



## ***INFORMATION BULLETIN***

### **AMENDMENT TO SECTION 13 OF THE CHILD, FAMILY AND COMMUNITY SERVICE ACT REGARDING DOMESTIC VIOLENCE<sup>1</sup>**

Section 13 of the *Child, Family and Community Service Act* (CFCSA) lists a number of grounds under which a child may be in need of protection. An amendment to this section of the Act (see Appendix A) includes reference to domestic violence. This amendment brings the CFCSA in line with child welfare legislation in most other jurisdictions across Canada.

#### **Reporting requirements**

Anyone who has reason to believe that a child needs protection under the CFCSA is required to report this information to a child welfare worker and the above amendment does not change this. A report may not be required when a child is living in a situation where domestic violence is occurring; an individual must also believe that the child is being emotionally harmed, physically harmed or likely to be physically harmed.

Anyone who is unsure about reporting can contact a child welfare worker to discuss their concerns without providing identifying or contact information. The child welfare worker will determine – based on the conversation – whether or not the situation needs to be reported, and will advise the individual accordingly.

#### **The intent of the amendment**

The purpose of the amendment is to clarify that there are situations in which the presence of domestic violence can be emotionally harmful to children and increase the risk of physical harm and, if so, that protective services may be needed.

The intent is for social workers to support children and women experiencing domestic violence by working closely with family members, service providers and community to support the family to make the changes necessary to ensure the home is safe.

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<sup>1</sup> *The purpose of this document is to support training on domestic violence for MCFD social workers and community service providers.*

## Effective Supports and Interventions<sup>2</sup>

Effective child welfare interventions should be guided by an understanding of the dynamics and impacts of abuse and a women-centred approach. Interventions should be carried out in collaboration with specialized victim assistance workers, women's transition house workers, stopping the violence counsellors, multicultural support workers, police, Crown, probation and Aboriginal/Métis family support workers to reflect a coordinated approach to this complex issue.

To contact an MCFD office in your area, visit: <http://www2.gov.bc.ca/gov/content/family-social-supports/data-monitoring-quality-assurance/find-services-for-children-teens-families>

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<sup>2</sup> *Best Practice Approaches Child Protection and Violence Against Women. Ministry of Children and Family Development. May 2014*

## Appendix A-CFCSA Amendment to s.13

### When protection is needed

13(1)A child needs protection in the following circumstances:

- (a)if the child has been, or is likely to be, physically harmed by the child's parent;
- (b)if the child has been, or is likely to be, sexually abused or exploited by the child's parent;
- (c)if the child has been, or is likely to be, physically harmed, sexually abused or sexually exploited by another person and if the child's parent is unwilling or unable to protect the child;
- (d)if the child has been, or is likely to be, physically harmed because of neglect by the child's parent;
- (e)if the child is emotionally harmed by
  - (i)the parent's conduct, or
  - (ii)living in a situation where there is domestic violence by or towards a person with whom the child resides;
- (f)if the child is deprived of necessary health care;
- (g)if the child's development is likely to be seriously impaired by a treatable condition and the child's parent refuses to provide or consent to treatment;
- (h)if the child's parent is unable or unwilling to care for the child and has not made adequate provision for the child's care;
- (i)if the child is or has been absent from home in circumstances that endanger the child's safety or well-being;
- (j)if the child's parent is dead and adequate provision has not been made for the child's care;
- (k)if the child has been abandoned and adequate provision has not been made for the child's care;

(l)if the child is in the care of a director or another person by agreement and the child's parent is unwilling or unable to resume care when the agreement is no longer in force.

(1.1)For the purpose of subsection (1) (b) and (c) but without limiting the meaning of "sexually abused" or "sexually exploited", a child has been or is likely to be sexually abused or sexually exploited if the child has been, or is likely to be,

(a)encouraged or helped to engage in prostitution, or

(b)coerced or inveigled into engaging in prostitution.

(1.2)For the purpose of subsection (1) (a) and (c) but without limiting the circumstances that may increase the likelihood of physical harm to a child, the likelihood of physical harm to a child increases when the child is living in a situation where there is domestic violence by or towards a person with whom the child resides.

(2)For the purpose of subsection (1) (e), a child is emotionally harmed if the child demonstrates severe

(a)anxiety,

(b)depression,

(c)withdrawal, or

(d)self-destructive or aggressive behaviour.