

1970

c 336 Parents' Maintenance Act

Ontario

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CHAPTER 336

The Parents' Maintenance Act

1. Proceedings under this Act shall be heard in a provincial court (family division). R.S.O. 1960, c. 284, s. 1, *amended*. Jurisdiction

2. For the purposes of this Act, a parent shall be deemed to be dependent if he is destitute or if by reason of age, disease or infirmity he is unable to maintain himself, whether or not he is being cared for in a hospital, home for the aged or charitable institution. R.S.O. 1960, c. 284, s. 2. Dependent parent

3.—(1) An information may be laid under this Act by an apparently dependent parent or, with the consent in writing of the Crown attorney, by any other person. Who may lay information

(2) Notwithstanding subsection 1, the consent of the Crown attorney is not required where the information is laid by a representative of a government or government agency, or by a representative of a municipality or other local authority, or by a representative of a hospital, home for the aged or charitable institution. R.S.O. 1960, c. 284, s. 3. Idem

4.—(1) Where it appears that a parent is dependent, an information may be laid before a justice of the peace and the justice of the peace may issue a summons in Form 1 against one or more sons or daughters of the parent, and if upon the hearing it is found that the parent is dependent and that one or more sons or daughters have sufficient means to provide in whole or in part for the support of the parent, the judge, having regard to all the circumstances of the case, may make an order in Form 2 requiring any one or more of the sons and daughters to pay for the support of the parent from the date of the hearing or any date thereafter such sums at such intervals, not exceeding thirty-one days, as is considered proper, but such sums shall not exceed the rate of \$20 per week, with or without costs. Proceedings

(2) The judge, in addition to the payment ordered under subsection 1, may order on such terms as he considers proper any one or more of the sons and daughters to pay for the support of the dependent parent in respect of the period from the date on which the information was laid until the date of the hearing such sums at a rate not exceeding \$20 per week as he considers proper having regard to all the circumstances of the case. R.S.O. 1960, c. 284, s. 4, *amended*. Order for additional payment

Variation,
etc., of
order on
rehearing

5.—(1) Upon the application of a parent in respect of whom an order under this Act has been made or of any son or daughter against whom an order was made and upon proof that the circumstances of the parent or the son or daughter has changed since the making of the order, the judge who made the order or any other judge having similar jurisdiction may rehear the matter and confirm, vary or rescind the order. R.S.O. 1960, c. 284, s. 5 (1), *amended*.

Notice

(2) Notice of an application for a rehearing shall be given by the applicant to every other person affected by the order under review. R.S.O. 1960, c. 284, s. 5 (2).

Application
of R.S.O.
1970, c. 450

6. Except where otherwise provided in this Act, proceedings under this Act shall be in accordance with *The Summary Convictions Act*, and any order for the payment of money made under this Act may be enforced as if it were an order or conviction made under that Act, but imprisonment shall be ordered only under section 7. R.S.O. 1960, c. 284, s. 6.

Proceedings
on default

7. Whenever default is made in the payment of any sum of money ordered under this Act to be paid, the judge who made the order or any other judge having similar jurisdiction,

- (a) may from time to time summon the person in default to explain the default; and
- (b) may, where service of the summons has been proved and the person summoned does not appear and sufficient reason for his absence is not given, or where it appears that the summons cannot be served, or where an order for imprisonment has been made, issue a warrant for the arrest of such person; and
- (c) may, where a warrant has been issued, or where the person in default fails to satisfy him that the default is due to inability to pay, order such person to be imprisoned for a term of not more than three months unless the sums of money payable under the order are sooner paid. R.S.O. 1960, c. 284, s. 7, *amended*.

Order, filing
and enforce-
ment

8. An order for the payment of money under this Act may be filed with the clerk of a small claims court and enforced by execution and judgment summons as in the case of a judgment in the small claims court. R.S.O. 1960, c. 284, s. 8, *amended*.

FORM 1

(Section 4 (1))

SUMMONS

under

The Parents' Maintenance Act

To
(Name)

.....
(Address)

Whereas an information has this day been laid before me by
..... on behalf of
for an order under *The Parents' Maintenance Act*.

This is therefore to command you to appear before a judge of this court as may
be then and there present on the day
of 19....., at the hour of in the
..... noon, to show cause why an order should not be made
against you to pay to the support of your such sum,
not exceeding the rate of \$20 per week, as may be ordered having regard to all the
circumstances of the case.

Given under my hand at this day
of 19.....

.....
Justice of the Peace

R.S.O. 1960, c. 284, Form 1.

FORM 2

(Section 4 (1))

ORDER

under

The Parents' Maintenance Act

Upon reading the information and summons dated the day
of 19....., issued by justice
of the peace, upon the application of on behalf
of under *The Parents' Maintenance Act*
and upon hearing the evidence adduced at the hearing, it appears that the
said is entitled to the benefit of the said Act.

Therefore I, the undersigned, do hereby order that
do hereafter pay to his (or her) the sum of \$
per week (or bi-weekly, or monthly, as the case may be) for his (or her) support, the
first payment to be made on the day of
..... 19....., and the further sum of \$ to be
paid on or before the day of 19.....
together with the costs of these proceedings which amount to \$
which shall be paid on or before the day of 19.....

Given under my hand at this day of
..... 19.....

.....
Judge

R.S.O. 1960, c. 284, Form 2.

