

**CHILD PROTECTION  
AND  
CHILD ABUSE MANUAL**

**A Protocol For Early Childhood Educators**

**Revised 2003**

**Manitoba Family Services  
and Housing**



## **Quick Reference for Suspected Child Abuse**

- **A suspicion that a child may be in need of protection requires a report to a child and family services agency or the police. Individuals are not required nor should they attempt to diagnose or investigate potential abuse cases.**
- **The immediate safety of the child is the paramount concern. If either a child and family services agency or the police cannot be reached in a timely fashion, evaluation at a medical facility should be considered.**
- **An immediate medical examination is indicated only in cases where acute injuries or symptoms are present. Where there is a history of chronic abuse, a child and family service agency and/or police investigation is necessary to determine the need for medical consultation and most importantly the need for protection of the alleged victims and other potential victims.**
- **If you are unsure of an appropriate course of action, it might be helpful to consult by telephone with a local child and family services agency and/or the police. The Children's Hospital Child Protection Centre or if outside office hours, the Children's Hospital Emergency Room are also available for consultation.**

**Local Child and Family Services \_\_\_\_\_**

**Local Police Detachment \_\_\_\_\_**

**Local Medical Facility \_\_\_\_\_**

**Children's Hospital Child Protection Centre 787-2811**

**Children's Hospital Emergency Room 787-2306**

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## 1. INTRODUCTION

Individuals working with young children are in a unique position to provide both preventative and intervention services. This role is particularly critical in the area of child protection. Knowledge of indicators that a child may be in need of protection, reporting guidelines and methods for the provision of support within a child care setting are needed by those working in the field.

The following protocol provides early childhood educators with a better understanding of their role when it is suspected that a child is in need of protection. It outlines procedures for reporting for individuals in child care positions with infants, preschool and school age children. This includes providers in all child care centres and homes licensed by Manitoba Family Services and Housing. Therefore, the term "early childhood educator" is used in this handbook for all caregivers, including child care assistants and family child care providers.

These protocols have been jointly prepared in consultation with the Departments of Family Services and Housing, Health, Justice and Education and Youth through the Provincial Advisory Committee on Child Abuse (PACCA) and have been endorsed by the Manitoba Child Care Association.

Although these protocols refer to current provincial and federal legislation, changes to such legislation will be made from time to time.

This handbook is dedicated to all young victims of child abuse who need caring adults to protect and advocate for them.

## 2. EARLY CHILDHOOD EDUCATOR'S RESPONSIBILITY TO REPORT

Early childhood educators play a very important role in young children's lives. They see a child on a regular basis and can play a supportive role to families. Caregivers are often in a position to note some of the early warning signs of abuse or other protection problems and children may trust a provider enough to disclose abuse.

Sometimes people feel uncertain whether their suspicions that a child might be in need of protection are justified or they fear anger from a suspected individual. Caregivers sometimes express that they feel they have betrayed the parents when they report a child in need of protection. Suspicions **must** be shared with those mandated to investigate. These professionals are in a better and sometimes more objective position to judge whether suspicions are justified. Such sharing of suspicions and concerns may not constitute a formal report, but such consultation can clarify questions and doubts about the need to report suspicions of child abuse.

Most abusing families or individuals need our compassion and support so they can learn the skills needed to parent and protect their children. If early childhood educators have developed supportive roles with parents, and if they understand that the immediate needs for care and protection of a vulnerable child must be the primary consideration, then it is easier to recognize the first responsibility of reporting. Detection of a child in need of protection may be a family crisis, but often it is the "window of opportunity" for change in the family.

In Manitoba, regulations under *The Community Child Day Care Standards Act* indicate that every licensee must report, or cause to be reported, any case of suspected child abuse relating to a child attending the licensee's child care facility. *The Child and Family Services Act* states that anyone who has information that leads the person reasonably to believe that a child is or might be abused, or is or might be in need of protection, must report this suspicion.

The responsibility to report is particularly great for professionals, like early childhood educators, who work in a position of trust with children. Suspicions that a child is in need of protection must be reported to a Child and Family Services Agency or the police when there is reason to be concerned that the child's home or custodial environment cannot protect the child. The Revised Manitoba Guidelines on Identifying and Reporting a Child in need of Protection (Including Child Abuse) (hereinafter referred to as the Guidelines) endorse the use of a multi-disciplinary team in child protection cases. Early childhood educators are part of the multi-disciplinary team.

### 3. A CHILD IN NEED OF PROTECTION - DEFINITIONS

*The Child and Family Services Act* provides a legal framework for ensuring that a child can be protected from conditions that could endanger his/her health or emotional well-being due to the act or omission of a person. The law includes a list of legal criteria for identifying situations where a child might be in need of protection. The law also provides a guideline for determining to whom a report of suspicion of child protection can be made. Depending on circumstances as outlined below, reports of suspicions may be made to a parent/guardian or to a Child and Family Services Agency.

In general, a report that a child may be in need of protection may be made directly to a parent/guardian when *it is clear* that the parent/guardian will ensure the adequate protection of the child and that concerns do not involve a member of the family or extended family. This is most often the case in situations of aggression or sexual exploitation where the physical or sexual assault of the child was caused by a person who *does not* have care, custody, control or charge of the child.

In all other circumstances, it is advisable to report suspicions of child protection to a Child and Family Services Agency. Remember that all children harmed by an act or omission of a person need protection. *The Child and Family Services Act* provides a guide for determining to whom reports can be made, as well as the legal obligation to report a variety of conditions that might cause risk to the emotional well-being and physical development of a child. The police may also be contacted where the reporting person believes that an offence has been committed under the Criminal Code.

#### A CHILD IN NEED OF PROTECTION

Section 17(2) of *The Child and Family Services Act* lists examples where a child ought to be considered in need of protection. These include where a child:

- a) is without adequate care, supervision or control;
- b) is in the care, custody, control or charge of a person
  - i) who is unable or unwilling to provide adequate care, supervision or control of the child, or
  - ii) whose conduct endangers or might endanger the life, health, or emotional well-being of the child, or
  - iii) who neglects or refuses to provide or obtain medical or other remedial care or treatment necessary for the health or well-being of the child or who refuses to permit such care or treatment to be provided to the child when the care or treatment is recommended by a duly qualified medical practitioner;
- c) is abused or is in danger of being abused;
- d) is beyond the control of a person who has the care, custody, control or charge of the child;
- e) is likely to suffer harm or injury due to the behaviour, condition, domestic environment or associations of the child or of the person having care, custody, control or charge of the child;
- f) is subject to aggression or sexual harassment that endangers the life, health or emotional well-being of the child;
- g) being under the age of 12 years, is left unattended and without reasonable provision being made for the supervision and safety of the child; or
- h) is the subject, or is about to become the subject of an unlawful adoption under *The Adoption Act* or of a sale under Section 84.

Under *The Child and Family Services Act*, child abuse is an act or omission by any person where the act or omission by any person results in:

- a) physical injury to the child (physical abuse);
- b) emotional disability of a permanent nature in the child or is likely to result in such a disability

- (emotional abuse); or
- c) sexual exploitation of the child with or without the child's consent (sexual abuse).

Child abuse, under this law, is a condition that occurs due to the act or omission of any person. This could include a parent, guardian, teacher, babysitter, early childhood educator, coach or anyone in such a relationship with a child.

There are two forms of child abuse that have been identified relatively recently. Shaken Baby Syndrome most often involves infants less than one year and occurs when the infant or young child is shaken violently by a caregiver. The injuries that may result include torn blood vessels and damaged nerves around the brain which may result in brain dysfunction or death.

Munchausen Syndrome by Proxy is a rare form of child abuse and occurs when parents deliberately subject their child to unwarranted medical procedures including examinations, medications or even surgery. The parent may cause symptoms to occur by, for example, administering harmful substances with the intent of inducing a condition which will necessitate the attention of medical staff and the possible hospitalization of the child.

The Guidelines also describe aggression and sexual harassment. Physical injury resulting from aggression and sexual exploitation including sexual harassment of a child caused by any person (including those who do not have care, custody, control or charge of the child) is considered abuse. Often these incidents occur between students in schools. Only those incidents as outlined under subsection 18(1.1) Reporting to Agency Only should be reported to an agency.

In situations where an agency is not notified because a child is not viewed as being in need of protection, a parent or guardian must be informed of the abuse. The police may also be contacted when the person reporting believes an offence has been committed under the Criminal Code of Canada.

In summary, there are many reasons and circumstances that could lead you to suspect a child is in need of protection. Once you have these suspicions, you may wish to consult with a Child and Family Services Agency or you may choose to directly report your concerns to the Child and Family Services Agency.

#### 4. RECORD KEEPING

Regulations 10(6) and 25(3) under *The Community Child Day Care Standards Act* indicate that;

Every licensee shall maintain a written record of every incident which affects the health, safety or well-being of children and staff.

This means that as standard procedure for the care of young children, staff should be documenting, in an *objective* manner, any behaviour by a child that might be a sign or symptom suggesting that the child may need protection. This information is available to parents. It should be kept in the child's file and should include:

- Date and time of entry;
- Full name of the child referred to in entry;
- Signature of the person making the entry; and
- Any of the following objective data:
  - description of any injury observed, including size, shape, colour and location on body (write the description so the injury can be easily understood);
  - drastic changes or chronic problems with a child's health or behaviour;
  - direct quotes related to child protection from the child and/or parent/adult; and
  - acting out, direct quotes or explicit drawings by the child during play that concern injury, neglect, emotional or sexual abuse or assault.

Although every program keeps its records a little differently, it is suggested that each child's record be kept separately from the daily log. A daily log may make reference to a child's comments or condition, but the full entry must be kept in a place available only to those who may need to know about the child's condition, including the child's parents/guardians.

The record of an actual report is, however, confidential and is not part of the child's record. In contrast to the daily log and children's records, any information that is collected at the *written* request of a Child and Family Services Agency for the purpose of an investigation, is confidential. There should be agreement that such information is the property of the agency and may be given to the agency by the early childhood educator once an investigation is completed.

## 5. REPORTING A CHILD IN NEED OF PROTECTION

Early childhood educators are required by law to report suspicions that a child might be in need of protection. Those who know or suspect that a child might be in need of protection, but do not report it, may be held in contravention of *The Child and Family Services Act*. The *Act* protects the identity of individuals reporting a child in need of protection.

Remember, it is not the early childhood educator's responsibility to prove that a child is in need of protection. It is to report any suspicions, concerns or information that leads the person *reasonably to believe* that a child is or might be in need of protection. This report must then be made to an agency or to a parent/guardian of the child.

If early childhood educators cannot determine whether the report can be made to a parent/guardian directly, it is strongly recommended the caregiver or other reporting individual consult first with the Child and Family Services Agency.

### THE LAW

Regulations under *The Community Child Day Care Standards Act* state what an early childhood educator is required to do when child abuse is suspected.

- 11(4) Every licensee shall immediately report, or cause to be reported, any case of suspected child abuse relating to a child attending the licensee's day care centre to the Director of Child and Family Services or a designated child caring agency as required by *The Child and Family Services Act*.

Similarly, a family child care provider's obligation to report suspected abuse is set out in regulations.

- 27(3) Every licensee shall immediately report any case of suspected child abuse relating to a child attending the licensee's family day care home to the Director of Child and Family Services or a child caring agency as required by *The Child and Family Services Act* or any similar legislation.

Sections of *The Child and Family Services Act* are quoted below. "Director" means the Director of Child and Family Services, Manitoba Family Services and Housing (945-3848 in Winnipeg) and "agency" refers to a Child and Family Services Agency or Native Child and Family Services Agency. *The Child and Family Services Act* states the following:

### REPORTING A CHILD IN NEED OF PROTECTION:

- 18(1) Subject to Subsection (1.1), where a person has information that leads the person reasonably to believe that a child is or might be in need of protection as provided in Section 17, the person shall forthwith report the information to an agency or to a parent/guardian of the child.

The law further outlines the circumstances when reports should be made only to the agency and *not* to a parent/guardian.

**REPORTING TO AGENCY ONLY:**

18(1.1) Where a person under Subsection (1):

- (a) does not know the identity of the parent/guardian of the child;
- (b) has information that leads the person reasonably to believe that the parent/guardian
  - (i) is responsible for causing the child to be in need of protection, or
  - (ii) is unable or unwilling to provide adequate protection to the child in the circumstances;
- (c) has information that leads the person reasonably to believe that the child is or might be suffering abuse by a parent or guardian of the child or by a person having care, custody, control or charge of the child;

Subsection (1) does not apply and the person shall forthwith report the information to an agency.

**PROTECTION OF INFORMANT:**

18.1(1) No action lies against a person for providing information in good faith and in compliance with Section 18.

**IDENTITY NOT REVEALED:**

18.1(2) No person shall, except as required in the course of judicial proceedings, disclose to the family of the child reported in the need of protection the identity of the informant under Section 18 without the written consent of the informant.

**NO INTERFERENCE OR HARASSMENT:**

18.1(3) No person shall interfere with or harass an informant under Section 18.

**DUTY TO REPORT:**

18(2) Notwithstanding the provisions of any other Act, Subsection (1) applies even where the person has acquired the information through the discharge of professional duties or within a confidential relationship, but nothing in this Subsection abrogates any privilege that may exist because of the relationship between a solicitor and the solicitor's client.

**SUMMARY CONVICTION OFFENCES:**

18.3 Where a person,

- (a) through an act or omission of the person, causes a child to be a child in need protection as provided in Section 17;
- (b) fails to report information as required under Section 18;

- (c) discloses the identity of an informant in contravention of Subsection 18.1(2); or
  - (d) interferes with or harasses an informant in contravention of Subsection 18.1(3);
- the person commits an offence punishable on summary conviction.

**FAILURE TO REPORT:**

Failure to report by any professional can have three serious consequences:

- (a) The child will not receive the protection required and/or may sustain further abuse.
- (b) The family situation is likely to continue to deteriorate, putting the child (and any siblings) at further risk.
- (c) The early childhood educator could face both legal and professional penalties as a result.

**REPORT OF CONCLUSION:**

18.4(2) Subject to Subsection (3), where an agency concludes, after an investigation under Subsection (1), that a child is in need of protection, the agency shall report its conclusion

- (a) to the parent/guardian of the child;
- (b) where there is no parent/guardian of the child, a person having full time custody or charge of the child;
- (c) to the person, if any, who is identified by the investigation as the person who caused the child to be in need of protection;
- (d) in the case of a person under clause (c) whose employment
  - (i) involves the care, custody, control or charge of children, or
  - (ii) permits unsupervised access to children,
 to the employer or the manager or supervisor at the place of employment;
- (e) where the child attends school, to the principal of the school or the superintendent of the school division in which the school is located;
- (f) to the child where, in the opinion of the agency, the child is capable of understanding the information and disclosure to the child is in the best interests of the child; and
- (g) to the person who reported the information that gave rise to the investigation, except where disclosure is not in the best interests of the child.

**RESTRICTIONS ON DISCLOSURE:**

18.4(3) An agency shall not report its conclusion under Subsection (2) where a criminal investigation into the matter is pending.

## HOW TO MAKE A REPORT

Reports of suspected child protection issues may be made to a parent, guardian or Child and Family Services Agency. The Child and Family Services Agency must be contacted specifically when there is concern that the child is in need of protection and it is judged that the parent/guardian cannot protect the child.

A telephone call to a Child and Family Services Agency is the quickest way to report a suspicion.

1. Place a call to the Child and Family Services Agency nearest to the child care centre or family child care home.
2. Ask for the worker accepting calls regarding child protection investigations. Most agencies have someone on call 24 hours a day. Record this individual's name, as well as the time and date of your call. Ask the agency worker for their plan of action.
3. Be prepared to give the following information:
  - (a) - name, address, phone number and sex of the child;
    - name and address of the parent/adult suspected of abuse (if known);
    - names and ages of siblings;
  - (b) the nature of the suspected concern about protection, the documented indicators that have led to this suspicion, including dates and times, mention previous calls to agency regarding the child, if any;
  - (c) your opinion on the urgency of the situation in terms of the child's safety and the expected time that the parent/guardian arrives to pick up the child; and
  - (d) your name, professional address and phone number and your professional duties in relation to the child.

If you are not certain that your concerns about a child are serious enough to warrant a report, you may wish to consult with a Child and Family Services Agency. They can advise you about the need to report and to whom to report.

## CONFIDENTIALITY

The exact information included in a report to an agency, parent/guardian is confidential and cannot be included in the centre's or provider's daily log or the child's file. The file, however, should note that a parent/guardian or agency was called, including date, time and person spoken to. Under Section 76(3) of *The Child and Family Services Act*:

### Records are confidential

- 76(3) Subject to this section, a record made under this Act is confidential and no person shall disclose or communicate information from the record in any form to any person except
- (a) where giving evidence in court; or
  - (b) by order of a court; or
  - (c) to the director\*, or to a person employed, retained or consulted by the director or any agency or appointed under this Act, in the course of administering or enforcing any provision of this Act or the regulations.

\*Director of Child and Family Services

This section means that an early childhood educator or board of directors cannot tell others in the community about a report that a child might be in need of protection. It also means that a Child and Family Services Agency cannot tell others in the community the identity of the reporter of child abuse.

Note that child observations (behaviour and comments made by the child) are considered to be part of the regularly kept record of all children in a setting. These are available only to a child's parent/guardian. This information may, however, be included when a report is made to an agency about a child in need of protection. Note that the actual report may be kept confidential.

### **WHO REPORTS A CHILD IN NEED OF PROTECTION**

The primary responsibility for reporting a child in need of protection rests with the individual who suspects it. Consultation with others in authority in a child care centre (director, supervisor) and with the day care co-ordinator is strongly advised. Such consultation is not the same as reporting and does not take the place of the reporting requirements of *The Child and Family Services Act*.

Child care providers and boards of directors should draft procedures to be followed once a report is made. For example, a child care board may wish to be informed that a suspicion of child protection has been reported. The child's name must not be included when informing the board, as this information is confidential. If staff and director in a centre disagree about reporting, then the board may want to develop some procedure for mediating such differences in opinion. It is important for staff and board members to remember that the primary responsibility for reporting a child in need of protection rests with the individual who suspects it. In the meantime, a report of suspected child protection should be made to the parent/guardian or agency or the agency should at least be consulted regarding these concerns.

### **REPORTING TO A PARENT/GUARDIAN**

There are many circumstances where a report can be made directly to a parent/guardian. These are situations where it is believed that the parent/guardian can protect the child once information about a suspicion is given to the parent. For example, this could be the case after informing a parent/guardian that there is a concern that the child was physically assaulted by an individual in the neighbourhood or that the child was sexually harassed or exploited by another child in your program.

If a report to a parent/guardian is made, there is a continuing obligation on a person to determine if the child is no longer in need of protection. If an early childhood educator, once reporting to a parent/guardian, finds that this person is then unable or unwilling to provide adequate protection to the child, then the staff should report all concerns to the Child and Family Services Agency.

The *Act* places an ongoing responsibility on the early childhood educator or other reporting individual to ensure the parent/guardian has acted in a protective way to the child. In informing a parent/guardian, an early childhood educator may suggest that the parent/guardian:

- 1) call a Child and Family Services Agency for advice on how to protect;
- 2) call the police to determine if the protection issue constituted assault or other action under the *Criminal Code of Canada*; and
- 3) call a medical unit to ensure the physical well-being of the child.

Sometimes a suspicious injury may have been either accidentally or intentionally caused by a parent/guardian. Here an early childhood educator may wish to discuss such concerns with the parent/guardian before deciding

whether a report should be made. For example, a black eye could have either an accidental or abusive origin.

Developing a supportive, trusting relationship with parents will help when you need to mention a suspicious injury or concern to them. When asking a parent/guardian about a suspicious injury, it is important to:

- use open-ended questions that will allow the parent/guardian to describe what happened to the child;
- ask questions in a non-judgmental way; and
- give the parent/guardian time and privacy when discussing these concerns.

All injuries observed, regardless of their origin, should be noted in the centre's daily log and recorded objectively and in detail in the child's file. If you are unsure whether the injury is accidental or abusive, it is best to consult with a Child and Family Services Agency to gain a professional opinion. The information in the log and child's file may be available to the child's parent/guardian, but your report or consultation is confidential.

There are also many times when the early childhood educator feels concerned about a child's care, but feels it is not serious enough to warrant a report. Active support to the parent/guardian, discussion of your concerns and providing a role model for positive interaction with the child may be all that is needed for the parent/guardian to learn how to provide better care.

## **REPORTING TO AN AGENCY**

An early childhood educator may need to make a judgement as to whether a parent/guardian can protect a child. This includes situations where the parent/guardian is suspected of abuse or not providing protection to a child. Here, an early childhood educator may consult with an agency to determine to whom a report should be made.

*The Child and Family Services Act* outlines the circumstances under which a suspicion that a child is in need of protection should be reported directly to an agency. Under these conditions, it may not be advisable to tell a parent/guardian that you have made a report. If you wish to discuss your report with the parent/guardian or if you are not sure if you should, first consult with the Child and Family Services worker about whether the investigation could be affected if you communicate with the parent/guardian.

You may, for example, want to talk about your concerns with a mother that her child has made allegations of sexual abuse by someone in the home. An agency worker would likely advise the early childhood educator not to discuss the report until an investigation has been conducted.

At times, an early childhood educator may find him or herself faced with an angry parent/guardian who demands to see his/her child's file. This information is available to the parent/guardian. If the parent/guardian then accuses the early childhood educator of reporting abuse, the early childhood educator may choose to:

- deny knowledge of a report (remember your identity is protected under the law);
- explain to the parent/guardian that you had no choice, you had to report suspicions and it is the law. You would be in trouble if you did not report your concerns; and
- explain to the parent/guardian that you were genuinely concerned about the child's behaviour, mood, appearance, etc. Alerting a mandated agency of these concerns was your way of helping the parent/guardian achieve a more developmentally healthy relationship with his/her child. You reported because you cared about the child.

On occasion, a Child and Family Services Agency may request that an early childhood educator keep records

relating to the parent-child relationship or child behaviour for the purpose of an abuse investigation. In these circumstances, the early childhood educator should obtain this request in writing. There should be a written agreement that such information is confidential and the property of the Child and Family Services Agency. Therefore, it will be released only to the Child and Family Services Agency at the end of the investigation.

### **APPREHENSION OF CHILDREN FROM CHILD CARE SETTINGS**

On occasion, a Child and Family Services worker may feel a child's safety and well-being would be severely compromised if the child returned to his/her home. At these times, the worker may apprehend the child from the child care setting to a safe and protected environment. Agency workers must adhere to the following policies set forth by the Director of Child and Family Services.

- 1) Agency staff should always come to the child care facility in person to place the child under apprehension and take the child to a place of safety.
- 2) In some circumstances (e.g., remote areas where travel is restricted), agency staff will not realistically be able to attend in person to apprehend the child. In these cases, agency staff should delegate the responsibility to the local police, the local early childhood educator or a member of the local child care committee, who should come in person to the facility to apprehend the child and take the child to a place of safety.
- 3) Early childhood educators should always verify the identity of the staff person representing the agency before releasing the child to that person's care and custody.
  - (a) Some agency staff may present an identification card with their photograph attached to this card.
  - (b) Where such identification is not available, the early childhood educator should telephone the supervisor of the agency representative and verify the person's physical appearance and personal identity. Agency staff should co-operate with early childhood educators, as these procedures are in the best interest of the child and take only a few minutes.
- 4) **IN ALL CASES**, it is the responsibility of the persons apprehending the child to notify the parents, guardian or other person caring for the child at the time of apprehension, prior to the time that the parents, guardian or other person normally arrives at the child care facility to pick up the child.

If, for some reason, the agency representative is unable to reach the parent/guardian before their expected arrival at the child care facility, the agency representative should meet the parent/guardian at the child care facility.

It is totally unacceptable to leave the early childhood educator with the responsibility of dealing with the person whose child was apprehended and any such occurrences should be reported by the early childhood educator to the Supervisor or the Executive Director of the Child and Family Services Agency, so that corrective action can be taken to avoid future occurrences.

## 6. IF AN EARLY CHILDHOOD EDUCATOR IS ACCUSED OF CAUSING A CHILD TO BE IN NEED OF PROTECTION

On occasion, an early childhood educator may be accused of causing a child to be in need of protection. This could be an act or omission that occurred where the child is in the care of the early childhood educator at a child care facility or where the child lives in the early childhood educator's home or family or in the early childhood educator's community. Under such circumstances, some actions may need to be taken to ensure the safety and well-being of children where the early childhood educator is employed while an investigation is being conducted by police or a Child and Family Services Agency.

Child care centre boards and providers should have policies in place to deal with such investigations. A plan to ensure the protection of children is needed. Suspending the accused early childhood educator with or without pay during the investigation, may be necessary to ensure that children are safe and protected. If child care centre boards or providers choose not to suspend an individual during an investigation, then a plan should be developed in consultation with the investigating Child and Family Services Agency and Manitoba Child Day Care.

Manitoba Child Day Care could suspend the early childhood educator's certificate pending the outcome of the investigation, if deemed necessary, to ensure protection of children. In this situation, the employer would be notified and the early childhood educator would not be able to work in a licensed child care centre until the suspension was revoked.

*The Community Child Day Care Standards Act* states that:

### Cancellation or Suspension of Certificate

30.1(2) Where a certificate has been issued and the director has reasonable and probable grounds to believe that the employment of the person named in the certificate may be hazardous to the health, safety or well-being of children;

the director may cancel or suspend the certificate and the director shall forthwith give the person named in the certificate notice of cancellation or suspension by registered mail sent to the address of the holder as indicated on the application for the certificate.

As well, *The Child and Family Services Act* indicates that where there are reasonable grounds to believe that a person has caused a child to be in need of protection or has failed to report information, the Director of Child and Family Services may report the matter to the body or person that governs the professional status of the person. In the case of early childhood educators, such reports would be made to Manitoba Child Day Care. Classification of the person as an early childhood educator would then be reviewed and upon review, may then be suspended or cancelled.

Similarly, if a family child care provider or a member of the provider's family is accused of causing a child to be in need of protection, then steps may need to be taken to ensure the safety of the children attending the family child care home. In some situations, the investigating Child and Family Services Agency, in consultation with Manitoba Child Day Care, may develop a plan to ensure that children attending the family child care home are protected. A family child care licence may be suspended or revoked if the Child and Family Services Agency recommends this action to ensure the health, safety or well-being of children.

In all situations, *The Child and Family Services Act* indicates that at the conclusion of an investigation, if a person caused a child to be in need of protection and has care, custody or control of children in their employment, then the Child and Family Services Agency must report the findings to the employer. In the case of a child care centre or nursery school operated by a parent board, the report would be made to the chairperson of the board. In situations involving owner-operated child care centres or nursery schools, the owner-operator would be notified.

In family child care homes, Manitoba Child Day Care would be informed in lieu of the employer.

In situations where a person is charged with an offence under the *Criminal Code* or *The Child and Family Services Act* and that person's employment involves the care of children, the police are required to advise the person's employer that the accused person has been charged.

## 7. DEVELOPING POLICIES FOR REPORTING CHILDREN IN NEED OF PROTECTION

Each provider or child care centre board of directors should have policies and procedures for dealing with suspicions of children in need of protection. Having policies in place may help to avoid conflict with parents/guardians, staff and community agencies over reporting. This protocol can act as a guide for developing policies. Child care boards of directors should be aware of their legal responsibilities to ensure that suspicions that a child is in need of protection have been properly reported and that staff and board members have acted appropriately and with confidentiality. Centres and providers should have policies regarding:

1. *Procedures for keeping daily records of children.* All programs should keep a daily log of significant child observations (e.g., behaviour or comments made by child, inappropriate clothing, food, etc.) that may relate to a sign or symptom of a child in need of protection or any other problems or concerns. Daily records are not considered confidential documents.
2. *Procedures for ensuring that records or reports of a suspected need for child protection are kept confidential.* Boards of directors and staff should clearly understand the confidential nature of this material. Names of suspected victims or offenders should not be discussed at board meetings, but the board may wish to be informed that a report has been made.
3. *Reporting procedures.* Information for all early childhood educators should include this protocol, as well as policies indicating who in a family child care home, child care centre or nursery school, needs to be informed about the report.
4. *Procedures for keeping observations of a child as part of an investigation or ongoing follow-up of the family involved.* It is recommended that providers and programs have a written request from a Child and Family Services Agency before making such observations of a child suspected of needing protection. Such records would be considered separate from the regular daily records of the program. Disposal or ownership of written information should be included in the written request from the mandated agency. Unless clearly directed by an agency, all information kept by the early childhood educators may be available to a parent/guardian on request.
5. *Procedures for communicating with parents/guardians about suspicions of protection needs and behavioural concerns.* As part of their ongoing support to children and families, it is recommended that the early childhood educators maintain ongoing communication with parents/guardians concerning the child's behaviour and development. This may provide a context for discussing particular issues or injuries with a parent/guardian.
6. *Procedures for determining whether a report of a child in need of protection may be made to a parent/guardian.* Early childhood educators should become familiar with the circumstances under which suspicions of a child in need of protection may be reported directly to a parent/guardian. Procedures for follow-up, to ensure protection has occurred, should be developed as well.
7. *Interviewing children at the child care setting.* Early childhood educators should ensure that interviews by investigating workers taking place at the child care setting are planned as much as possible and that there is a quiet place at the child care setting for such interviews. At times, a mandated agency may request to interview, in confidence, a child attending a child care program without the early childhood educator having reported a child in need of protection (e.g., allegation or disclosure occurred elsewhere). Early childhood educators may request a written letter from the agency requesting such an interview occurring while the child is in their care, indicating the confidential nature of the interview and any agency plans to inform the parents/guardians.
8. *Disposition of staff or volunteers accused of causing a child to be in need of protection.* If a

person working with children is being investigated under a suspicion of child abuse, then vulnerable children must be protected by either suspending the person with or without pay, depending on centre policy or putting a plan in place that protects children until the investigation is complete. Boards and providers should be aware that disciplinary action by the employer is not dependent on the outcome of an investigation conducted by police or agency. Boards and providers should have policies in place, including termination of employment, to deal with inappropriate child management by staff. This information should be reported to the day care co-ordinator.

Family child care providers should be aware that children may need to be protected from a family member of the provider accused or convicted of child assault. Manitoba Child Day Care, in consultation with parents/guardians and community agencies, can set up a plan to ensure protection of children within a family child care home.

9. *Determination if potential staff have criminal records for crimes related to violence or child assault.* All prospective employees are expected to complete an Investigation Authorization for this purpose. As well, employers should thoroughly evaluate references of all prospective employees.
10. *Screening of volunteers for suitability in working with children.* Reference checks should be completed for all volunteers. For full time infant, preschool and school age programs, volunteers cannot be left unsupervised and alone with children. All volunteers must adhere to behaviour management policies. Board policies to deal with volunteer actions should be in place.
11. *Apprehension of children from child care settings.* Most programs clearly prefer that children are not apprehended directly from their setting. If an investigating worker feels that the child must be immediately placed in a protected environment, then apprehensions may occur. Child care providers and boards should be aware of Child and Family Services Division and Child Day Care policies regarding the apprehension of children from child care settings.

## 8. THE ROLE OF THE CHILD AND FAMILY SERVICES AGENCY

### INVESTIGATION

Under *The Child and Family Services Act* and within the context of the Manitoba Guidelines, Child and Family Services Agencies are responsible for carrying out investigations of suspected child protection situations.

#### Agency to investigate

- 19(1) Where an agency receives a report or information that causes it to suspect that a child may be in need of protection, the agency shall immediately investigate and shall take such steps as are prescribed and as it considers necessary to protect the child.

The agency will endeavour to take the most appropriate action for each individual case. The agency may:

- visit the centre and/or home to interview the child and staff;
- take the child from the centre or home to the hospital for examination; or
- request further monitoring of the situation.

Upon assessment, the agency may:

- leave the child with parent(s)/guardian(s) under voluntarily agreed upon conditions and support;
- apprehend the child and apply to court for temporary or permanent guardianship;
- involve parent(s)/guardian(s) in therapy for personal problems affecting the child-rearing abilities of the family; or
- involve the police if criminal disposition of the case is required.

Notwithstanding the provisions of confidentiality under *The Child and Family Services Act*, the agency will share relevant information with the child care centre or home, as long as the child is enrolled in the program. The amount of information the agency provides is determined on a case-by-case basis. Centres and homes should not expect automatic and complete sharing of information, but should expect sufficient information to maintain a supportive relationship with the child and family.

### LEGAL PROCESS

The following processes apply in general although each case is specific to its circumstances and variations may occur.

1. The provincial requirements of *The Child and Family Services Act* set out specific procedures to be followed in the management of child abuse cases. The *Act* requires agency child abuse committees to review all suspected cases of child abuse.

Child abuse committees are composed of persons from many disciplines and include the agency child abuse-coordinator, another agency staff member, a qualified medical practitioner, local law enforcement personnel, a representative from the local school division, plus any others who may have significant input (e.g. Elder, probation officer, nurse).

2. The *Act* requires the Director of Child and Family Services to maintain a Child Abuse Registry. Upon completion of a full abuse investigation, an agency, where there is a finding of abuse (and upon the review of the agency's abuse committee) will submit to the Director of Child and Family Services the names of abusers for entry in the Registry where:
  - a) a person has been convicted of abusing the child;

- b) a court finds on the basis of abuse that a child is in need of protection; or
- c) where an agency's child abuse committee has reviewed the case and is of the opinion that the person abused the child and that the person's name should be entered on the Registry. The person's name and the circumstances of the abuse will be forwarded to the Director.

Under (c), the name(s) will not be forwarded to the Director for placement on the Registry until the following steps occur. Anyone being considered under part (c) for possible registration will first be provided with an opportunity to provide information to a child abuse committee. The information will be reviewed by the child abuse committee and considered when they formulate their opinions. If the child abuse committee is of the opinion under (c) that a person abused a child and that the person's name should be entered in the Registry that person is notified of the intent to register and the reasons why. The person can object to the entry by filing an objection with the Court of Queen's Bench of Manitoba within 60 days and a hearing will occur. The name is not forwarded to the Registry until the appeal period has passed or the Court hearing has been concluded.

3. If the child abuse cases are legally processed this may occur by two routes (which often occur simultaneously):
  - a) the Family Court and/or
  - b) the Criminal Court.

The legislation that principally guides child protection services is to be found either in:

- c) The Child and Family Services Act (Manitoba)
  - d) The Criminal Code (Canada)
4. It is important to note that where a child is defined to be in need of protection and a change in guardianship is required, an apprehension hearing will take place in Family Court. This type of hearing will take place regardless of whether a criminal hearing is scheduled to take place.
  5. In order for an abuse case to be heard in Family Court, the Child and Family Services Agencies will have investigated a report of abuse to a child. This means that, as well as interviewing the child and family, the agency will have sought information from pertinent collateral sources.
  6. As a result of this investigation, the agency will determine whether or not it is necessary to remove the child from the home (apprehension). When apprehension of a child occurs, evidence must be presented in Family Court. The court hearing is necessary in order to facilitate an impartial inquiry regarding the child's need for protection and to allow the parents to present (with legal representation) their interpretation of the events of concern to the agency.
  7. Generally, a Family Court hearing does not attempt to find a guilty party. It attempts to answer the question, "Is the child in need of protection?" If the judge finds the child to be in need of protection, he or she will grant the application (made by the agency) for an Order of Guardianship or Supervision of the child. With the exception of extreme cases of child abuse (for example, the child permanently disabled by the abusive injury or a previous history of abusive injuries) this Order of Guardianship (granted at a first hearing) would be a Temporary Order of Guardianship.
  8. Permanent Orders of Guardianship of a child are rarely requested at a first hearing. It is hoped that during the period of temporary guardianship, the parents will be able (with help) to make the type of changes that would result in a non-abusive home environment. The Temporary Order of Guardianship also allows the child to receive, through substitute care, the nurturing and stimulation appropriate to his/her age and developmental stage, thus helping to ameliorate some of the deficits of the abusive home.

9. In addition to the Family Court hearing, a Criminal Court hearing may be scheduled for the same case. It is important to note that the criminal process varies considerably from that of Family Court. For a Criminal Court hearing to take place, charges must be laid against one or both parents (or other persons). The primary purpose in Criminal Court is to determine the guilt or innocence of the alleged offender(s), not the protection needs of the child. This does not mean that the Criminal Court disregards the needs of the child but that the focus is different from that of Family Court.
10. In those cases where an alleged offender is found guilty in Criminal Court, sentencing will take place as it would for any other criminal offence. Therefore, a person found to be guilty of child abuse may be put on probation or given a jail sentence. Sentencing can occur in Criminal Court regardless of the decision made in Family Court. On the other hand, a guardianship order can be made in Family Court even if the alleged offender is found not guilty in Criminal Court. Therefore, the two processes can be viewed as separate in intention and focus, but both related to abuse allegations.
11. Manitoba, like other provinces has developed guidelines for helping to determine which cases should be referred to Criminal Court. All sexual abuse cases are referred to the police (special unit) for investigation. The police, in consultation (where necessary) with the crown prosecutor, determine whether charges will be laid. If charges are laid, the case will be processed through the criminal system.
12. Physical abuse cases, where there are serious injuries that can be conclusively determined to be abusive in nature (by medical practitioner), are usually referred to the police for investigation. If charges are laid, the case will be processed through the criminal system in the same manner as sexual abuse cases.
13. In both types of abuse, the difficulty in criminal prosecution is related to the type of evidence that is admissible in Criminal Court. When abuse occurs to young children (particularly nonverbal children) and there are not witnesses to the abusive act, it is often difficult to proceed in Criminal Court unless there is corroboration such as medical evidence. Recent changes in the Criminal Code have reduced, but not completely eliminated, these difficulties.

## **FOLLOW-UP**

Occasionally, an early childhood educator may feel that there has not been adequate follow-up to a report. Should this happen, the director of a child care centre or the family child care home provider may do the following:

1. Call the agency social worker involved in the original report and ask him/her to clarify the situation.
2. Contact the agency social worker's supervisor to re-state the problem and outline the agency's response to date.

Most difficulties should be resolved at this point. If not, contact the agency's executive director (where it is a community-based or Aboriginal agency) or regional director (where Manitoba Family Services and Housing provides service directly). It is advisable to document all calls to agencies, including date, time and person contacted.

If the problem is still unresolved, the individual in charge of providing care for the child (eg., the child care centre director or board chairperson or family child care provider) should consider writing a letter of complaint. If the agency is community-based, the letter should be addressed to the president of the agency's board of directors. Where Manitoba Family Services and Housing is the service provider, complaints should be addressed to the Director of Child and Family Services.

In addition to the above, consultation about child abuse and child management is available from individuals or agencies in the community who conduct medical/developmental/psychological assessments, from public health, community mental health and other social services or educational agencies in the community, or from your day

care co-ordinator.

## 9. SUMMARY OF THE PROCESS

Although every situation is unique, the following is a general outline of what may occur when you suspect and report a child in need of protection. Recommended policies for child care centre boards or family child care providers to consider are made as suggestions only.

1. Early childhood educator keeps record of behaviour or comments made by child leading to suspicion of a child in need of protection.
2. Early childhood educator calls Intake at the local Child and Family Services Agency and gives information, including urgency and concerns about child's safety to return home. Early childhood educators may call the police if there are concerns about a breach of the Criminal Code.
3. Early childhood educator asks for agency plan of action. If abuse must be documented or investigated immediately, it is expected that a Child and Family Services worker will come to the child care setting.

Recommended Policy:

It is often helpful if the early childhood educator can be present when the investigating person comes to the centre to question or examine the child or if the child is taken to a medical unit for examination. Children will often feel more comfortable if reassured by a familiar person.

4. If immediate investigation is not warranted as determined by the agency, then the early childhood educator should obtain information about the plan to investigate. Early childhood educators should ask for a follow-up date to determine the progress of the investigation.

Recommended Policy:

If an agency indicates that it wants the early childhood educator to keep more notes relating to the child, then this request must be made in writing by the agency indicating that the information belongs to the agency and must be returned at the completion of the investigation.

5. Once the child has been interviewed, the Child and Family Services worker must make a decision about the safety of the child in the home. Agencies should have a plan of intervention with the child and family if there are any concerns about abuse. If a child is apprehended, it is the responsibility of the apprehending agency to notify parents or guardians.
6. It is expected that the Child and Family Services worker would complete an investigation of the child abuse suspicion. Once done, the investigating worker would present the information to the agency's regional child abuse committee for recommendations and disposition. The early childhood educator may be invited to participate in this multi-disciplinary team.

Recommended Policy:

If child care is seen as part of a treatment/follow-up plan, then early childhood educators can request assistance from the agency to support the child. Early childhood educators should obtain some assurance that they will be part of the multi-disciplinary child abuse team concerned with the child and family.

7. If a criminal investigation takes place or if the agency finds that the family cannot care for the child

and a guardianship hearing must take place, then the early childhood educator may be required to testify in court. Because cases often come to court long after the incident/report occurred, clearly documented information at the time of reporting will make organizing and presenting evidence at a later date much easier. All documentation and logs should be kept since the court often prefers that witnesses make use of handwritten notes, made soon after the event.

The Guidelines summarize the process for reporting, investigation and follow-up. It notes that child abuse suspicions must be reported to an agency. A report is confidential and is mandated by *The Child and Family Services Act*. There is a moral, as well as a legal obligation to report.

When a report of abuse is received, a team of professionals, including Child and Family Services workers, the police and medical personnel, will deal with the case.

Since child abuse is a criminal offence, both the police and agency are often involved in the investigation.

The Crown Attorney, representing the province's justice system, may also be called in to determine whether criminal charges should be laid against the abuser.

Each suspected reported case of child abuse is also reviewed by a child abuse committee to ensure proper investigation, assessment and treatment continue and that the child is safe. The findings of an investigation are shared by all professionals involved. This enables a team approach in developing the most effective, multi-faceted intervention possible.

While a number of professionals may be involved in treating an abused child, under *The Child and Family Services Act*, the local Child and Family Services Agency is legally responsible for ensuring that the child is safe from abuse and neglect.

The Manitoba Government supports a multi-disciplinary team approach, believing it is the best means of treating child abuse. This team approach can be effective only if we all assume a share of the responsibility. Because children are vulnerable and because we, as adults, are in a position of trust, we are all responsible for protecting children from abuse.

## 10. TALKING TO CHILDREN ABOUT CHILD ABUSE

Child and Family Services Agencies, the police and medical child abuse units, are the agencies trained to interview children about alleged or possible abuse and assault. At times, however, an early childhood educator may need to ask a child about a suspicious injury to gain the child's impression of its origin. Or, more likely, a child may approach an early childhood educator to talk about abuse. Such communication may occur through a direct disclosure of abuse or indirectly, through play and social interaction with other children.

In most circumstances, early childhood educators should discuss the alleged abuse with the child only to clarify what the child is communicating and then to reassure the child that the concerns are taken seriously and believed. The alleged abuse should then be reported to a Child and Family Services Agency so that a full interview can take place. Any further discussion of alleged abuse by the early childhood educator with a child would depend on the child's developmental level and interest in talking about it.

If a child wishes to talk about an allegation, it is best to listen, conveying a sense of support and belief. Adults should not display anger or disgust at the abuse or the child's parent, guardian or the alleged offender, since children may misunderstand, want to defend the adult or assume the feelings are directed at themselves. Particularly strong reactions can emerge if a child's disclosure reminds the adult about past abuse, fears of child abuse or other feelings.

Early childhood educators may want to share their own experiences or feelings about child abuse with the child. It is best, however, **not** to do so since it may inadvertently cause the child to feel more alarmed and unprotected.

Overall, when talking with a child about alleged or possible abuse, **it is important not to ask leading questions.** These are questions that contain information not presented by the child. Many children will agree with a leading question simply to please the adult. They may unconsciously incorporate the information without realizing it did not occur in their experience.

It is very easy to ask leading questions. Try to avoid this by asking questions that only repeat the child's words and by remembering that the early childhood educator's role here is to support and report, **not** to interview and investigate. The Bibliography and Selected Resources (Appendix B) contains many useful references that can serve as a resource to the early childhood educator.

## 11. INDICATORS OF CHILD ABUSE AND CHILD ASSAULT

The number of reported cases of child abuse and child assault has increased dramatically in the last ten years. It is assumed that this has occurred because we have become more skilled at noting the indicators of abuse/assault in children and their families.

The following indicators point to potential areas in the child and family that are often associated with child abuse/assault. Usually, more than one is present before a suspicion of child abuse/assault can be considered and it is not unusual to find clusters or a pattern of symptoms. The presence of some indicators may reflect, as well, other serious problems for the child and family that may require professional intervention, even if there is no concern about child abuse/assault.

Some non-abusing parents/guardians may tell you about physical or sexual abuse and domestic violence, but seem unable to protect the child or leave the abusive relationship. These individuals need your help and support in reporting the suspected abuse. Such potential child abuse should be reported by the early childhood educator, so that resolution of the alleged abuse and violence can occur. You can encourage the individual to report his or her concerns, but you should still follow this with a call to consult with the Child and Family Services Agency.

There are no specific characteristics to distinguish a child abuser from other people. Abusers can be male or female and include persons of all ages and from all socio-economic, cultural and religious groups. Since child abuse cuts across such a wide segment of society, it is often difficult to identify those who abuse/assault and those who have a potential to harm children. It seems that adults who were abused as children or who came from abusive homes, are at greater risk to abuse, repeating their own childhood experience, but others abuse as well. Child abuse may represent an isolated incident of loss of control or may be the result of a long-standing disorder with many incidents toward just one child or with a series of victims. Appendix A contains information regarding commonly asked questions about child abuse.

### **Caution About the Use of Indicators:**

Since there are many types of abuse, abusers and abused children, no single list of indicators applies to all of them. Thus, one must exercise caution in the use of the indicators. As well, the indicators are not all encompassing, but present many of the common indicators. These indicators should be used as a guide, together with other diagnostic skills, to determine the presence of absence of abuse. The presence of one of these indicators, or even several of them, does not necessarily mean that abuse has occurred. However, it may mean that the family does need some help. As well, it is estimated that as many as 25% of children who have been abused have no significant behavioral changes.

### **PHYSICAL ABUSE/ASSAULT INDICATORS**

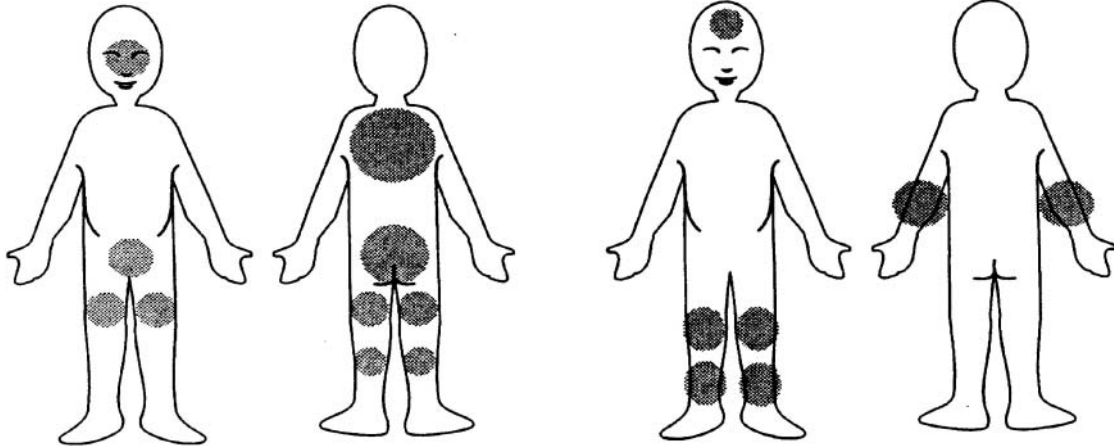
The child suspected of being abused:

- tells others about physical violence toward children and/or in the home;
- has an injury or marks that are unexplained or inadequately explained, including bruises, welts, burns or fractures, especially on lips, gums, mouth, eyes, back, buttocks or back of legs;
- seems anxious or apprehensive of physical contact;
- is distressed at having to explain an injury;
- is frequently absent with signs of a healing injury upon returning;
- wears clothing to cover injuries;
- behaves in either a very demanding, aggressive, disruptive manner or is very withdrawn or compliant;
- does not turn to parent for support or comfort;
- is afraid to go home;
- silently or fearfully watches adults.

## Location of Bruises and Abrasions

### *Suspicious Sites*

### *Common Accidental Sites*



The parent suspected of physical abuse:

- reacts inappropriately to the child's condition or behaviour and is defensive and angry when asked about an injury;
- appears to be under considerable stress and shows signs of losing control;
- has unrealistic expectations of the child;
- offers inconsistent, contradictory or unconvincing explanations for the child's injury;
- expresses concern or fear that he/she might lose control and hurt the child;
- is socially isolated;
- has a history of family violence;
- delays or does not seek medical attention following child's injury.

### **SEXUAL ABUSE/ASSAULT INDICATORS**

The child suspected of being abused:

- discloses sexual assault or makes comments suggestive of sexual assault;
- displays a knowledge of sex and sexual acts beyond what is typically expected for the child's developmental level;
- displays sexual behaviour (excessive masturbation, sexual play, exposing self, exposing others);
- displays behaviour suggestive of fear or trauma (daytime wetting, night terrors, clingy or regressive behaviour);
- resists undressing, being undressed or fear of having a diaper changed;
- experiences sudden changes in mood and behaviour;
- frequently complains about abdominal pain or genital discomfort, evidence of genital discharge, pain, swelling, itching, laceration or bleeding;
- excessive rebellious or aggressive behaviour;
- unusually compliant, withdrawn, depressed.

A parent suspected of sexual abuse:

- makes sexual comments to or about the child, blames the child for being seductive;
- discourages social contact between the child and adults or peers;
- maintains sexually inappropriate sleeping arrangements or behaviour in the home;
- has a history of family violence.

### **EMOTIONAL ABUSE INDICATORS**

The child suspected of being abused:

- exhibits poor growth (may be non-organic failure to thrive where there is no physical reason for lack of growth);
- has a poor self-image, inhibited in play;
- shows age-inappropriate behaviour (acts older or younger than his/her age);
- has unusually poor social relationships with peers or adults;
- appears overly compliant, passive, undemanding, shy or has episodes of very angry, aggressive behaviour;
- has apparent cognitive or emotional developmental lag.

A parent suspected of emotional abuse:

- blames or belittles child in public or at home;
- withholds comfort when the child is very frightened or distressed;
- tends to describe the child in very negative ways (stupid, bad, troublemaker);
- uses the child for emotional comfort and expects the child to be an adult friend;
- shows little concern about the child's welfare;
- has a history of family violence.

### **NEGLECT INDICATORS**

The child suspected of being neglected:

- exhibits poor growth (non-organic failure to thrive);
- shows lack of response, eye contact; infants may be dull and inactive;
- is consistently hungry, dirty and/or dressed in clothes that are wrong for the weather;
- has untreated physical problems or injuries or lacks routine dental or medical care;
- appears consistently tired or listless;
- seems to demand greater than normal amount of physical contact and attention or shows more than normal need for affection.

A parent suspected of neglecting:

- does not provide adequate supervision of the child;
- gives the child inappropriate food, drink, medicine and/or physical care;
- shows general apathy and is unresponsive when approached with concerns;
- is unwilling or unable to respond appropriately to needs of the child;
- shows no interest or seems incapable of learning how to care for child;
- has disorganized, chaotic home, frequent moves;
- abuses alcohol or drugs.

## 12. ROLE OF THE EARLY CHILDHOOD EDUCATOR IN ABUSE PREVENTION

Early childhood educators can play a strong role in prevention of child abuse/child assault. This can occur first at a community level where child care promotes and offers programs that strengthen the family, adult-child relations and prevent family disorganization and violence. Being a resource to the community on child development, healthy adult-child relationships and positive child management are important ways to reduce inadequate and possibly abusive parenting. Providing support and respite to families that are isolated or under domestic stress further reduces the risk of abuse. Additional resource material can be found in the Bibliography and Selected Resources found in Appendix B.

Acting as good role models for parents is an effective way to prevent child abuse. Showing parents how to be nurturing, protective and respectful of children while providing a stimulating and socializing experience is a critical job for early childhood educators. Showing parents, through actions and through parent guidance, how to advocate and support children in the community, is an important role for early childhood educators. Helping children learn to express feelings, to trust that adults will be caring and protective, is another important role for early childhood educators. Providers that are respectful of children's bodies, who do not allow children to be abused (physically and sexually) by other children and who carry out some abuse awareness in the curriculum further support a preventative role. Discouraging violent play and encouraging co-operative play helps both adults and children recognize positive and growth-promoting ways to work together.

At a secondary level, early childhood educators can prevent abuse by intervening and reporting suspected abuse as soon as signs are recognized. Early identification and intervention can reduce the risk of further abuse. Early childhood educators have a dual responsibility to protect the child's safety and well-being and to help the parent/caretaker develop more appropriate alternatives to abusive behaviour as a means of coping with frustration. These are not necessarily contradictory roles. Early and successful intervention may prevent the need to report, but for many families, if reasonable suspicions of child abuse are not reported, there is little chance of effective help being accepted.

At a third or treatment level, early childhood educators can prevent further abuse through their involvement with abused children in their programs. Working directly with such children, helping them develop trust in adults and feelings of self-worth is an invaluable role for early childhood educators. A safe, stimulating and caring environment can be the cornerstone for recovery from the effects of abuse. As well, being a supportive resource and role model for parents who have abused, is a crucial role for early childhood educators to help prevent further abuse.

Early childhood educators are part of the community team working to prevent and treat child abuse. As such, the community often relies on child care to provide respite, support and a positive environment for children and families. Maintaining a positive, co-operative and communicative relationship with other members of the community team is vital for the development of the children in our care.

## APPENDIX A

### Statistics and Common Questions about Child Abuse

#### 1. How many children are abused or neglected in Canada?

The following are the highlights from Child Maltreatment in Canada: Canadian Incidence Study (CIS) of Reported Child Abuse and Neglect (Health Canada, 2001).

- In 1998, there were an estimated 21.52 investigations of child maltreatment per 1,000 children in Canada. Forty-five percent of these investigations were substantiated, 22% remained suspected, and 33% were found to be unsubstantiated.
- Child maltreatment investigations were divided into four primary categories: physical abuse (31% of all investigations), sexual abuse (10% of all investigations), neglect (40% of all investigations), and emotional maltreatment (19% of all investigations).
- Thirty-four percent of the physical abuse investigations were found to be substantiated. This compares with 38% for sexual abuse, 43% for neglect, and 54% for emotional maltreatment.
- Substantiated cases of physical abuse consisted of:
  - inappropriate punishment (69%)
  - Shaken Baby Syndrome (1%)
  - other forms of physical abuse (31%)
- Substantiated cases of sexual abuse consisted of:
  - touching and fondling of the genitals (68%)
  - attempted and completed intercourse (35%)
  - adult exposing genitals to a child (12%)
- Substantiated cases of neglect consisted of:
  - failure to supervise or protect leading to physical harm (48%)
  - physical neglect (19%)
  - permitting maladaptive/criminal behaviour (14%)
  - abandonment (12%)
  - educational neglect (11%)
- Substantiated cases of emotional maltreatment consisted of:
  - exposure to family violence (58%)
  - emotional abuse (34%)
  - emotional neglect (16%)

#### 2. Are there more children being abused now than there were in the past?

Although we know of more child abuse now than we did in the past, most experts feel that we identify more child abuse now because physicians, nurses, social workers, teachers, and other professionals are better able to detect child abuse.

#### 3. Does most abuse occur in low socio-economic families and in families not well-educated?

According to statistics there are more reports of child abuse and neglect in lower income families. This may be because these families are involved with public agencies, such as Welfare, and Public Health clinics and

hospitals and are therefore more visible to the authorities. Child abuse is not, however, limited to the poor. Many professionals believe that the middle-class and rich are just as likely to abuse their children as are the poor. Other professionals believe that the poor actually do abuse more often because they have more of the kinds of problems which increase stress, contributing to child abuse.

#### **4. Is the parent usually the person who physically abuses the child?**

In many cases the abuser is related to the child, most commonly a parent or step-parent. In a few cases, someone unrelated to the child, such as a babysitter or the mother's boyfriend, is the abuser. In even fewer cases, the abuser is a brother or sister.

It depends on who spends the most time with the child. In abusive families where the mother is home all day, she is more likely to be the one who abuses. If the father is home all day, he may be the abuser. In some homes, one person, either the mother or father, abuses the child, but the other parent does not protect the child and allows the abuse to continue.

#### **5. What are some of the factors that would influence a person's personality in a way that would make him or her more likely to physically abuse a child?**

- A parent who was abused and neglected as a child.
- A parent who was not nurtured and/or rarely experienced positive parenting.
- A parent who regularly uses harsh physical punishment for behaviour management.
- A parent who was considered "different" in his/her family.
- A parent who relies on their child(ren) to meet their emotional needs.

The existence of any one of these factors does not necessarily mean that a parent will be an abuser, but together, these feelings and experiences are often present in many of the parents who abuse their children.

#### **6. Do most parents intend or plan to physically abuse their children?**

Usually parents who physically abuse their children love their children. They may not mean to hurt them, but may be angry about something else that happened during the day and/or regularly use harsh physical punishment in behaviour management.

#### **7. Who usually sexually abuses children?**

In most cases (approximately 90%) the sexual abuser is someone the child knows and trusts. Studies state that the majority of sexual abusers are male, although we know that some females also abuse children. Usually the abuser is a family member, a relative, a babysitter or a close family friend.

#### **8. What are some of the factors that would influence a person's personality in a way that would make him or her more likely to sexually abuse a child?**

- A person who was sexually abused as a child.
- A person who was physically abused or neglected as a child.
- A person who grew up in a home where other people were physically and/or sexually abused.
- A person who grew up in a home where there was no respect for individual privacy.
- A person who grew up in a home where they were prematurely exposed to eroticised relationships and behaviours.

The existence of any one of these factors does not necessarily mean that a person will be an abuser, but together, these experiences seem to have been part of the lives of people who do sexually abuse children.

**9. Are parents who abuse their children mentally ill or criminals?**

Most parents who abuse their children are unhappy, lonely people with many problems. They often lacked parental nurturing, appropriate guidance and were themselves abused as children. Experts feel that most parents can be helped; only a few abusive parents are mentally ill or criminal.

**10. How old are most children who are abused?**

In 2000, the Children's Hospital Child Protection Centre's statistics regarding children diagnosed as being physically or sexually abused indicated the following:

AGES	PHYSICAL ABUSE		SEXUAL ABUSE	
	Boys	Girls	Boys	Girls
0 - 2 years	9%	10%	1%	2%
2 - 6 years	16%	11%	8%	25%
6 – 12 years	23%	15%	4%	31%
over 12 years	2%	15%	1%	28%

## APPENDIX B

### Bibliography and Selected Resources

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#### Journals

Child Abuse and Neglect: The International Journal, Pergamon Press.

The Quarterly Child Abuse Medical Updates, Massachusetts Society for the Prevention of Cruelty to Children (MSPCC) (<http://www.mspcc.org>)

#### Books for Children

Crary, E. My name is not dummy. Seattle, WA: Parenting Press.

Daigle, M. You are not the boss of me. Ontario: Outreach Child Abuse Prevention.

Freeman, L. It's my body. Seattle, WA: Parenting Press.

Freeman, L. Loving touches. Seattle, WA: Parenting Press.

Jessie. Please Tell! A child's story about sexual abuse. Early Steps.

Kehoe, P. Something happened and I'm scared to tell. Seattle, WA: Parenting Press.

Otto, M. Never, no matter what.

Paris, S. Mommy and Daddy are fighting. Seattle: The Seal Press.

Porett, J. When I was little like you. Washington, DC: Child Welfare League of America

Satulla, J. It happens to boys too....Rape Crisis Centre of Bershire County, Inc.

Spelman, C. Your body belongs to you. Morton Grove, Illinois: Albert Whitman & Company

Wright, L. I love my Dad but... University of Western Ontario

### **Reports**

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### **Pamphlets**

Durrant, J.E. & Rose-Krasnor, L. (1995). Spanking: Should I or shouldn't I?. Winnipeg, MB: The University of Manitoba.

Child Protection Centre. Never shake a baby! Child Protection Centre, Health Sciences Centre, Winnipeg, Manitoba.

### **Booklets**

National Clearing House on Family Violence, Health Canada:  
 Sexual Abuse Counselling: A guide for parents and children  
 When Children Act Out Sexually: A guide for parents and teachers  
 When Boys Have Been Sexually Abused: A guide for young boys  
 When Teenage Boys Have Been Sexually Abused: A guide for teenagers  
 Sexual Abuse - What Happens When You Tell: A guide for children

### **Videotapes**

Coloroso, B. (1989). Winning at Parenting Without Beating Your Kids. (with accompanying booklet) 125 minutes.

Faber, A. & Mazlish E. (1989). How to Talk So Kids Will Listen. (Six video series) 30 minutes per video.

Kidsrights Video (1990). Shaking, Hitting, Spanking: What to Do Instead. (with accompanying booklet) 30 minutes.

Manitoba Family Services and Housing (2000). It Only Takes a Moment – Shaken Baby Syndrome. 13 minutes.