Providing a Police Record Check and Offence Declaration to the Director Under Part IX of the *Child, Youth and Family Services Act, 2017*

Ministry Policies and Procedures

Effective Date: June 18, 2025

Updated: October 13, 2026

Youth Justice Division
Child Welfare Protection Division

Ontario

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Revision History

Date	Description of Change	Updated Sections
June 18, 2025	This standard operating procedure is in effect.	N/A
September 10, 2026	Updated to reflect amendments from July 1, 2025 and retention periods for police record check-related documentation.	Purpose and Scope; Receiving Police Record Checks and Requests; Secure Retention, Transfer, and Disposal of Records; Appendix B and C

Purpose and Scope

Regulatory amendments made under the *Child, Youth and Family Services Act, 2017* (CYFSA) that establish police record check (PRC) requirements came into effect on January 1, 2025. Further amendments came into effect on July 1, 2025, including but not limited to, adding the following subsection to section 117 of O. Reg. 155/18:

- (7) For greater certainty, a person required under sections 117 to 131 to provide a police record check, vulnerable sector check or broad record check is required to provide the result of that check

This document is for persons who could be required to provide the results of a broad record check to a Director under Part IX of the CYFSA (Director). It provides the ministry's policies and procedures for:

- obtaining a police record check
- submitting an offence declaration
- keeping police record checks, notices of charges or convictions, statements of relevance, and offence declarations confidential and secure, including policies and processes regarding the retention, transfer and disposal of records and declarations.
- providing a written statement of relevance
- how information included in a police record check, notice of charge or conviction, statement of relevance, and offence declaration may be considered and used by the Director
- measures to be followed to protect children and young persons who interact with a person required to provide a police record check under O. Reg 155/18 until the record check is received and reviewed.

Background Information

Under section 121 of O. Reg. 155/18, the following persons are required to provide the results of a broad record check to the Director for the purposes of out of home care[1] licensing:

- A **person who holds a licence under Part IX** of the Act to operate a children's residence or to provide out of home care, directly or indirectly, in places that are not children's residences.
- A **person applying for a licence under Part IX** of the Act to operate a children's residence or to provide out of home care, directly or indirectly, in places that are not children's residences.
- The **officers and directors of a corporation applying for a licence under Part IX** of the Act to operate a children's residence or to provide out of home care, directly or indirectly, in places that are not children's residences.
- The **officers and directors of a corporation that holds a licence under Part IX** of the Act to operate a children's residence or to provide out of home care, directly or indirectly, in places that are not children's residences.

Section 126 of O. Reg. 155/18 provides that the person providing the check may include a written statement about whether, in their opinion, the contents of the record are relevant to the position or role that they hold or seek to hold.

O. Reg. 155/18 also requires the person to provide an offence declaration at specific times outlined in section 128 and, when applicable, a notice of charge or conviction, as per section 129.

[1] Although the term 'residential' is a legal term under the CYFSA and its regulations, the ministry uses the term 'out of home' care instead of 'residential' care to acknowledge the traumatic history of the residential school system in Canada.

Notice of Collection

The ministry has the authority to collect the personal information in police record checks, offence declarations, notices of charges or convictions, and statements of relevance under subsection 283 (1) of CYFSA, sections 120, 121, 126, 128, and 129 of O. Reg. 155/18, and subsection 38 (2) of the Freedom of Information and Protection of Privacy Act (FIPPA) for the purposes of determining compliance with CYFSA and regulations thereunder.

Access to the information collected is limited to persons authorized under the law, including for the purposes of reviewing to assess for compliance with applicable laws. The ministry is also bound by privacy protection rules under FIPPA and takes all necessary steps to safeguard the personal information the ministry collects.

Privacy controls have been established to strictly limit access to police record check documents to those staff, including the delegated Directors, who require access for their responsibilities under the CYFSA and related regulations. These documents will be retained and disposed of in accordance with applicable ministry policies and legislation, including the CYFSA and FIPPA.

For more information, please contact:

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Policies and Procedures

Process for obtaining a police record check

As a person required to submit the results of a broad record check (BRC), you are required to request the check from a police record check provider, as defined under the *Police Record Checks Reform Act, 2015*, such as your local police service. You must retain proof of your request for a BRC and may be requested to submit it to the Director for verification.

When you receive the results of the BRC, you must submit it to the Director following the instructions below.

Submitting police record check documents via SOR-RL for existing licensees

The ministry has updated the functionality of the Serious Occurrence Reporting-Residential Licensing (SOR-RL) system to securely receive police record check documentation. Training and reference material is available on the SOR-RL licensing portal and additional resources are linked in Appendix B, including a PRC user guide, tipsheet, and orientation video.

If you are an applicant for a new licence, you must follow the process below to submit your documents through Sensitive Content Management.

Sending police record check documentation via Sensitive Content Management

Sensitive Content Management (SCM) is a service used by the ministry to send and receive high sensitivity content. SCM will be used in the following ways:

1. As an ongoing measure for applicants for a new licence; and,
2. For those who cannot submit PRC documents through SOR-RL.

Messages and attachments in SCM must be retrieved by the recipient within **five days**. After five days, the service will automatically delete the content.

If required, the Director will email you an invitation to register for SCM. Then, follow the instructions in the Sensitive Content Management User Guide found in Appendix C to register for SCM.

Once registered, you can log into SCM with your email and password to securely send your PRC document(s) to the Director. The Director will confirm receipt of your document(s).

PRC documents submitted by new applicants through SCM must be uploaded into SOR-RL.

Timing and frequency

Persons who held a licence as of January 1, 2025, must have requested a broad record check within 60 days of January 1, 2025 (i.e., no later than March 1, 2025), and provided the results of the check to the Director as soon as possible after receiving it.

Licensees under Part IX of the CYFSA, including officers and directors where the licensee is a corporation, are required to provide the results of a BRC to the Director at least every three years after providing the results of the last PRC.

Persons applying for a licence, including officers and directors where the applicant is a corporation, must submit the results of a BRC to the Director at the time of their application.

Where the licensee is a corporation, officers and directors of the corporation shall, within 15 days of being appointed as an officer or joining the board of the corporation,

a) provide the Director with the results of the BRC; or
b) confirm to the Director that they have requested the BRC and provide the results to the Director as soon as possible after receiving it.

If you do not receive the check within six months of the day after which you requested it, you must submit an offence declaration within 15 days after that six-month period. Additional rules and policies about offence declarations are set out below.

Implementation of police record check requirements

The ministry recognizes that some police services may be at different states of readiness to accept, process and distribute BRCs. If a local police record check provider is not currently accepting or processing BRC applications, the individual making the request should document their request for a BRC, and any responses to their application. This documentation shall be provided to the Director, upon request, to confirm compliance with the above-noted requirements.

If the BRC was requested and not received within six months of the request date, an offence declaration must be provided within 15 days after the six-month period.

In circumstances where an applicant for a **new** licence has requested a BRC and a BRC is unavailable from the person's local police service, the Director will request additional information from the applicant, including a vulnerable sector check, prior

to making a decision to issue the licence. This includes the information identified below in the Safety of children and young persons section.

If a person who is required to provide a BRC has fulfilled their obligation to request the BRC, and a police record check provider indicates that they will not issue the BRC based on the identified roles and responsibilities of the person within the person's organization, the person should provide the police record check that the police service will provide, based on the individual's roles and responsibilities. In this instance, the submission to the ministry must include:

- Documentation of the request for a BRC and the response to this request from the police service;
- The results of the police record check that was provided by the police service; and
- An offence declaration that addresses the period since the date the applicant requested the BRC.

Validity

The police record check is considered valid only if:

- it is an original copy prepared by a police record check provider, within the meaning of the *Police Record Checks Reform Act, 2015*, based on information available to the police record check provider at the time the check is prepared; and
- it was issued by a police record check provider within the last six months.

Process for submitting an offence declaration

You are required to submit an offence declaration to the Director when providing the results of your BRC, which must address the period since the day on which you requested the BRC. See Appendix A for the definition of an offence declaration and the information that it must include.

You are also required to provide an offence declaration in the following circumstances:

- If you requested a BRC and do not receive it within six months of the day you requested it. The offence declaration must be provided within 15 days after that six-month period.
- Every year that you are not required to provide the results of a broad record check. The offence declaration must:
    - be provided no later than 15 days after the anniversary of the day you last provided an offence declaration or PRC.
    - address the period since the previous offence declaration or PRC was provided.

Follow the instructions above to submit an offence declaration via SOR-RL or SCM. An Offence Declaration Form is available on the Central Forms Repository.

Written statement of relevance

When providing a police record check, you have the right to provide a written statement about whether, in your opinion, the contents of the record are relevant to the position or role that you hold or seek to hold.

Follow the instructions above to submit a written statement of relevance via SOR-RL or SCM.

Notice of charge or conviction

If you have been charged or convicted of an offence under the *Criminal Code* (Canada), you must provide a written and signed notice informing the Director as soon as possible after the charge or conviction.

Follow the instructions above to submit a notice of charge or conviction via SOR-RL or SCM. A Notice of Charge or Conviction Form is available on the Central Forms Repository.

Secure retention, transfer, and disposal of records

Your privacy is important to the ministry. As noted above, personal information is collected under the laws governing the ministry's programs and services and only if it is expressly authorized by law to do so. Personal information is only used for the purposes it has been collected.

Police record checks, offence declarations, written statements of relevance, and notices of charges or convictions will not be shared with anyone unless required under law. These documents will be retained and disposed of in accordance with applicable ministry policies and legislation, including the CYFSA and *Freedom of Information and Protection of Privacy Act.*

The total retention period for police record checks, offence declarations, written statements of relevance, and notices of charges or convictions is the remainder of their calendar year plus three years after one of the following closure criteria have been met:

1. the Director's receipt of a new police record check,
2. an individual's cessation of services with the licensee, or
3. the licensee ceases to operate.

Once the total retention period has passed, the ministry will confirm a moratorium does not apply to these documents. They will then be securely destroyed and a record of their destruction will be retained.

The processes described in this document help to protect the security, integrity, and confidentiality of the information you provide to the ministry. Privacy controls have been established to strictly limit access to police record check documents to the Director.

SOR-RL has built-in security features to keep your information secure and safeguarded. This includes encrypted transmission and storage, multiple firewalls to prevent unauthorized access, processes for secure access to the system, and user restrictions for access to documents.

The SCM service is certified for high sensitivity and has undergone a Threat Risk Assessment by Ontario's Cyber Security Division. The content within SCM is designed to be transactional and is automatically purged five days after sending. Documents submitted via SCM will be saved in a secure folder that is only accessible to the Director.

How a police record check, offence declaration, notice of charge or conviction, and written statement of relevance may be considered and used

Applicants for a licence

For **new applicants for a licence**, the Director will review police record checks, notices of charges or convictions, offence declarations, and written statements of relevance to determine if the person who provided the applicable document should be issued a licence to provide out of home care under the CYFSA. The Director will review the information and consider whether, based on that information:

a) The applicant, or where the applicant is a corporation, an officer or director of the corporation, is not competent to operate a children's residence or to provide out of home care in a responsible manner, in accordance with the Act, the regulations or any other applicable law or with honesty and integrity.

b) There are reasonable grounds to believe that the operation of the children's residence or the provision of out of home care will not be carried on in a responsible manner, in accordance with the Act, the regulations, any other applicable law or with honesty and integrity.

Licensees

For **licensees or licensees seeking to renew their licence**, or, where there has been a change in the officers or directors of a licensee, the Director will review police record checks, notices of charges or convictions, offence declarations, and written statements of relevance to determine if the person who provided the applicable document should continue to hold a licence or have their licence renewed pursuant to the CYFSA. The Director will review the information and consider whether, based on that information:

a) The licensee or where the licensee is a corporation, an officer or director of the corporation, has contravened any applicable law.
b) There are reasonable grounds to believe that the person is not competent to operate a children's residence or to provide out of home care in a responsible manner in accordance with the Act, the regulations or any other applicable law.
c) There are reasonable grounds to believe that the children's residence or other place where out of home care is provided is not being or will not be operated in accordance with the Act, the regulations or any other applicable law or with honesty or integrity.
d) The operation of the children's residence or provision of out of home care is carried on in a manner that is prejudicial to the children's or young persons' health, safety, or welfare.

In making the assessments set out above, the Director may consider:

- the nature and circumstances of the check, notice of charge or conviction, or offence declaration, considering a written statement of relevance, if provided.
- the role and responsibilities of the person and how the check, notice of charge or conviction, or offence declaration may impact their duties and responsibilities.
- the nature of the person's interaction with children or young persons.

Section 245 of the CYFSA provides that no person shall operate a children's residence or provide out of home care under the authority of a licence if they have been convicted of a prescribed offence.

Pursuant to section 79 of O. Reg 156/18, offences under the following provisions of the Criminal Code (Canada) are prescribed as offences for the purposes of section 245 of the Act:

1. Section 151 (sexual interference).
2. Section 153 (sexual exploitation).
3. Section 163.1 (making child pornography).
4. Section 215 (duty of persons to provide necessaries).
5. Sections 229, 230, 231 or 235 (murder).
6. Section 233 (infanticide).
7. Section 239 (attempt to commit murder).
8. Section 273 (aggravated sexual assault).
9. Section 279.011 (trafficking of a person under the age of eighteen years).
10. Subsection 279.02 (2) (material benefit - trafficking).

Safety of children and young persons

Until a police record check is received from a person who is required to provide the results of a BRC and who interacts with children or young persons,

- the licensee or applicant for a new licence must maintain policies and procedures that set out the precautionary measures taken to protect the children or young persons they interact with until the BRC is received and provide these policies and procedures to the Director upon request.
    - additional licensing activities or oversight measures may be conducted, including unannounced inspections, to support the health, safety, and welfare of children or young persons who may interact with the person.
- the person may be asked to provide certain information to the Director, including information on the nature of their contact with children or young persons receiving out of home care pursuant to the licence.
- the Director may request a vulnerable sector check as an interim measure if a BRC is not received due to processing delays or is unavailable from the person's local police service.

Appendix A: Definitions

A **broad record check** is defined at subsection 119(1) of O. Reg. 155/18 and includes:

1. every criminal offence of which the person has been convicted, except in respect of which a pardon has been issued or granted under the *Criminal Records Act* (Canada)
2. despite clause (a) any conviction for which a pardon has been granted where disclosure is authorized under the *Criminal Records Act* (Canada)
3. 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
4. every finding of guilt under the *Youth Criminal Justice Act* (Canada) in respect of the person during the applicable period of access under that Act
5. 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
6. 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
7. every outstanding criminal charge against the person
8. every criminal charge against the person that:
    i. resulted in a finding of not criminally responsible on account of mental disorder
    ii. resulted in a stay of proceedings
    iii. was dismissed by the court, or
    iv. was withdrawn by the crown
9. every contact between the person and a police service for which the police service has a written record, unless,

   i. disclosing the information could reasonably be expected to interfere with a law enforcement matter
   ii. A police service has not made the person aware of the contact
   iii. the person was a minor at the time of the contact, or
   iv. 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; and
10. every contact between the person and a police force or service in relation to actions taken against the person under the *Mental Health Act* because of a determination under the Act that the person was suffering, or apparently suffering, from a mental disorder of a nature or quality that would like result in a serious bodily harm to the person or to another person or in series physical impairment of the person.

An **offence declaration** means a declaration that meets the requirements set out in subsection 128 (1):

> A person making an offence declaration shall ensure that the offence declaration meets the following requirements:
>
> 1. The offence declaration shall be in writing and shall be signed by the person making the declaration.
> 2. The offence declaration shall indicate the period of time to which it pertains.
> 3. The offence declaration shall list with respect to the period of time specified,
>   i. all of the person's convictions for offences under the Criminal Code (Canada), and
>   ii. every criminal offence for which there is an outstanding charge or warrant to arrest in respect of the person. O. Reg. 308/24, s. 1 (1).

A **police record check provider**, within the meaning of the *Police Record Checks Reform Act, 2015*, is

a) a chief of police,
b) a member of a police service designated by a chief of police for the purposes of this Act,
c) an entity permitted by the Royal Canadian Mounted Police to access the Canadian Police Information Centre databases,
d) an authorized body, or
e) a third party entity

A **Director** is appointed under subsection 53 (1) of the CYFSA:

> 53 (1) The Minister may appoint any person as a Director to perform any or all of the duties and functions and exercise any or all of the powers of a Director under this Act and the regulations.

For the purposes of receiving police record checks, licensing managers are appointed as Directors, including for licensees who operate a place of temporary detention, of secure custody or of open custody.

Appendix B: Additional Resources

O. Reg. 155/18: General matters under the authority of the lieutenant governor in council – Police Record Checks

SOR-RL Resources:

- SOR-RL Licensing Portal
- SOR-RL Licensing How-to User Guides
- SOR-RL Police Record Check User Guide for Existing Licensees
- Tip Sheet and FAQs related to submitting PRC documents in SOR-RL
- Police Record Check User Orientation

Central Forms Repository

Appendix C: Sensitive Content Management (SCM) User Guide

Accepting an invitation as an external contact

Once an OPS user sends an invitation, the external contact will receive two initial emails in their inbox.

- The first email will be an invitation to register to SCM with the subject line: *Welcome to DeliverySlip - Mission Control for All of Your E-Mail*.
- The second email will be a link to retrieve the message that was sent by the sender.

Tip: To avoid SCM emails going to your junk e-mail folder, add notification@s.secure-messaging.com to your allowed senders list in your email account.

1. Open the first email.
2. Click the Register my account button to start the registration process.
3. Select the checkbox for 'I have read and agreed to the Terms of Service'.
4. Select an authentication option.

If you are using a Google account, you can choose 'Sign in with Google' or you can 'Register with your Email Address' to create a new password.

Register with your email address

If you chose the 'Register With My Email Address' option, complete registration by:

1. Entering your first name
2. Entering your last name
3. Creating a strong password
4. Confirming your password
5. Clicking on the 'Register' button

The system will send you a registration confirmation message. Click the 'Close' button.

Check your personal email for a message with the subject 'SCM Ontario Secure Messaging Registration Code'. Open the message and click the URL.

On the next screen, your registration code should already be pasted into the field. Click the 'Complete registration' button.

You will see an Activation successful message. Click the 'Ok' button.

You will now be at the SCM welcome screen. From here you can read any correspondence from your OPS contact and/or author new secure emails with attachment(s) to your OPS contact.