c 404 Training Schools Act

Ontario
1. In this Act,

(a) "Board" means The Training Schools Advisory Board;

(b) "Department" means the Department of Reform Institutions;

(c) "foster home" includes the dwelling of any trustworthy and respectable person in which a boy or girl is permitted to live under section 22, a home or other institution maintained by any religious or charitable organization for the purpose in whole or in part of providing a home for boys or girls or both and any hospital connected therewith, and any other home, institution or place designated by the Board;

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

(e) "judge" means a judge of a county, district or juvenile court, or a magistrate;

(f) "Minister" means the Minister of Reform Institutions;

(g) "municipality" means a county, city or separated town, and in a provisional judicial district also means a town having a population of 5,000 or over or a township having a population of 5,000 or over;

(h) "Ontario training school" means a training school owned and operated by the Government of Ontario under this Act;

(i) "parent" means a person who is under a legal duty to provide for a child;

(j) "private training school" means a training school operated by a society under this Act;

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

(l) "society" means a religious society, organization or order or charitable or philanthropic organization;
(m) "superintendent" means a superintendent or other person in charge of a training school;

(n) "training school" means an Ontario training school or a private training school. R.S.O. 1950, c. 396, s. 1; 1957, c. 124, s. 1.

2.—(1) The purpose of a training school is to provide the boys or girls therein with a mental, moral, physical and vocational education, training and employment.

(2) Any municipal corporation and any association, corporation or individual may make gifts of real or personal property to a training school. R.S.O. 1950, c. 396, s. 2.

3.—(1) The Lieutenant Governor in Council may provide for the establishment of Ontario training schools.

(2) Every Ontario training school shall bear the name "The Ontario Training School for Boys (or Girls)" followed by the name of the municipality in which the school is located or the name of such other municipality as the Lieutenant Governor in Council may designate.

(3) All real and personal property acquired by purchase, gift or otherwise pertaining to Ontario training schools is vested in the Crown represented therein by the Minister of Public Works.

(4) The cost of establishing and maintaining Ontario training schools shall be paid out of such moneys as may be appropriated for the purpose 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. 1950, c. 396, s. 3.

4.—(1) The Lieutenant Governor in Council may, upon the recommendation of the Minister, authorize any society to establish and maintain a private training school, provided that, subject to the other provisions of this Act, a society so authorized is responsible for the maintenance in proper condition of such 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 private training school shall bear such name or other designation as may be approved by the Lieutenant Governor in Council, but no such name or designation shall contain the expression "Ontario Training School".

(3) A private training school shall not be erected, acquired or established until the site and plans of the buildings have
been approved in writing by the Minister, and no change in the site and no sale or disposal of any portion thereof, and no structural alteration in the buildings shall be made until the like approval has been given.

(4) Any religious corporation may set apart and grant or lease for a nominal consideration or otherwise for training school purposes 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. 1950, c. 396, s. 4.

5.—(1) There shall be a board of five members to be known as the Training Schools Advisory Board, the members of which 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 Board.

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

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

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

(5) The Board shall by visiting, inspecting and otherwise investigating training schools, ascertain the condition thereof and of the boys and girls therein, particularly as to matters of moral, scholastic, occupational and recreational natures and as to their wardship, care, health, treatment, conduct and discipline and shall make such reports to the Minister as he may require together with any recommendations it deems advisable.

(6) The Board may designate any home, institution or other place as a foster home. R.S.O. 1950, c. 396, s. 5 (1-6).

(7) The members of the Board, other than the chairman, shall serve without remuneration, provided that the Lieutenant Governor in Council may fix a per diem allowance to be payable to each member for attendance at meetings of and inspections by the Board, and every member is entitled to his reasonable and necessary travelling expenses as certified by the chairman for attendance at meetings and inspections and in the transaction of the business of the Board. R.S.O. 1950, c. 396, s. 5 (7); 1958 c. 116 s. 1.

6.—(1) Every training school shall be inspected by an inspector, who has free access to all parts of its premises and
to all its books and records, 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.

(2) The Minister may request any inspector or other officer or employee of any other department 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 acting under subsection 1.

(3) The inspector and any other person who conducts an inspection under this section shall make such reports as the Minister may require. R.S.O. 1950, c. 396, s. 6.

7.—(1) Any person may bring before a judge any boy or girl apparently under the age of sixteen years who,

(a) is found begging or receiving alms or being in any street or public place for the purpose of begging or receiving alms;

(b) is found wandering and has not a home or settled place of abode or proper guardianship;

(c) is found destitute, either being an orphan or having a surviving parent who is undergoing imprisonment;

(d) is an habitual truant and whose parent or teacher represents that he is unable to control the boy or girl;

(e) is by reason of the neglect, drunkenness or other vices of his parents suffered to grow up without salutary parental control and education, or in circumstances exposing him to lead an idle and dissolute life;

(f) has been accused or found guilty of petty crime; or

(g) proves unmanageable. R.S.O. 1950, c. 396, s. 7 (1); 1960, c. 124, s. 1.

(2) Where a boy or girl is brought before a judge under subsection 1, the judge, without any formal information being required, shall in the presence of the boy or girl hear the evidence of and on behalf of the person who has brought the boy or girl before him and shall make reasonable inquiry into the truth of such evidence.

(3) All such evidence shall be given under oath and shall be taken down and transcribed,

(a) where the proceedings are in a juvenile and family court that has a stenographer who is a member of the staff of such court, by that stenographer; and
(b) where the proceedings are not in a juvenile and family court or where the juvenile and family court does not have a stenographer who is a member of the staff of such court, by a stenographer appointed by the judge.

(4) Stenographers appointed under clause (b) of subsection 3 or the employers of such stenographers shall be allowed the fees for taking down and transcribing evidence prescribed by The Magistrates Act, and such fees are payable by the municipality to which the child concerned in the proceedings belongs and where the child belongs to territory without municipal organization they are payable out of any money appropriated for the administration of justice in provisional judicial districts. 1956, c. 90, s. 1.

(5) The judge shall hear all cases coming before him under this section in camera.

(6) If the judge is satisfied on inquiry that it is expedient to deal with the boy or girl under this Act, he shall make his order in writing that the boy or girl be sent to a training school.

(7) Any order made under this Act is subject to an appeal to the Court of Appeal and such appeal may be at the instance of any next friend. R.S.O. 1950, c. 396, s. 7 (3-5).

8. Where under any Act or law in force in Ontario any person is convicted of an offence punishable by imprisonment and the judge before whom he is convicted is of opinion that the person is under the age of sixteen years, the judge may direct him to be sent to a training school. R.S.O. 1950, c. 396, s. 8.

9. Where a judge orders that a boy or girl be sent to a training school under section 7 or directs that a person be sent to a training school under section 8, the judge shall cause a copy of the evidence taken before him to be sent to the superintendent of the training school and a copy to the Board. 1956, c. 90, s. 2.

10. The Minister may, at any time, order that a boy or girl,

(a) who has been made a ward of a children's aid society under The Child Welfare Act or any other boy or girl one of whose parents or guardians consents thereto, unless there is no parent or guardian, and who in the opinion of the Minister is in need of the training and discipline offered by a training school shall be admitted to a training school;
10. (b) be transferred from one training school to another or to any foster home; or

(c) be discharged from a training school either absolutely or on such conditions as he may think fit,

and every such boy or girl shall be admitted, transferred or discharged accordingly. R.S.O. 1950, c. 396, s. 10.

11. As far as practicable, a Roman Catholic boy or girl shall be sent to a training school maintained by a Roman Catholic society and a boy or girl of any other religious persuasion shall be sent to an Ontario training school or a private training school other than one maintained by a Roman Catholic society. R.S.O. 1950, c. 396, s. 11.

12. A clergyman of the religious persuasion to which a boy or girl appears to belong may visit the boy or girl at the school for the purpose of instructing him in religion on such days and at such times as may be fixed by the regulations. R.S.O. 1950, c. 396, s. 12.

13.-(1) Every boy or girl sent to a training school shall where practicable be taken to the school by an agent or member of a children’s aid society, and the actual expense incurred in so doing shall be borne by the municipality liable for maintenance.

(2) The expenses of conveying any boy or girl to a training school from any part of a provisional judicial district not included in a city or separated town or in a town or township having a population of 5,000 or over, are payable out of any money appropriated for the administration of justice in provisional judicial districts. R.S.O. 1950, c. 396, s. 13.

14.-(1) The judge or Minister in his order sending or admitting a boy or girl to a training school shall designate the school to which the boy or girl is to be sent and the person in whose custody he or she is to be conveyed to the school, and shall where practicable state the name, age and parentage of the boy or girl, as well as the religious persuasion and the jurisdiction liable for maintenance.

(2) A copy of the order shall be forwarded by registered mail to the clerk of the municipality declared liable for maintenance and unless within one month of the mailing thereof the corporation of such municipality applies to the Minister, in cases where the order was made by the Minister, and in other cases to the judge making the order, or to the judge of the division court of the division in which the parent, step-parent or guardian of the boy or girl resides, to vary such
order by having some other municipality declared liable for the maintenance of the boy or girl, the corporation is, subject to sections 17 and 18, estopped from denying liability thereunder. R.S.O. 1950, c. 396, s. 14.

(3) Where the judge finds, having regard to all the circumstances, that a parent is able to contribute to the maintenance and education of the boy or girl, he may, in any order made under this Act, order such parent to refund to the municipality in whole or in part and whether or not the boy or girl is over the age of sixteen years the charges that the municipality has been ordered to pay, but nothing herein relieves the municipality from liability for the charges. 1957, c. 124, s. 2, part; 1960, c. 124, s. 2.

(4) The provisions of The Deserted Wives' and Children's Enforcement of Orders for Support, Maintenance Act with respect to the enforcement of orders apply mutatis mutandis to orders made under subsection 3. 1957, c. 124, s. 2, part.

15.—(1) Subject as in this Act may otherwise be provided, when a boy or girl is sent or admitted to a training school, the municipality to which the boy or girl belongs is liable to the Department in the case of an Ontario training school and to the society operating the training school in the case of a private training school, for and shall pay such sum per day as the Lieutenant Governor in Council may prescribe towards the cost of maintenance and education of the boy or girl for each actual day's stay of the boy or girl in the training school. R.S.O. 1950, c. 396, s. 15 (1); 1959, c. 102, s. 1.

(2) For the purposes of this section, a boy or girl shall be deemed to belong to the municipality in which he or she has last resided for the period of one year, but in the absence of evidence to the contrary, residence for one year in the municipality in which he or she was taken into custody shall be presumed.

(3) Where the boy or girl has not resided in any municipality in Ontario for one year, the municipality in which his or her mother has last resided for one year shall be deemed liable for maintenance.

(4) In the computation of the time in subsections 2 and 3, the time during which the boy or girl, or his or her mother, was an inmate of a children's, infants', maternity or other boarding home, a correctional or charitable institution, a hospital or any home or institution for custodial, medical or other care or supervision shall not be regarded, and the time during which the mother has resided in a municipality while her child was an inmate of any such home or institution shall likewise be disregarded.
16. When the charges for any boy or girl in a training school are payable by a municipality, the superintendent shall from time to time render to the clerk of the municipality statements of account of any such charges with full particulars thereof and if any such account is not paid within a reasonable time after it has been rendered, it may be recovered as a debt in a court of competent jurisdiction. R.S.O. 1950, c. 396, s. 16.

17. Upon payment by a municipality of any charges under this Act by reason of a boy or girl having been assumed to be a resident in such municipality and it being ascertained that he or she was not a resident therein but at the time of admission to a training school was a resident in another municipality in Ontario, the municipality which made the payment may recover the amount thereof as a debt from the municipality in which he or she was a resident and upon payment by that municipality it is entitled to exercise the rights of recovery conferred under section 18. R.S.O. 1950, c. 396, s. 17.

18.—(1) Where a municipality has paid an account rendered to it under this Act, it may recover from the proper parent the amount of the payment so made as a debt in a court of competent jurisdiction.

(2) Subsection 1 does not apply where an order has been made under subsection 3 of section 14. 1957, c. 124, s. 3.

19. The corporation of a county has the right to recover not exceeding one-half of the charges paid by it in respect of any boy or girl for which it is liable under this Act from the corporation of the township, town or village forming a part of the county in which he or she was a resident at the time of admission to a training school. R.S.O. 1950, c. 396, s. 19.

20.—(1) The Lieutenant Governor in Council may make regulations providing for the payment to any society maintaining a private training school of a sum per day in respect of any class or classes of boys or girls in the training school out of the moneys appropriated therefor by the Legislature and fixing the amounts thereof.

(2) The money payable under this section shall be paid by the Treasurer of Ontario upon the report of an inspector approved by the Minister. 1959, c. 102, s. 2.
21.—(1) Every boy or girl sent or admitted to a training school shall upon admission become a ward of the training school until he or she attains the age of eighteen years and, subject to the regulations, is subject to the control of the Board and superintendent in the same manner and to the same extent as in the case of a guardian appointed by statute or by any court or by any will or instrument and all rights and powers of the parent or any such guardian over a boy or girl so admitted cease upon admission unless the Minister provides that the wardship of the training school shall cease upon the boy or girl leaving the school or at any time after leaving the school.

(2) When the Minister provides that the wardship of the training school shall cease, the boy or girl thereupon becomes a ward of that person who but for the wardship of the training school was or would have been in law his or her guardian.

(3) The Board shall exercise and maintain supervision over every boy and girl sent or admitted to a training school after the boy or girl leaves the training school and until the termination of the wardship of the training school, and shall keep such records and provide for such visits as may be prescribed by the regulations. R.S.O. 1950, c. 396, s. 21.

22.—(1) The Board and superintendent with the approval of the Minister, may permit any boy or girl upon leaving a training school, to live at a foster home or at the dwelling of any trustworthy and respectable person, and the control of the Board and superintendent is not thereby abated or diminished, and the municipality in which such boy or girl was resident at the time of admission to the training school is liable in the same manner and amount as provided in section 15 for each actual day's stay of the boy or girl in the foster home or other dwelling. R.S.O. 1950, c. 396, s. 22.

(2) The Board and superintendent, with the approval of the Minister, may require a boy or girl who has left a training school under subsection 1 to return to the training school at any time while the boy or girl is a ward of the training school. 1960, c. 124, s. 3.

23.—(1) If a boy or girl sent to a training school escapes therefrom or neglects to attend thereat, he may, at any time before the determination of wardship, be apprehended without warrant, and may be brought back to the training school.

(2) If the boy or girl leaves the foster home or dwelling without the permission of the Board, or refuses to return to the training school, he shall be deemed to have escaped from the training school. R.S.O. 1950, c. 396, s. 23.
24. Every person, 

(a) who aids or abets any boy or girl to escape from or unlawfully leave a training school or foster home;

(b) who knowingly harbours or conceals a boy or girl who has escaped from or unlawfully left a training school or foster home without giving notice of the child's whereabouts to the training school or to the local police authorities;

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

(d) who contravenes any of the provisions of this Act or the regulations,

is guilty of an offence and on summary conviction is liable to a fine of not more than $100 or to imprisonment for a term of not more than three months, or to both. R.S.O. 1950, c. 396, s. 24.

25. The officers of a society maintaining a private training school may, subject to the regulations and the approval of the Minister, make such rules as they may deem necessary,

(a) for the appointment of the superintendent and other officers and employees;

(b) for the management and discipline of the training school; and

(c) for the more efficient operation of the training school. R.S.O. 1950, c. 396, s. 25.

26. Subject to the approval of the Lieutenant Governor in Council, the Minister may make regulations,

(a) in regard to Ontario training schools,

(i) providing for the appointment and remuneration of superintendents and such officers and employees as he may deem necessary,

(ii) 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;

(b) in regard to all training schools,

(i) prescribing the powers and duties of the Board,
(ii) prescribing the powers and duties of superintendents including the control which they may exercise over boys and girls,

(iii) fixing the age at which and conditions under which boys and girls may be admitted to training schools, the period during which they may be kept at training schools and the conditions under which they may leave or be discharged therefrom,

(iv) prescribing the type of mental, moral, physical and vocational education, training and employment to be provided and setting standards of instruction,

(v) regulating the conduct and discipline of boys and girls in training schools,

(vi) prescribing the records, books, account systems, audits, reports and returns to be kept and made by or pertaining to training schools,

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

(viii) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1950, c. 396, s. 26.