

1960

c 201 Juvenile and Family Courts Act

Ontario

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CHAPTER 201

The Juvenile and Family Courts Act

1. The Lieutenant Governor in Council may establish a ^{Establishment of courts} juvenile and family court in and for,

- (a) a county;
- (b) two or more counties;
- (c) a local municipality separated from the county for municipal purposes;
- (d) two or more local municipalities separated from the county for municipal purposes;
- (e) a combination of clause a and clause c or d;
- (f) a combination of clause b and clause c or d;
- (g) one or more provisional judicial districts or part or parts thereof. 1959, c. 49, s. 1.

2. A juvenile and family court is a court of record and shall ^{Court of record, name} be known as "The Juvenile and Family Court of
 " as the Lieutenant Governor in Council designates. 1959, c. 49, s. 2.

3. A juvenile and family court, ^{Jurisdiction}

- (a) is a juvenile court for the purpose of dealing with juvenile delinquents so soon as the *Juvenile Delinquents Act* (Canada) is proclaimed in force in the area for which it was established and it has all the powers vested in a juvenile court under that Act; ^{R.S.C. 1952, c. 160}
- (b) has power to try any child charged with an offence against the laws of Ontario; and
- (c) has power to deal with all cases where jurisdiction is conferred by any Act upon a juvenile court or a judge thereof or upon a juvenile and family court or a judge thereof. 1959, c. 49, s. 3.

4.—(1) The Lieutenant Governor in Council may appoint ^{Appointment of judge} the judge of a juvenile and family court who shall hold office during good behaviour.

Appoint-
ment of
deputy
judges

(2) The Lieutenant Governor in Council may appoint one or more deputy judges of a juvenile and family court, each of whom shall act as judge of the court. 1959, c. 49, s. 4 (1, 2).

Metro-
politan
Toronto

(3) Notwithstanding subsection 1, the Lieutenant Governor in Council may appoint two judges and one or more deputy judges for the Juvenile and Family Court of The Municipality of Metropolitan Toronto. 1959, c. 49, s. 22.

Salaries

(4) The Lieutenant Governor in Council shall fix the salaries of the judges and deputy judges of juvenile and family courts.

Retirement
age
R.S.O. 1960,
c. 331

(5) The provisions of *The Public Service Act* as to age of retirement of civil servants apply *mutatis mutandis* to judges and deputy judges of juvenile and family courts.

Acting
judge

(6) On evidence satisfactory to the Attorney General of the absence or illness of a judge or deputy judge or where the office of judge or deputy judge is vacant, the Attorney General may appoint any person to act *pro tempore* as judge and fix his remuneration. 1959, c. 49, s. 4 (3, 5).

Extended
jurisdiction

5. Every judge and deputy judge of a juvenile and family court is *ex officio* a judge or deputy judge, as the case may be, of every juvenile and family court and may sit and act in any such court as though he had been appointed to it. 1960, c. 53, s. 1.

Detention
and observa-
tion home

6.—(1) A detention and observation home may be established, maintained and operated as a part of a juvenile and family court.

Superin-
tendent

(2) Where a detention and observation home is established, the Attorney General may appoint a superintendent and an assistant superintendent of the home and fix their salaries.

Status

(3) The superintendent and assistant superintendent of a detention and observation home shall be deemed to be officers of the court of which the home is a part. 1959, c. 49, s. 5.

Detention
homes

R.S.C. 1952,
c. 160

7.—(1) The Attorney General may declare any place, house, home or institution a detention home within the meaning of the *Juvenile Delinquents Act* (Canada).

Duty to
provide
detention
home

(2) A municipality for which a juvenile and family court is established and in which there is no detention home, or in which there is no detention home of sufficient capacity, shall provide a detention home satisfactory to the Attorney General.

(3) The municipality for which a juvenile and family court is established is liable for the maintenance in a detention home of a child charged with committing an offence in that municipality. 1959, c. 49, s. 6.

Maintenance of child in detention home

8.—(1) A diagnostic clinic may be established, maintained and operated as part of the juvenile and family court of any municipality that has a population of not less than 500,000.

Diagnostic clinic

(2) Where a diagnostic clinic is established, the Attorney General may appoint such professional persons for the purposes of the clinic as he deems appropriate and fix their salaries.

Professional persons

(3) The persons appointed under subsection 2 shall be deemed to be officers of the court of which the clinic forms a part. 1959, c. 49, s. 7.

Status

9. The Attorney General may appoint an executive officer for the juvenile and family court of any municipality having a population of not less than 500,000 and fix his salary. 1959, c. 49, s. 8.

Executive officer

10. The Attorney General shall appoint a clerk for a juvenile and family court and fix his salary. 1959, c. 49, s. 9.

Clerk

11.—(1) The Attorney General may appoint a chief probation officer, one or more supervisory probation officers and one or more probation officers for a juvenile and family court and fix their salaries.

Appointment of probation officers

(2) Every probation officer while acting in the discharge of his duties has all the powers of a police constable. 1959, c. 49, s. 10.

Powers

12. The Attorney General may appoint one or more court reporters for a juvenile and family court and fix their salaries. 1959, c. 49, s. 11.

Court reporters

13. The Attorney General may appoint stenographers, typists, clerks and other persons to the staff of a juvenile and family court and fix their salaries. 1959, c. 49, s. 12.

Staff

14. All officers and members of the staff of a juvenile and family court, except the judge and deputy judges, shall be deemed to be employees of the municipality that pays their salaries for the purposes of pensions, sick leave credits, holidays with pay, and the Ontario plan of hospital care insurance. 1959, c. 49, s. 13.

Status of officers and staff

Control of
officers
and staff

15. The officers and members of the staff of a juvenile and family court shall act in accordance with the directions of the judge of the court. 1959, c. 49, s. 14.

Accommo-
dation and
expenses

16.—(1) The municipality in and for which a juvenile and family court is established shall provide a suitable room for hearing cases and offices, furniture, equipment and supplies for the judge, deputy judges and all other officers and the members of the staff and shall make provision for and pay the expenses of the court including the salaries of the judge, deputy judges and all other officers and the members of the staff.

Payment of
salaries of
full-time
judges

(2) The salary of every full-time judge and every full-time deputy judge shall be paid out of the moneys that are voted therefor by the Legislature and an amount equal to the salary and any other allowance paid in the first instance by the Province shall be paid quarterly to the Treasurer of Ontario by the municipality or municipalities that would, but for this subsection, be responsible for the payment of such salaries. 1959, c. 49, s. 15.

Apportion-
ment of
cost of
court

17.—(1) Where a juvenile and family court is established in and for two or more municipalities, the municipalities served by the court shall pay such proportion of the cost of the court as is agreed upon, or, failing agreement, as is determined by arbitration.

Arbitra-
tion

(2) For the purposes of an arbitration under subsection 1, a judge of a county court of a county, other than a county concerned in the proceedings, shall be sole arbitrator and the provisions of *The Municipal Arbitrations Act* as to procedure and appeals apply to every such arbitration and to the award. 1959, c. 49, s. 16.

R.S.O. 1960,
c. 250

Apportion-
ment of
cost in
districts

18. Where a juvenile and family court is established in and for a provisional judicial district or part thereof and it serves a municipality in such district or part, the Lieutenant Governor in Council may fix the amount to be paid by such municipality towards the cost of the court and prescribe the times and manner of making the payments. 1959, c. 49, s. 17.

Provincia
aid

19. The Lieutenant Governor in Council may direct payment out of the moneys that are voted for the purpose by the Legislature to any municipality of such portion of the cost to it of a juvenile and family court as he determines. 1959, c. 49, s. 18.

Supreme
Court
alimony
and main-
tenance
orders

20.—(1) A person entitled to alimony or maintenance under a judgment or order of the Supreme Court may file a copy of the judgment or order in the juvenile and family court having jurisdiction where the person ordered to pay

the alimony or maintenance resides, and, when so filed, it shall be enforced in the same manner as an order made in that court under *The Deserted Wives' and Children's Maintenance Act*. ^{R.S.O. 1960, c. 105}

(2) A person entitled to maintenance under a judgment or order of the Supreme Court within the meaning of subsection 1 includes a child entitled to maintenance under the judgment or order. ^{Interpre-} 1959, c. 49, s. 19.

21. The Lieutenant Governor in Council may make regu- ^{Regulations} lations,

- (a) prescribing the functions of and providing for the management of detention and observation homes, detention homes, and diagnostic clinics under this Act;
 - (b) prescribing the duties of the officers and the members of the staffs of juvenile and family courts or of any class of such officers or members;
 - (c) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. 1959, c. 49, s. 20.
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