

Information Sheet to assist persons who are required to provide a police record check under the *Child, Youth and Family Services Act, 2017* or under the *Intercountry Adoption Act, 1998*

This information sheet is intended to support applicants, employees, volunteers, students, board members, licensees and external contractors of service providers, prospective caregivers, caregivers, and prospective adoptive parents and others who are required to provide a police record check under O. Reg. 155/18 made under the *Child, Youth and Family Services Act, 2017*, or under O. Reg. 200/99 made under the *Intercountry Adoption Act, 1998*.

The *Police Record Checks Reform Act, 2015* sets out standards that govern how police record checks are conducted in Ontario and the information that can be included in a police record check. Certain police record checks are exempted from the act or parts of the act through regulation (O. Reg. 347/18 (Exemptions)). Checks for specific persons listed under O. Reg. 155/18 and O. Reg. 200/99 are subject to exemptions.

Please review the *Police Record Checks Reform Act, 2015*, and O. Reg. 347/18 (Exemptions) for further information pertaining to police record checks.

The following information is not intended as legal advice. You may access Ontario's Acts and regulations by visiting e-Laws at: <https://www.ontario.ca/laws>. To access Canada's Act's and regulations, visit Justice Laws Website at: <https://laws-lois.justice.gc.ca>.

The following information is a summary of the types of police record checks required for specific persons listed under O. Reg. 155/18 and O. Reg. 200/99 and what police record information may be included within each type of check.¹

Persons required to provide a vulnerable sector check

Child, Youth, and Family Services Act, 2017

Persons required to provide a vulnerable sector check under O. Reg. 155/18 made under the *Child, Youth, and Family Services Act, 2017* (CYFSA) are listed at section 120 of that regulation and include:

Adoption practitioners²

An adoption practitioner, a person applying to be approved by a Director as an adoption practitioner and persons undergoing training to become an adoption practitioner.

Counsellors

A counsellor to whom a society or licensee refers a parent³ for counselling with respect to consent to an order for the adoption of a child.

Facilitators of alternative dispute resolution⁴

A facilitator of alternative dispute resolution or a person seeking to be a facilitator of alternative dispute resolution, either on the provincial roster managed by the Ontario Association for Family Mediation or the George Hull Centre for Children and Families, or a person other than those on the listed rosters who is a facilitator of alternative dispute resolution or seeks to be a facilitator of alternative dispute resolution.

Child and Parent Resource Institute positions

A student, volunteer or employee of the Child and Parent Resource Institute who is not required to provide a broad record check or a person seeking any of these positions.

¹ The Royal Canadian Mounted Police may require verification of identity through fingerprint comparison before the information can be released.

² As defined at subsection 117(1) of O. Reg. 155/18.

³ As defined at subsection 180 (1) of the *Child, Youth and Family Services Act, 2017*.

⁴ For the purposes of section 17 of the *Child, Youth and Family Services Act, 2017*.

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Persons acting in roles under the CYFSA

A person appointed as program supervisor⁵ under subsection 53(2) of the CYFSA or a person seeking an appointment to be a program supervisor.

A person appointed as an inspector under section 273 of the CYFSA who as a result of their appointment may interact, without supervision, with a child or young person receiving a service from a service provider or a person seeking an appointment to be a residential licensing inspector.

Persons with a professional affiliation with a service provider

Unless required to provide a broad record check, a person who has a professional affiliation⁶ or is seeking a professional affiliation with a service provider and because of such professional affiliation may interact, without supervision, with a child or young person receiving a service from the service provider.

Intercountry Adoption Act, 1998

Persons required to provide a vulnerable sector check under O. Reg. 200/99, made under the *Intercountry Adoption Act, 1998* (IAA), are listed at section 17 of that regulation and include:

Licensees: Officers and directors of a corporation with a licence to facilitate intercountry adoptions

Unless required to provide a broad record check⁷, the officers and directors of a corporation that holds a licence under section 8 of the IAA or that is applying for a licence to facilitate intercountry adoptions.

Adoption practitioners⁸

An adoption practitioner or a person applying to be an adoption practitioner or a person who is undergoing training to become an adoption practitioner.

Persons with a professional affiliation with a licensee

Unless required to provide a broad record check⁷, a person who has a professional affiliation or is applying for a professional affiliation with a licensee and because of the professional affiliation may interact, without supervision, with a child receiving a service provided by the licensee.

Licensees: Individuals with a licence to facilitate intercountry adoptions

A person who holds a licence under section 8 of the IAA or is applying for a licence to facilitate intercountry adoptions.

Contents of a vulnerable sector check

The following information may be included within a vulnerable sector check as authorized under the *Police Record Checks Reform Act, 2015*, SO 2015, Chapter 30. Please refer to the *Police Record Checks Reform Act, 2015* for full details on the records of information and permissible periods of access.

- Every criminal offence of which the individual has been convicted for which a pardon has not been issued or granted.
- Every finding of guilt under the *Youth Criminal Justice Act*, where the records are within the applicable access periods found at subsection 119(2) of the YCJA.⁹

⁵ Under subsection 53 (2) of the *Child, Youth, and Family Services Act, 2017*.

⁶ A person has a professional affiliation with a service provider if the person meets one of the requirements in subsection 117(2) of O. Reg. 155/18 under the *Child, Youth and Family Services Act, 2017*.

⁷ Under section 18 of O. Reg. 200/99 of the *Intercountry Adoption Act, 1998*.

⁸ As defined at subsection 14(1) of O. Reg. 200/99 made under the *Intercountry Adoption Act, 1998*.

⁹ Pursuant to Order in Council 1050/2024, a record of a finding of guilt that is within the applicable access period under the *Youth Criminal Justice Act*, S.C. 2002, c.1, that is kept under section 115 of the Act, may be made available to an entity to whom a person is required,

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- Every criminal offence of which the individual has been found guilty and received an absolute discharge.
- Every criminal offence of which the individual has been found guilty and received a conditional discharge on conditions set out in a probation order.
- Every criminal offence for which there is an outstanding charge or warrant to arrest in respect of the individual.
- Every court order made against the individual, except the following
 - Court orders made under *Mental Health Act* or under Part XX.1 of the *Criminal Code* (Canada); court orders made in relation to a charge that has been withdrawn; or restraining orders made against the individual under the *Family Law Act*, the *Children's Law Reform Act* or the *Child, Youth and Family Services Act, 2017*
- Every criminal offence with which the individual has been charged that resulted in a finding of not criminally responsible on account of mental disorder.¹⁰
- Any conviction for which a pardon has been granted may only be disclosed if authorized under the *Criminal Records Act* (Canada).
- Non-conviction information authorized for exceptional disclosure in accordance with section 10 of the *Police Records Check Reform Act, 2015*, SO 2015, Chapter 30.

Persons required to provide a broad record check

Child, Youth, and Family Services Act, 2017

Persons required to provide a broad record check under O. Reg. 155/18 made under the *Child, Youth, and Family Services Act, 2017* are listed at section 121 of that regulation and include:

Adoption licensing

A person who holds or is applying for a licence under Part VIII of the CYFSA to place children for adoption.

The officers and directors of a corporation that holds or is applying for a licence under Part VIII of the CYFSA to place children for adoption.

Residential licensing

A person who holds or is applying for a licence under Part IX of the CYFSA to operate a children's residence or to provide residential care, directly or indirectly, in places that are not children's residences.

The officers and directors of a corporation that holds or is applying for a licence under Part IX of the CYFSA to operate a children's residence or to provide residential care, directly or indirectly, in places that are not children's residences.

A person who holds or seeks a position, including a position as an employee, volunteer or student, in the course of which the person provides care directly to a child or young person receiving residential care from a licensee under Part IX of the CYFSA.

Adoptive parents

A prospective adoptive parent within the meaning of subsection 117(3) of O. Reg. 155/18 under the CYFSA, seeking to adopt a child through a licensee or through a society and persons who reside with them.

under O. Reg. 155/18 under the *Child, Youth and Family Services Act, 2017*, S.O. 2017, c. 14, Sched. 1 or O. Reg. 200/99 under the *Intercountry Adoption Act, 1998*, S.O. 1998, c. 29, to provide a police record check, within the meaning of O. Reg. 155/18 or O. Reg. 200/99, as the case may be.

¹⁰ Does not include records of findings of not criminally responsible or records related to an individual that received an absolute discharge more than five years after the date of the finding or discharge.

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Foster parents

A foster parent within the meaning of subsection 117(6) of O. Reg. 155/18 under the CYFSA, persons who seek to be a foster parent, and persons who reside with them.

Adoptive applicants

Adoptive applicants within the meaning of subsection 117(4) of O. Reg. 155/18 under the CYFSA, and persons who reside with them.

A relative adoptive applicant within the meaning of subsection 117(5) of O. Reg. 155/18 under the CYFSA who is not a parent of the child as defined under section 4 of the *Children's Law Reform Act*.

A person, other than the parent of the child as defined in section 4 of the *Children's Law Reform Act*, who resides with a relative adoptive applicant within the meaning of subsection 117(5) of O. Reg. 155/18 under the CYFSA who is not a parent of child defined under section 5 of the *Children's Law Reform Act*.

Primary caregivers

A person who is or seeks to be the primary caregiver for a child in a place of safety within the meaning of subsection 74 (4) of the *Child, Youth and Family Services Act, 2017* and persons who reside with them.

A person who is advised, by a society, that they require a broad record check because they are the primary caregiver of a child who is placed with them or who will be placed with them where section 40, 41 or 42(a) of Ontario Regulation 156/18 made under the CYFSA applies to the placement and persons who reside with that primary caregiver.

A person responsible for the custody, care and control of a child

A person to whom a licensee under Part VIII of the CYFSA has delegated, or seeks to delegate, responsibility for the custody, care and control of a child.

A person who holds a position or is applying for a position, including an employee, volunteer or student where they may become responsible for the custody, care and control of a child under Part VIII of the CYFSA.

Child and Parent Resource Institute positions

A person who holds or is applying for a position of an employee, volunteer or student of the Child and Parent Resource Institute, if the person will have direct, in-person contact with children as part of their duties.

A person who has a contract or is seeking a contract to provide goods or services at the Child and Parent Resource Institute, or who provides such goods or services, if the person will have direct, in-person contact with children as part of their role.

Professional affiliation with a service provider

A person who has or is seeking a professional affiliation¹¹ with a service provider in a place of open custody, a place of temporary detention or a place of secure custody.

A person with or seeking a professional affiliation¹¹ with a service provider in a youth justice probation office that is funded or operated by the Ministry.

Youth Justice: Designated positions

A person designated or who is seeking a designation¹² under subsection 154(1) of the CYFSA to conduct inspections or investigations as the Minister may require in connection with the administration of Part VI of the CYFSA.

¹¹ A person has a professional affiliation with a service provider if the person meets one of the requirements in subsection 117(2) of O. Reg. 155/18 under the *Child, Youth and Family Services Act, 2017*

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A person who holds or is applying for a position managing, supervising or providing support or assistance to a person designated under subsection 154(1) of the CYFSA in connection to the administration of Part VI of the CYFSA.

Intercountry Adoption Act, 1998

Persons required to provide a broad record check under O. Reg. 200/99 of the *Intercountry Adoption Act* are listed at section 18 of that regulation and include:

A prospective adoptive parent habitually resident in Ontario who seeks to adopt a child who is habitually resident in another country and persons who reside with them.

A licensee, an officer or director of a corporation that holds a licence under section 8 of the IAA to facilitate intercountry adoptions or a person delegated by a licensee who may have unsupervised interaction with a child.

Contents of a broad record check

The following information may be included within a broad record check. Please refer to section 119 of O. Reg. 155/18 of the *Child, Youth and Family Services Act, 2017* or section 16 of O. Reg. 200/99 of the *Intercountry Adoption Act, 1998* for full details.

The release of some of the below information may be subject to police discretion and subject to rules pertaining to its release under applicable law, including O. Reg. 347/18 under the PRCRA and the *Criminal Records Act* (Canada). Nothing in O. Reg. 155/18 made under the *Child, Youth and Family Services Act, 2017*, or under O. Reg. 200/99 made under the *Intercountry Adoption Act, 1998* permits or requires the disclosure of information if the disclosure is prohibited under the *Criminal Code* (Canada), the *Criminal Records Act* (Canada), the *Youth Criminal Justice Act* (Canada) or any other law of Canada.

- Information about every criminal conviction for which a person has been convicted, except in respect of which a pardon has been issued or granted under the *Criminal Records Act* (Canada), unless disclosure is authorized under the *Criminal Records Act* (Canada).
- Every criminal offence of which the person has been found guilty and has been discharged, except an offence in respect of which the *Criminal Records Act* (Canada) requires that the record be purged. Information about every finding of guilt under the *Youth Criminal Justice Act* (YCJA) in respect of the person during the applicable period of access under the YCJA.¹³
- Information about every outstanding order of a judge or justice of the peace made against the person in respect of a criminal matter, including a probation order, prohibition order or warrant.
- Information about every outstanding restraining order made against the person under section 35 of the *Children's Law Reform Act*, section 46 of the *Family Law Act* or section 137 of the *Child, Youth and Family Services Act, 2017*, or any predecessors of those sections.
- Information about every outstanding criminal charge against the person.
- Information about every criminal charge against the person that:
 - Resulted in a finding of not criminally responsible on account of mental disorder,
 - Resulted in a stay of proceedings,
 - Was dismissed by the court, or
 - Was withdrawn by the Crown

¹³ Pursuant to Order in Council 1050/2024, a record of a finding of guilt that is within the applicable access period under the *Youth Criminal Justice Act*, S.C. 2002, c.1, that kept under section 115 of the Act, may be made available to an entity to whom a person is required, under O. Reg. 155/18 under the *Child, Youth and Family Services Act, 2017*, S.O. 2017, c. 14, Sched. 1 or O. Reg. 200/99 under the *Intercountry Adoption Act, 1998*, S.O. 1998, c. 29, to provide a police record check, within the meaning of O. Reg. 155/18 or O. Reg. 200/99, as the case may be.

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- Information about every contact between the person and a police service where there is a written record, unless,
 - disclosing the information could reasonably interfere with a law enforcement matter,
 - A police service has not made the person aware of the contact,
 - The person was a minor at the time of the contact, or
 - The information is not relevant to the person's suitability to perform caregiving duties for a child or to reside in a place where a child is residing and receiving care.
- Every contact between the person and a police service where actions taken against the person under the *Mental Health Act* determined that the person was suffering, or apparently suffering, from a mental disorder of a nature or quality that would likely result in serious bodily harm to them or to another person or in serious physical impairment of themselves.