

Operating Guideline # 825

Child in need of Protection

February 7, 2020



PURPOSE:

The purpose of this Operating Guideline is to establish a process of ensuring that all children encountered in the course of an emergency response or related activity who may be the subject of abuse are reported to the proper authorities.

ISSUE/RATIONALE:

We all have a duty to protect children in our community. The Child and Family Services Act (CFSA) is legislation in Ontario that protects children from abuse. It generally defines a “child in need of protection” as a person actually or apparently under the age of 16 years who is being subjected to physical, sexual and emotional abuse, neglect, and risk of harm. Section 72 of the Act states that the public, including professionals who work with children, must promptly report any suspicions that a child is or may be in need of protection to a children's aid society (CAS).

GUIDELINE:

1. All firefighters have a duty to notify the Family, Youth and Child Services (FYCS) of Muskoka at 1-800-680-4426 and shall notify this agency and the Ontario Provincial Police whenever they encounter a child during the course of their duties who is at risk of harm due to significant fire hazards in the home; where the absence of smoke alarms presents an elevated risk of injury or death; or where the child otherwise meets the definition of a “child in need of protection”.
2. Where any member of the department similarly becomes aware of a child who is exhibiting fire setting behaviours or is exposed to someone with fire setting behaviours (i.e. an older sibling) the member shall notify the Muskoka Lakes Fire Prevention Officer, FYCS and the Ontario Provincial Police.

RESPONSIBILITY:

It is the responsibility of all Gravenhurst Fire Department staff to comply with the provisions of this Operating Guideline.

DEFINITIONS:

“Child in need of protection” – see excerpt at Appendix A

REFERENCES:

- Child and Family Services Act, RSO

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Appendix A

Excerpt:

Section 72 (1) of the Child and Family Services Act

Despite the provisions of any other Act, if a person, including a person who performs professional or official duties with respect to children, has reasonable grounds to suspect one of the following, the person shall forthwith report the suspicion and the information on which it is based to a society:

1. The child has suffered physical harm, inflicted by the person having charge of the child or caused by or resulting from that person's,

i. failure to adequately care for, provide for, supervise or protect the child, or ii. pattern of neglect in caring for, providing for, supervising or protecting the child.

2. There is a risk that the child is likely to suffer physical harm inflicted by the person having charge of the child or caused by or resulting from that person's,

i. failure to adequately care for, provide for, supervise or protect the child, or ii. pattern of neglect in caring for, providing for, supervising or protecting the child.

3. The child has been sexually molested or sexually exploited, by the person having charge of the child or by another person where the person having charge of the child knows or should know of the possibility of sexual molestation or sexual exploitation and fails to protect the child.

4. There is a risk that the child is likely to be sexually molested or sexually exploited as described in paragraph 3.

5. The child requires medical treatment to cure, prevent or alleviate physical harm or suffering and the child's parent or the person having charge of the child does not provide, or refuses or is unavailable or unable to consent to, the treatment.

6. The child has suffered emotional harm, demonstrated by serious:

i. anxiety

ii. depression

iii. Withdrawal

iv. self-destructive or aggressive behaviour, or

v. delayed development,

and there are reasonable grounds to believe that the emotional harm suffered by the child results from the actions, failure to act or pattern of neglect on the part of the child's parent or the person having charge of the child.

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7. The child has suffered emotional harm of the kind described in subparagraph i, ii, iii, iv or v of paragraph 6 and the child's parent or the person having charge of the child does not provide, or refuses or is unavailable or unable to consent to, services or treatment to remedy or alleviate the harm.

8. There is a risk that the child is likely to suffer emotional harm of the kind described in subparagraph i, ii, iii, iv or v of paragraph 6 resulting from the actions, failure to act or pattern of neglect on the part of the child's parent or the person having charge of the child.

9. There is a risk that the child is likely to suffer emotional harm of the kind described in subparagraph i, ii, iii, iv or v of paragraph 6 and that the child's parent or the person having charge of the child does not provide, or refuses or is unavailable or unable to consent to, services or treatment to prevent the emotional harm.

10. The child suffers from a mental, emotional or developmental condition that, if not remedied, could seriously impair the child's development and the child's parent or the person having charge of the child does not provide, or refuses or is unavailable or unable to consent to, treatment to remedy or alleviate the condition.

11. The child has been abandoned, the child's parent has died or is unavailable to exercise his or her custodial rights over the child and has not made adequate provision for the child's care and custody, or the child is in a residential placement and the parent refuses or is unable or unwilling to resume the child's care and custody.

12. The child is less than 12 years old and has killed or seriously injured another person or caused serious damage to another person's property, services or treatment are necessary to prevent a recurrence and the child's parent or the person having charge of the child does not provide, or refuses or is unavailable or unable to consent to, those services or treatment.

13. The child is less than 12 years old and has on more than one occasion injured another person or caused loss or damage to another person's property, with the encouragement of the person having charge of the child or because of that person's failure or inability to supervise the child adequately.