

# Changes to the Children & Family Services Act

The Children and Family Services Act (CFSA) protects one of Nova Scotia's most vulnerable populations – children who are living in situations of abuse or neglect.

The CFSA was introduced in 1991, with no significant amendments in the past 25 years. Serious gaps and issues were identified by social workers, in judicial decisions, through bench and bar discussions and by stakeholders and child advocates. Bill 112 passed in December 2015 and included 90 amendments.

Amendments to the CFSA were proclaimed in December 2016 and will be implemented beginning March 1<sup>st</sup>, 2017.

## Duty to Report:

Professionals are required to report when they suspect that a child has or may have suffered abuse, is or may be suffering abuse or may be about to suffer abuse in the imminent future. The duty to report abuse by a person other than a parent or guardian only applies to children under the age of 16 years. **Any concerns of abuse by a parent/guardian now includes children up to their 19<sup>th</sup> birthday.**

As well, any person who receives notice from an agency that there are reasonable and probable grounds to believe that a child is in need of protective services and who has information about the location of a child, must report that information to the agency.

## Three Types of Reporting

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

## Processes

There are three sections of the Act that outline the Duty to Report provisions. In accordance with Section 22(2), any concerns that a child is or may be at risk of harm, must be reported to the agency, preferably closest to where the child resides. The obligation to report is as follows:

1. Duty to Report as per Section 23 of the CFSA
  - Applies to any person in Nova Scotia who has information, whether it is confidential or privileged, indicating a child is in need of protective services.
  - This person is obligated to report the information to the child protection office closest to where the child resides.
  - The information is to be reported immediately. If the information is not reported, the individual is liable to a fine of not more than \$2,000.00 or imprisonment for a period not exceeding 6 months or both.
  - If more than one person is aware of the information, it is necessary for each person to report their information to the agency to fulfill the legal duty to report.

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

- Applies to every person who performs professional or official duties with respect to a child, including but not limited to; a health care professional, physician, nurse, dentist, pharmacist, psychologist, teacher, school principal, social worker, family counsellor, member of the clergy, peace officer, medical examiner, youth worker, recreation worker, operator or employee of a day-care facility.
- If, in the course of a person's professional or official duties, they have reasonable grounds to suspect a child has, may have, is, or is about to suffer abuse, the information (confidential or privileged) shall be reported immediately to the agency closest to where the child resides.
- This section also requires a professional, when they have been notified by the agency that a child is or may be in need of protection, to advise the agency of the location of a child if known.
- If more than one person is aware of the information, it is necessary for each person to report the information.

### **What should professionals do when they suspect abuse?**

- a) Trust their feelings – have trust in the disclosure by the child and trust their own knowledge of the child in determining whether they believe a child may be at risk of abuse.
- b) Document – Keep track of the identified changes in the child or concerns.
- c) Report by doing the following:
  - Contact the child welfare agency in the area in which the child resides
  - Provide identifying information including names and contact information for the child and the parent
  - Provide the social worker with all the information available – disclosure, observations
  - Professionals will not be anonymous.

### **Professionals include:**

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

### **What happens after professionals call in to make a report?**

- A child protection social worker will gather information and review the referral and determine whether to investigate based on the information provided.
- A professional will be provided with a letter of acknowledgement indicating whether the concern was investigated.

**District offices of Community Services in Cape Breton Regional Municipality Cape Breton-Victoria District Office – Child Welfare, Suite 31, Provincial Building.**

360 Prince Street  
Sydney, NS B1P 5L1  
Phone: 902-563-3400  
Fax: 902-563-3660

Glace Bay District Office – Child Welfare 2<sup>nd</sup> Floor, Senators' Place

633 Main Street  
Glace Bay, NS  
Phone: 902-842-4000  
Fax: 902-842-4091

North Sydney District Office – Child Welfare 184 Commercial Street

North Sydney, NS B2A 3Y7  
Phone: 902-794-5110  
Fax: 902-794-5171

Mi'kmaw Family and Children's Services of Nova Scotia

The Eskasoni office covers the Cape Breton communities (1-800-263-8300)