

The Committee raises the question as to whether the Parliament of Canada has the authority to legislate in the matter of failure to report cases of child abuse and neglect to the appropriate provincial authority, since this is an area which might be considered property and civil rights. Civil provisions, including penalties, are within the jurisdiction of the provinces.

With the rare exception of actual witnesses to the act of child abuse, your Committee believes the difficulties inherent in establishing guilt under a prosecution for failure to report make a penalty section under either provincial or federal legislation unworkable. Physicians might be an exception, since they may have evidence such as X rays which would cause them to believe abuse has occurred. The Committee, however, does not believe that the medical profession should be singled out as a target group in penalty provisions.

Your Committee believes that reporting is an aspect of responsible citizenship and that failure to so report is more often the result of ignorance of how to report, to whom, and with what results. The Committee therefore notes the commendable efforts made by a number of provinces to publicize the facts of child abuse and neglect through the distribution of pamphlets on child abuse and neglect and by other means of public education.

2. CENTRAL REGISTRIES

Provincial Registries

Most provinces now have a central registry in the Department of Social Services to which cases of abuse are reported.

The primary purpose of a central registry is to enable the specialized staff of the registry to ensure immediate investigation of cases of alleged abuse and adequate follow-up services. Staff also have an important role in interpreting to the public the need for reporting, and in providing support and consultative services to the investigating agency, if necessary.

Reports of abuse from the community received by the central registry are referred to the operating agency for investigation, and maintained under the surveillance and purview of the Registry.

Registries are a recent development, most having been established within the past three or four years, and some are still in the process of developing policies. The need for public education has been recognized by all provinces. In Alberta, for example, the advertising campaign which followed the opening of the registry was designed to acquaint the public with the problems of child abuse and the need to report suspected cases, and how and where to report. This "Raggedy Ann" publicity program, as it was called, was judged by provincial authorities to have been very successful. Reporting is facilitated by a 24-hour telephone service with a toll-free Zenith number for areas of the province outside of Edmonton.

A number of issues are associated with the use of central registries such as:

- at what point is a case registered, that is, when a report is received or when it has been investigated and substantiated?
- how long is a case to be retained in the registry?
- who is to have access to the registry?
- what is to be the procedure for inter-provincial transmission of information?

These issues have not been resolved in all provinces.

In general it is the practice for local agencies (children's aid societies, regional offices of the department or other authorized agency) to complete the prescribed form and forward it to the central registry within a specified time, usually 48 hours, of receipt of a complaint of child abuse, giving particulars of the case and the action taken.

In some provinces, the registration of cases is restricted to cases of physical abuse which have been investigated and substantiated. In others, they include all alleged cases, and in at least two provinces (Alberta and British Columbia) all cases of neglect are included in the central registry.

Nova Scotia expunges within 30 days those cases proven false. This includes cases brought before a court and not substantiated unless an appeal is made to a higher court. Cases not proven false beyond all reasonable doubt remain on file for a five-year period. If no further reports are filed during this period, cases are expunged.

It is usual to limit access to information in a registry. In Nova Scotia, for example, information may be released upon approval of the Director of Family and Child Welfare when a professional working with children suspects abuse and knowledge of previous, suspected, or known abuse would aid in diagnosis and offer protection for the child.

It is the practice in some provinces for the local agency to forward a social history on a family suspected of child abuse to the central registry for transmission to the appropriate agency within the province or to the appropriate official in another province or Territory when the family moves and the agency has knowledge of the move.

A Federal Registry

In your Committee's view, the only potential justification for a federal registry would be to provide the provincial authorities with information which would enable them to better discharge their responsibilities in respect of the abused child in follow-up procedures and services.

Since the federal registry would consist of names submitted by the provincial registries, and since any service given or follow-up is the responsibility of provincial authorities, the advantages of a federal registry are not apparent. A concept of a federal registry with direct reporting through a direct telephone line is inappropriate as the federal government does not provide a direct service, either investigatory or follow-up.

The argument advanced for a federal registry is that it would enable a family to be identified when they move,