Midway (Virtual model)</p> <p>Oak Child and Youth Advocacy Centre - Vernon Women's Transition House Society, Vernon (Open)</p> <p>Victoria Child Advocacy Centre, Victoria (Open)</p> <p>Northern First Nations Child and Family Service Council, Prince George (Needs Assessment/ Feasibility Study)</p> <p>Kamloops CYAC (Needs Assessment)</p>	<p>Child Advocacy Centres:</p> <p>Snowflake Place for Children and Youth Inc., Winnipeg (Open)</p>
NEW BRUNSWICK	NEWFOUNDLAND AND LABRADOR	NORTHWEST TERRITORIES
<p>Child Advocacy Centres:</p> <p>"Centre d'appui pour les enfants et adolescents victimes d'agression sexuelle", Sainte-Anne-de-Kent (Open)</p> <p>Saint John Regional Hospital Emergency Department Horizon Health Network, Saint John (Feasibility)</p>	<p>Child Advocacy Centres:</p> <p>Key Assets (Exploring a CAC)</p>	<p>Child Advocacy Centres:</p> <p>None listed</p>

NOVA SCOTIA	NUNAVUT	ONTARIO
<p>Child Advocacy Centres: SeaStar Child and Youth Advocacy Centre, Halifax (Open)</p>	<p>Child Advocacy Centres: Umingmak Child and Youth Support Centre, Iqaluit (In Development)</p>	<p>Child Advocacy Centres: Kristen French Child Advocacy Centre Niagara, St. Catherines (Open) Boost Child and Youth Advocacy Centre, Toronto (Open) Child Advocacy Centre of Simcoe Muskoka, Orillia (Open) Windsor Essex Child and Youth Advocacy Centre, Windsor/Leamington (In Development) Child and Youth Advocacy Centre of Waterloo Region, Kitchener (Open) Maurice Genest Child and Youth Advocacy Centre, London (In Development) Durham Children's Aid Society\ Durham Family Court Clinic, Oshawa (Exploring a CAC) Koala Place Child & Youth Advocacy Centre, Cornwall (Open) Open Doors for Lanark Children & Youth, Carleton Place (Needs Assessment/Feasibility Study) Ottawa Virtual Child and Youth Advocacy Centre, Gloucester/ Ottawa (Open) Kingston Child and Youth Advocacy Centre, Kingston (Exploring a CAC) Child and Youth Advocacy Centre for the District of Nipissing, North Bay (In Development) Sioux Lookout First Nations Health Authority, Sioux Lookout (NA Complete/No Current Work) Sudbury NEOKIDS Advocacy Centre, Sudbury (Exploring a CAC)</p>

PRINCE EDWARD ISLAND	QUEBEC	SASKATCHEWAN
<p>Child Advocacy Centres: None listed</p>	<p>Child Advocacy Centres: Centre d'expertise Marie-Vincent, Montréal (Open) Centre intégré universitaire en santé et services sociaux de la Capitale-Nationale, Québec (Feasibility)</p>	<p>Child Advocacy Centres: Fresh Start Program Inc., Swift Current (Exploring a CAC)</p>
YUKON		
<p>Child Advocacy Centres: Project Lynx – Government of Yukon, Department of Justice, Victim Services (Virtual model)</p>		

TABLE 11: CONVENTION ON THE RIGHTS OF THE CHILD

Table 11 sets out where provincial and territorial child protection legislation refers to the United Nations Convention on the Rights of the Child. The majority of jurisdictions do not make reference to the Convention itself.

TABLE 11: United Nations Convention on the Rights of the Child

ALBERTA	BRITISH COLUMBIA	MANITOBA
No	No	No
NEW BRUNSWICK	NEWFOUNDLAND AND LABRADOR	NORTHWEST TERRITORIES
No However, New Brunswick has a policy that requires a Children's Rights Impact Assessment (CRIA) to be submitted when considering new legislation and policy so that decision makers understand how their decisions and actions would impact children.	No	Yes. "This Act shall be administered and interpreted in accordance with the [principle that] ... consistent with the United Nations Convention on the Rights of the Child, adopted by the General Assembly of the United Nations on November 20, 1989, persons who have attained 16 years of age but have not attained the age of majority and cannot reside with their parents should be supported in their efforts to care for themselves."
NOVA SCOTIA	NUNAVUT	ONTARIO
No	Yes. "This Act shall be administered and interpreted in accordance with the [principle that] ... consistent with the United Nations Convention on the Rights of the Child, adopted by the General Assembly of the United Nations on November 20, 1989, persons who have attained 16 years of age but have not attained the age of majority and cannot reside with their parents should be supported in their efforts to care for themselves."	Yes. "The Government of Ontario is committed to the following principles... In furtherance of these principles, the Government of Ontario acknowledges that the aim of the <i>Child, Youth and Family Services Act, 2017</i> is to be consistent with and build upon the principles expressed in the United Nations Convention on the Rights of the Child."
PRINCE EDWARD ISLAND	QUEBEC	SASKATCHEWAN
No	No	No
YUKON		
Yes. The Preamble states, "Whereas Canada is a signatory to the United Nations Convention on the Rights of the Child..."		

TABLE 12: INDEPENDENT CHILD ADVOCATE

Table 12 shows if an independent advocate, representative, or ombudsperson for children exists in the provinces and territories.

TABLE 12: Independent Child Advocate

ALBERTA	BRITISH COLUMBIA	MANITOBA
Office of the Child and Youth Advocate (OCYA)	Representative for Children and Youth	Children's Advocate
NEW BRUNSWICK	NEWFOUNDLAND AND LABRADOR	NORTHWEST TERRITORIES
Office of the Child, Youth and Seniors Advocate	Child and Youth Advocate	No independent child advocate
NOVA SCOTIA	NUNAVUT	ONTARIO
Office of the Ombudsman (The Office of the Ombudsman has a child and youth mandate)	Representative for Children and Youth	No independent child advocate
PRINCE EDWARD ISLAND	QUEBEC	SASKATCHEWAN
No independent child advocate	Commission des droits de la personne et des droits de la jeunesse	Advocate for Children and Youth
YUKON		
Yukon Child and Youth Advocate Office		

TABLE 13: CULTURE, INDIGENOUS HERITAGE AND BEST INTERESTS

This table sets out references to culture and Indigenous heritage in the legislative provisions relating to the best interests test. Other provisions relating to Indigenous heritage and culture are also included.

TABLE 13: Culture and Best Interests

ALBERTA	BRITISH COLUMBIA	MANITOBA
<p>Best interests include “the benefits to the child of a placement that respects the child’s familial, cultural, social and religious heritage.”</p> <p>People providing care of a child under the Act “should endeavour to make the child aware of the child’s familial, cultural, social and religious heritage.”</p> <p>“If the child is an aboriginal child, the uniqueness of aboriginal culture, heritage, spirituality and traditions should be respected and consideration should be given to the importance of preserving the child’s cultural identity.”</p>	<p>Guiding principles of the Act include that “the cultural identity of aboriginal children should be preserved.”</p> <p>Services should be planned and provided “in ways that are sensitive to the needs and the cultural, racial and religious heritage of those receiving the services.”</p> <p>Best interests factors include:</p> <p>“the child’s cultural, racial, linguistic and religious heritage.”</p> <p>“If the child is an aboriginal child, the importance of preserving the child’s cultural identity must be considered in determining the child’s best interests.”</p>	<p>Fundamental principles of the Act include the following:</p> <p>“Families are entitled to services which respect their cultural and linguistic heritage.”</p> <p>“Indian bands are entitled to the provision of child and family services in a manner which respects their unique status as aboriginal peoples.”</p> <p>Best interests considerations include:</p> <p>“the child’s cultural, linguistic, racial and religious heritage.”</p> <p>Agencies have a duty to “provide services which respect the cultural and linguistic heritage of families and children.”</p>
NEW BRUNSWICK	NEWFOUNDLAND AND LABRADOR	NORTHWEST TERRITORIES
<p>Best interests considerations include “the child’s cultural and religious heritage.”</p> <p>The Minister shall provide care for children which meets the child’s “physical, emotional, religious, educational, social, cultural and recreational needs.”</p>	<p>Best interests factors include “the child or youth’s identity and cultural and community connections.”</p>	<p>Best interests decisions must be made with “a recognition that differing cultural values and practices must be respected in making that determination.” Best interests factors include “the child’s cultural, linguistic and spiritual or religious upbringing and ties.”</p>

NOVA SCOTIA	NUNAVUT	ONTARIO
<p>Best interests considerations include “the child’s cultural, racial and linguistic heritage.”</p>	<p>Best interests decisions must be made with “a recognition that differing cultural values and practices must be respected in making that determination.” Best interests factors include “the child’s cultural, linguistic and spiritual or religious upbringing and ties.”</p>	<p>Preamble:</p> <p>With respect to First Nations, Inuit and Métis children, the Government of Ontario acknowledges the following:</p> <p>The Province of Ontario has unique and evolving relationships with First Nations, Inuit and Métis peoples.</p> <p>First Nations, Inuit and Métis peoples are constitutionally recognized peoples in Canada, with their own laws, and distinct cultural, political and historical ties to the Province of Ontario.</p> <p>Where a First Nations, Inuk or Métis child is otherwise eligible to receive a service under this Act, an inter-jurisdictional or intra-jurisdictional dispute should not prevent the timely provision of that service, in accordance with Jordan’s Principle.</p> <p>The United Nations Declaration on the Rights of Indigenous Peoples recognizes the importance of belonging to a community or nation, in accordance with the traditions and customs of the community or nation concerned.</p> <p>Further, the Government of Ontario believes the following:</p> <p>First Nations, Inuit and Métis children should be happy, healthy, resilient, grounded in their cultures and languages and thriving as individuals and as members of their families, communities and nations.</p> <p>Honouring the connection between First Nations, Inuit and Métis children and their distinct political and cultural communities is essential to helping them thrive and fostering their well-being.</p> <p>For these reasons, the Government of Ontario is committed, in the spirit of reconciliation, to working with First Nations, Inuit and Métis peoples to help ensure that wherever possible, they care for their children in accordance with their distinct cultures, heritages and traditions.</p> <p><i>Continued on next page</i></p>

NOVA SCOTIA	NUNAVUT	ONTARIO
		<p><i>Continued from previous page</i></p> <p>Services to children and young persons should be provided in a manner that:</p> <p>“respects a child’s or young person’s need for continuity of care and for stable relationships within a family and cultural environment”;</p> <p>“takes into account a child’s or young person’s race, ancestry, place of origin, colour, ethnic origin, citizenship, family diversity, disability, creed, sex, sexual orientation, gender identity and gender expression” and</p> <p>“takes into account a child’s or young person’s cultural and linguistic needs.”</p> <p>“First Nations, Inuit and Métis peoples should be entitled to provide, wherever possible, their own child and family services, and all services to First Nations, Inuit and Métis children and young persons and their families should be provided in a manner that recognizes their cultures, heritages, traditions, connection to their communities, and the concept of the extended family.”</p> <p>Best interests decisions should, “in the case of a First Nations, Inuk or Métis child, consider the importance, in recognition of the uniqueness of First Nations, Inuit and Métis cultures, heritages and traditions, of preserving the child’s cultural identity and connection to community”</p> <p>And should consider “the child’s race, ancestry, place of origin, colour, ethnic origin, citizenship, family diversity, disability, creed, sex, sexual orientation, gender identity and gender expression” and “the child’s cultural and linguistic heritage.”</p> <p>Placements for children should also be made to respect the child’s cultural and linguistic heritage, where possible, and First Nations, Inuk or Métis children should be placed with extended family or with another First Nations, Inuk or Métis families, respectively, if possible.</p>

PRINCE EDWARD ISLAND	QUEBEC	SASKATCHEWAN
<p>Best interests considerations include “the cultural, racial, linguistic and religious heritage of the child.”</p>	<p>Everyone caring for children or making decisions regarding children under the act are directed to take into account the necessity of opting for measures which take into consideration the characteristics of cultural communities and the characteristics of Native communities.</p>	<p>Best interests factors include “the child’s emotional, cultural, physical, psychological and spiritual needs.”</p> <p>Residential services should be arranged or ordered so as to “attempt to maintain the child in an environment that is consistent with the child’s cultural background”, where practicable.</p>
YUKON		
<p>The interpretive principles of the Act include “the cultural identity of a child, including a child who is a member of a First Nation, should be preserved.”</p> <p>“Programs and services should be planned and delivered in ways that are sensitive to the cultural heritage of the families participating in the programs or receiving the services.”</p> <p>Best interests considerations include “the child’s cultural, linguistic, religious and spiritual upbringing and heritage.” If a child is a member of a First Nation, “the importance of preserving the child’s cultural identity shall also be considered in determining the best interests of the child.”</p>		

TABLE 14: ADDITIONAL INFORMATION

Table 14 shows additional information provided by the provinces and territories.

Table 14: Additional Information Provided by the Provinces and Territories

ALBERTA	BRITISH COLUMBIA	MANITOBA
No additional information provided.	BC recently introduced amendments to their child protection legislation focused on supporting Indigenous children to remain at home or in their community. These changes include promoting involvement of Indigenous communities in child welfare matters prior to apprehension; enabling greater information-sharing between the Ministry and Indigenous communities; providing for automatic notification of Indigenous communities of proceedings involving children from those communities (currently, notification only takes place with the consent of the parents or where necessary to ensure the child's safety and well-being).	Manitoba announced child welfare reform on October 12, 2017. This new plan will implement key reforms in the child and family services system. There are four essential areas of reform: <ul style="list-style-type: none"> • Develop a community-based prevention model through the implementation of four demonstration sites • Create opportunities for lifelong connections for children by introducing innovative and evidence-based reunification and permanence strategies (including customary care and subsidized adoption) • Implement block funding pilots to provide child and family services agencies to have much more flexibility in using funds to support families and prevent children from coming into care. • Conduct a comprehensive review of Manitoba's legislative framework including the <i>Child and Family Services Act</i> and the <i>Child and Family Services Authorities Act</i>.

NEW BRUNSWICK	NEWFOUNDLAND AND LABRADOR	NORTHWEST TERRITORIES
<p>No additional information provided.</p>	<p>The Advocate for Children and Youth published the Advocate's Report on the Status of Recommendations 2015</p>	<p>The Office of the Auditor General of Canada conducted an audit of child and family services that was tabled in March 2014 in the Legislative Assembly. The aim of this audit was to determine whether the Department of Health and Social Services and the Health and Social Services Authorities were adequately meeting their key legislative responsibilities related to child and family services to ensure the protection and well-being of children and their families. The report indicated that the Department and Health and Social Services Authorities were not adequately meeting their key responsibilities related to the protection of children. This included lack of an adequate accountability framework, not meeting requirements during investigations to ensure that children are safe, and not meeting requirements for initial screening and annual reviews of foster care homes. The report made 11 recommendations to improve the child and family services system.</p>
NOVA SCOTIA	NUNAVUT	ONTARIO
<p>Members of the Nova Scotia Judiciary met June 2016 to hear from First Nations leaders about the challenges facing Aboriginal communities in Cape Breton, particularly the child welfare system in Nova Scotia. This meeting was in response to the report of the Truth and Reconciliation Commission released June 2015.</p>	<p>The Social Services Review Final Report (October 2011); and The Report of the Auditor General of Canada to the Legislative Assembly of Nunavut—2011: Children, Youth and Family Programs and Services in Nunavut (March 2011).</p>	<p>No additional information provided.</p>

PRINCE EDWARD ISLAND	QUEBEC	SASKATCHEWAN
<p>The 2015 Report of the Auditor General provides observations, recommendations, and information pertaining to the audits and examinations of government operations. The report included an update on previous recommendations made in 2014 on Child Protection—Internal Controls (p.118)</p> <p>In November 2015, the Minister of Family and Human Services appointed an advisory committee to carry out a review of the Child Protection Act. In November 2016, the advisory committee made sixty-six recommendations based on what Islanders had to say about protecting children in PEI that fall into the two broad categories: service delivery and public policy. The government stated that it will act on the recommendations beginning with six priority areas to improve accountability and further enhance front-line service delivery. They identified six priority areas:</p> <ol style="list-style-type: none"> 1) Strengthen the voices of children. 2) Increase supports for grandparents as primary caregivers. 3) Improve data collection, analysis and reporting processes related to outcomes for children. 4) Address legislative changes required to better protect the interest of the child. 5) Implement an evidence-based decision-making model to support the delivery of consistent and thorough child protection services. 6) Develop a social policy framework for better accountability and integrated collaboration. 	No additional information provided.	No additional information provided.
YUKON		
Yukon is undergoing a five-year review of its <i>Child and Family Services Act</i> .		

TABLE 15: ADDITIONAL REFERENCES AND LINKS

Table 15 shows additional references and links provided by the provinces and territories.

TABLE 15: References and Links provided by the Provinces and Territories

Family Violence responses by jurisdiction can be found here in the Report of the FPT Ad Hoc Working Group on Family Violence entitled “Making the Links in Family Violence Cases: Collaboration among the Family, Child Protection and Criminal Justice Systems: www.justice.gc.ca/eng/rp-pr/cj-jp/fv-vf/mlfvc-elcvf/index.html

Provincial and Territorial Child Welfare Information Sheets produced by the Canadian Child Welfare Research Portal can be found here: <http://cwrp.ca/infosheets>

ALBERTA	BRITISH COLUMBIA	MANITOBA
		http://news.gov.mb.ca/news/?item=36930 www.pcmnitoba.com/pallister_pledges_new_approach_to_help_at_risk_children
NEW BRUNSWICK	NEWFOUNDLAND AND LABRADOR	NORTHWEST TERRITORIES
Please see the New Brunswick Harm Prevention Strategy below: www2.gnb.ca/content/dam/gnb/Departments/cya-dej/pdf/ChildrenYouthSafeFromHarm.pdf		Building Stronger Families: An Action Plan to Transform Child and Family Services (2014). www.assembly.gov.nt.ca/sites/default/files/td_120-175.pdf <ul style="list-style-type: none"> Report of the Auditor General of Canada to the Northwest Territories Legislative Assembly (2014). Child and Family Services—Department of Health and Social Services and Health and Social Services Authorities. www.oag-bvg.gc.ca/internet/English/nwt_201403_e_39100.html Family Violence in Canada: A statistical profile (2014). www.statcan.gc.ca/pub/85-002-x/2016001/article/14303-eng.html

NOVA SCOTIA	NUNAVUT	ONTARIO
	www.gov.nu.ca/family-services/information/amendments-child-family-services-act-cfsa	www.oacas.org/2016/12/bill-89-introduces-historic-amendments-to-the-child-and-family-services-act/ www.ontario.ca/laws/statute/90c11 www.cbc.ca/news/canada/toronto/ontario-child-protection-law-changes-1.3887113 www.children.gov.on.ca/htdocs/English/professionals/childwelfare/modern-legislation.asp
PRINCE EDWARD ISLAND	QUEBEC	SASKATCHEWAN
<p>Aboriginal Children in Care: http://canadapremiers.ca/phocadownload/publications/aboriginal_children_in_care_report_july2015.pdf</p> <p>Family Violence in PEI www.gov.pe.ca/photos/original/hss_famviolback.pdf www.gov.pe.ca/photos/original/ec_famvioprev_e.pdf</p>		
YUKON		

