

# SASKATCHEWAN ATHLETICS

## ABUSE & HARASSMENT – CHILD WELFARE IN CANADA

**Province:** Saskatchewan

**Act:** The Child and Family services Act

Definition of a **child**: any unmarried person under 16 years of age. Section 18 provides for the apprehension of a 16 or 17 year old, in exceptional circumstances, who is need of protection and is unable to protect himself/herself from a dangerous situation.

*Section 11:*

A **child is in need of protection** where:

(a) as a result of action or omission by the child's parent:

- i) the child has suffered or is likely to suffer physical harm;
- ii) the child has suffered or is likely to suffer a serious impairment of mental or emotional functioning;
- iii) the child has been or is likely to be exposed to harmful interaction for a sexual purpose, including conduct that may amount to an offence within the meaning of the *Criminal Code*;
- iv) medical, surgical or other recognised remedial care or treatment that is considered essential by a duly qualified medical practitioner has not been or is not likely to be provided to the child;
- v) the child's development is likely to be seriously impaired by failure to remedy a mental, emotional or development condition; or
- vi) the child has been exposed to domestic violence or severe domestic disharmony that is likely to result in physical or emotional harm to the child;

(b) there is no adult person who is able and willing to provide for the child's needs, and physical or emotional harm to the child has occurred or is likely to occur; or

(c) the child is less than 12 years of age and:

- i) there are reasonable and probable grounds to believe that: a) the child has committed an act that, if the child were 12 years of age or more, would constitute an offence under the *Criminal Code*, the *Narcotic Control Act* (Canada) or Part III or Part IV of the *Food and Drug Act* (Canada); and b) family services are necessary to prevent a recurrence; and
- ii) the child's parent is unable or unwilling to provide for the child's needs.

For child protection purposes, a definition of **abuse** has been omitted from *The Child and Family Services Act*. The concern is that the decision as to what constitutes abuse is left to the judge's discretion.