



## Child Death or Injury

This section pertains to reporting the death or injury of a child in care or known to a mandated child and family services agency. It replaces Section 182, Death or Injury of a Child, in the Program Standards Manual remnants package.

[Legislation](#)  
[Policy](#)  
[Standards](#)  
[Procedures](#)

### Legislation

#### The Child and Family Services Authorities Act

Sections 27 and 51 of the [Child and Family Services Authorities Regulation](#) give authorities the same power as the director to solicit, accept and review reports under [clause 4\(2\)\(e\)](#) of *The Child and Family Services Act* and [clause 5\(3\)\(c\)](#) of *The Adoption Act*. Subsection 30(2) transfers the power of the director to authorities to require agencies to provide reports under [clause 7\(1\)\(n\)](#) of *The Child and Family Services Act*.

However, the director may also request reports from authorities and agencies on behalf of the minister. Under [section 25](#), the minister may give directions to an authority for the purpose of achieving provincial objectives and priorities, providing guidelines for authorities to follow, and coordinating the work of authorities with that of government and others.

#### The Fatality Inquiries Act

[Section 10](#) of *The Fatality Inquiries Act* pertains to deceased children who, at the time of their death or within the one year period before their death were in the care of an agency or had parents who were receiving services from an agency under *The Child and Family Services Act*. The Chief Medical Examiner (CME) assesses the quality or standards of care and services provided by the agency. Upon completing a review of the actions of an agency, the CME submits a written report to the minister responsible for administration of *The Child and Family Services Act*.



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## Policy

Agencies are required to report the death or injury of a child to the Director of Child and Family Services (the director) in accordance with the standards in this section. As a general rule, the reporting agency is the agency that was supervising a child in care or providing services to the family of a child not in care. If more than one agency was involved, the director may require both agencies to report.

The director requires this information in order to:

- advise the minister of the circumstances leading to the death or injury of a child
- conduct a review of the actions of an agency in collaboration with the appropriate child and family services authorities
- assist the Chief Medical Examiner (CME) in conducting a review under [section 10](#) of *The Fatality Inquiries Act*
- assist the Children's Advocate or Ombudsman in any investigations or reviews they may undertake

## Standards

Standards in this section pertain to the following activities required of agencies:

**[Reporting to Director and Authorities](#)** – time frames and information reported to the Director of Child and Family Services (director) and child and family services authorities (authorities).

**[Internal agency reviews](#)** – internal reviews carried out by agencies on learning of the death or injury to a child known to or in care of the agency.

**[External Investigations and Reviews](#)** – expectations placed on agencies and authorities with respect to investigations and reviews conducted by the policy, the CME and others.

## Reporting to Director and Authorities

- 1 Reporting Agency** – Unless another agency agrees to report the death of or serious injury to a child, the agency that was supervising a child in care or providing services to the family of a child not in care reports the death or injury. If a child was returned to the care of his or her family and the family file was closed within the one year



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period before the death of a child, the agency that closed the case is responsible for reporting the death.

**2 Reporting Death of Child in Care** – The reporting agency notifies the director and its mandating authority within one hour of learning that a child in care has died or, if the information is received in the evening or on a weekend, by 10:00 A.M. of the next working day. This initial report may be by phone, facsimile or e-mail and must include:

- name, birth date and legal status of the child
- names and addresses of the child's parents or guardians
- name of the placing or guardian agency if different than the reporting agency
- names of workers and supervisors assigned to the child and the child's family
- how the reporting agency was informed of the death of the child and by whom
- known circumstances surrounding the death including date, time, place, and unusual circumstances
- any information suggesting the child may have died as a result of abuse
- a summary of agency' involvement with the child and the child's family
- persons notified by the agency, for example, police, parents, guardian agency
- any other action taken

**3 Additional Information on Death of Child in Care** – Within 48 hours of the initial report under Standard 1, the reporting agency provides any additional information on the death of a child in care to the director and its mandating authority including:

- name, address and type of placement at time of death
- any updates on information given in the initial report
- a detailed statement of the child's placement history and the reporting agency's involvement in the case
- information obtained to date from an investigation by the agency or the police
- names and ages of other children in home where the child who died was placed and whether these children are [at risk](#)
- anticipated action by the reporting agency
- whether an autopsy has been or will be performed
- whether charges under the *Criminal Code* (Canada) have been laid or are anticipated

**4 Reporting Death of Child Not in Care** – The reporting agency notifies the director and its mandating authority by the end of the next working day on learning of the death of a child from a family that has received services from the agency during the past year. This report may be by phone, facsimile or e-mail and must include:



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- name, birth date and legal status of the child
  - names, address and involvement of the parents or guardians, and of persons with whom the child was living
  - names of workers and supervisors assigned to the family
  - how the reporting agency was informed of the death of the child and by whom
  - known circumstances surrounding the death including date, time, place, unusual circumstances
  - a summary of agency involvement with the family
  - any information suggesting the child may have died as a result of abuse
  - information obtained to date from an investigation by the agency or police
  - names and ages of other children in the home where the child who died was living and whether these children are [at risk](#)
  - if the child had previously been in care, a detailed statement of the child's placement history and the reporting agency's involvement in the case
  - persons notified by the agency, for example, police, parents, guardian agency
  - anticipated action by the reporting agency
  - whether an autopsy has been or will be performed
  - whether charges under the *Criminal Code* (Canada) are anticipated or have been laid

**5 Reporting Serious Injury to Child in Care** – The reporting agency notifies the director and its mandating authority by the end of the next working day on learning that a child in care has suffered serious injury that could result in death or permanent disability as determined by a physician. This report may be by phone, facsimile or e-mail and must include:

- name, birth date and legal status of the child
- names and addresses of the child's parents or guardians
- name of the placing or guardian agency if different than the reporting agency
- names of workers and supervisors assigned to the child and the child's family
- how the reporting agency was informed of the injury to the child and by whom
- known circumstances surrounding the death including date, time, place, unusual circumstances
- any information suggesting the child may have been injured as a result of abuse
- a summary of agency involvement with the child and the child's family
- information obtained to date from an investigation by the agency or police
- names and ages of other children in the home where the child who died was living and whether these children are [at risk](#)
- persons notified by the agency, for example, police, parents, guardian agency
- anticipated action by the reporting agency
- whether charges under the *Criminal Code* (Canada) are anticipated or have been laid



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- 6 Notifying Parent or Next of Kin** – On learning of the death of or serious injury to a child in care, the reporting agency or, when applicable and agreed to by both parties, the placing or guardian agency, notifies the child’s parent or next of kin within 24 hours or as soon thereafter as reasonably possible on learning of the death of or injury to a child in its care.
- 7 Further Reports to Director** – Upon receiving additional information regarding the death or injury to a child, the reporting agency authority of the reporting agency or, if applicable and agreed to by both parties, the authority of the culturally appropriate agency forwards the information to the director. Such information includes:
- in the case of a deceased child, the results of an autopsy as to the cause of death
  - the results of any medical examinations as to the cause of serious injury
  - the results of agency investigations
  - the results of any policy investigations including the laying of criminal charges
  - any further actions indicated or planned by the agency

## Internal Agency Reviews

- 8 Internal Agency Review Objectives** – On learning of the death of or serious injury to a child known to or in the care of the agency, the executive or regional director immediately initiates an internal review of the events and circumstances leading the child’s death or serious injury in order to:
- obtain detailed information on the circumstances leading to the death or injury
  - identify applicable agency programs and services
  - determine whether applicable programs and services were involved
  - assess the actions and decisions of any workers or supervisors involved in providing services to the child or the child’s family
  - determine whether staff followed applicable policies and procedures including provincial standards
  - reassign case management responsibilities when indicated
  - take appropriate disciplinary action when indicated
- 9 Consultation with Mandating Authority** – On learning of the death of or serious injury to a child known to or in the care of the agency, the executive or regional director consults with the agency’s mandating authority with respect to the urgency and scope of the review.
- 10 Completion of Internal Agency Review** – Within 30 days from the date the death or injury of a child is first reported to the agency, the executive or regional director completes the internal agency review and forwards a copy of the agency’s report to:



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- the agency's board of directors or departmental head, as the case may be
  - the agency's mandating authority

## External Investigations and Reviews

**11 Facilitating External Investigations and Reviews** – An agency and its mandating authority assist and cooperate fully with the police, the Chief Medical Examiner (CME) the Children's Advocate or the Ombudsman regarding any investigation or review of the death of or injury to a child.

## Procedures

The procedures in this section pertain to reporting and reviews. They apply to the police, hospitals, physicians, the office of the Chief Medical Examiner (CME), Crown Prosecution, and the Director of Child and Family Services (director) as well as child and family services agencies and authorities. The following procedures pertain to reporting of child deaths:

1. Under [section 6](#) of *The Fatality Inquiries Act*, a person who is witness to or has knowledge of a death must immediately report the death to a medical examiner, investigator or the police when the person dies
  - as a result of an accident or poisoning
  - by an act of suicide, negligence or homicide
  - in an unexpected or unexplained manner
  - as a result of contracting a contagious disease that is a threat to public health
  - suddenly of unknown cause
  - during a pregnancy or recovery from a pregnancy
  - while under anesthesia or while recovering from an anesthesia or within 10 days of a surgical operation
  - while in custody of a peace officer
  - as a result of contracting a disease or condition, sustaining an injury, or ingesting a toxic substance at the place of employment or former employment
  - within 24 hours of admission to a hospital
  - in places, institutions or circumstances prescribed by regulation
  - while under the care of a duly qualified medical practitioner for the condition that brought on the death
  - while resident in a licensed residential or care facility, correctional institution, psychiatric facility or developmental centre
  - is a child



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Section 4: Death or Injury of a Child

1.7.4

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2. When the police are notified of the death of person, they contact the office of the Chief Medical Examiner (CME). They also notify the appropriate child and family services agency on learning that the child was in care or the child's family was receiving services from the agency. The CME decides whether an autopsy is required and Crown Prosecution whether criminal charges will be laid.
  3. When a child dies in hospital, the hospital notifies the parent or guardian or the apprehending or guardian agency. When the deceased child was in care through a voluntary placement agreement, the hospital may notify the placing agency as well as the parent or guardian.
  4. By agreement, the CME notifies the Director of Child and Family Services (director) immediately upon receiving a report to which [section 10](#) of *The Fatality Inquiries Act* applies.