

DURHAM SCHOOL BOARDS AND CHILDREN'S AID SOCIETIES PROTOCOL

2018



Dnaagdawenmag Binnoojiiyag
CHILD & FAMILY SERVICES



**DURHAM CATHOLIC
DISTRICT SCHOOL BOARD**
Learning and Living in Faith



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SECTION 1 - INTRODUCTION

Preamble

This Protocol is designed to assist in ensuring the safety and protection of all students within the jurisdiction of the Durham District School Board and the Durham Catholic District School Board (to subsequently be referred to as the District School Boards). It will provide a coordinated approach with respect to child protection investigations as well as children and families receiving services from the Children's Aid Societies.

This Protocol is consistent with the standards and guidelines as outlined in the Child Protection Standards of Ontario, February 2007 (revised 2016) and the Amendments to the Child and Family Services Act, November 2006 (referred to as the CFSA herein).

On January 1, 2018, the Ontario government introduced legislation that increased the age of protection to 18 years of age. By increasing the age of protection, 16 and 17 year olds who are in need of protection will be eligible for the full range of child protection services, which will give them a better opportunity to get the support they need and to have better outcomes as they transition to adulthood. (See **Appendix E: Protection Services for 16-17 Year Olds: Information for Youth-Servicing Agencies**, Ministry of Children and Youth Services).

On April 30th 2018, the Child and Family Services Act (CFSA) was repealed, and replaced by the Child, Youth and Family Services Act (CYFSA). Legislative references in this Protocol are to the Child, Youth and Family Service Act (CYFSA), with the result that where the word "child" or "children" is used in this protocol it is inclusive of young persons who are 16 and 17 years of age.

The Durham Children's Aid Society (DCAS), Dnaagdawenmag Binnoojiiyag Child and Family Services (DBCFS), Durham District School Board (DDSB) and the Durham Catholic District School Board (DCDSB) hereinafter collectively referred to as the "Organizations", often work with the same children and families in our community. The Organizations recognize the need to foster cooperative and effective working relationships. This protocol has been developed to support and facilitate such collaboration, to provide clarification as to the respective roles and responsibilities of the Organizations and to serve as a resource document.

Intent of this Protocol

This child protection protocol is intended to assist the reader to understand:

- what constitutes harm or maltreatment of a child or the risk thereof,
- how to respond effectively to a child's disclosure of harm or maltreatment or a risk thereof,
- the duty to report harm or maltreatment of a child or the risk thereof,
- the limits in relation to confidentiality,
- the respective roles of the Organizations in regard to the investigation of harm to or maltreatment of a child or the risk thereof.

Statement of Principles

The Protocol articulates the shared commitment between the District School Boards, Dnaagdawenmag Binnoojiiyag Child and Family Services and the Durham Children's Aid Society responsible for the prevention, detection, reporting and investigation of child maltreatment. Early detection and community education provide the ultimate keys to ending the cycle of child harm and maltreatment and its destructive consequences.

The principles below provide a context for this document:

1. All children have the right to a safe, nurturing environment in which to grow to their full potential free from violence, harm and maltreatment. It is a shared community responsibility to ensure that these conditions are fulfilled.
2. The Organizations recognize and value the diversity among children, families and the many communities of Durham Region. This includes supporting anti-oppressive practice approaches which respects all persons, including but not exclusive of culture, religion, creed, sex, ableism, age and all the other factors that make up a person's identity. As such, all children who have experienced or witnessed maltreatment will be treated with dignity, respect and care. The Organizations also recognize the unique heritage and cultures of Indigenous peoples in Canada, and their inherent rights to care for, support and cherish their children according to their traditions and values.
3. Teachers and other Board employees play a crucial role in the identification and reporting of suspected harm of children and in offering a supportive, caring environment for such children. Every child spends a considerable part of his/her childhood interacting with teachers and other educational resource professionals. Research shows children disclose to someone they trust. In order to be able to intervene appropriately, it is important to be well-informed about the relevant definitions associated with children in need of protection.
4. All actions taken will be in the best interest of the child(ren). A coordinated, cooperative and collaborative approach to child harm prevention, detection, reporting, investigation and support puts the best interest of the child(ren) first. This approach also minimizes the opportunity for, and the potential of, re-victimization.
5. The fundamental principle of joint Police and DCAS and Dnaagdawenmag Binnoojiiyag CFS investigations is that decisions are made together through a consultative process and that a plan for the investigation is developed. The collaboration could expand to include the education system, the child care system and will expand to the criminal justice system when charges are laid. The plan should take advantage of the particular areas of knowledge and expertise of each team member and/or organization.
6. In the context of a collaborative investigative process, the applicable legislative requirements, legal principles and confidentiality will be respected.

Impact of the Child Welfare Transformation Agenda

In 2005, the Ministry of Children and Youth Services (the Ministry) made significant changes to the CFSA by means of the Child Welfare Transformation Agenda (“CWTA”). The Child Protection Standards, which set out requirements relevant to phases of child protection services, were subsequently revised in 2007 and more recently in 2016. These changes are reflected in this Protocol to allow those working in the school system to better understand their obligations to report and the role of the Societies.

According to the Ministry of Children and Youth Services (MCYS), the goal of the Child Welfare Transformation Agenda is to provide “an effective, sustainable system that protects children at risk of maltreatment and improves the quality of their lives.” The Society has more options available to facilitate working with children and families in a more customized manner, where appropriate. The Society will continue to use the Eligibility Spectrum model and related standards to determine the risk level and the response appropriate to allegations of child maltreatment.

The Child Youth and Family Services Act (CYFSA)¹

The paramount purpose of this Act is to promote the best interests, protection and well-being of children. The CYFSA legislation remains the same, but there are new and modified additional purposes under s. 1(2). Broadly, the CYFSA has a preamble that makes explicit reference to the United Nations Convention on the Rights of the Child, the Ontario Human Rights Code. The Charter, Jordan’s Principle, the United Nations Declaration on the Rights of Indigenous People. It includes several principles respecting diversity, inclusion and connection to community, as well as recognizing the existence of systemic racism as a barrier to service delivery for children and families.

The additional purposes of this Act, as long as they are consistent with the best interests, protection and well-being of children, are:

- a) To recognize that, while parents may need help in caring for their children, help should give support to the autonomy and integrity of the family unit and, wherever possible, be provided on the basis of mutual consent.
- b) To recognize the least disruptive course of action that is available and is appropriate in a particular case to help a child should be considered.
- c) To recognize that children’s services should be provided in a manner that:
 - i) Respects children's needs for continuity of care and for stable family relationships and,
 - ii) Takes into account physical and mental developmental differences among children.
- d) To recognize that, wherever possible, services to children and their families should be provided in a manner that respects cultural, religious and regional differences.

¹ On April 30th of 2018, the Child and Family Services Act (CFSA) was repealed, and it was replaced by the Child, Youth and Family Services Act (CYFSA). One of the changes introduced by the new Act is the expansion of the delivery of child protection services to include service to 16 and 17 year olds.

- e) To recognize that Indigenous people are entitled to provide, wherever possible, their own child and family services and that all services to Indigenous children and families should be provided in a manner that recognizes their culture, heritage and traditions and the concept of the extended family.

Dnaagdawenmag Binnoojiiyag is that organization created to serve Indigenous children and families within Durham Region, and neighbouring jurisdictions.

Role and Functions of the Children's Aid Society

The mandate of the Children's Aid Societies is outlined in Section 15(3) of the Child, Youth and Family Services Act and states:

- a) Investigate allegations or evidence that children who are under the age of eighteen (18) or are in the Society's care or are under its supervision may be in need of protection.
- b) Protect, where necessary, children who are under the age of eighteen (18) years or are in the Society's care or are under their supervision.
- c) Provide guidance, support and other services to families for protecting children or for the prevention of circumstances requiring the protection of children.
- d) Provide care for children assigned or committed to its care under this Act.
- e) Supervise children assigned to its supervision under this Act.
- f) Place children for adoption under Part 7 of this Act.
- g) Perform any other duties given to it by this or any other Act. (CYFSA, s.15 (3)).

Role of School Boards

The CYFSA requires all professionals working with children, including teachers and school board personnel, to report promptly any information or situation where a child has suffered physical harm or where there is reasonable grounds to suspect risk of harm caused by the person in charge of the child or the child has been inadequately cared, neglected or maltreated.

District School Board personnel will cooperate with the Society in the course of conducting any investigation related to child protection. This includes facilitating interviews, making meeting space available at the school to conduct interviews, ensuring timely communication and providing documentation where required under legislation.

District School Board personnel will consult with the Society in any situation where there is doubt regarding the necessity to report and will act in accordance with the guidance of the Society personnel.

District School Board personnel will provide any pertinent information to the Society which is necessary in conducting an investigation.

District School Board personnel and the Society will work collaboratively in striving to maintain a normal environment for all students and staff during the course of an investigation.

SECTION 2- REPORTING GUIDELINES

A) When to Report

Child In Need Of Protection

Sections 74(2) and 125(1) of the CYFSA define what is meant by a “child in need of protection” and include references to physical, emotional and sexual harm as well as maltreatment. The CYFSA identifies a child in need of protection to include not only the suffering of maltreatment but also the risk of future harm. The CYFSA refers to the duty to report when there is “a risk that the child is likely to suffer” maltreatment.

Grounds for Protection

All allegations of child harm and maltreatment must be taken very seriously. Reports of child maltreatment should proceed on the assumption that a child or youth’s disclosure warrants full consideration for assessment and/or investigation and should be reported to the Society forthwith.

The sections of the Act that apply are listed below.

Under subsection 74(2) of the CYFSA, a child is in need of protection where:

The child has suffered physical harm inflicted by the person having charge of the child or caused by the person's

- i) Failure to adequately care for, provide for, supervise or protect the child; or
- ii) Pattern of maltreatment in caring for, providing for, supervising or protecting the child.

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

- iii) Failure to adequately care for, provide for, supervise or protect the child; or
- iv) Pattern of maltreatment in caring for, providing for, supervising or protecting the child.

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.

There is a risk that the child is likely to be sexually molested or sexually exploited as described in clause (c).

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

The child has suffered emotional harm, demonstrated by serious:

- v) Anxiety,
- vi) Depression,
- vii) Withdrawal,
- viii) Self-destructive or aggressive behaviour, or
- ix) 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 maltreatment on the part of the child's parent or the person's having charge of the child.

(g) The child has suffered emotional harm of the kind described in sub clause (f) (1) - (i), (ii), (iii), (iv) or (v) 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.

(h) Harm of the kind described in sub clause (f) (1) - (i), (ii), (iii), (iv) or (v) resulting from the actions, failure to act or pattern of maltreatment on the part of the child's parent or person having charge of the child.

(i) There is a risk that the child is likely to suffer emotional harm of the kind described in sub clause (f) (1)- (i), (ii), (iii), (iv) or (v) and that the child's parent or other 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 harm.

(j) 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.

(k) 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.

(l) The child is less than twelve (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 other person having charge of the child does not provide, refuses or is unavailable or unable to consent to, those services or treatment.

(m) The child is less than twelve (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; or

(n) The child's parent is unable to care for the child and the child is brought before the court with the parent's consent and, where the child is twelve (12) years of age or older, with the child's consent, to be dealt with under this Part. R.S.O. 1990, c. C.11, s. 37(2); 1999, c.2, s.9.

Possible Indicators Of A Child In Need Of Protection

There can be a number of possible indicators of a child in need of protection, including the following:

Domestic Violence

The Ministry child protection standards, require all reports to Societies be screened for the presence of intimate partner violence and/or adult conflict (also referred to as domestic violence). When a report regarding domestic violence is received by a Society, the primary focus will be upon gathering information and assessing how the violence has resulted in, or is raising the risk of, emotional and/or physical harm or maltreatment as defined in the CYFSA.

Domestic violence remains a potential indicator of harm and therefore should be taken seriously. Although the presence of domestic violence alone may not be sufficient to establish that a child is in need of protection, it is a sufficient concern for a report to the Society. The Society's role is to determine what if any further action may be appropriate taking into account several child protection factors. The following are a few examples of when a report concerning domestic violence should be made:

- any situation in which police had to be called to the home to intervene,
- one or both of the parents used demeaning and/or derogatory names and language toward the other parent and/or partner,
- a repeated pattern of conflict in the home is disclosed,
- threats of harm were made toward a partner and/or a child during an argument,
- an argument during which destruction of the home and/or possessions occurred,
- an argument in which violence and/or the use of force occurred,
- a conflict involving an adult(s) in the home that may result in a potentially negative impact to the child as demonstrated by crying, unable to focus, withdrawn, preoccupied and/or other concerning behaviors.

Age Inappropriate Sexualized Behaviour

Where there is a concern a child is exhibiting sexualized behaviour indicative of knowledge/experience beyond his/her age and development, but no specific maltreatment allegation has been disclosed, the situation still meets the criteria for making a report to a Society. Questionable sexual activity by a caregiver of the child also is reportable (for example, adults being indiscreet in performing sexual relations, adults continuing to bathe with older children, adults continuing to share a bed with older children, etc.).

Another form of sexual abuse concern can be related to child sexual exploitation including: sexual abuse imaging and exploitation for the purposes of child pornography. It can encompass all forms of imaging and social media related to child sexual abuse for the purposes of engaging children in the gratification of others.

For further information, see **Appendix A** - Causes and Indicators of Child Harm and Maltreatment and **Appendix B** – Child Sexual Behaviour

Duty To Report (Section 125)

The Child Youth and Family Services Act provides that:

125(1) Despite the provision 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 grounds for protection, the person shall forthwith report the suspicion and the information on which it is based to a Society.

Ongoing Duty To Report:

125(2) A person who has additional reasonable grounds to suspect one of the matters set out in subsection (1) shall make a further report under subsection (1) even if he or she has made previous reports with respect to the same child.

Professional Obligation And Protection From Liability

The paramount purpose of the Act is to promote the best interests, protection and well-being of children. **The legal duty to report under the CYFSA overrides the provisions of Education Act and any other statute.** Section 125 (10) of the CYFSA confirms the obligation to report applies even if the information is confidential or privileged. As well, it states no action for making a report shall be brought against the person making the report, unless such person acts maliciously or without reasonable grounds.

A School Board employee who makes a report must not do so anonymously. The employee must provide his/her name and contact information for at least two reasons. First, it may be necessary for the Society to follow up with him/her to clarify information. Secondly, such information allows the report to be properly documented, thereby ensuring the staff member is able to establish he/she has fulfilled the legal and professional obligation to report.

If a person who performs professional or official duties with respect to children age 0-16 (i.e., teacher, Educational Assistant, Designated Early Childhood Educator, principal, vice-principal, non-teaching professional, para-professional) fails to make a report when he/she has “reasonable grounds to suspect” a child may be in need of protection, such failure may lead to prosecution and if convicted, a fine of up to \$5000. Additionally, a failure to fulfill his/her reporting obligations under the CYFSA constitutes professional misconduct under the applicable professional regulatory body (Ontario College of Teachers, Ontario College of Social Workers and Social Service Workers, College of Audiologists and Speech and Language Pathologists of Ontario, the College of Psychologists of Ontario, and the College of Early Childhood Educators).

Reporting Suspicions that A Youth age 16 and 17 may be in need of protection:

As of January 1, 2018 a person MAY make a report where they have a reasonable suspicion that a youth age 16 or 17 is or may be in need of protection. The penalty of conviction or fine of failure to do so (as in above paragraph) does not apply to this age group. However, the legislated or mandatory duty to report will continue to apply in respect to children under 16.

If in doubt, call the Society’s intake service to consult on duty to report if you have suspicions of a child or youth in need of protection/assistance.

Non-Employees Also Have A Duty To Report

Non-employees who work or deal with children (e.g., mentors, coaches, volunteers, student teachers, etc.) also have a duty to report.

REMEMBER ...

- It is your duty to report.
- It is the responsibility of the Children’s Aid Society and the Police Services (where involved), to investigate all suspected child protection reports and to determine if the child protection concerns have been verified.
- When in doubt about whether you have reasonable grounds to report child protection, contact an Intake Worker at the Durham Children’s Aid Society to consult.

B) How to Report

Person Must Report Directly:

125(3) A person who has a duty to report a matter under subsection (1) or (2) shall make the report directly to the Society and shall not rely on any other person to report on his or her behalf.

Report Accurately & Cooperatively:

The CYFSA states that, no person shall:

- a) knowingly give false information in an application under the Part; or
- b) obstruct, interfere with or attempt to obstruct or interfere with a child protection worker or peace officer who is acting under sections of the CYFSA. (141).

When to Report

When making a report, **every effort must be made to contact the appropriate CAS as early as possible in the day in order to provide the Society with sufficient time to assess, if needed, before the child returns home.** If the report must be made after 4:30 pm, call 905-433-1551 to reach the after-hours service.

Note: If lunch or dismissal time is approaching when the report is made, the principal/designate shall, if requested by the Society, detain the child at school pursuant to the principal's rights and discretion under the Education Act in order to ensure the child's safety. The Society shall provide the employee making the report with an approximate child welfare response time. The principal/designate must ensure an employee remains with the student unless or until the Society directs otherwise.

Making the Report

It is important to be prepared when making the call to the appropriate Society by ensuring all pertinent information is available.

The Societies recognizes that a person making a report may not have answers to all of the questions asked by the intake worker at the time of the initial call. The intent is to gather as much relevant information as possible to determine the risk to the child and the protective supports that may be available to the child and/or the family. This information also assists the appropriate Society in developing an intervention plan and appropriate response time.

When a report is being made, it is important that the employee complete the Board **"Student Protection Reporting Form"** (Appendix C). Document observations (with dates and times) and any significant quotes from the child as soon as possible to ensure accuracy. The form should be signed and dated and completed fully (including the time of the report).

Copies of the completed form **should not** be placed in the OSR.

**To make a report, contact an Intake Worker at the Durham Children's Aid Society at:
Durham: (905) 433-1551 or 1-800-461-8140
or Dnaagdawenmag Binnoojiiyag Child and Family Services Number TBD**

The person making the report will be asked to provide the following information:

- identifying information about the child subject of the concern including name, age, date of birth, sex, address and telephone number/s,
- names and ages of siblings or other children being cared for in the home, the child's parent/caregiver (s), other adults living in the home, including family address and telephone number; any specific court or custody orders if known,
- identifying information of the person identified as the alleged child maltreater if known and the relationship to the identified child/ren,
- whether the alleged child maltreater or person of concern is a Board employee,
- any information about language spoken in the home, culture, creed and race, including, Indigenous heritage, the name of First Nation or Indigenous community (if known) and other information that may be of assistance in determining Indigenous heritage (refer to the Guide for Identifying Indigenous Persons appended to this Protocol; families and/or children identified as Indigenous (Status Native/ Indian or Non-Status, Inuit or Metis) are to be referred to Dnaagdawenmag Binnoojiiyag CFS),
- a full and detailed report of the situation that gave rise to the concern, the location and timing of the incident, as well as any physical or behavioural indicators,
- information about the functioning of the family and its individual members, particularly the child who is the subject of the concern (i.e. current custody arrangements, financial hardships, etc.),
- information about the child and family's support network (i.e., relatives, kinship family or kith/community members) who may be potential protective supports for the child and the family,
- other potentially relevant information, including comments of others,
- names and contact information of others who may have knowledge,
- details as to any previous reports to the Society,
- any information related to signs of protective ability by caregivers as well as previous maltreatment or observed patterns of neglect or concern,
- if known, names and contact information of family doctor, other previous or currently involved community agencies, collaterals or family supports,
- any known information related to domestic violence and substance abuse, including prior history of domestic or adult partner violence
- any history of violence or information related to safety of workers or employees of either organization.

During or after the initial call, the Society may ask the reporting person for additional information from the child. To assist in developing next steps, it is important to cooperate with and promptly communicate back to the Society.

The information provided will assist the Society in determining:

- the present whereabouts of the child and members if other than at the home address,
- whether there is an immediate concern,
- whether there are any injuries evident on the child,

- whether the child is fearful of going home,
- whether the family is aware of the report,
- which of the two CAS's is responsible for determining the appropriate response,
- how to best establish contact with the family,
- what considerations may be required.

Note: It is the responsibility of the appropriate Society to notify the parents/guardians of the child that a report has been made and that an investigation is occurring. Should the employee making the report wish to notify the family, the employee should first consult with the Society before determining next steps.

Children should not be pressed for answers or details they are unable or unwilling to give and answers should not be suggested to them. Any attempt to clarify information must be done through open-ended questions and a child narrative approach is the best way to elicit information. Educators are not expected to be responsible for investigating or validating risk of harm or child maltreatment.

The following are examples of the types of reports received by a Society that may prompt a need for additional information:

IF A CHILD SAYS:	YOU MAY BE REQUESTED TO ASK THE CHILD :	THIS HELPS CLARIFY IF:
<i>"I'm scared/worried to go home".</i>	<i>"Tell me what makes you scared/worried?"</i>	The initial statement relates to a child protection concern or other issues happening in the home.
<i>"I'm scared/worried that I'm going to get in trouble when I get home".</i> This often relates to an unfavourable progress report or when a letter is being sent home due to behaviours at school.	<i>"Tell me what you're scared/worried will happen when you get home?"</i>	The initial statement relates to possible use of inappropriate physical discipline or the child's concern the parent(s) may implement consequences.
<i>"Mom/dad aren't going to be home after school."</i>	<i>"Tell me who else is at home after school?"</i> or <i>"Tell me who takes care of you after school?"</i>	There may be someone else in the home providing supervision/care for the child in the absence of the parent(s).
<i>"_____ hit/hurt me".</i>	<i>"Who is _____?"</i> <i>"Tell me more about what happened?"</i> <i>"When did this happen?"</i> <i>"Who was there was this happened?"</i> <i>"Where did _____ hit/hurt you?"</i>	The named person is an adult or child in the home and some information regarding the circumstances of the situation leading to the child's statement.

IF A CHILD SAYS:	YOU MAY BE REQUESTED TO ASK THE CHILD :	THIS HELPS CLARIFY IF:
A child appears with a suspicious or concerning bruise but offers no explanation about its cause.	<i>"What happened to you?"</i>	The child was harmed/injured through play or if the injury/bruise may be the result of an interaction with a caregiver.

Confidentiality of Reporting

As a general practice, the Children's Aid Society will withhold the name of the referring individual; however, the referent's name cannot normally be kept confidential where his/her testimony is required or used in any Court proceedings. Sometimes, it is necessary to the child safety plan and in the child's best interest for the Children's Aid Society to be able to identify the source of the report. In those cases, the investigating worker will make reasonable efforts to gain consent from the referring person. Worthy of note, is that in many circumstances, children will inform their parent or a parent may be able to deduce the identity of the referral source based on the nature of the investigative inquiry. If this occurs, it is recommended that a discussion regarding confidentiality or education to the family regarding legislated duty to report take place in order to preserve the student home and school relationship whenever possible.

Information Sharing and Confidentiality Considerations

Due to confidentiality considerations, the Society is restricted in its ability to disclose investigation outcomes. This may create a challenge for a Board employee who has an ongoing relationship with the child and/or the family, yet is unaware of the investigation outcome. It also creates challenges for the Boards and the Societies in their efforts to work collaboratively. In some circumstances, after a report has been made, it may be necessary for a Board employee to obtain a signed authorization from a family to permit certain additional information to be released. This aspect must be addressed on a case-by-case basis and the school principal should be involved in determining when an authorization is required. A CAS worker may also seek written consent from the family to further speak to the school for coordination of supports or services to a child, youth and family.

CAS/Police Parallel Investigations

When a referral is made to the Children's Aid Society and it is determined by the Children's Aid Society that an investigation is warranted due to possibility of violation of the criminal code, Police Services will be contacted by the Children's Aid Society. Administrators must also contact Police according to requirements as outlined in the Police/Board Protocol.

In some situations, the cause of a child's injuries, the nature of the child's disclosure or the behaviours observed are not clear. **BEFORE** speaking further with a child or caregiver, school/child care personnel will consult with the Society to discuss the appropriateness of clarifying a situation and to obtain direction.

Throughout the joint investigation, the Police/Society will communicate with the school to the full extent possible. School and child care personnel will **not** conduct an investigation or make inquiries of the child regarding a suspicion or disclosure of harm. It is the responsibility of the Society and/or police to investigate, gather evidence, assess the child and family's situation and decide on the appropriate action to be taken on behalf of the child.

Student Over The Age Of 18

The mandate of the Societies is to work principally with children up to the age of 18. Subject to the exceptions outlined below, a suspicion of maltreatment relating to a student who is 18 years of age or older generally should be referred to the police rather than a Society.

However, there are two situations which will require that a report be made to a Society in regard to a student who is 18 years of age or older and they are:

- 1) If such student is under the care or supervision of a Society (by way of a Child Welfare Court order), in which case the suspicion should be reported to the CAS. In those circumstances, if the report received is eligible for investigation, the CAS will, where appropriate, contact the police for assistance and possible joint investigation.
- 2) If the student is not under the care or supervision of a Society but there are reasonable grounds to suspect such student has been or is being maltreated, and such suspicion in turn gives rise to **reasonable grounds to suspect other children may be at risk (including younger siblings and other children)**. When a report is made in such a situation, the Society will investigate to determine whether other children are at risk and where appropriate, will contact the police for assistance and possible joint investigation.

Past Abuse

The Children's Aid Society occasionally receives complaints from the victims of child abuse concerning abuse alleged to have occurred in the past when under the age of eighteen (18). In some instances, the abuse was alleged to have taken place many years ago. The person over the age of seventeen (17) who reports past abuse should be encouraged to report the abuse to the police and should be encouraged to take advantage of whatever victim assistance and legal assistance resources exist in the community.

The Children's Aid Society will initiate an investigation depending on the identifying information. With issues such as maltreatment or sibling/peer relations or other matters, it is often hard to know if a report should be made. It may feel that the known information may not be enough to warrant Society intervention, however, it is important to appreciate that any information is one piece of a larger puzzle and the Society may have additional information that may prompt the Society to intervene or to reassess a situation. Together a Board staff member and the Society worker may also be able to, create a plan to gather additional information needed to support/assist the child.

Responding To Disclosures

Children usually disclose risk of harm or maltreatment in two ways:

- in a planned/purposeful manner; or
- in an unintentional/accidental manner.

In a planned or purposeful disclosure, a child typically will have spent time working up the courage to disclose to a person he/she knows and trusts. As well, such disclosure may be prompted by an escalating risk of harm or maltreatment, causing greater concern on the part of the child.

On the other hand, an unintentional disclosure typically is triggered by something that brings the risk of harm or maltreatment to mind (e.g., a presentation about maltreatment or hearing about the subject from another child, etc.). Sometimes a child will bring to an adult's attention information communicated to him/her by another child. In any of these situations, it is important to be aware of, and sensitive to the fact, the child disclosing to an adult will view the adult as someone he/she can trust.

There are several things to keep in mind when handling a disclosure and ensuring the child's sense of trust is maintained:

- Listen openly and calmly.
- Reassure the child.
- No leading questions.
- Allow the student to do the majority of the talking.

Refer to chart on page 12 for additional suggestions.

C) What to Expect Following The Report

Notifying Principal or Supervisor

The principal or supervisor must be made aware following the report.

Activity by the Society

Once a referral is made, the Society will assess the information and determine the most appropriate response in keeping with the severity of the situation and known family strengths. The **Ontario Child Protection Standards** (2016) will guide child protection workers at each phase of service delivery and is the mandatory framework for service to children/youth and families. The **Ontario Child Welfare Eligibility Spectrum** (2016) will be applied to determine the appropriate response and make decisions on the referral disposition and response time (in case of an investigation).

The Society may provide a variety of services and an investigation is only one type of response. When the severity of the concerns are assessed to be very low risk or there are sufficient supports already in place, the Society may:

- document the report and deem further activity unwarranted,
- develop a plan for monitoring or action by the reporting source,
- provide a short-term telephone service to connect a family with community services and resources.

When the severity of the concerns are assessed to be significant, the Society will:

- plan for the investigation and assessment of child safety,
- determine when and where these interviews will take place dependent upon the information reported and other information available to the Society,
- arrange Interviews with the child,
- arrange face to face contact with family members.

SEE INVESTIGATION FLOW CHART, page 19.

Investigation Process

Whenever a report is made to the Society, the Society will determine the most appropriate response to assess the potential concerns. Where possible, the Society makes contact with parents and children at mutually agreed upon times and locations. A report may result in the need for an investigation to occur on school premises. In this case, the Principal or designate and the Society staff shall follow the procedure as identified in this protocol. Where the child or family are members of a First Nation, the CAS also has an obligation to involve the Band Representative or other person designated by that First Nation at the beginning of the Investigation process.

a) Identification of Investigating Worker and notice of Investigation:

Wherever possible, the Society will attempt to contact the Principal or designate prior to arriving at the school. Should neither be available at the time of the call, the worker will communicate with the school secretary who will facilitate contact with the appropriate designate in charge. The Investigating Worker will:

- Identify himself/herself by name.
- Advise if the police will be attending (if known at the time of the call).
- Advise the school of the time the Investigating Worker or Team will arrive.
- Advise the school that a private meeting space will be required.

b) Upon arrival at the school, the Investigating Worker or team will:

- Meet with the Principal or designate.
- Provide evidence of the “authorized child protection worker” photo identification badge; (in addition to collecting the worker's business card).
- Request pertinent information regarding the child including any relevant observations of interactions and behaviour.
- Request to interview the child and siblings if they attend the same school. The Principal or designate will extend full cooperation to the investigators.

c) Before interviewing the child, the Investigating Worker or Team will:

- i) Determine the best location to conduct the interview (on or off school premise) taking into consideration the safety of all. If on site, the Principal or designate will provide appropriate private space for the interview.
- ii) Determine when they will contact the legal guardian(s).
- iii) Take into account the wishes of the child and determine whether an adult support person will be present at the school interview.

If requested by the investigating worker, participation by the Principal, designate and/or support person is voluntary. In situations where a support person or Principal or designate is present during the interview, their role will be limited to reassuring and providing support to the child.

After the interview, the support person and/or Principal or designate are required to document their involvement. It is recognized that participation as a support person during any stage of the investigation could result in the support person acting as a witness in a court hearing.

Note: The investigating worker with parental consent can take the child off school property for the purposes of interviewing and seeking medical attention. In the absence of parental consent, the investigating worker can remove the child from the school premise in accordance with law. The Society then becomes the interim guardian and can make decisions based on the needs of the child.

d) If information and/or evidence indicate a child is in need of protection during the investigation at the school, and it is determined that apprehension is required, the Investigating Worker:

- Will advise the Principal or designate if the child is to be 'brought to a place of safety' (formerly known as apprehension).
- Will inform the child's legal guardian(s) of the plan to remove or bring to a place of safety (formerly apprehension) or involvement before the end of the school day when possible.

In case of a worker brings a child to a place of safety (formerly referred to as an apprehension), in follow-up, the Investigating Worker will:

- Whenever possible, advise the Principal or designate before the commencement of the next school day whether the child will be in class that day.
- Advise the school of the child's alternate living arrangement (foster home, relatives) and identify any part of the safety plan that involves the school.
- If the child is transferring, notify the Principal or designate of the school to which the child will be transferring to begin the enrolment procedure and discuss the child's transportation needs.

If the child remains in the Society's care beyond five days and further planning is needed, refer to the Joint Protocol For Student Achievement (JPSA), 2017.

e) Safety Planning:

Where the Society has determined that a safety plan is required that involves the school, the school will be advised and the school will inform the Society if there is any infraction of the plan. If the child remains at home and it is determined that protection concerns exist, the worker may include the school as part of the safety plan for the child. The investigating worker will ask the school to inform the Society of any information that would indicate that the risk to the child has increased or decreased.

Reporting of Child Protection Involvement to the School Administration

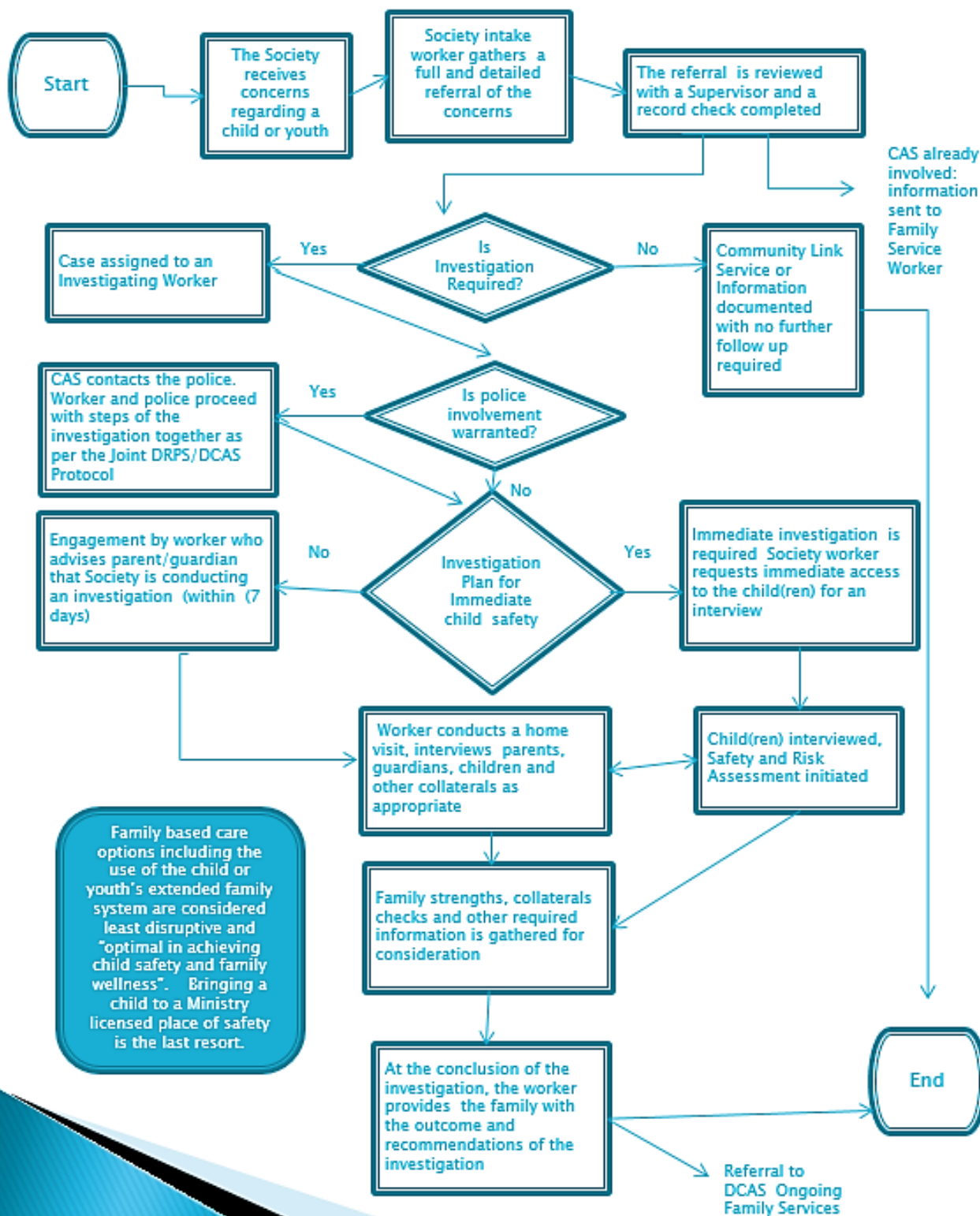
- a) When involved in a joint investigation, the Society and Police Services share information about the investigation. Sharing of information by the Society with any other community service will require the following:
 - i) Consent from the child's parents or caregivers.
 - ii) Consent from the child who is twelve (12) years of age or older.

When the school is identified as part of the safety plan, the school administration will be provided with information as it relates to their role in the safety plan.

- b) If the Society gains interim or extended care (formerly known as Society wardship) of the child and, therefore, becomes the child's legal guardian, they may choose to release information.
- c) The worker will provide the following:
 - i) The placement of the child (the name, address, contact number of the foster parents or guardian).
 - ii) The legal status of the child.
 - iii) In writing, any concerns regarding parental contact.
 - iv) The child's change in legal status and alternative placement such as the child returning home.
 - v) The name and contact number of the worker.

Reports Pertaining to Students and CAS Investigative Work Flow

Intake and Investigation: Flow Chart



SECTION 3: ALLEGATIONS AGAINST BOARD EMPLOYEES

This section delineates guidelines and practices when allegations are made against a school board employee, former employee, volunteer or service provider under contract with the Board.

Reporting Responsibilities of the Employee:

Duty to Report (CYFSA, Section 7 (125)) – Despite the provision of any other Act, if a person, including a person who performs a professional or official duties with respect to children, has reasonable grounds to suspect grounds for protection, the person shall forthwith report the suspicion and the information upon which it is based to a Society.

In keeping with the CYFSA Duty to Report and applicable Board policies and procedures, all employees of DDSB and DCDSB shall report suspected cases of children in need of protection to the Durham Children's Aid Society or Dnaagdawenmag Binnoojiiyag Child and Family Services.

Development of Action Plan

When an allegation is made against an employee (not a Principal or Manager or Supervisor):

The Principal/Manager/Supervisor and the relevant Superintendent in collaboration with the Superintendent responsible for Human Resources, in collaboration with the DCAS and Dnaagdawenmag Binnoojiiyag CFS, shall be involved in a planning process and develop an action plan confirming that the Superintendent responsible for Human Resources is the Board point of contact.

When an allegation is made against a Principal/Manager/Supervisor:

The relevant Superintendent in collaboration with the Superintendent responsible for Human Resources, in collaboration with the DCAS and Dnaagdawenmag Binnoojiiyag CFS, shall be involved in the planning process and develop an action plan confirming that the Superintendent responsible for Human Resources is the Board point of contact.

Responsibilities and Investigation by the Society (CAS)

- If the Society receives a report against a Board employee from a community source, the Society will notify the Superintendent responsible for Human Resources directly. Who will in turn, notify the Principal/Manager/Supervisor and relevant Superintendent.
- All reports of persons in a professional role with children, such as daycare providers, educators, clinicians etc. will be treated with the utmost confidentiality and professional courtesy.
- Such reports may be assigned to the DCAS and Dnaagdawenmag Binnoojiiyag CFS team of highly trained investigators with experience in dealing with the sensitive nature of these type of referrals.
- The Society has an internal procedure for addressing such reports quickly and in collaboration with those involved in ensuring the safety of the children and communities.

- Without consent of the employee being investigated, information exchanged between the Society and the Board is limited to where there is a belief that other children may be at risk.

Communication between the Board and the Society

- With consent of the employee being investigated, the Society can share information with the Board.
- Without consent, the information exchanged is limited to where there is belief that other children may be at risk.
- If the allegation against the Board employee is in relation to their own children or other children in the community, the Society will contact the Superintendent responsible for Human Resources when there is a belief that other children may be at risk.

Possible Outcomes of Investigation by the Society

When the investigation is concluded, the employee will be notified of the outcome. Outcomes will be one of the following:

- **Inconclusive** – there is insufficient information to establish, on a balance of probabilities, whether harm or risk of harm occurred or did not occur.
- **Not verified** – the information causes the Society to conclude, on a balance of probabilities, it is more probable than not the harm or risk of harm did not occur.
- **Verified** – the information causes the Society to conclude, on a balance of probabilities, it is more probable than not that harm or risk of harm occurred, currently exists, or is likely to occur.

When the Society Concludes an Investigation or Further Action is Not Warranted:

The Society will:

- Verbally notify the Superintendent responsible for Human Resources.
- Notify the employee who was the subject of the allegations.
- Send a letter to the Superintendent responsible for Human Resources.

The Principal/Manager/Supervisor and relevant Superintendent will:

- Determine a plan for notifying the parent/guardian of the student(s) involved.
- Determine a plan for following up with the employee who was the subject of the allegations.

If Charges are Laid, the Principal/Manager must:

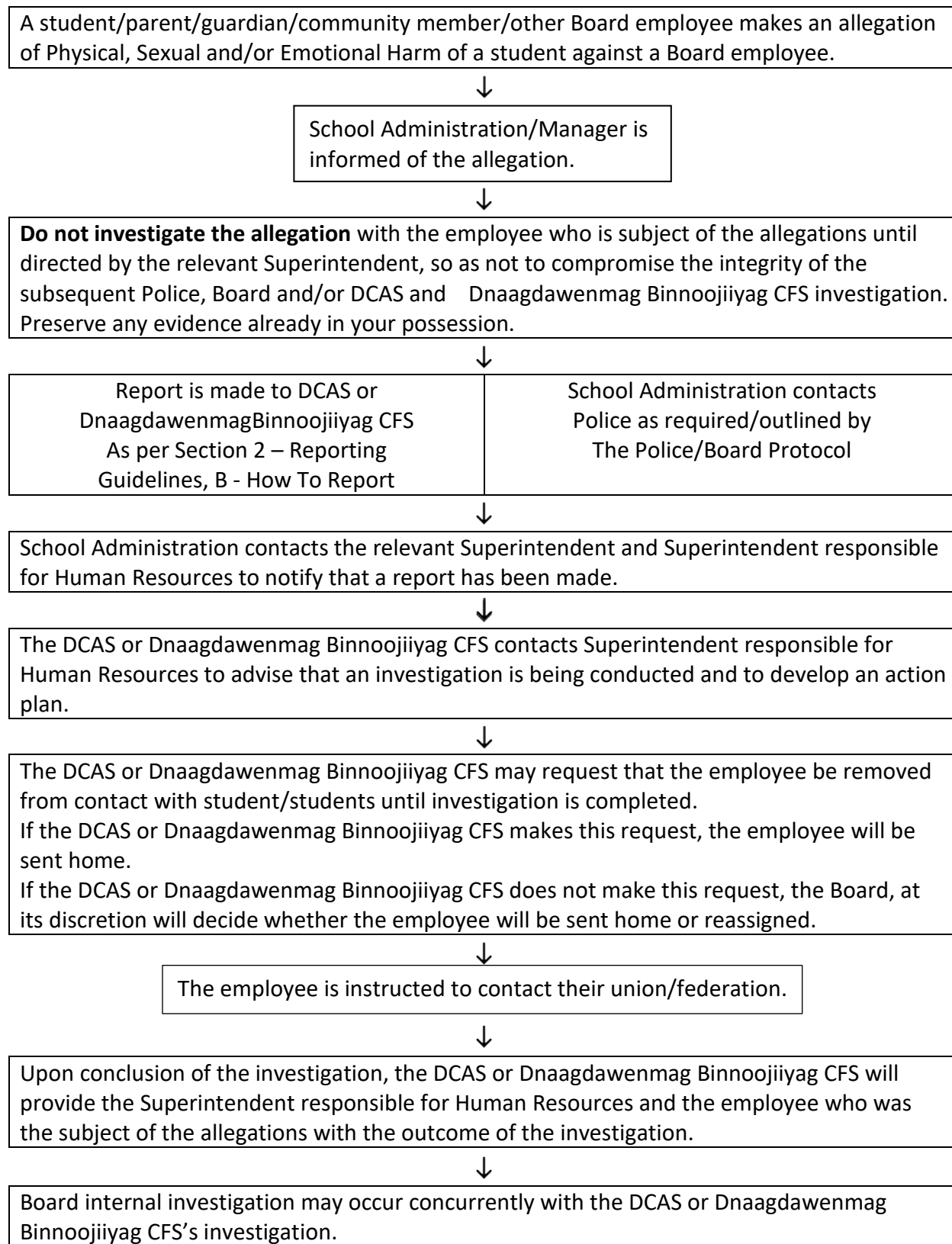
- Where required, arrange for support to be provided to students as per Board processes for dealing with critical/traumatic events.
- Where required, inform staff of services provided through their Employee Assistance Program.

- In consultation with the relevant Superintendent, Manager of Communications and Board Legal Counsel, prepare a statement to be shared with staff and students regarding the reasons that the employee is no longer at the school.
- If required, under the direction of the relevant Superintendent, Manager of Communications and Board Legal Counsel, prepare a communication to be shared with the community.

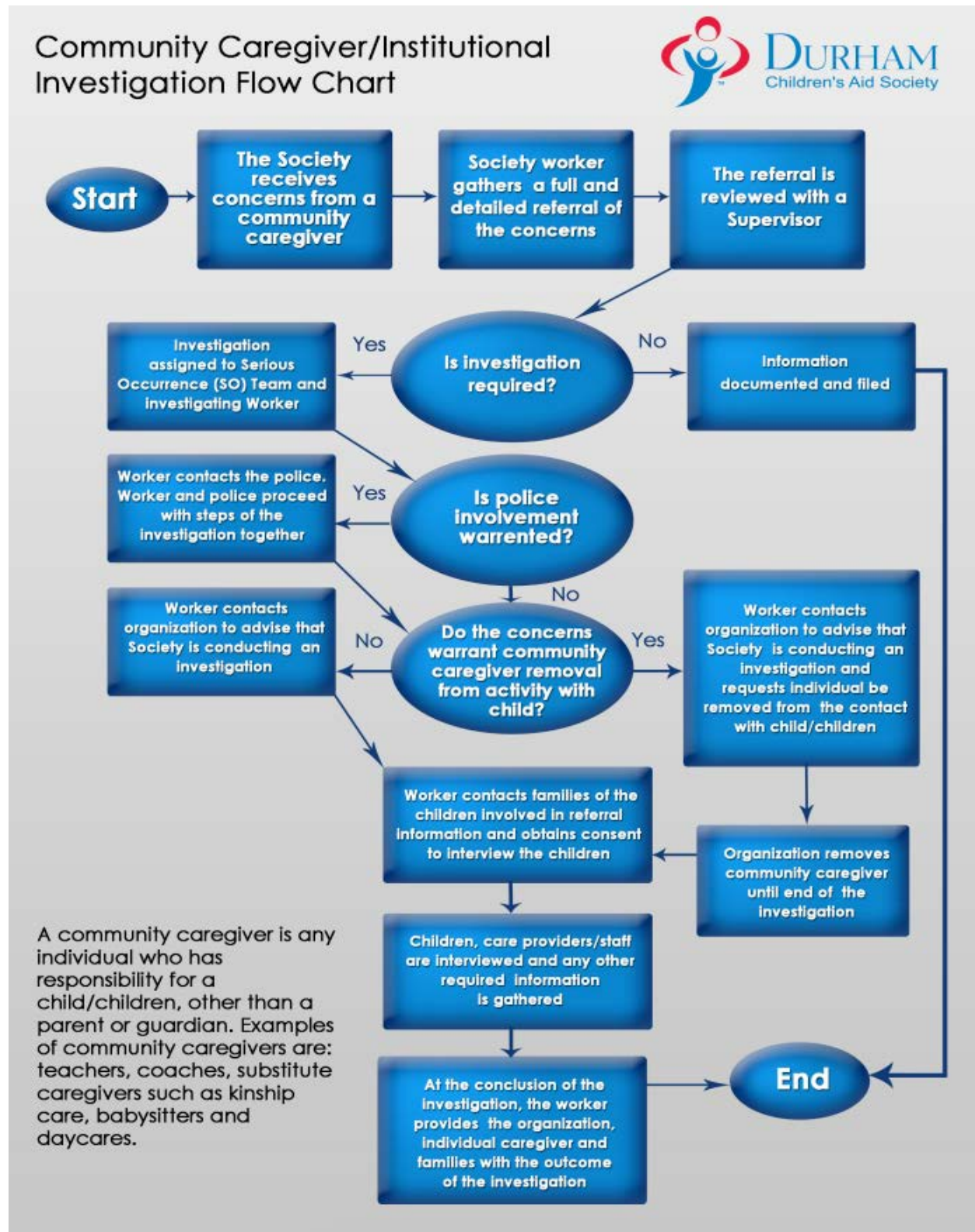
Responsibilities of the Board:

- To conduct its own review of the matter; however to avoid interference with the Society's investigation, the investigation should be conducted in consultation with the Society and/or police.
- To report to the Ontario College of Teachers regarding a teacher it employs to either teach students 18 years old or less (21 years or less in the case of identified students) or provide services, including support services related to the education of such students, if such teacher has:
 - ✓ been charged with or convicted of a criminal offence involving sexual conduct and minors,
 - ✓ been charged with or convicted of a criminal offence that in the opinion of the Board indicates students may be at risk of harm or injury,
 - ✓ engaged in conduct or taken action that, in the opinion of the Board, should be reviewed by a committee of the College,
 - ✓ been terminated or had restrictions imposed on his/her duties by the Board for reasons of professional misconduct,
 - ✓ resigned when the Board was intending to terminate his/her employment or impose restrictions on his/her duties for reasons of professional misconduct,
 - ✓ resigned when the Board was investigating allegations of an act or omission by the teacher that, if proven, would have caused the Board to terminate his/her employment or impose restrictions on his/her duties for reasons of professional misconduct.
 (Ontario College of Teachers Act, Section 43.2, 43.3)
- To report to the Ontario College of Social Workers and Social Service Workers, College of Audiologists and Speech and Language Pathologists, College of Psychologists of Ontario, College of Early Childhood Educators, regarding a social worker, speech and language pathologist, psychologist or psychological associate, Early Childhood Educator, if such an employee has:
 - ✓ been charged with or convicted of a criminal offence involving sexual abuse,
 - ✓ been terminated, suspended or has had restrictions imposed on his/her duties for reasons of professional misconduct, incompetence or incapacity.
 (OCSWSSW, CASLPO, OPC, CECE, Mandatory Employer Reporting Obligations, Professional Misconduct).

Process When Reporting Allegations Against Board Employees



Reports Pertaining to Board Employees and CAS Investigative Work Flow



SECTION 4 – PROTOCOL MAINTENANCE

Monitoring and Evaluation

The purpose of monitoring and evaluating the Protocol is:

1. To ensure that the process in the Protocol is attending to the needs of the children.
2. To facilitate ongoing problem solving, updating and revisions in order to provide more effective and coordinated services for children.
3. To ensure that Protocol participants are upholding the commitments that were agreed to as part of this document.

A semi-formal review will occur one year following the signing of the Protocol. Due to the importance of monitoring and evaluating the Protocol, it is recommended by the partners involved in this Protocol that there is a review of the contents every three (3) years. Any party may call for a review if needed at any time. The Durham District School Board will maintain the Protocol. The reviews will be scheduled by the DDSB on an annual basis or as required. The reviews will take into consideration any changes in the applicable governing legislation and any policies or procedural changes that are required by the various parties to this agreement that mandate their respective services.

Protocol Education

The parties agree that ongoing education regarding the Protocol is necessary to the continued success of this Protocol. Therefore, the involved parties agree to ensure that the information is disseminated amongst the staff in respective organizations.

APPENDIX A - Indicators of Child Harm and Maltreatment

We don't know all the causes of child harm and maltreatment. We do know that parenting is a big responsibility that at times, when combined with other life stressors, can become too much.

Children exhibit signs of harm and maltreatment in many different ways. Often they exhibit a number of behavioural and physical indicators. Children may exhibit some of the indicators listed below, but this is not necessarily conclusive evidence of harm.

Physical Harm

Physical harm is any harm to a child or youth caused by the action (or lack of action) of the child's caregiver. Injuries that may occur include, but are not limited to: bruising, welts, cuts, fractures, burns or internal injuries. Physical harm can occur as an isolated incident or continue over a period of time.

Signs of physical harm may include:

- Presence of various injuries over a period of time.
- Facial injuries in infants and preschool children.
- Injuries inconsistent with the child's age.
- Presence of several injuries that are in various stages of healing.
- Child cannot recall how injuries occurred.
- Offers an inconsistent explanation.
- Wary of adults.
- May flinch if touched unexpectedly.
- Extremely aggressive.
- Extremely withdrawn.
- Indiscriminately seeks affection.
- Complaints of pain as a result of physical discipline.

Emotional Harm

Emotional harm includes all acts that result in the lack of a nurturing environment for a child or youth. It occurs when the caregiver treats the child or youth in such a negative way that the child's or youth's concept of "self" is seriously impaired. Emotional harm can be the most difficult to identify and prove.

Emotionally harmful behaviour by the caregiver may include:

- constant yelling,
- demeaning remarks,
- rejecting, ignoring or isolating the child or youth,
- terrorizing the child or youth,
- self-harming behaviour ,
- exposing children directly or indirectly to adult conflict/court matters,
- speaking negatively about the other parent to the child or youth,
- expressed fear of another caregiver.

Signs of emotional harm may include:

- Severe depression.
- Extreme withdrawal.
- Extreme aggression.
- Extreme attention seeking.
- Extreme inhibition.
- Bed wetting that is non-medical in origin.
- Frequent psychosomatic complaints (headaches, nausea, abdominal pains).
- Failure to thrive.
- Expressed fear of a caregiver.
- Self-harming behaviour.

Neglect

Neglect usually results from the lack of knowledge about appropriate care for children or an inability to plan appropriately for the child's needs.

Neglect includes a caregiver failing to provide:

- adequate food, shelter and hygiene,
- safety,
- medical or psychological treatment,
- supervision,
- adequate sleep,
- clothing.

Signs of neglect may include:

- Poor hygiene.
- Unattended physical problems or medical needs.
- Consistent lack of supervision.
- Frequent absence from school.
- Engaged in delinquent acts or alcohol/drug harm.
- Frequently arriving at school without a lunch.
- Inappropriate clothing for the weather.
- Consistently dirty clothes.

Inadequate medical treatment

The caregiver has a responsibility to ensure the child's medical needs are met. This includes ensuring appropriate treatment for a child's mental, emotional or developmental conditions.

Parent Unwilling to provide Care or Unavailable to Care for a Child or Youth

A child or Youth where a parent or caregiver is deliberately unwilling or unavailable to care becomes a child/youth who "is in need of protection." This may include the following:

- inappropriate substitute care (e.g. child frequently left with a variety of caregivers who are unknown to the child),

- caregiver refuses to resume care of a child once the child is discharged from a residential/treatment setting,
- the child has been out of the family home or is at risk of being out of the home because of conflict and the caregiver refuses to assume care of the child.

Inadequate Supervision

A child may be at risk of harm if the caregiver fails to adequately care for, provide for, supervise or protect the child.

Sexual Harm

Sexual harm is any sexual exploitation of a child by an older person. The Criminal Code of Canada identifies a number of types of sexual assault, including:

- Invitation to sexual touching.
- Sexual exploitation.
- Procuring sexual activity from a child.
- Caregiver permitting sexual activity.
- Exposing genitals to a child.
- Incest.
- Exposing to or engaging in pornography.
- Exposing child to questionable sexual activity.

Signs of sexual harm may include:

- Age-inappropriate play with toys, self or others.
- Unusual or excessive itching in the genital or anal area.
- Injuries to the genital or anal areas, e.g. bruising, swelling or infection.
- Displaying explicit sexual acts (see Appendix B – Child Sexual Behaviour).
- Torn, stained or bloody underwear.
- Age-inappropriate sexually explicit drawing or descriptions.
- Bizarre, sophisticated or unusual sexual knowledge.
- Prostitution.
- Seductive behavior.
- Indiscriminately seeks affection.

When Does Discipline Become Abuse?

Attitudes towards what constitutes appropriate and lawful discipline of a child differ among families and caregivers. Consensus on this issue is difficult, if not impossible to reach. On the other hand, however, it is clear there are limits upon what a parent or caregiver can justify as being appropriate disciplinary action.

Any conduct resulting in reasonable grounds to suspect a child may be in need of protection must be reported to a Society. This can include conduct that a parent or caregiver seeks to justify as being disciplinary and therefore falling within his/her right to correct and discipline a child.

Differentiating between appropriate and inappropriate discipline can be difficult. The following are a few of the factors that should be considered when making this assessment:

- method (e.g., use of a weapon, punching, kicking, slapping, food deprivation, confinement, etc.),
- severity,
- frequency or pattern,
- age of the child,
- family context or circumstances (including parental emotional or social problems).

Limits To Working With Parents On Appropriate Disciplinary Strategies

The child must always remain the primary focus of teachers, principals and school support staff. They have an obligation under the CYFSA to make a report to a Society when confronted with a situation giving rise to reasonable grounds to suspect a child may be in need of protection. Accordingly, intervention by Board employees to assist parents alter and improve their child rearing practices generally should be limited to assisting them to explore services in the community that are better placed to assist parents in this regard.

Inappropriate Discipline - Teachers

Teachers stand in the place of parents when children are under their charge and accordingly, have all of the obligations and responsibilities this entails. It is essential that teacher-student relationships be based on mutual respect at all times. Conduct or comments by a teacher that demean or embarrass a student is not acceptable. Physically disciplining students also is not acceptable. Conduct by a teacher that does not meet these requirements places the teacher at risk of being the subject of a report to a Society.

Resources are available to assist teachers to develop effective approaches and strategies towards discipline. Principals, in the performance of their supervisory responsibilities, may recommend professional development sessions for teachers.

Peer Sexual Assault

Peer sexual assault should be reported to the police as per the Police/ Board Protocol. Peer sexual assault is not considered to be sexual harm under the CYFSA and therefore, is not subject to the mandatory reporting requirement. However, a report should be made to a Society when such assault results in a situation that gives rise to reasonable grounds to believe either the victim or the offender is in need of protection under the CYFSA.

Witnessing or Exposure to Environments of Family Violence

Children who witness or are exposed to environments of family violence often exhibit symptoms similar to those of harmed children. A child who has witnessed or is living in an environment of family violence may give rise to him or her being considered to be “in need of protection”.

In addition to reporting suspicions of harm, a Board employee may support a child living with adult conflict and/or violence in a variety of ways:

- gaining an understanding of partner violence and its possible effect on children who witness it,
- being alert to indicators of having witnessed violence and/or adult conflict (listed below),
- teaching appropriate knowledge, skills and values to promote healthy relationships,
- recognizing that other employees who use power and control tactics may reinforce a child’s world view that adults misuse power and that “might is right”,
- being aware that the indicators which are outlined in this section must not be viewed simplistically or singularly, but as part of a continuum.

The following are some potential indicators that a child has experienced, witnessed or may have been exposed to violence and/or adult conflict at home:

- impaired concentration,
- difficulty with school work,
- poor attendance,
- clumsy, accident-prone behavior,
- fear of attending school,
- aggressive behaviour in the class and playground,
- perfectionist standards (a strong fear of failure),
- overly responsible,
- boys who are aggressive and controlling,
- girls who are passive, overly accommodating and withdrawn.

Young children who live in violent homes may experience or exhibit:

- physical complaints such as stomach-aches or headaches,
- sleep disturbance, such as insomnia, heightened fear of the dark, resistance to bedtime,
- bed-wetting,
- excessive separation anxieties,
- whining, clinging,
- failure to thrive.

Elementary children may experience or exhibit:

- staying close to home, believing their presence will control the violence and will protect their mother, or they may do the exact opposite, avoiding their home as much as possible, believing their absence will improve the parent’s relationship,

- fear of being abandoned,
- fear of being killed or fear of someone else being killed,
- fear of their own anger and/or the anger of others,
- exhibit eating disorders, such as overeating, under eating or hoarding food,
- insecurity and distrustfulness of their environment, especially if parental separation is frequent and unpredictable,
- seductiveness or manipulative behaviour as a way of reducing tension in the home.

In addition, teenagers and youth may experience, exhibit or engage in:

- escapist, self-destructive behavior,
- sexual activity, pregnancy, marriage,
- criminal activities, such as drug dealing, theft and assault,
- homicidal thoughts and actions,
- suicidal thoughts and actions.

Caregiver Response To A Child Under 12 Years Who Has Committed A Serious Crime

For children under the age of 12 who commit serious criminal acts or have repeated legal problems the caregiver has an obligation to seek service designed to assist the child.

Students Under 12 Years Of Age Who Caused Serious Injury

Following the proclamation of the Youth Criminal Justice Act/2003, the age of criminal responsibility was raised from 7 to 12 years of age. The behaviour of a child under 12 may be grounds for protection when there are reasonable and probable grounds to believe the child has committed an act for which an older child could be found guilty in court.

Section 74. (2) of the CYFSA states a child is in need of protection where:

(I) the child is less than twelve 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".

Caregiver-Adolescent Conflict

A referral to a Society is appropriate in situations where it is alleged that due to very high caregiver/adolescent/youth conflict that:

- children or youth in the home are at risk of physical harm and/or,
- the identified adolescent or youth is at potential risk of separation from the family (for example, the caregiver has requested an out-of-home placement or the adolescent or youth desires a placement),
- identified risk of harm to other children at home.

Note: that the level of severity of the adolescent's behaviour is not necessarily the concern of the Society but rather, the parent's refusal and inability to cope. If there is potential a child will be separated or other children are at risk of harm due to the adolescent's behaviour please report. If not, please consider other community resources.

APPENDIX B – Child Sexual Behaviour

Normal Experimentation vs. Potential Sexual Harm

Children may display sexual behaviours or engage in sexual activity with other children beyond their developmental stage and knowledge.

According to The Children's Aid Society (Minimal Practice Standard on Child Sexual Behaviour), when intervening, it must be determined whether the sexual behaviour is the result of normal childhood curiosity and experimentation or potential sexual harm. Potential sexual harm and normal childhood experimentation can be differentiated in the following ways:

Childhood Experimentation

- Sexual behaviour does not preoccupy the children; they are not constantly interested in it.
- Children feel free to "take it or leave it"; no force, bribery or trickery is involved.
- The age, or power, differential between the children is minimal.
- Sexual behaviour tends to involve undressing and observation.

Potential Sexual Harm

- Force and/or bribery and/or threats may be involved.
- Moderate to significant difference of age, power or maturity between the children is present.
- Child seems to display excessive interest in, or preoccupation with, sexual activity.
- Sexual activity between children is more adult-like in nature such as attempted or simulated intercourse or oral sex; such children may have been prematurely exposed to sexual knowledge through pornography, purposeful demonstration or accidental observations, or have been victims of sexual harm.

If the child at risk and/or the alleged maltreater involved in the sexual behaviour exhibits indicators that would lead you to suspect that they themselves may have been sexually harmed, The Children's Aid Society must be contacted.

APPENDIX C - Student Protection Reporting Form

To be completed by person who first receives disclosure or suspects harm/maltreatment.

Durham Children's Aid Society: 905-433-1551				
School:				
Your Name:				
Position:				
Relationship to Child:				
Please have the following information available when making phone call:				
CHILD INFORMATION:				
Name:			DOB (y/m/d):	
OEN:			Grade:	
Home Address:			Phone:	
Lives with: mother / father / both / other:				
PARENT / GUARDIAN INFORMATION:				
Parent 1: Custodial Parent: y / n			Parent 2: Custodial Parent: y / n	
SIBLINGS / OTHER CHILDREN IN THE HOME: (contact admin. to get information)				
Name:		Age:	School:	
Name:		Age:	School:	
Name:		Age:	School:	
Please provide the following information related to disclosure or suspicion:				
Date of suspicion / disclosure / allegation (y/m/d):				
Time of suspicion / disclosure / allegation (also indicate a.m. or p.m.):				
Nature of Disclosure:				
() Sexual	() Emotional	() Physical	() Maltreatment	() Failure to seek medical treatment
Alleged Maltreater:				
Is this individual a Board employee: y / n (If yes follow procedure, page 23).				
Description / facts surrounding the disclosure (please describe fully, using the child's words where applicable, the incident, situation, statements, behavioural and/or physical indicators of harm and/or maltreatment, including				

dates and times):

Describe the physical condition of the child, if applicable (including any injuries, bruises, burns, welts, and/or signs of illness):	
Please document the following information during phone call to CAS:	
Date of report to CAS (y/m/d):	
Time of report to CAS (also indicate am or pm):	
Name of CAS worker:	
Additional information and/or special instructions given by CAS worker:	
Date and time when Principal (or designate) was notified:	
Reporting Person:	Principal/Designate:
Signature:	Signature:
Date:	Date:

Form to be completed when report is made.

NOT to be retained in student's OSR.

Follow your school board's procedures for retention and forwarding of form.

APPENDIX D – Removal of Student from School Premise by DCAS or Dnaagdawenmag Binnoojiiyag CFS

REMOVAL OF STUDENT UNDER THE PROVISIONS OF CHILD YOUTH AND FAMILY SERVICES ACT, 2017.

Name of School and Principal / Designate (please print)	
Re:	Child's DOB:
Child's Name (please print)	Month/Day/Year
	acting on behalf of the:
Name of Worker (please print)	Name of CAS (please print)
Date:	Time:
Signature of School Administrator:	

NOT to be retained in student's OSR.
Follow your school board's procedures for retention and forwarding of form.

APPENDIX E – Protection Services for 16-17 Year Olds

Ministry of Children and Youth Services

Protection Services for 16 – 17 Year Olds

Information for Youth-Serving Agencies

On January 1st, 2018 Ontario will increase the age of protection to include all children under the age of 18 years. By increasing the age of protection, 16- and 17-year-olds who are in need of protection will be eligible for the full range of child protection services, which will give them a better opportunity to get the support they need, and have better outcomes as they transition to adulthood.

A youth may be eligible for protection services if they are experiencing physical abuse, sexual abuse, emotional abuse, neglect and/or abandonment, or if they are at risk of any of these things. Youth who have left home because of concerns about safety or risk of harm at home, and youth who are homeless, may be eligible for services from a children's aid society¹. If you are concerned that a youth may be in need of protection, you can contact the society in your area. Contact information can be found at:

<http://www.children.gov.on.ca/htdocs/English/childremsaid/index.aspx>

A new Voluntary Youth Services Agreement (VYSA) will be available for youth who:

- are aged 16 or 17;
- cannot be adequately protected at home or in their current living situation;
- have no other safe options with family or friends; and
- need an out-of-home placement.

Societies and youth-serving community agencies are encouraged to work collaboratively to develop protocols and processes to support services for 16- and 17-year old youth in need of protection.

Reporting Suspicions that a Youth may be in Need of Protection

A person may make a report where they have a reasonable suspicion that a youth age 16 or 17 is or may be in need of protection. The legislated duty to report will continue to apply in respect of children under 16.

¹ Children's Aid Societies (societies) are independent legal entities (non-profit corporations run by volunteer boards of directors or, in one case, a First Nation under the *Indian Act*), accountable to the communities they serve. Societies are designated under Section 15 of the *Child and Family Services Act* (CFSA).



A professional or member of the public who is concerned that a 16-or 17-year old is or may be in need of protection may make a report to a society and the society is required to assess the reported information in accordance with the *Ontario Child Welfare Eligibility Spectrum* (2016).²

Service Delivery to Youth who are 16-17

Societies provide protection services to youth to help keep them safe and provide support to their families. Societies begin their work after receiving a request or referral for service; this can come from the youth or from a concerned member of the community.

When a society receives a report, the *Ontario Child Protection Standards* (2016)³ will guide child protection workers at each phase of service delivery and is the mandatory framework for service to youth and families. The *Ontario Child Welfare Eligibility Spectrum* (2016) will be applied to determine the appropriate response and make decisions on the referral disposition and response time (in the case of an investigation).

If the information warrants an investigation, the society will want to hear from youth about their experiences and concerns to help them assess whether they are in need of protection and, if so, what services are appropriate for them. At the end of the investigation, the society will determine whether the youth is **in need of protection**, and determine what, if any, further intervention is required.

Where appropriate, societies will work with youth and their families (or if the youth isn't living with their family, in their current living situation) to improve things at home. This may include referrals to community services and programs that can help.

At any point of service, it may be determined that the youth is in need of protection and an **out-of-home placement** is required to secure the youth's safety. If an out-of-home placement is required to secure the youth's safety, the following options may be considered by the society in consultation with the youth:

- **Kinship Service** – if a member of the youth's family or community can care for the youth.
- **Customary Care** – for Indigenous youth, a placement can be arranged according to the custom of the youth's band or native community.
- **Voluntary Youth Services Agreement (VYSA)** – youth may enter an agreement with a society for services and supports, including developing a plan and securing an appropriate living arrangement.
- **Temporary Care Agreement (TCA)** – a TCA is an option if the parent is temporarily unable to care adequately for the youth, and the parent and the society make a written agreement for the society's care and custody of the youth. Before entering a TCA with a youth, the society will consider whether a VYSA is appropriate.
- **Admission by Court Order** – this is an option to be used where less disruptive options are not available. In such situations, societies are required to offer the VYSA, and that VYSA must be refused by the youth prior to proceeding to court.

² For more information about the *Ontario Child Welfare Eligibility Spectrum* (2016), see: <http://www.oacas.org/publications-and-newsroom/professional-resources/eligibility-spectrum/>

³ For more information about the *Ontario Child Protection Standards* (2016), see: <http://www.children.gov.on.ca/htdocs/English/professionals/childwelfare/protection-standards/index.aspx>

When a society determines that a youth is in need of protection and is considering a VYSA, a kinship service placement, a TCA, or seeking a court order to bring the youth into the society's care, a referral will be made to the **Office of the Children's Lawyer**, who may provide legal representation to the youth.

If a youth enters a VYSA, or is admitted to society care, the society will work with the youth to develop a plan and secure an appropriate living arrangement that will best meet the youth's needs, is informed by the youth's wishes, and is appropriate to the youth's development and readiness for independence.

What is a Voluntary Youth Services Agreement (VYSA)?

A youth can enter an agreement with a society in the jurisdiction where the youth resides to receive services and supports, subject to the following eligibility criteria:

- the society has determined that the youth is or may be in need of protection;
- the society has determined that the youth cannot be adequately protected through any other means such as being cared for by a family member or someone in the youth's community; and
- the youth wants to enter into the agreement.

When a youth enters a VYSA, the society will work with the youth to develop a plan and secure an appropriate living arrangement that will best meet the youth's needs and is informed by the youth's wishes, and is appropriate to the youth's development and readiness for independence.

A VYSA is a voluntary agreement and a youth can leave the agreement at any time. Where a VYSA has been terminated, the youth and the society may enter into a new VYSA at any time in the future as long as the youth meets the eligibility requirements, including a determination that the youth is or may be in need of protection.

What happens when a youth turns 18?

If a youth has a VYSA in place with a society on their 18th birthday, they are eligible for the Continued Care and Support for Youth (CCSY) program. CCSY provides eligible youth with financial and non-financial supports (e.g. service from a society worker) from age 18 until their 21st birthday.

More information on services and supports available to youth leaving care can be found on the Ministry's website: <http://www.children.gov.on.ca/htdocs/English/childrensaid/leavingcare.aspx>

Supporting a Youth through Decision-making

In your role, you may be providing support to a youth who is making a significant decision about their care, or who is involved in a dispute with a society. Several supports are available to youth, including the Office of the Children's Lawyer and the Office of the Provincial Advocate for Children and Youth. There are also Alternative Dispute Resolution and complaints processes available to assist in resolving disagreements between a youth and the society.

The Office of the Children's Lawyer (OCL)

If a society determines that a youth is in need of protection and an out-of-home placement is being considered, the society is required to make a referral on behalf of the youth to the Office of the Children's Lawyer (OCL). The youth will have the opportunity to consult with an OCL lawyer, who may provide advice to the youth about the options that are available, as well as legal representation if the youth is entering a VYSA.

If a youth is in a VYSA and a termination notice is received or issued by a society, the society is also required to notify the OCL of the plan to terminate the agreement, and the youth will have the option to access the OCL respecting the termination.

Youth can contact the OCL by calling (416) 314-8000 or at: <http://www.ontario.ca/ccnw>

The Office of the Provincial Advocate for Children and Youth (PACY)

The Office of the Provincial Advocate for Children and Youth (PACY) provides an independent voice for children and youth across the province receiving services in Ontario's child welfare system. PACY has the authority to receive and respond to complaints, conduct reviews, represent the views and preferences of children and youth, make reports and provide recommendations.

Prior to entering or terminating a VYSA, or at any time you request, youth will be given an opportunity to consult with an advocate and/or another trusted adult and/or to have a support person attend a meeting with the youth.

Youth can contact PACY by calling 1-800-263-2841 or at: <http://provincialadvocate.on.ca>

Alternative Dispute Resolution (ADR)

If a youth is working with a society, the society is required to inform the youth about options to resolve any issue related to the plan for the youth, including access to Alternative Dispute Resolution (ADR).

ADR is an approach to resolving disagreements between a youth and a society. This approach encourages the involvement and support of the family and extended family, where appropriate, and community, in planning and decision-making for the youth. ADR focuses on bringing the right people together to work out the best plan for the youth.

If you are working with a youth, and you think ADR will help or the youth is interested in obtaining information about ADR, the youth can discuss ADR with their society or the OCL. Aboriginal Approaches to ADR, which have been established by First Nations communities or Indigenous organizations, are also available.

Complaints Processes

Societies are required to inform youth about options to resolve any issue related to the plan for their care, in a manner that the youth can understand. This includes information about the complaints procedure and providing the youth with written information about the complaints process. Complaints procedures include:

- Contacting the society directly. All societies must have a complaint review process. You can learn more about this process at:
<http://www.children.gov.on.ca/htdocs/English/childrensaid/societies/ocascomplaint.aspx#CAS>
- Contacting the Provincial Advocate for Children and Youth at 1-800-263-2841 or (416) 325-5669 or visit: <http://provincialadvocate.on.ca>
- Contacting the Child and Family Services Review Board. This independent body can review some complaints or society decisions. The board can be reached at 1-888-728-8823 or (416) 327-4673 or through its website: <http://www.cfsrb.ca/>

How can you contact a society and get more information?

You can find your local society in your local telephone listings or, where available, by dialing 411. In some communities, the Children's Aid Societies are known as "family and children's services" or "child and family services". You can also find information about all of Ontario's Children's Aid Societies at <http://www.children.gov.on.ca/htdocs/English/childrensaid/index.aspx>.

For more information on any of the items noted above, please contact Lori Bennett, Manager (A), Child Welfare Secretariat at Lori.Bennett@ontario.ca.

APPENDIX F - Legal Status of Children in Care

Children are admitted into SOCIETY care or receive services through two approaches – voluntary agreement or by court order.

Customary Care:

Customary Care is an important option that is facilitated whenever possible for children with indigenous heritage who are not able to remain with their immediate family. It is a model of Indigenous child welfare service that is based on the belief that a child is a sacred gift from the Creator. Customary Care is defined under the CYFSA as “The care and supervision of a First Nations Inuk or Metis child by a person who is not the child’s parent, according to the custom of the child’s Band or First Nations, Inuk or Metis community.” It is a family-based care model reflective of the culture, values and traditions of the child’s parents and community. It recognizes that members of the child’s immediate and extended family and community share responsibility in the provision of care to a child, who is or may be in need of protection. Customary Care may be either Formal (where the First Nation has passed a Council Resolution to authorize the placement) or Informal (also known as Traditional) where the arrangement is agreed upon by parents and a caregiver on a voluntary basis.

Extended Society Care (formerly known as Crown Wardship under the CFSA):

A Family Court Order has determined that it is in the child’s best interest to be made a permanent ward of the Crown. Under this order, the Crown (SOCIETY on behalf of the province) exercises the rights and responsibilities of a parent until the youth is discharged from care or turns 18 years of age. These orders can either be with or without parental access.

Interim Society Care (formerly known as Society Wardship under the CFSA):

A Family Court has determined that it is in the best interest of the child to be placed in care. The Wardship lasts up to 12 months but may be extended to 24 months. Generally, the parents retain access but the SOCIETY assumes most of the daily parenting responsibility. Parents may have input into the child’s care but final decision-making rights rests with the CAS.

Kinship or kith in Care: Refers to a caregiving arrangement where the child is in the care of the Society by way of a court order as defined by the CYFSA and the kinship in care provider is subject to the Structured Analysis for Family Evaluation (SAFE) and all Ministry licensing requirements. The Society remains the decision maker and the ‘parent’ for as long as the child remains in the care of the Society or until such time as permanency is determined and/or the kinship home is no longer required for the child. A kinship in Care home typically is one where the child has an emotional or ‘kin’ relationship with the caregiver/s, for example, grandparent, aunt, uncle or other familiar relationship.

Temporary Care Agreements:

The caregiver has entered into a written agreement (including the child if over the age of 12) with the SOCIETY to provide care to the child on a temporary basis. There is no court order and the agreement may be terminated by either party at any point. The parent continues legal

guardianship of the child and decision-making rights. The Temporary Care Agreement cannot last longer than 12 months.

Temporary Care and Custody:

A Family Court Order that the SOCIETY has temporary custody of the child during the course of an adjournment of a child protection hearing. This is not a final order and there is no defined period of care. The responsibility for decision-making may vary. It is best for the Principal to call and consult with the CAS worker.

Children not in the care of the SOCIETY:

Children may also be placed with family or community members but are not in the care of the Society. These are often referred to as kinship service placements. In this situation, the caregivers have responsibility for the day-to-day activities of the child but the parents remain as the guardians and have decision-making authority. It is also possible that, in some situations, the kinship caregivers may have been assigned care and custody of the children under a supervision order. In that situation, The SOCIETY, while not the custodians, will supervise the placement with the kinship family. Supervision orders are time-limited, and may be made for a duration of up to 12 months, and/or may be extended for further periods of up to 12 months. See also Customary Care (Traditional).

Kinship or kith Service: Refers to a caregiving arrangement, serviced through the Ministry of Children, Youth Services, and the Ontario Kinship Service Standards, which is a structured admission prevention service to keep children out of care and living within their family systems. It involves, an in depth assessment of a (relative) family member's home and ability to provide alternate care to a child who is unable to remain with their parent/s. These arrangements are typically but not always based on written family agreements and do not require any court order due to their temporary nature. These arrangements can last days, months or even years. The parent retains formal custody while the kinship family retains caregiving and decision making over the care of the child in collaboration with the Society. A kinship worker is assigned to the child and the kinship home in order to provide support services. In some cases this type of arrangement can lead to permanency for children by way of a custody order through the Child Law Reform Act or through a Child Welfare order under the CYFSA.

Voluntary Service Agreement (VYSA):

A youth aged 16 and 17 is able to receive a full range of CAS services if deemed to be 'a child in need of protection'. Any CAS service beyond investigation to determine the finding of a child/youth in need of protection as outlined in the CYFSA must amplify the voice of the youth and must include their consent. Services for this age group are voluntary on the part of the young person and with mandatory involvement of legal counsel from the Child Advocate's office. They are not considered children in care but rather have special standing as a VYSA recipient. The agreement outlines the relationship and responsibilities of both the youth and the Society. This can include a youth living in or out of a CAS foster home.

APPENDIX G - Glossary Of Terms

Abuse: A child in need of protection under the CYFSA sections 74(2) as defined in the CYFSA.

Anti-Oppression Approach: An approach to “anti-oppression can be defined as the lens through which one understands how ‘race, gender, sexual orientation and identity, ability, age, class, occupation and social service usage,’ can result in systemic inequalities for particular groups” (OACAS, August 2010)

Case consultation: Refers to a one-on-one conversation between the worker and supervisor that involves a full or partial review of the factors regarding a case or situation that results in a collaborative case decision.

Child’s Community: Refers to a person who has ethnic, cultural or religious ties in common with the child or with a parent, sibling or relative of the child. A person who has a beneficial and meaningful relationship with the child or parent, sibling or relative of the child .

Child Protection Worker: As defined in the CYFSA as, a Director, a local director or person authorized by a Director or local director for the purposes of commencing child protection proceedings.

Community Caregiver: Refers to anyone who is providing care to a child in an out of home setting. For the purposes of the Child Protection standards, there are two categories of community caregivers;

1. **Community Caregivers in Family-Based, Out-Of-Home settings:** any child care setting that is within the context of a family, such as; homes of babysitters, kinship care/Kinship Service homes, day care homes, and other formal customary homes.
2. **Community Caregivers in Institutional Out-of-Home settings:** any non-family based care such as; daycares, group homes, schools and other school facilities (such as school bus), religious organizations and institutions, sporting, cultural or recreational organizations)

Community Link Service: A community Link Service is a referral disposition that a CAS can chose for families who do not require child protection services but who may benefit from other services available in their community.

Customary Care: Refers to family based caregiving arrangements specific to Indigenous Cultural practices and the belief that children are sacred gifts from the creator. This model is inclusive of Band and the child’s community representatives. Customary Care may be Formal (involving a First Nation Council Resolution) or Informal/ Traditional, which is agreed to by the parents, family and community.

Differential Response: Differential response is a method of service delivery—a system of alternatives/options determined by the type and severity of the maltreatment. It provides two possible approaches of investigation; traditional and customized. A traditional response is used for moderate and low severity situations. Both response models emphasize a stronger reliance

on extended family and community service supports (e.g. widening of the family's circle of support).

Domestic violence: Refers to violence between partners or a parent/caregiver and his/her partner. While it is recognized that partner violence can occur where men are the victims and in same sex relationships, overwhelmingly, women are most often the victims and in same sex relationships, overwhelmingly, women are most often the victims of violence. A gender based analysis of violence in an intimate relationship is required to understand the relationships between men and women, their access to resources, their activities, and the constraints they face relative to one another (OACAS2010).

Adult Conflict: Refers to violence within the home that occurs between adults, whose relationship is something other than partners/parent (for example, neighbour, friend, relative etc.)

Intimate Partner Violence: Refers to violence between partners or a parent/caregiver and his/her partner (includes parent/caregivers that are living in the same household as well as those who are living separately).

Kith: Refers to an arrangement that is the same as above but typically any individual or a community with whom the child has a pre-existing emotional connection, but where there is no immediate blood relation, for example, a baby-sitter, teacher, community member, neighbour, etc.

Protective Supports Community: Services/Resources or individual/family supports/resources that lessen the danger to the child (e.g. person who is suspected of endangering the child is out of the home; parent was not previously aware of concerns and is now prepared to protect the child; there is another person in the family who will protect the child, community services reduce the risk of harm to a child etc.).

Referral: A referral is any report or information received by a CAS from any source (e.g. a child. A community member, the police), and through any method (e.g. by phone, in person, in writing) that a child is or might be in need of protection.

Referent: The person having made a report or referral to a CAS about a concern pertaining to a child.

Relative: Refers to a person who is the child's grandparent, uncle, aunt, great-uncle or great-aunt, etc., where by blood, through a spousal relationship or through adoption.

APPENDIX H - Supervision Guidelines

Frequently Board employees become aware of children left unsupervised for various lengths of time. Lack of supervision needs to be brought to the parent's/guardian's attention and alternatives recommended. In instances of lack of supervision, **school staff should consult with the Society's Intake Service to determine the most appropriate course of action.** Consultation with the school social worker is also always an option in these situations.

The CYFSA deals with lack of supervision of children in the following sections:

136(3) *No person having charge of a child less than sixteen years of age shall leave the child without making provision for his or her supervision and care that is reasonable in the circumstances;*

136(4) *Where a person is charged with contravening subsection (3) and the child is less than ten years of age, the onus of establishing that the person made provision for the child's supervision and care that was reasonable in the circumstances rests with the person.*

The Durham CAS website provides the following information to parents as Supervision guidelines:

Recommended Guidelines For Leaving A Child Alone

Infant - 9 years

A child of this age should not be left unsupervised at any time of the day or night. A competent caregiver should be on the same premises as the children.

10 -12 years

Short periods of indirect supervision of 1-2 hours may be acceptable for this age range. These short periods of indirect supervision may be provided by an adult in the next house or apartment-if the adult is aware of the parents' absence, and agrees to look in on the child during specified periods of time.

Note: Indirect supervision via telephone contact is generally unacceptable for this age range.

13 - 14 years

Longer periods of indirect supervision (2 - 5 hours) are acceptable for this age range. An adult/babysitter should be available by telephone to the children in case of an emergency, or if the child requires assistance.

15 -16 years

At this age, the child should be able to be left alone for a full day. The parent should be readily available by telephone to the child in case of an emergency.

These are guidelines only. Every child and situation is different, and should be assessed individually.

APPENDIX I - Legislative Reference / Other Resources

1. Criminal Code of Canada, s. 43
2. Education Act and Revised Statutes of Ontario (1992)
3. Freedom of Information and Protection of Privacy Act, Revised Statutes of Ontario 1990, s.42
4. Child and Family Services Act Revised Statutes of Ontario, 1990, Chapter C. 11, August 2001, Queen's Printer for Ontario.(Repealed April 30, 2018, and replaced by the Child, Youth and Family Services Act, S.O. 2017, c. 14, Sch. 1)
5. Child, Youth and Family Services Act, Statutes of Ontario, 2017, Chapter 14, Schedule 1
6. Ontario Association of Children's Aid Societies, Eligibility Spectrum, (Revised October 2016).
7. Ontario Child Protection Standards (2016), Ministry of Children and Youth Services.
8. Provincial Model for a Local Police/School Board Protocol, Ministry of Education (2011)
9. Youth Criminal Justice Act (2002)
10. Responding to Problem Sexual Behaviour in Children and Young People: Guidelines for Staff in Education and Care Settings. Revised edition 2013 © 2013 Government of South Australia, Department for Education Child Development.
11. www.durhamcas.ca
12. www.children.gov.on.ca/htdocs/English/childrensaid/index.aspx

APPENDIX J - GUIDE FOR IDENTIFYING INDIGENOUS PERSONS

The Guide has been adopted by Dnaagdawenmag Binnoojiiyag Child and Family Services and our 5 Children's Aid Society partners with whom we share geographic jurisdiction (Durham CAS, Highland Shores CAS, Kawartha-Haliburton CAS, Simcoe Muskoka Family Connexions and York Region CAS) to guide staff in identifying families and children who may have Indigenous heritage and require a referral to Dnaagdawenmag Binnoojiiyag CFS. The Guide is appended to this protocol to assist teachers and staff and the School Boards in determining which CAS to contact with concerns, or to make a referral. **IF UNCERTAIN ABOUT WHETHER A CHILD OR FAMILY MAY BE INDIGENOUS, the referral must NOT be delayed but should be made to either Durham CAS or Dnaagdawenmag Binnoojiiyag CFS immediately.**

DNAAGDAWENMAG BINNOOJIIYAG CHILD AND FAMILY SERVICES GUIDE FOR IDENTIFYING INDIGENOUS PERSONS

Version 15 - Approved May 2018

DEFINITIONS

"Agency"

All of the following organizations are an Agency: Dnaagdawenmag Binnoojiiyag Child & Family Services (Dnaagdawenmag Binnoojiiyag), Durham Children's Aid Society (DCAS), Kawartha-Haliburton Children's Aid Society (KHCAS), Simcoe Muskoka Family Connexions (SMFC), Highland Shores Children's Aid (HSCAS), and York Region Children's Aid Society (YRCAS).

"Ancestry"

means a person's family or ethnic descent

"Heritage"

means the customs, traditions, and beliefs passed down from a person's ancestors

"Indigenous"

for the purpose of this guide means any person who identifies as or is identified as having Métis, Inuit, Status Indian, or Non-status Indian heritage or ancestry

"Inuit"

for the purpose of this guide means any person who self-identifies or is identified as an Inuk individual

“Métis”

for the purpose of this guide means any person who self-identifies or is identified as a Métis individual

“Non-status Indian”

for the purpose of this guide means any person who has Status Indian ancestry or heritage but is not entitled to be registered as an Indian under the Indian Act R.S.C., 1985, c. I-5 .

“Status Indian”

for the purpose of this guide means any person who is registered or entitled to be registered as an Indian under the Indian Act R.S.C., 1985, c. I-5 .

IDENTIFYING INDIGENOUS PERSONS

All Agencies are responsible at the initial point of contact with a child, youth, or family and in an ongoing manner for confirming whether a person is Indigenous.

As per the United Nations Declaration on the Rights of Indigenous Peoples it is important that children and youth who are identified as Indigenous or identify as Indigenous receive services appropriate to their culture. The Indigenous Identity of a child or youth in a family shall be the primary determinant in whether or not Dnaagdawenmag Binnoojiiyag will provide service.

The above listed Agencies shall determine whether any member of a family is Indigenous by using any of the following methods:

- asking the parent(s);
- asking the referral source;
- asking the child;
- asking the youth;
- asking someone who knows the child, youth, or family;
- asking the Native Child Welfare Prevention/Protection Worker
- asking the First Nations Designated Person, if applicable under the Regional Protocol;
- consulting a relevant First Nation membership clerk;
- with consent, consulting with any Indigenous agency or organization that may have knowledge of the child, youth or family;
- keeping in mind that a youth or child might not necessarily know (or self -identify) whether they are Indigenous, in cases where there are legal proceedings, or if there is any question whether a child or youth is Indigenous, the Agency will contact Indigenous and Northern Affairs Canada's Ontario Regional Office in an effort to confirm Indian status. However, note that contacting the government will only identify Indigenous persons who are registered as Status Indians; if a person is not registered by the government it does not mean they are not Indigenous.

Consultation with Dnaagdawenmag Binnoojiiyag

At any point during an involvement when an employee of an Agency is uncertain about identifying an Indigenous child, youth or family they may call Dnaagdawenmag Binnoojiiyag for a consultation. During the conversation, the child, youth or family need not be identified by name.

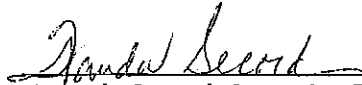
Documentation of Indigenous Identity

The above listed Agencies will ensure their staff updates the case management system immediately and on an ongoing basis once the Indigenous identity of each person is determined.

We the undersigned signify agreement with the protocol for a coordinated response in the provision of services to families and children.

For the Durham Children's Aid Society:

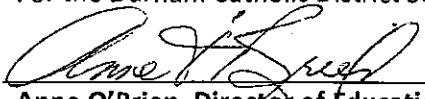
Date:


Wanda Secord, Executive Director

December 31, 2018

For the Durham Catholic District School Board:

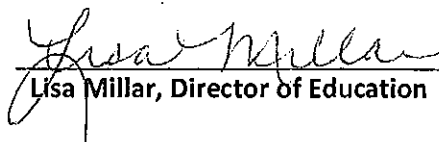
Date:


Anne O'Brien, Director of Education

December 3, 2018

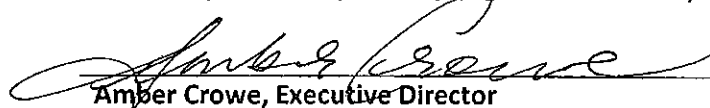
For the Durham District School Board:

Date:


Lisa Millar, Director of Education

Dec 5/2018

For Dnaagdawenmag Binnoojiiyag Child and Family Services: Date:


Amber Crowe, Executive Director

January 17/19