

# **CHILD PROTECTION AND CHILD ABUSE MANUAL**

## **Protocols For School Division Staff**

**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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## **INTRODUCTION**

Individuals working with 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 of a child that is in need of protection, including child abuse, reporting guidelines and methods for the provision of support within the school setting are needed by school staff working in the school.

The following Protocol for staff of schools/school divisions provides school staff with a better understanding of their role when it is suspected that a child is in need of protection. It outlines procedures for reporting and also informs school staff of their legal obligations to these children. The term “school division staff” is used for all employees in the school setting.

Because a protocol cannot provide an in-depth discussion or anticipate all questions, The Manitoba Teachers’ Society (MTS) advocates that all school staff receive in-service training on the issue of children in need of protection.

The 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 and have been endorsed by the Manitoba Teacher’s Society.

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 victims of child abuse who need caring adults to protect and advocate for them.

## I. SCHOOL DIVISION STAFF: RESPONSIBILITY TO REPORT

School division staff play a very important role in the lives of children. They see a child on a regular basis and can play a supportive role to families. School division staff are often in a position to note some of the early warning signs of abuse or other protection problems and children may trust a school division staff 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. School division staff 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 protection.

Most abusing families or individuals need our compassion and support so they can learn the skills needed to parent and protect their children. If school division staff 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 recognise 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 Section 17 of *The Child and Family Services Act (1999)* indicate that every school division staff must report, or cause to be reported, any case of suspected child abuse relating to a child attending the school. The *CFS Act* states that anyone who has information that leads the person reasonably to believe that a child is being or has been abused or is in need of protection or might be in need of protection, must report this suspicion.

The responsibility to report is particularly great for professionals, like school division staff, who work in a position of trust with children. Suspicions that a child is in need of protection must be reported to 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.

## II. A CHILD IN NEED OF PROTECTION: DEFINITIONS

*The Child and Family Services Act (1999)* provides a legal framework for ensuring that a child can be protected from conditions that could endanger his/her life, 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 such a report 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. 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 (1999)* 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 offense has been committed under the Criminal Code.

### **1. A Child in Need of Protection**

Section 17(2) of *The Child and Family Services Act (1999)* 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
  - who is unable or unwilling to provide adequate care, supervision or control of the child, or
  - whose conduct endangers or might endanger the life, health, or emotional well-being of the child, or
  - 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 a 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 (1999)*, 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).

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 children to unwarranted medical procedures including examinations, medications, 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.

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, child care worker, coach, or anyone in such a relationship with a child.

*The Revised Manitoba Guidelines on Identifying and Reporting a Child in Need of Protection (Including Child Abuse)* describes situations of aggression and sexual harassment. Physical injury resulting from aggression and sexual exploitation including sexual harassment of a child 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 an Agency Only of the *Act* 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, where 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.

### III. RECORD KEEPING

School Division staff should document in an **objective** manner, any behaviour by a student that might be a sign or symptom suggesting that the child may need protection. It should be kept on 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
- any of the following objective data:
  - description of an 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
  - acting out, direct quotes, or explicit drawings by the child during play that concern injury, neglect, emotional or sexual abuse or assault

### IV. REPORTING A CHILD IN NEED OF PROTECTION

*School division staff* 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 (1999)*. The *Act* protects the identity of individuals reporting a child in need of protection.

Remember, it is not the school division staff's responsibility to prove that a child is in need of protection. The responsibility 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 a school division staff cannot determine whether the report can/should be made to a parent/guardian directly, it is strongly recommended that the school division's staff or other reporting individual consult first with the Child and Family Services Agency.

## 1. The Law

### ***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 a Parent or Guardian:***

Section 18(1) recognizes parents and guardians as the primary protectors of children in society. Often notifying a parent will ensure the protection of a child and no further action will be necessary.

### ***Reporting to an Agency Only:***

There are many situations where the person should report to an agency rather than a parent or guardian.

**S. 18(1.1)** states *where a person . . .*

- (a) *does not know the identity of the parent or guardian of the child;*
- (b) *has information that leads the person reasonably to believe that the parent or 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; or*
- (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 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 a judicial proceeding, disclose to the family of a child reported in 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.

In any circumstances, if doubt exists about reporting to the parent or guardian, it is advisable to check with a Child and Family Service Agency.

***Continuing Responsibilities:***

Subsection 18(1.1)(b)(ii) of the *Act* also places a continuing obligation on a person to report a child in need of protection to an agency where, in the course of notifying a parent or guardian, the person finds the parent or guardian unable or unwilling to provide adequate protection to the child.

***Duty of the School Division Staff to Report:***

The duty to report applies even where the person has acquired the information through the discharge of professional duties or within a confidential relationship such as a doctor-patient relationship. ***The exception is if a lawyer acquires this as information within a solicitor-client relationship.***

Under *The Child and Family Services Act*, the best interests of children are the paramount consideration. For professionals, especially those in positions of trust, there are higher expectations surrounding their behaviour with children as well as their obligation to report children who may be in need of protection. Section 18.2(1) of the *Act* outlines the potential consequences when professionals fail to meet these obligations:

*Where the Director has reasonable grounds to believe that a person has caused a child to be in need of protection or has failed to report information in accordance with section 18, the Director may report the matter to the body or person that governs the professional status of the person or certifies, licenses or otherwise authorizes or permits the person to carry on his or her work or occupation.*

Section 18.2(2) outlines the requirements for the professional certifying or licensing body:

*A body or person who receives a report under subsection (1) shall:*

- (a) investigate the matter to determine whether any professional status review or disciplinary proceedings should be commenced against the person; and*
- (b) on conclusion of the investigation and any proceedings, advise the Director of the determination under clause (a), the reasons for the determination, and, if applicable, the results of any professional status review or disciplinary proceedings.*

**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 of 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.

**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 or 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.

## **2) 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. Otherwise, reporting to a parent/guardian may be sufficient.

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

- a) Place a call to the Child and Family Services Agency nearest to the school.
- b) 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 time and date of your call.
- c) Be prepared to give the following information:
  - 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;
  - 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;
  - 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 or the child is dismissed;
  - 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.

### 3) Confidentiality

The exact information included in a report to an agency, parent/guardian is confidential and is protected under *The Child and Family Services Act*. The file, however, should note that an agency was called, including date, time and person spoken to. Under Section 76(3) of *The Child and Family Services Act (1999)*:

**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 an 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 school division staff 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.

### 4) 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 school division/district (principal, superintendent) 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 (1999)*.

School division staff and school divisions/districts should draft procedures to be followed once a report is made. For example, a school division administrator may wish to be informed that a suspicion of child protection has been reported. If staff and principal in a school disagree about reporting, then the school division/district may want to develop some procedure for mediating such differences in opinion. 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.

### 5) 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 a relative out of the home or another child in your school.

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 the school division staff, 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 member should report all concerns to the Child and Family Services Agency.

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

- call a Child and Family Services Agency for advice on how to protect;
- call the police to determine if the protection issue constituted assault or other action under the Criminal Code of Canada;
- 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 a school division staff 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-judgemental way
- give the parent/guardian time and privacy when discussing these concerns.

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

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

## 6) **Reporting to an Agency**

A school division staff may need to make a judgement as to whether a parent/guardian can protect a student. This includes situations where the parent/guardian is suspected of abuse or not providing protection to a student. Here a school division staff may consult with an agency to determine to whom a report should be made.

The *Child and Family Services Act (1999)* 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 school division staff not to discuss the report until an investigation has been conducted.

At times, a school division staff may find her or himself faced with an angry parent who demands to see his/her child's file. This information is available to the parent. If the parent then accuses the school division staff of reporting abuse, the school division staff may choose to:

- deny knowledge of a report (remember your identity is protected under the law);
- explain to the parent 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;
- explain to the parent that you were genuinely concerned about the student's behaviour, mood, appearance, etc. Alerting a mandated agency of these concerns was your way of helping the parent achieve a more developmentally healthy relationship with his/her child. You reported because you cared about the student.

On occasion a Child and Family Services Agency may request that a school division staff keep records relating to the parent-child relationship or child behaviour for the purpose of an abuse investigation. In these circumstances, the school division staff should obtain this request in writing, and this is 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.

## 7) **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 educator could face both legal and professional penalties

## 8) **Apprehension of Children from School Settings**

On occasion, a Child and Family Services (Agency) worker may feel that a child's safety and well being would be severely compromised if the child returned to his/her home. At these times, the Agency worker may apprehend the child from the school 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.

- a) Agency staff should always come to the school facility in person to place the child under apprehension and take the child to a place of safety.
- b) 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 school division staff or a member of the local school division/district, who should come in person to the facility to apprehend the child and take the child to a place of safety.
- c) School division staff should always verify the identity of the staff person representing the agency before releasing the child to that person's care and custody.
  - Some agency staff may present an identification card with their photograph attached to this card;
  - Where such identification is not available, the school division staff should telephone the supervisor of the agency representative and verify the person's physical appearance and personal identity. Agency staff should co-operate with the school division staff, as these procedures are in the best interests of the child and take only a few minutes.

- d) **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 school 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 school, the agency representative should meet the parent/guardian at the school.

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

## **V. IF A SCHOOL DIVISION STAFF IS ACCUSED OF CAUSING A CHILD TO BE IN NEED OF PROTECTION**

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

School divisions/districts should have policies in place to deal with such investigations. A plan to ensure the protection of students is usually needed. In some cases suspending the accused school division staff with or without pay during the investigation may be necessary to ensure that students are safe and protected. If school divisions/districts choose not to suspend an individual during an investigation then a plan of protection, regarding the accused, should be in place. This plan should be developed in consultation with the investigating Child and Family Services Agency.

### ***When School Division Staff is Accused of Child Abuse***

School division staff suspected of child abuse may be subjected to:

- an investigation by a Child and Family Services Agency and/or the police;
- criminal charges;
- an investigation conducted by the employer;
- a review by the Certificate Review Committee of the Department of Education.

A school division staff member under investigation because of suspected or alleged child abuse should contact the Manitoba Teacher's Society immediately. MTS provides legal assistance in all cases of school-related investigations. As well, MTS staff will assist the teacher experiencing an investigation by the employer and/or a certificate review hearing. MTS staff can be reached by calling McMaster House during business hours or using the home telephone numbers listed in The Manitoba Teachers' Society Handbook.

In all situations, *The Child and Family Services Act (1999)* 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 school, the report would be made to the principal.

In situations where a person is charged with an offence under the Criminal Code or *The Child and Family Services Act (1999)* and that person's employment involves the care of children, the police are required to advise the person's employer that the accused has been charged.

## VI. PROCEDURES FOR REPORTING CHILDREN IN NEED OF PROTECTION

Each school division 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, staff and community agencies over reporting. This protocol can act as a guide for developing policies. School division staff and boards should be aware of its legal responsibilities to ensure that suspicions that a child is in need of protection have been properly reported and that staff have acted appropriately and with confidentiality. Schools should have policies regarding:

- 1) ***Procedures for keeping daily records of children.*** The classroom teacher should keep a log of significant 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. Teacher Assistants or Para Educators should report their observations to the child's classroom teacher.
- 2) ***Procedures for ensuring that records or reports of a suspected need for child protection are kept confidential.*** School division staff should clearly understand the confidential nature of this material. Names of suspected victims or offenders should not be discussed at staff or board meetings but the board may wish to be informed that a report has been made.
- 3) ***Reporting procedures.*** Information for all school division staff should include this protocol as well as local policies indicating who in the school division 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 a written request from a Child and Family Services Agency be obtained before making observations of a child suspected of needing protection. Such records would be considered separate from the regular daily records of the school. 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 school may be available to a parent on request.
- 5) ***Procedures for communicating with parents about suspicions of protection needs and behavioural concerns.*** As part of their ongoing support to children and families, it is recommended that school division staff maintain ongoing communication with parents concerning the child's behaviour and development. This may provide a context for discussing particular issues or injuries with a parent.
- 6) ***Procedures for determining whether a report of a child in need of protection may be made to a parent/guardian.*** School division staff 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 in the school.*** The principal should ensure that interviews by investigating workers taking place in the school are planned as much as possible and that there is a quiet place in the school for such interviews. At times, a mandated agency may request to interview, in confidence, a child attending school without school division staff having reported the child in need of protection (e.g., allegation or disclosure occurred elsewhere). The principal 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.
- 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 school division policy or putting a plan in place that protects children until the investigation is complete. Boards and school division staff 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 school division staff should have policies in place to deal with inappropriate child management by staff.
- 9) ***Determination if potential staff have criminal records for crimes related to violence of child assault.*** All prospective employees are expected to complete an Investigation Authorization for this purpose. A policy to ensure this Investigation Authorization should be in place in each division.
- 10) ***Screening*** of volunteers for suitability in working with children. Reference checks should be completed for all volunteers.
- 11) ***Apprehension*** of children from school settings. Most schools clearly prefer that children are not apprehended directly from the school setting. If an investigating worker feels that the child must be immediately placed in a protected environment then apprehensions may occur. School division staff and boards should be aware of Child and Family Services and Public Schools Act regarding the apprehension of children from school settings.

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

### 1) ***Investigation***

Under *The Child and Family Services Act (1999)* and within the context of the *Revised Manitoba Guidelines*, Child and Family Services Agencies are responsible for carrying out investigations of suspected child protection situations.

#### **Agency to investigate**

**18.4(1)** Where an agency receives information that causes the agency to suspect that a child is in need of protection, the agency shall immediately investigate the matter and where, upon investigation, the agency concludes that the child is in need of protection, the agency shall take such further steps as are required by this *Act* or are prescribed by regulation or as the agency considers necessary for protection of the child.

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

- visit the school to interview the child and staff;
- take the child from the school to the hospital for diagnosis; or
- request further monitoring of the situation

Upon assessment, the agency may:

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

Notwithstanding the provisions of confidentiality under *The Child and Family Services Act (1999)* the agency will share relevant information with the school as long as the child is enrolled in the school. The amount of information the agency provides is determined on a case-by-case basis. Schools should not expect automatic and complete sharing of information, but should expect sufficient information to maintain a supportive relationship with the child and family.

## 2) *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 co-ordinator, 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. probation officer, nurse, Elder).

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 has formed an opinion that the name of the person should be entered in 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 placed immediately in the registry. 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 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.

Therefore the legislation that principally guides child protection 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 the 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 the 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 the 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.

### 3) *Follow-up*

Occasionally, a school division staff person may feel that there has not been adequate follow-up to a report. Should this happen, the principal may do the following:

- Call the agency social worker involved in the original report and ask him/her to clarify the situation.
- 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 principal should consider writing a letter. The letter 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.

## **VIII.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, a school division staff 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 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, school division staff 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 mandated agency so that a full interview can

take place. Any further discussion of alleged abuse by the school division staff 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, that 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.

School division staff 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 and also redirects the attention and focus away from the child.

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 school division staff role here is to support and report, **not** to interview and investigate.

***In Summary:***

- Encourage the child to be comfortable.
  - Thank the child for telling you – and reassure the child that you like and care for her/him.
  - Tell the child that you understand what has been disclosed.
  - Tell the child that help is needed to deal with the problem and you will get the help.
  - Tell the child that you will be available for support.
- Report the disclosure:
  - to a child and family services agency and/or
  - to the police and/or
  - to a parent/guardian, except as restricted by section 18(1.1).

- Follow any employer protocols.

- Provide ongoing support.

After the report is made, the child's life may change very quickly. If the incident involves a close family member (father, brother, uncle, etc.) the child might be placed in foster care. The family will be disrupted and the child will be involved in a legal process. Ongoing support for the child is essential.

- To maintain your relationship with the child:
  - treat the child in a normal way;
  - assess and be aware of needs (e.g., is there a court date coming up? What new stress is on the child?);
  - respect the child's need for privacy – do not discuss the incident with those not directly concerned;

- limit discussion of the event;
  - let the child know you respect her/his feelings (e.g., always ask the child's permission **before** you touch the child);
  - help the child stay connected, and reconnect with peer group;
  - teach and model appropriate behaviours for the rest of the class;
  - reinforce appropriate behaviours.
- The healing process can take a very long time and children will have difficult periods as they attempt to cope with what has happened to them.
  - Be prepared for depression or "let-down," weeks or months after the disclosure. Withdrawal or acting out may occur. Where possible, stay in contact with the caseworker or therapist and non-offending parent(s). School division staff can be helpful in the treatment process.

## **IX. 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.

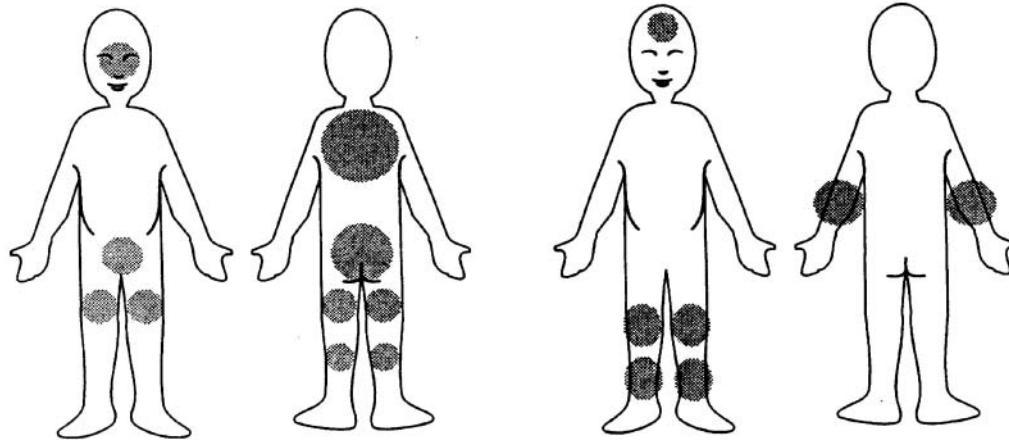
### **Caution About The Use of Indicators**

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 indicators. As well, the tables 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 or 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 behavioural changes.

Some non-abusing parents 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 school division staff 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 experiences, 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.

<b>Location of Bruises and Abrasions</b>	
<b>Suspicious Sites</b>	<b>Common Accidental Sites</b>



**1) *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

A parent suspected of physical abuse:

- Reacts inappropriately to the child's condition of 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

## 2) *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 behaviours 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

## 3) *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, trouble-maker)
- 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

## 4) *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

## **X. ROLE OF THE SCHOOL DIVISION STAFF IN ABUSE PREVENTION**

School division staff can play a strong role in prevention of child abuse/assault. This can occur first at the school level where school division staff participate in programs that focus on strengthening the family and adult-child relations and on preventing family disorganization and violence.

- Being a resource to the community on child development, healthy adult-child relationships and on positive child management strategies are important ways to reduce inadequate and possibly abusive parenting
- 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 school division staff.
- Showing parents, through actions and through parent guidance, how to advocate for and support their children in the community is an important role for school division staff.
- Helping children learn to express feelings and to trust that adults will be caring and protective is another important role for school division staff.
- School division staff who are respectful of children's bodies, who do not allow children to be abused (physical and sexual) by other children and who have frank conversations that raise abuse awareness support a preventative role.
- Discouraging violent play and encouraging co-operative play helps both adults and children recognize positive ways to work together.
- School division staff 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. School division staff have a dual responsibility to protect the child's safety and well being and to help the parent/caregiver 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.

- School division staff can prevent further abuse through their involvement with abused children in their classes/programs. Working directly with such children, helping them develop trust in adults and feelings of self worth is an invaluable role for school division staff.
- A safe, stimulating and caring environment can be the cornerstone for recovery from the effects of abuse.
- Being a supportive resource and role model for parents who have abused is a crucial role for school division staff to help prevent further abuse.

School division staff are part of the community team working to prevent and treat child abuse. As such, the community often relies on school division staff to provide 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.

## **APPENDIX A**

### **Manitoba Teacher's Society Policy on Children in Need of Protection**

1. All children/students have the right to be protected from abuse and neglect;
2. A teacher who has information that a child/student may be in need of protection shall forthwith report the information to the appropriate caring agency;
3. Manitoba Education and the Department of Community Services have the responsibility to ensure the provision of:
  - a) inservicing of teachers on child abuse;
  - b) adequate resources to investigate all reports of children/students in need of protection;
  - c) adequate resources to provide the necessary treatment required by children/students who have been abused;
  - d) coordination of the activities of the various organizations including schools which have an active role in the identification and prevention of child abuse and the treatment of children/students who have been abused;

*(1990, Reaffirmed 2000)*

## **APPENDIX B**

### **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 C

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