

# Duty to report child in need of protection - Supplemental Material

Version 1

Published 9/10/2024 by [Tracy Rogers](#) Last updated 9/10/2024 8:06 PM by [Tracy Rogers](#)

## Supplemental materials

Below are resources that may be reviewed for additional information. These documents are also reviewed as part of coursework in ECE312.

[Reporting Child Abuse and Neglect: It's Your Duty Government of Ontario Brochure.](#)

[Ontario Association of Children's Aid Societies Brochure](#)

## Locate a Children's Aid Society or Indigenous Child and Family Well-Being Agency

[College of ECE Professional Advisory on Duty to Report](#)

Appendix A: Section 125 (1) of the Child, Youth and Family Services Act (2017).

### **Duty to report child in need of protection**

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

1. The child has suffered physical harm inflicted by the person having charge of the child or caused by or resulting from that person's,
  - i. failure to adequately care for, provide for, supervise or protect the child, or
  - ii. pattern of neglect in caring for, providing for, supervising or protecting the child.

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

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

3. The child has been sexually abused 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 abuse or sexual exploitation and fails to protect the child.

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

4.1 The child has been sexually exploited as a result of being subjected to child sex trafficking.

4.2 There is a risk that the child is likely to be sexually exploited as a result of being subjected to child sex trafficking.

5. The child requires treatment to cure, prevent or alleviate physical harm or suffering and the child's parent or the person having charge of the child does not provide the treatment or access to the treatment, or, where the child is incapable of consenting to the treatment under the *Health Care Consent Act, 1996*, refuses or is unavailable or unable to consent to, the treatment on the child's behalf.

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

- i. anxiety,
- ii. depression,
- iii. withdrawal,
- iv. self-destructive or aggressive behaviour, or
- v. delayed development.

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

- 7. The child has suffered emotional harm of the kind described in subparagraph 6 i, ii, iii, iv or v and the child's parent or the person having charge of the child does not provide services or treatment or access to services or treatment, or, where the child is incapable of consenting to treatment under the *Health Care Consent Act, 1996*, refuses or is unavailable or unable to consent to, treatment to remedy or alleviate the harm.
- 8. There is a risk that the child is likely to suffer emotional harm of the kind described in subparagraph 6 i, ii, iii, iv or v resulting from the actions, failure to act or pattern of neglect on the part of the child's parent or the person having charge of the child.
- 9. There is a risk that the child is likely to suffer emotional harm of the kind described in subparagraph 6 i, ii, iii, iv or v and the child's parent or the person having charge of the child does not provide services or treatment or access to services or treatment, or, where the child is incapable of consenting to treatment under the *Health Care Consent Act, 1996*, refuses or is unavailable or unable to consent to, treatment to prevent the harm.
- 10. The child suffers from a mental, emotional or developmental condition that, if not remedied, could seriously impair the child's development and the child's parent or the person having charge of the child does not provide the treatment or access to the treatment, or where the child is incapable of consenting to the treatment under the *Health Care Consent Act, 1996*, refuses or is unavailable or unable to consent to, treatment to remedy or alleviate the condition.

11. The child's parent has died or is unavailable to exercise the rights of custody over the child and has not made adequate provision for the child's care and custody, or the child is in a residential placement and the parent refuses or is unable or unwilling to resume the child's care and custody.
12. The child is younger than 12 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 services or treatment or access to services or treatment, or, where the child is incapable of consenting to treatment under the *Health Care Consent Act, 1996*, refuses or is unavailable or unable to consent to treatment.
13. The child is younger than 12 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.

2017, c. 14, Sched. 1, s. 125 (1); 2020, c. 25, Sched. 1, s. 26 (6); 2021, c. 21, Sched. 3, s. 3.

## References

Ontario Ministry of Child and Youth Services. (2010, December). *Reporting child abuse and neglect. It's your duty: your responsibilities under the Child and Family Services Act*. Retrieved December 19<sup>th</sup>, 2012, from,

<http://www.children.gov.on.ca/htdocs/English/documents/topics/childrensaid/Reportingchildabuseandneglect.pdf>

Canada, P. H. A. of. (2012). *Child Maltreatment in Canada*. [www.canada.ca](http://www.canada.ca).

<https://www.canada.ca/en/public-health/services/health-promotion/stop-family-violence/prevention-resource-centre/children/child-maltreatment-canada.html#Chi>

Ontario Ministry of Child and Youth Services. *The Child and Family Services Act*. (Amended 2011, December). Retrieved December 19th , 2012, from, [http://www.e-laws.gov.on.ca/html/statutes/english/elaws\\_statutes\\_90c11\\_e.htm](http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_90c11_e.htm)

York Region Children's Aid Society. (2008). *Reporting Child Abuse & Neglect: It's your duty. Your responsibilities under the Child and Family Services Act*. Retrieved December 19th , 2012, from,  
<http://www.yorkcas.on.ca/pdfs/Repoting%20Child%20Abuse%20and%20Neglect.pdf>  
[https://www.college-ece.ca/en/Documents/Professional\\_Advisory\\_Duty\\_to\\_Report.pdf](https://www.college-ece.ca/en/Documents/Professional_Advisory_Duty_to_Report.pdf)  
<https://www.oacas.org/childrens-aid-child-protection/facts-and-figures/>