



ending violence against women

## **Child Protection** *by Pam Cross, LLB*

The *Child and Family Services Act* (CFSA) is the Ontario law dealing with child protection. Its purpose is to promote the best interests, protection and well being of children.

The CFSA authorizes children's aid societies to:

- investigate allegations or evidence that a child may be in need of protection
- protect, care for and supervise such children
- provide services to families

A child is in need of protection if:

- the child has suffered physical, sexual or emotional harm, through actions or
- neglect
- there is the risk of any such harm

Exposure to woman abuse is one risk factor among others in determining whether a child may be in need of protection.

The CAS is required to intervene with a family in as minimally intrusive a manner as possible, bearing in mind the best interests of the children. Removing a child from its parent(s) is a last resort that would only be employed if no other strategy was available.

Anyone who has `reasonable grounds to suspect a child may be in need of protection` is required to report this to the appropriate child protection agency.

Where a woman is taking or has taken steps to protect the children from future exposure to woman abuse, reporting to child protection authorities may not be required.

This could include a woman who:

- has come to a shelter with her children to live
- is taking steps to find housing
- has reported the abuse to the police
- has hired a family law lawyer

Anyone involved in a child protection proceeding should have a lawyer. Legal aid is available in child protection cases to those who qualify financially. Duty counsel is available to assist women who do not have a lawyer.

*This resource contains general legal information only. It is not a legal document, nor is it a replacement for legal advice. Anyone in a situation involving family, immigration or refugee law is strongly urged to meet with a lawyer to understand fully their rights and responsibilities, the legal options available to them and appropriate legal processes. A lawyer can interpret the law and provide advice based on the personal facts and information in the specific case.*

For information about finding a lawyer in your community, contact Legal Aid Ontario at **1-800-668-8258** or **416-979-1446**.

You can also visit Legal Aid Ontario online at [www.legalaid.on.ca](http://www.legalaid.on.ca)

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