1980

c 508 Training Schools Act

Ontario
CHAPTER 508
Training Schools Act

1. In this Act,

(a) "Area Administrator" means one or more employees of the Ministry appointed by the Minister as an Area Administrator for the purposes of this Act;

(b) "foster home" means a foster home designated under section 18;

(c) "home" means a parental home, foster home or a home where residential services and other services are provided under an agreement with the Minister;

(d) "inspector" means an officer of the Ministry designated as such by the Minister;

(e) "judge" means a provincial judge;

(f) "Minister" means the Minister of Community and Social Services;

(g) "Ministry" means the Ministry of Community and Social Services;

(h) "Ontario training school" means a training school established under section 3;

(i) "parent" means a person who is under a legal duty to provide for a child, and includes a guardian or a person who has demonstrated a settled intention to treat the child as a child of the person's family but does not include a person who exercises the rights and duties of a legal guardian under section 16;

(j) "place of safety" means a receiving home, foster home, hospital and such other place or class of places designated as places of safety under the Child Welfare Act and includes an observation and detention home established under the Provincial Courts Act but does not include a training school or any place in which adults are or may be imprisoned;
(k) "private training school" means a training school established under section 4;

(l) "regulations" means the regulations made under this Act;

(m) "society" means a religious society, organization or order or a charitable or philanthropic organization;

(n) "superintendent" means the superintendent or other person in charge of a training school;

(o) "training school" means an Ontario training school or a private training school. R.S.O. 1970, c. 467, s. 1; 1972, c. 1, s. 1; 1977, c. 22, s. 1 (3); 1978, c. 66, s. 1.

2. The purpose of a training school is to provide the children therein with training and treatment and with moral, physical, academic and vocational education. R.S.O. 1970, c. 467, s. 2.

3.—(1) The Lieutenant Governor in Council may provide for the establishment of Ontario training schools. R.S.O. 1970, c. 467, s. 3 (1).

(2) All real property and chattels acquired by purchase, gift or otherwise and for the use of Ontario training schools are vested in the Crown, represented by the Minister of Government Services. R.S.O. 1970, c. 467, s. 3 (2); 1973, c. 2, s. 2.

(3) The cost of establishing and maintaining Ontario training schools shall be paid out of such moneys as are appropriated therefor by the Legislature, and all revenues from whatsoever source derived by or pertaining to Ontario training schools shall form part of the Consolidated Revenue Fund. R.S.O. 1970, c. 467, s. 3 (3).

4.—(1) The Lieutenant Governor in Council may authorize any society to establish and maintain a private training school, and, subject to the other provisions of this Act, a society so authorized is responsible for the maintenance in proper condition of the training school, its premises and equipment, and the Lieutenant Governor in Council may cancel any such authority for any reason that in his opinion warrants such cancellation.

(2) A society shall not erect, acquire, establish, change the site of, add to or structurally alter a private training
school until the site and plans thereof have been approved by the Minister, and a society shall not sell or dispose of the premises of a private training school, or any part thereof, until the sale or disposal has been approved by the Minister.

(3) Any religious corporation may set apart and grant or lease for a nominal consideration or otherwise for the purposes of a private training school any land that it has a general power to dispose of for religious, charitable or educational purposes without being deemed guilty of a breach of trust. R.S.O. 1970, c. 467, s. 4.

5. A training school shall bear such name or other designation as is approved by the Lieutenant Governor in Council. R.S.O. 1970, c. 467, s. 5.

6.—(1) There shall be a board to be known as The Training Schools Advisory Board composed of such number of members as is prescribed by the regulations and the members of the Board shall be appointed by the Lieutenant Governor in Council and shall hold office during pleasure, and the Lieutenant Governor in Council may designate one of the members to be chairman of the Advisory Board. 1978, c. 66, s. 2 (1).

(2) The Minister may appoint a secretary for the Advisory Board.

(3) The Advisory Board shall meet at the call of the Minister or the chairman.

(4) The Advisory Board shall act in an advisory capacity to the Minister and, when so requested by him, shall consult with him as to the administration of this Act and of training schools.

(5) The Advisory Board shall, by visiting and otherwise investigating training schools, ascertain the condition thereof and the welfare of the children therein, and shall report to the Minister and make such recommendations as it considers advisable. R.S.O. 1970, c. 467, s. 6 (2-5).

(6) The Lieutenant Governor in Council shall fix a per diem allowance to be payable to each member of the Advisory Board and each member is entitled to be reimbursed for the member's reasonable and necessary travelling and living expenses for attendance at meetings and in the transaction of the business of the Advisory Board. 1978, c. 66, s. 2 (2).
7.—(1) Every training school shall be inspected at least twice a year by an inspector, who shall be given free access to all parts of its premises and to all its books and records and who shall make such inquiries as are necessary to determine the training and welfare of the staff and wards therein, and, in the case of a private training school, the inspector also has authority to inspect the books and records of the society maintaining the training school in so far as they relate to the training school. R.S.O. 1970, c. 467, s. 7 (1).

(2) The Minister may request any inspector or other officer of the Ministry or employee of any other ministry to conduct an inspection of any training school for any special purpose, and, for the purposes of the inspection, such inspector, officer or employee has the same powers as an inspector under subsection (1). R.S.O. 1970, c. 467, s. 7 (2); 1972, c. 1, ss. 1, 2.

(3) The inspector and any other person who conducts an inspection under this section shall make such reports as the Minister requires. R.S.O. 1970, c. 467, s. 7 (3).

8. Where,

(a) a child has contravened any statute in force in Ontario which contravention would be punishable by imprisonment if committed by an adult; and

(b) the child is at least twelve years of age and under sixteen years of age,

a judge may order that the child be made a ward of the Crown and that the child be committed to the care of the Minister. 1978, c. 66, s. 3.

9. A child shall not be admitted to a training school except in accordance with this Act. R.S.O. 1970, c. 467, s. 10.

10. The judge, in an order made under section 8, shall state, where practicable, the name, age and religious faith of the child. 1978, c. 66, s. 4.

11.—(1) Where a judge makes an order under section 8, the judge shall cause a copy of the evidence taken before the judge to be sent to the Area Administrator referred to in subsection 16 (1). 1978, c. 66, s. 5.
(2) The clerk of the court shall send by registered mail a certified copy of the order to the parent of the child, to the Ministry and to any other person the judge considers necessary. R.S.O. 1970, c. 467, s. 12 (2); 1972, c. 1, s. 1.

12. A decision under section 8 may be appealed to the Divisional Court. R.S.O. 1970, c. 467, s. 13 (2).

13. An appeal under this Act on behalf of a child may be made at the instance of a next friend. R.S.O. 1970, c. 467, s. 14.

14. As far as practicable, a Roman Catholic child shall be sent to such training school maintained by a Roman Catholic society or to such Ontario training school designated by the Minister as non-denominational as is determined by the regulations, and a child of any other religious faith shall be sent to such Ontario training school or such private training school, other than one maintained by a Roman Catholic society, as is determined by the regulations. R.S.O. 1970, c. 467, s. 15.

15.—(1) The Minister may appoint one or more persons to act as an Area Administrator.

(2) An Area Administrator shall,

(a) supervise the management and operation of training schools and homes;

(b) direct the training, treatment, care and control of children who are made wards of the Crown under this Act;

(c) perform such other duties and functions as are prescribed by this Act or the regulations or by the Lieutenant Governor in Council.

(3) Any or all of the powers, duties and functions conferred, imposed upon or exercised by an Area Administrator by or under this Act may be delegated by the Area Administrator to any person or class of persons for the purpose of the effective administration of this Act and each delegation may be in respect of any or all training schools, homes or wards of the Crown under the authority of the Area Administrator and shall be subject to such limitations, restrictions, conditions and requirements as the Area Administrator considers necessary for the purpose. 1978, c. 66, s. 6.
16.—(1) Where a child is made a ward of the Crown and committed to the care of the Minister by order of a judge under section 8, the Crown has and shall assume all the rights and duties of a legal guardian of such child and the rights and duties of the Crown in respect of the child shall be exercised by the Area Administrator for the area where the judge who made the order presides unless the Minister, by order, designates another Area Administrator for the purpose.

(2) During the period that a child is a ward of the Crown under this Act, the rights and duties of the child's parents or other guardians in respect of the care, custody and control of the child are suspended.

(3) Where a child is made a ward of the Crown under this Act, the Minister or the Area Administrator who exercises the rights and duties of the Crown in respect of the child shall, by order, place the ward in a training school or home, and may, from time to time,

(a) transfer the ward from one training school to another or to a home;

(b) transfer the ward from one home to another or to a training school; or

(c) release the ward from a training school or a home upon such conditions as the Minister or the Area Administrator thinks fit,

and where an order is made under clause (a), (b) or (c), the order shall indicate the Area Administrator who shall exercise the rights and duties referred to in subsection (1).

(4) The wardship of the Crown expires upon the ward attaining the age of eighteen years, but the Minister may terminate the wardship before that date,

(a) upon or at any time after the release of the ward from a training school or a home; or

(b) during the time that the ward is placed in a home.

17. A clergyman of the religious faith to which a child appears to belong may visit the child at the school for the purpose of instructing him in religion on such days and at such times as may be fixed by the superintendent. R.S.O. 1970, c. 467, s. 18.
18. The Minister or any employee of the Ministry designated in writing by the Minister may designate any residential premises as a foster home for the purposes of this Act. 1978, c. 66, s. 8.

19.—(1) A police officer, Area Administrator or person authorized by the Area Administrator who has reasonable and probable grounds to believe that a ward,

(a) has left a training school without permission of the Area Administrator;

(b) has left a home without permission of the Area Administrator or a person responsible for supervision in the home; or

(c) has failed or refuses to return to a training school or home upon completion of authorized leave,

may, with or without a warrant, apprehend the ward and take the ward to a place of safety to be detained therein.

(2) A ward who is detained in a place of safety under subsection (1) shall be,

(a) returned to the training school or home from which the ward was absent; or

(b) transferred to a training school or home pursuant to an order made under subsection 16 (3).

as soon as possible, but no later than forty-eight hours after being detained therein.

(3) A warrant referred to in subsection (1) may be issued by a warrant justice of the peace where the justice is satisfied on information laid before the justice on oath that the applicant has authority under subsection (1) to apprehend a ward.

(4) Where a person authorized by a warrant issued under subsection (3) has reasonable and probable grounds to believe that the ward who is the subject of the warrant is on any premises, the person may enter the premises, if need be by force, and search for and remove the ward from the premises. 1978, c. 66, s. 9.

20. Every person, Penalties

(a) who aids or abets any ward to leave a training school or a home without permission of the Area
Administrator or a person responsible for supervision in the home;

(b) who knowingly harbours or conceals a ward who has left a training school or a home without permission of the Area Administrator or a person responsible for supervision in the home or who has failed or refuses to return to a training school or home upon completion of authorized leave; or

(c) who knowingly makes, or procures to be made, any false statement in any return required under this Act,

is guilty of an offence and on conviction is liable to a fine of not more than $1,000 or to imprisonment for a term of not more than one year, or to both. 1978, c. 66, s. 11.

Agreements 21. The Minister may enter into agreements with any person upon such terms and conditions as may be agreed for the provision of residential and other services to or on behalf of Crown wards. 1978, c. 66, s. 12.

Regulations 22. The Lieutenant Governor in Council may make regulations,

(a) regarding the management, discipline, government and control of training schools and the maintenance of the buildings, premises and equipment thereof;

(b) governing the conduct, discipline, rights and privileges of Crown wards under this Act;

(c) designating training schools or classes of training schools for the purposes of this Act and the regulations;

(d) governing the accommodation, facilities, equipment, training, treatment and other services to be provided in training schools;

(e) prescribing the conditions under which children may leave training schools;

(f) for determining the training schools to which children may be sent under section 14;

(g) providing for the use in a training school of such products and articles as may be produced on the premises thereof, and for the sale of any surplus products or
articles that may be produced or manufactured on the premises thereof;

(h) requiring training schools and homes to provide such information as is prescribed and prescribing the persons to whom such information shall be provided;

(i) prescribing the number of members and duties of The Training Schools Advisory Board in addition to those duties mentioned in section 6;

(j) governing the powers and duties of Area Administrators, superintendents and members of the staff of training schools and homes and prescribing the qualifications of members of homes and training schools;

(k) providing for the apportionment and distribution of grants to societies maintaining private training schools out of moneys appropriated therefor by the Legislature and for the conditions governing the payment thereof;

(l) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act;

(m) for the purposes of this Act and the regulations, defining "residential services" and "other services" and prescribing classes of services;

(n) prescribing the classes of payments by way of provincial aid to any home or training school or class thereof and the methods of determining the amounts of payments and providing for the manner and time of payment and the terms and conditions for the payment thereof and the suspension and withholding of payments and for the making of deductions from payments;

(o) establishing procedures providing for the review of decisions made under this Act affecting Crown wards. R.S.O. 1970, c. 467, s. 23; 1978, c. 66, s. 13.