

## **The Revised Manitoba Guidelines on Identifying and Reporting a Child In Need of Protection (Including Child Abuse)**

On March 15, 1999, Chapter 48 of *The Child and Family Services Act of Manitoba* (the *Act*) and revised regulations were proclaimed to strengthen child protection legislation and to clarify child abuse investigations, the operations of agency abuse committees, and the operation of the provincial child abuse registry. *The Manitoba Guidelines on Identifying and Reporting a Child In Need of Protection (Including Child Abuse)* have been revised to incorporate these changes.

These guidelines are intended to assist professional and lay persons in carrying out their responsibilities under the *Act* to protect children through early identification and reporting. They reflect a strong commitment by the Manitoba government to ensure children are protected through effective community-based delivery and coordination of services.

The Ministers of Family Services and Housing, Justice; Education, Training and Youth; and Health jointly have issued these guidelines in recognition of the need for a community-based multi-disciplinary team approach to respond to child protection and child abuse. They explain the basic obligations under the *Act* to report a child in need of protection and outline the steps to be followed by the various disciplines involved in the investigation and management of child abuse and child protection cases.

There are five (5) parts to the guidelines:

- **Part (1): Child Protection**  
Explains the meaning of "*a child in need of protection*" and the legal obligations for reporting a child in need of protection.
- **Part (2): Child Abuse**  
Discusses child abuse as a major protection issue and the reasons for children needing protection.
- **Part (3): Abuse Investigations**  
Outlines procedures in the investigation of child abuse cases.
- **Part (4): Disclosure**  
Explains the limitations on sharing information about a child in need of protection.
- **Part (5): Provincial Child Abuse Registry**  
Summarizes the purpose and the process for the listing of a person's name and for access to that information.

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a Child In Need of Protection (Including Child Abuse)**

It is our hope that these guidelines will ensure the needs of children in need of protection are met and, wherever possible, families can be kept together with the continued support of all involved.

Original dated in the City of Winnipeg, in the Province of Manitoba.

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Minister of Family Services and Housing

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Date

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Minister of Justice

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Date

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Minister of Health

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Date

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Minister of Education, Training and Youth

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Date

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## PART (1) CHILD PROTECTION

In Manitoba it is everyone's legal obligation to protect children. This responsibility involves identifying and reporting a child who is or might be in need of protection.

### 1. Definition

Subsection 17(1) of the *Act* defines **a child in need of protection** ... *where the life, health or emotional well being of the child is endangered by the act or omission of a person*. The intent of the legislation is to ensure that appropriate steps are taken to protect children who may be in need of protection.

### 2. Identifying a Child in Need of Protection

Subsection 17(2) of the *Act* lists examples of situations where a child ought to be considered in need of protection. The list provides criteria to assist in identifying such children. The *Act* states **a child is in need of protection** 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 willing 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 proper 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 subjected 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.*

### 3. Reporting a Child in Need of Protection

The *Act* requires a person to report a child in need of protection to an agency or a parent or guardian.

Subsection 18 (1) of the *Act* states

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... 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 or guardian of the child.

The key words in understanding the legal obligation to report are "reasonably to believe that a child is or might be in need of protection ". The obligation to report is based on a person's reasonable suspicion with respect to a given situation. Where a person fails to report a child in need of protection, the person commits an offence punishable on summary conviction [Section 18.3 of the *Act*]

The definition for an agency under Section 1 of the *Act* is:

An "**agency**" means

- (a) a child and family services agency incorporated under this *Act*;
- (b) a regional office of the department of the executive government of the province of which the minister charged with the administration of this *Act* is the chief administrative officer, and
- (c) a corporation created pursuant to an agreement under subsection 6(14).

#### 4. Duty of Professional

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. 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 only exception is if a lawyer acquires this information within a solicitor-client relationship.

Section 18.2(1) of the *Act* outlines the potential additional consequences when professionals and those who are certified, licensed or otherwise authorized to carry on their work by a licensing body, or the like, 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 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.

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### **5. Reporting To A Parent Or Guardian**

Section 18(1) of the *Act* 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.

### **6. Reporting To An Agency Only**

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

Section 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 reasonable 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.*

In any circumstances, if doubt exists about reporting to the parent or guardian, it is advisable to check with an agency.

### **7. 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 suspects the parent or guardian is unable or unwilling to provide adequate protection to the child, there is the obligation for the person to report a child in need of protection to an agency.

### **8. Informants Protected**

Under section 18.1(1) of the *Act*, no action lies against a person for reporting a child in need of protection in good faith. Furthermore, the identity of the reporting person shall not be disclosed to the family of the child except as may be required in the course of a judicial proceeding.

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## PART (2) CHILD ABUSE

Child abuse is a serious and often self-perpetuating problem, which knows no social barriers. It is a major cause for concern and reason for reporting a child in need of protection. Its significance is recognized in the *Act* through provisions which define abuse and set out special procedures for reporting, investigating and managing cases of suspected or alleged abuse.

### 1. Definition

Under section 1 of the *Act* “**abuse**” means *an act or omission by any person where the act or omission by any person results in*

- (a) *physical injury to the child;*
- (b) *emotional disability of a permanent nature in the child or is likely to result in such a disability; or*
- (c) *sexual exploitation of the child with or without the child's consent.*

### 2. Legislative Intent

In June 1996, the definition was expanded to include abuse of a child by any person. Prior to this date, the definition only applied to abuse committed by persons having care, custody, control or charge of children. Abuse by “third parties” such as strangers is investigated only by the police unless there are circumstances surrounding the alleged incident(s) which generate protection concerns.

### 3. Identifying Child Abuse

The *Act* refers to **three conditions or types of abuse - physical injury, emotional disability of a potentially permanent nature, and sexual exploitation with or without the child's consent.** Where one or more of these conditions exist as a result of an act or omission of any person, the child ought to be considered as suffering abuse and the matter must be reported.

### 4. Duty of an Agency in Cases of Child Abuse

In cases of alleged or suspected child abuse, the agency is responsible for taking immediate and appropriate action to protect the child, including contact with the police and making, where necessary, arrangements for medical examinations. Once a report has been made, the agency assumes responsibility for informing the parent or guardian.

### 5. Indicators of Abuse

Professionals and lay persons involved in working with or caring for children are encouraged to learn about and know the physical and behavioural indicators of abuse. These indicators are listed in the *professional protocols* published by the province in cooperation with medical practitioners, nurses, teachers, social workers, child and day care workers, and others. Most professional protocols cover physical and behavioural indicators for physical, sexual, and emotional abuse as

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well as for neglect. These are guidelines for identifying and reporting only, and are not diagnostic of child abuse.

### **6. Past Abuse**

**The phrase “*is abused*” applies to the past as well as the present.** Sometimes, disclosures are received from children where abuse happened years ago. This situation is handled the same way as an allegation, which is received in the present.

Adults, who come forward to disclose past abuse that happened to them as children, should make a report to an agency. The agency will determine whether it should investigate and determine whether any children are or may be currently at risk. These individuals are encouraged to provide the police with a statement if the alleged offence(s) falls under the purview of the *Criminal Code of Canada* even where the matter does not proceed to prosecution.

### **7. 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 the 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) 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*.

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## PART (3) ABUSE INVESTIGATION

Child abuse investigations require close collaboration by all those involved. Although agencies have the primary responsibilities under the *Act*, the police and medical personnel have mandated responsibilities in the investigation of physical and sexual abuse cases. To ensure the best course of action is taken in every case, there shall be mutual sharing of all relevant information by the agencies and professionals involved in the investigation and treatment process.

### 1. Agency Investigations

The *Act* requires an agency to immediately investigate a report that a child is or reasonably might be in need of protection. In addition, where an agency receives a report of suspected or alleged physical or sexual abuse, the *Manitoba Child Abuse Regulation* states; “on receiving information that causes an agency to suspect that a child is or might be abused, the agency shall:

- (a) where there is preliminary opinion **that serious physical injury or sexual exploitation of the child** has occurred, immediately consult with a duly qualified medical practitioner, and where believed necessary and appropriate, arrange for a medical examination of the child and any other child by a duly qualified medical practitioner or at a medical child abuse facility;
- (b) notify and consult immediately with an appropriate police agency for the area as to the particulars of the case;
- (c) share all relevant information of a confidential nature, with the police officers, medical and hospital professionals and other agencies or persons involved in the investigation and management of the case, to ensure the best course of action for the protection of the child is taken; and
- (d) refer the matter to the agency's child abuse committee in accordance with section 18.5 of *The Act*.

### 2. Police Investigations

Where the police receive information of suspected or alleged physical or sexual abuse, they shall immediately report the situation to and consult with an agency. Subsection 18.4(1.1) of the *Act* states that “an agency may request from a peace officer, and the peace officer shall provide any information in the officer's possession or control that the agency reasonably believes is relevant to an investigation under subsection (1)”.

The police are also expected to review the case and, where deemed necessary, carry out an investigation to determine whether an offence may have been committed under the *Criminal Code of Canada* or *The Child and Family Services Act*. The police upon completion of their investigation may refer the matter to the Crown Attorney for opinion and/or laying of charges.

### 3. Medical Examinations and Consultation

Where a medical practitioner or other health care professional receives information of suspected or alleged abuse or, on examination of a child, suspects physical or sexual abuse, the practitioner



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or health care professional shall immediately report the incident to and consult with an agency and the local police.

*The Personal Health Information Act (PHIA)* allows for the sharing of personal health information without the consent of the person to facilitate a child protection investigation. Subsection 22(2) of that Act states:

### ***Disclosure without individual's consent***

*Section 22(2) A trustee may disclose personal health information without the consent of the individual the information is about if the disclosure is*  
*(o) authorized or required by an enactment of Manitoba or Canada.*

The medical practitioner is responsible for a comprehensive examination and for performing diagnostic tests in order to determine the state of health of the child and to document findings, which may be consistent with a history of abuse. This responsibility applies to all types of abuse - physical, sexual or emotional. If required, the medical practitioner should consult with or refer a child to the Child Protection Centre (Health Sciences Centre: Children's Hospital, Winnipeg) or another recognized medical child abuse unit.

#### **4. Emotional Abuse**

While suspected or alleged emotional abuse may not require police intervention or medical examination, an agency may need to collaborate with the police, medical facilities and others in gathering evidence to establish a serious and persistent pattern of abuse likely to cause emotional disability of a significant nature.

#### **5. Interviewing the Victim**

The initial interview of the victim may be conducted jointly by the agency social worker and the police or individually by either one:

- (a) to determine whether or not the child has been abused;
- (b) to gather as much information as possible; and
- (c) to ensure the immediate and ongoing safety of the child.

The investigative process may involve the interviews of siblings, potential witnesses and/or non-offending parent/caregivers. The interview of the victim should be done as soon as possible following the allegation because the passage of time can significantly affect a child's ability to testify.

Interviews involving children require special handling. Legal issues governing child testimony are complicated, and children, whether victims or witnesses, often are viewed as less credible or competent than adult witnesses. The fewer interviews for a child, the better, in terms of maintaining the integrity of the disclosure for court purposes. For this reason, the matter should be referred to the police as soon as possible. Investigating workers however should keep detailed notes of any disclosures by a victim, as this information may be required in court during a criminal prosecution.

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Most police interviews are videotaped with the victim, alone. Some victims, especially a younger child or a child with special communications needs, may need to have a **“support person”** to be present during the interview. In such situations, best practices would identify the *“support person”* as someone who is well-known and trusted by the victim such as the non-offending parent, a friend, or service provider, to be present during the interview with younger children.

The *“support person”* who is present when a child provides a statement should not be someone who may be required to give evidence in the event of a criminal prosecution. ***The person, while in a position to support the child, must be informed in advance of the interview, not to influence the child in any way at any time prior to, during or after the interview. It should be stressed that it is the child’s version of events that is important during the interview(s).***

Every reasonable effort will be made to provide a victim with such assistance as may be required and in particular to provide support as soon as possible after the interview.

### **6. Investigations Involving Children in Care**

When an alleged abuser is also a child in need of protection or a child in care of an agency, **the agency must take appropriate steps to address a potential conflict between its duty to act in the best interests of the child and its duty to investigate child abuse cases.** At a minimum, agencies are expected to:

- (a) take reasonable steps to address the actual or apparent conflict such as assigning the investigative function to a worker who is not involved in the ongoing care and supervision of the child or by requesting outside assistance from another agency;
- (b) inform the police and, if known and involved, the Crown prosecutor that the child has been apprehended by or is in the care of the agency and advise the police, and if applicable, the Crown, as to what steps the agency has taken to address the potential conflict;
- (c) advise the child and, if appropriate, the parent or guardian of the child, of the child’s right to legal counsel and actively assist the child or parent or guardian of the child in obtaining legal counsel for the child through Legal Aid Manitoba or other counsel; and
- (d) advise the child and, unless the child is permanent ward, the parent or guardian of the child, of the role of the Children’s Advocate and, in the event either has an issue about the handling of the matter, contact the Children’s Advocate on behalf of the child.

If an agency does not request outside assistance from another agency, the child’s file or record should be separated into two parts, one pertaining to the investigation and one pertaining to the care of the child, until the investigation is completed.

### **7. Agency Child Abuse Committee**

The *Act* and the *Manitoba Child Abuse Regulation* set out specific procedures to be followed in the review, the investigation and the management of child abuse cases. Child Abuse Committees are an integral part of the review and management of abuse cases.

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Subsection 19(1) of the *Act* requires each agency to establish at least one child abuse committee to review cases of suspected and/or alleged abuse of a child. Each committee must have at minimum the following five (5) mandatory members:

- (a) *the agency's child abuse coordinator;*
- (b) *a duly qualified medical practitioner employed, retained or consulted by the agency to review cases of suspected child abuse for the agency;*
- (c) *a police officer representing a law enforcement service operating in the area within the agency's jurisdiction;*
- (d) *a representative of a school division located within the area of the agency's jurisdiction;*
- (e) *a staff member of the agency, other than the child abuse coordinator.*

Overall, the responsibilities of the Child Abuse Committee are included in Section 10 of the *Regulation*

*A child abuse committee shall*

- (a) *review every case of suspected abuse referred to the committee;*
- (b) *review as required, the involvement of the police, medical and hospital professionals, and others involved in the investigation and management of the case; and*
- (c) *provide consultation in the investigation and management of the case:  
and*
- (d) *make recommendations where it is considered appropriate or necessary to protect the child or any other child.*

The agency Child Abuse Committee, under Section 11(1) of the *Child Abuse Regulation*, gives the person who is suspected of having abused a child an opportunity to provide information to the committee. In most circumstances, this information will be in written form. In exceptional circumstances, this information may be provided in other forms such as audio or videotape, etc.

Once the prescribed conditions are met and the Committee has reviewed the matter, the Committee is responsible for the following key actions as outlined in Section 19(3) of the *Act*. The Committee shall:

- (a) *form an opinion whether the person abused the child;*
- (b) *form an opinion whether the name of the person should be entered in the [child abuse] registry; and*
- (c) *report its opinions and, where it has formed the opinion that the person has abused the child, the circumstances of the abuse to the agency.*

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## PART (4) DISCLOSURE

### 1. Reporting of Conclusions

Conclusions refer to the outcome of the investigation, not to the sharing of detailed findings or confidential information to persons who do not need to know such information. **Where an agency concludes that a child is in need of protection**, the agency is required to share its conclusions except where a criminal investigation is pending and the peace officer in charge of the investigation requests the agency not to report its conclusion.

Section 18.4 of the *Act* states:

- ... where an agency concludes, after an investigation ... 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 or 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.*

However, **where an agency concludes that a child is not in need of protection**, s.18.4 (2.1) of the *Act* states:

- where an agency concludes after an investigation ... that a child is not 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 or 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 was alleged to have caused the child to be in need of protection;*
  - (d) 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*
  - (e) 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.*

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### **2. Restrictions on Disclosure**

Child protection and child abuse investigations often occur along with a police investigation. The *Act* therefore requires that an agency must consult with the police prior to sharing the outcome of any investigation. Premature disclosure of the conclusions could potentially jeopardize the criminal prosecution of the matter.

### **3. Confidentiality**

Subsection 76(3) states a record made under the *Act* is confidential. No person shall disclose or communicate information from the record except as provided for in the *Act*.

Subsection 76(3) of the *Act* dealing with confidential records states:

*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 an agency; or*
- (d) to a person employed, retained or consulted by the director or an agency; or*
- (d.1) to the children's advocate; or*
- (d.2) where the disclosure is by the children's advocate under section 8.10; or*
- (e) by the director or an agency to another agency including entities out of the province which perform substantially the same functions as an agency where reasonably required by the agency or entity*
  - (i) to provide service to the person who is the subject of the record, or*
  - (ii) to protect a child; or*
- (f) to a student placed with the director or an agency by contract or agreement with an educational institution; or*
- (g) where a disclosure or communication is required for the purposes of this Act; or*
- (h) by the director or an agency for the purpose of providing to the person who is the subject of the record, services under Part 2 of The Vulnerable Persons Living with a Mental Disability Act, or for the purpose of the appointment of a substitute decision maker under Part 4 of that Act.*

### **4. Reporting to Professional Organizations and Regulatory Bodies**

Where a person's employment involves the care and supervision of children, the name of the person shall be reported through an agency to the Director of Child and Family Services in situations where

- (a) that person has caused a child to be in need of protection or**
- (b) that person has failed to report a child in need of protection.**

This may occur prior to the completion of an investigation. Under subsection 18.2(1) of the *Act*, the Director *may report 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,*

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where the Director has reasonable grounds to believe the person has caused a child to be in need of protection or has failed to report a child in need of protection.

### **5. Responsibility of Professional Organizations or Regulatory Body**

A professional organization or regulatory body, on receiving a report from the Director is required under subsection 18.2(2) to:

- (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.*

### **6. Reporting of Charge(s)**

Where a person's employment involves the care or unsupervised access to children, and that person is charged under the *Criminal Code* or *The Child and Family Services Act*, the police are required under subsection 18.4(4) of the *Act* to immediately advise the person's employer that the accused person has been charged. No other information is shared other than the fact of the charge. The employer is responsible for discussing the matter with the accused person and taking action to ensure that children are not in need of protection.

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## PART (5) PROVINCIAL CHILD ABUSE REGISTRY

### 1. Provincial Child Abuse Registry

The Director of Child and Family Services is required by the *Act* to maintain a child abuse registry (“registry”). Its main purpose is to assist agencies in protecting children. Names can only be reported to the registry for entry by:

- i. an agency;
- ii. a peace officer (e.g., police, probation officer); and
- iii. a court in Manitoba.

There are only three conditions under which a name can be entered onto the registry:

- i. a person was found guilty of, or pleaded guilty to, an offence involving the abuse of a child in a court inside or outside Manitoba.
- ii. a person has been found by a court in a proceeding under *The Child and Family Services Act* to have abused a child; and
- iii. an agency child abuse committee has reviewed the case and is of the opinion that a person has abused a child and that the person’s name should be entered in the registry.

Where entry on the registry is recommended by the agency abuse committee, the person to be listed has a right to be notified and to object to the listing through the Court of Queen’s Bench of Manitoba (Family Division) which will then determine whether the person has abused a child. If no notice of application is filed in the court within 60 days, the agency shall report the name of the person and the circumstances of the abuse to the director for entry on the registry.

### 2. Objections to Listing on Person’s Name on Registry

When a person objects to the entry of his/her name on the registry and files the notice within 60 days, a hearing in the Court of Queen’s Bench of Manitoba will take place to determine whether the person abused the child. The decision of the court is final.

At a hearing, the agency has the burden of proof, on the balance of probabilities, to establish that the person abused the child. All parties may be represented by legal counsel shall be given full opportunity to present evidence and to examine and cross-examine witnesses. The only exception to this rule is that the child victim cannot be forced to testify. The court can receive the child’s evidence through hearsay, by way of a recording, a written statement, or in any other form or manner the court considers advisable.

### 3. Access to the Listing of a Person’s Name on the Registry

All information on the registry is confidential. Access to the registry is strictly protected and governed by legislation. Access to a listing can be provided in the following situations:

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- (a) **An agency** may apply for access to the registry when the agency requires the information to investigate whether a child is in need of protection, to assess employees, foster parents, homemakers, parent aides, volunteers, student trainees or adoptive applicants with the agency.
- (b) **An adoption agency** may apply for access to the registry (with the person's written consent) when the information is required by the adoption agency to assess an adoptive applicant, an employee, volunteer, student trainee with the adoption agency.
- (c) **A peace officer** may apply for access to the registry when the information is required for the peace officer to carry out his/her duties.
- (d) **An employer** may apply to the director (**with the person's written consent**) to determine if a person is listed on the Registry, where the director is satisfied that the information is required by the employer for assessing a person whose work involves or may involve the care, custody, control or charge of a child, or may permit access to a child; and
- (e) **Any person** may apply to the director to determine if his/her name is listed on the registry and for any information pertaining to him/her contained on the registry. The person cannot delegate this right to access the registry to any other person.