
SOUTHERN ONTARIO LIBRARY SERVICE (SOLS)

Burlington – April 24, 2007

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- 1. Children, Libraries & the Law**
 - 2. Protection of Privacy**
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By U. Shen Goh, LL.B., LL.M., Trade-mark Agent

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Offices / Bureaux

Ottawa (613) 235-4774

Mississauga (416) 675-3766

Orangeville (519) 942-0001

Toll Free: 1-877-942-0001

By Appointment / Par rendez-vous

Toronto (416) 675-3766

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CHILD AND FAMILY SERVICES ACT

- **Child protection in Ontario is legislated by the Ontario government. Child protection services are proved by local children's aid societies, which have exclusive responsibility for the provision of the services under the *Child and Family Services Act*.**

2

Abuse, Failure to Provide for Reasonable Care, etc.

79.(1) In this section,

“abuse” means a state or condition of being physically harmed, sexually molested or sexually exploited.

3

79.(2) No person having charge of a child shall,

- (a) inflict abuse on the child; or
- (b) by failing to care and provide for or supervise and protect the child adequately,
 - (i) permit the child to suffer abuse, or
 - (ii) permit the child to suffer from a mental, emotional or developmental condition that, if not remedied, could seriously impair the child’s development.

4

79.(3) No person having charge of a child less than sixteen years of age shall leave the child without making provision for his or her supervision and care that is reasonable in the circumstances.

79.(4) Where a person is charged with contravening subsection 70.(3) and the child is less than ten years of age, the onus of establishing that the person made provision for the child’s supervision and care that was reasonable in the circumstances rests with the person.

5

Duty to Report Child in Need of Protection

72.(1) Despite the provision of any other Act, if a person, including a person who performs professional or official duties with respect to children, has reasonable grounds to suspect one of the following, the person shall forthwith report the suspicion and the information on which it is based to a society:

6

1. The child has suffered physical harm, inflicted by the person having charge of the child or caused by or resulting from that person's;

- i. Failure to adequately care for, provide for, supervise or protect the child, or**
- ii. Pattern of neglect in caring for, providing for, supervising or protecting the child.**

7

2. There is a risk that the child is likely to suffer physical harm inflicted by the person having charge of the child or caused by or resulting from that person's,

- i. Failure to adequately care for, provide for, supervise or protect the child, or**
- ii. Pattern of neglect in caring for, providing for, supervising or protecting the child.**

8

LEGAL OBLIGATIONS

Even where an organization may not have any legal obligations to act from a criminal perspective (e.g., inapplicable statutes or acts), the organization should beware of potential legal obligations to act from a civil perspective (e.g., tort or negligence).

9

DEALING WITH UNSUPERVISED CHILDREN IN THE LIBRARY

- When can parents leave children unsupervised?
- How should library respond to unsupervised children?
- What is the library's responsibility for unsupervised children if it closes early?

10

RESTRICTING CHILDREN'S ACCESS TO MATERIALS IN THE LIBRARY

- Can libraries restrict access to memberships/cards?
- Can libraries restrict access to materials, such as restricted books and movies?
- Can libraries restrict access to computers and the internet?

11

PREVENTING CHILD ABUSE

- Should libraries have police checks for volunteers and staff?
- Should libraries report suspected child abuse?
- Should libraries have a child abuse policy?

12

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