



CS32

PROTECTION OF CHILDREN

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Effective Date: 01 January 1996
Last Reviewed/Revised Date: 21 August 2023*

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POLICY

1. The Delta Police Department (Department) will:
 - a) act to ensure the safety and well-being of children under 19 years of age, as legislated under the *Child, Family and Community Services Act*; and
 - b) consider reports of missing children to be a priority complaint.

REASON FOR POLICY

2. To establish the welfare of children within the community as an important police priority.
3. To comply with legislation governing the safety and welfare of children.

RELATED POLICIES

- CS30 – Victim Services
- IM54 – Court (Family & Civil) Orders
- IR45 – Amber Alert
- IR47 – Missing Persons



PROCEDURES

Child in Immediate Danger

4. Where a member has reasonable grounds to believe that a child's health or safety is in immediate danger, Section 27 of the *Child, Family and Community Services Act* states that a police officer may, without court order:
 - a) take charge of a child; and
 - b) enter any premises or vehicle or board any vessel, by force if necessary, for the purpose of taking charge of a child.
5. A member taking charge of a child must immediately notify a designate of the Director of the Ministry of Children & Family Development (MCFD), i.e., a designated social worker and turn the child over to a MCFD social worker at the earliest opportunity.
6. If practicable, the member will inform their Supervisor prior to taking charge of a child, or otherwise as soon as practicable thereafter.

After Hours Emergency Services

7. A member who has taken charge of a child without a social worker present, or has concerns about a child's welfare, due to such factors as abuse or neglect, must as soon as practicable advise MCFD by contacting After Hours Emergency Services – Central Screening, at 604-660-4927 and report concerns to the district response team.
8. The MCFD district office handles all other MCFD assistance situations between the hours of 0930 – 1600 Monday to Friday, except statutory holidays, and is located in Delta at 200-11861 88th Ave., tel. 604-501-3237.

Child in Need of Protection

9. The *Child, Family and Community Services Act* requires every person who has reason to believe that a child is in need of protection to report the circumstances to the Director, and authorizes the Director to apprehend, without warrant, a child (under the age of 19 years) determined to be in need of protection.
10. The *Child, Family and Community Services Act* defines a child to be in need of protection when the child has been or is likely to be physically harmed



(including due to neglect), sexually abused or exploited, or emotionally harmed by a parent's conduct, and a child's parent is unable or unwilling to protect the child.

11. If it is determined through police investigation that a child is in need of protection, but the child's health or safety is not in immediate danger, the member shall:
 - a) call MCFD and report the circumstances;
 - b) if the member is in the presence of the child and a social worker is assigned to attend, if practicable await the attendance of the social worker with the child, so that the social worker can assess whether the child is in need of protection; and
 - c) if a social worker is not assigned to attend or a social worker determines the child not to be in need of protection, refer the investigation to Investigative Services for follow-up.
12. A member who receives a report or otherwise identifies that a child's health or safety is in immediate danger or a child is in need of protection, shall investigate whether the matter gives rise to a criminal offence or refer the matter for investigation to Investigative Services.
13. If a MCFD social worker feels at risk while conducting a child protection investigation, members may, if requested, accompany the social worker in the course of the investigation.
14. A MCFD social worker, in the course of investigating whether a child is in need of protection, may obtain a court order if entry to property is refused; however, a social worker or police officer with reasonable grounds to believe that a child's health or safety is in immediate danger, may enter any premises without a court order and by force if necessary.
15. The *Family, Child and Community Services Act* requires that, if requested, police must accompany and assist a MCFD social worker who is authorized to remove a child, with or without a court order, and police may use force if necessary to enter any premises or vehicle or board any vessel for the purpose of removing the child.

Victim Assistance

16. The member must advise victims at the scene that immediate crisis intervention and follow up support services are available.



17. Members should contact Victim Services and provide them an overview, Department file number and a copy of the general occurrence (refer to Policy CS30 – *Victim Services*).

Protective Intervention & Restraining Orders

18. If there are reasonable grounds to believe that contact between a child and another person would cause the child to need protection, a MCFD social worker may apply to the court for a protective intervention order under Section 28 of the *Child, Family and Community Services Act*. The social worker may apply for a restraining order under Section 98 of the *Act* if there are reasonable grounds to believe that a person has or is likely to encourage, help or coerce a child into engaging in prostitution or may otherwise exploit, abuse or intimidate a child.
19. Disobeying a protective intervention order or a restraining order made under the *Child, Family and Community Services Act* on or after March 18, 2013, constitutes an offence under s. 127 of the *Criminal Code of Canada (CCC)* and the person may be immediately arrested. (Disobeying an order made pursuant to the *Child, Family and Community Services Act* before March 18, 2013, remains enforceable only under the *Offence Act*, regardless of whether the breach offence occurs before, on, or after that same date).
20. A protective intervention order or a restraining order may contain the following conditions:
 - a) prohibit the other person for a period of up to 6 months from contacting or interfering with or trying to contact or interfere with the child or from entering any premises or vehicle or boarding any vessel the child attends;
 - b) prohibit the other person for a period of up to 6 months from residing with the child or from entering any premises or vehicle, or boarding any vessel, where the child resides, including any premises, vehicle or vessel that the other person owns or has a right to occupy; and
 - c) any other terms the court determines necessary to implement an order.

Child Abduction & Custody Orders

21. Up-to-date Custody Orders can be obtained from the British Columbia Protection Order Registry (POR). Members can contact the POR via the police only phone line at 1-800-900-9888.



22. A member receiving a report of a child abduction must immediately notify their supervisor (refer to Policy IR47 – *Missing Persons*).
23. The Supervisor shall ensure the Duty Officer and Investigative Services liaison are notified and made aware of the events surrounding any reported child abduction.
24. The Duty Officer may consider issuing an Amber Alert, if the appropriate criteria are met (refer to Policy IR45 – *Amber Alert*).
25. The person entitled to custody of an abducted child may simply want the child returned; nevertheless, child custody disputes may give rise to a criminal offence and must therefore be assessed in light of all circumstances and a determination made as to whether a Criminal Code offence has been committed.
26. In cases involving the abduction of a child under section 283 of the CCC (where there is no Custody Order) or under section 282 of the CCC (where there are conflicting Orders or where there is only one Custody Order), members will, when possible, consult with the Criminal Investigation Branch liaison, and if necessary, Regional Crown Counsel. When it is not possible to contact Crown counsel prior to taking action, the member involved will take appropriate action and immediately thereafter contact Crown counsel.
27. When taking action, members are to bear in mind that consent to proceed will be given by Crown counsel only in cases where the potential accused has exhibited, by deliberate conduct and the available evidence, a state of mind which justifies Crown intervention, and therefore:
 - a) action would normally be appropriate in cases where:
 - i) proceedings have been initiated in any Court to establish custody and a party then contravenes Section 283 of the CCC,
 - ii) a party has repeated a contravention of Section 282 of the CCC,
 - iii) the inability of a party to look after the child has been previously demonstrated (for example: drugs, alcohol, mental capacity),
 - iv) there is a contravention of a written agreement,



- v) the abduction is after a lengthy time lapse and the party having lawful care or charge of the child has no reason to suspect that the other abducting parent would want the child, or
 - vi) there is a possibility that the child is in danger of harm and the provisions of the *Child, Family and Community Services Act* are either inadequate or inappropriate; and
- b) action would normally not be considered appropriate in cases where:
- i) a party leaves a dangerous or imminently dangerous place with a child whether or not there is a necessity to protect the child from harm,
 - ii) there are conflicting Court Orders when no special or exceptional factor exist, or
 - iii) there is a conflict in which guardianship, parenthood or person having lawful possession, care or charge of a child differ.
28. Before taking action under section 27, consideration should also be given to the following:
- a) statutory defences contained in Section 284 and Section 285 of the CCC; and
 - b) it is not a defence to a charge under Section 282 or Section 283 of the CCC that the abducted child consented to or suggested any conduct of the accused.

*Revised Dates:
6 May 2008
16 February 2012
20 June 2013
09 March 2017
15 May 2018