



# The Child & Family Services Act – Part II

by Doug Paterson, Q.C.

Child Protection arises if the life, health, or emotional well being of a child is endangered by an act or omission of any person. Examples of children needing child protection would be inadequate supervision, not receiving the necessities of life, forcing the child into the path of danger, abuse, insufficient medical care, associating with undesirables, exposure to sexual harassment, and unlawful adoption of the child.

If you have information creating a reasonable belief a child is or might be in need of protection, then you must report same to the Agency or the parent/guardian. This duty extends to everyone, except a solicitor, including doctors, priests, and journalists.

If a person reports alleged need of child protection and does so in good faith, no action can be taken against such person. The informant's identity is secret in any event.

Each child service agency in Manitoba, must set up and operate a child abuse committee to review suspected cases and advise the agency on how to handle such cases. The

Provincial Director must set up a child abuse registry to keep track of those abusing children.

In severe cases, child agencies or a police officer may apprehend a child without warrant if they believe on reasonable and probable grounds there is a need for protection. Examination by a doctor and temporary care would then follow. As well, under similar conditions, officials may enter any premises without warrant to rescue a child from danger. A police officer must assist childcare officials when asked and when apprehending children.

Once a child is apprehended, a hearing in Court must be held with two full days notice being given to parents/guardians and to the child if over 12 years or more, as well as anyone who had immediate prior care of the child. At a hearing, a child of 12 or more years must be present. Any person entitled to notice of the hearing is entitled to legal counsel as well; this would also include a child of 12 or more.

Interference by anyone with a

child in care is an offence and could bring a maximum \$50,000.00 fine or maximum 24 months in jail or both.

In a perfect world someday we will not need this Act, but its very important until then.