

Who has Access to the Information on the Registry?

All names and information on the Child Abuse Registry are confidential. Access to the registry is restricted and is only allowed in specific circumstances. The general public does not have access to this registry.

Information regarding names listed on the registry would be provided in the following situations:

1. A child and family services agency may apply for access to the registry when it conducts a protection investigation; to assess employees; foster parents; homemakers; parent aides; volunteers; student trainees or adoptive applicants with the agency.
2. An adoption agency may apply for access to the registry (with the person's written consent) when the information is required by the adoption agency to assess an adoptive applicant, a potential employee, volunteer, or student trainee with the adoption agency;
3. A peace officer may apply for access to the registry when the information is required for the peace officer to carry out his/her duties;
4. An employer or other person may apply to the director (with the person's written consent) to determine if a person is listed on the registry, where the director is satisfied that the information is required by the employer or other person for assessing a person whose work involves or may involve the care of a child or may permit unsupervised access to a child; and
5. Any person may apply to the director (giving his/her written consent) to determine if his/her own name is listed on the registry. The person may ask the director for any information pertaining to them contained on the registry

For more information, please
call the Child and Family
Support Branch of
Manitoba Family Services at
(204) 945-6964
or toll free:
1-800-282-8069, ext 6964



**What you should
know about**

The Provincial Child Abuse Registry

**Our Families
Manitoba's Future**



The Purpose of the Provincial Child Abuse Registry

The Child Abuse Registry is established and maintained by the director of child and family services in accordance with *The Child and Family Services Act*.

The province of Manitoba maintains a provincial child abuse registry. Its primary purpose is to help child and family service agencies (the agency) protect children. Under certain circumstances, organizations and employers can access the registry to determine whether persons who will have the care of children or have unsupervised access to children are known to have been involved in the abuse of a child.

How is a Name Placed On the Registry?

There are three points of entry for listing a name on the registry:

1. A person was found guilty or pleaded guilty to an offence involving the abuse of a child in a court either in or outside of Manitoba;
2. A family court has found a child to be "in need of protection": due to abuse; or
3. An agency's Child Abuse Committee (CAC) has reviewed the case and formed an opinion that a person has abused a child.

How are Names Reported to the Registry?

There are three ways that names and particulars are entered onto the Child Abuse Registry:

1. Where a person was found guilty or pleaded guilty to an offence involving the abuse of a child in a court in or outside of Manitoba, **an agency, a peace officer or the court** must report the name of that person, the circumstances of the abuse and any sentence imposed to the Director of Child and Family Services (the director) for entry on the registry.

2. Where there has been a finding in family court that someone has caused a child to be in need of protection because of abuse, **an agency** provides the information to the director for entry on the registry.
3. Finally, when an agency's CAC has reviewed the case, has received information from the alleged abuser and concludes that the person has abused a child and that the name should be entered on the registry, **the CAC reports its conclusion to the agency**, and the agency provides the information to the director for entry on the registry.

Is There a Way to Object to the Entry of a Name on the Registry?

The director enters the names and particulars on the registry at the conclusion of court [described in (1) and (2) above].

As described in (3) above, when an agency's CAC forms an opinion that the person abused a child and also forms an opinion that the name should be entered on the registry, the person is notified of the intent to register his/her name and can object to the entry of the name on the registry to the Court of Queen's Bench. The Court of Queen's Bench then determines whether the person has abused the child and the name should be entered on the registry.

Notification Process

The agency must notify the following people that it intends to enter the person's name on the registry:

- the person the committee believes abused the child (where the person is over 12 years old);
- the guardian or parent of the person who abused the child (where the person who abused the child is under 18 years old);
- the guardian or parent of the abused child
- the abused child (where the child is 12 years of age or older); and
- the director

Objection Process

The person who has been advised by the agency of the intent to register his or her name may object to the entry within 60 days of receiving the notice by:

1. filing with the Court of Queen's Bench of Manitoba (Family Division) a notice of application for a hearing together with a true copy of the notice received from the agency; **and**
2. serving a true copy of the notice of application on the agency.

If no notice of application is filed in the court within 60 days, the agency reports the name of the person and the circumstances of the abuse to the director for entry on the registry.

What Happens at the Court of Queen's Bench Hearing?

When a person objects to the entry of his/her name on the registry and files the notice within 60 days, a court hearing will be held to determine whether the person abused the child. The decision of the court is final.

At a hearing, the agency has the burden of proof, based on the balance of probabilities, to demonstrate that the person abused the child. All parties may be represented by legal counsel and each shall be given full opportunity to present evidence and to examine and cross-examine witnesses. **The only exception to this rule is that the child victim cannot be forced to testify.** The court can receive the child's evidence through hearsay, by way of a recording, a written statement, or in any other form or manner the court considers acceptable.