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c 247 Mothers' and Dependent Children's Allowances Act

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CHAPTER 247

**The Mothers' and Dependent
Children's Allowances Act****1. In this Act,**Interpre-
tation

- (a) "allowance" means an allowance under this Act;
- (b) "beneficiary" means a person on behalf of whom an allowance is paid;
- (c) "dependent child" means a person who is under eighteen years of age and who resides with his mother or his dependent father in Ontario;
- (d) "dependent father" means a person who is the father of a dependent child and who is permanently unemployable by reason of mental or physical disability;
- (e) "dependent foster-child" means a person who is under eighteen years of age and who resides with his foster-mother in Ontario;
- (f) "Director" means the Director of the Welfare Allowances Branch of the Department of Public Welfare;
- (g) "field worker" means a person employed as such by the Department of Public Welfare;
- (h) "foster-mother" means the foster-mother of, or the person acting in *loco parentis* to, a dependent foster-child;
- (i) "Minister" means the Minister of Public Welfare;
- (j) "mother" means the mother of a dependent child;
- (k) "recipient" means a person to whom an allowance is paid;
- (l) "regional administrator" means a regional welfare administrator or any other employee of the Department of Public Welfare whom the Minister designates as such under this Act;
- (m) "regulations" means the regulations made under this Act. 1957, c. 73, s. 1; 1958, c. 62, s. 1.

Where
allowance
may be
paid

2. An allowance may be paid,

(a) to a mother,

- (i) who is a widow, or
- (ii) whose husband is a dependent father, or
- (iii) whose husband has deserted her and has not been heard of for six months or more, or
- (iv) whose dependent child was born out of wedlock, where the mother is eighteen years or more of age and her dependent child is six months or more of age, or
- (v) who is divorced from the father of her dependent child and who has been awarded custody of the child, or
- (vi) whose husband is imprisoned in a penal institution and has been imprisoned therein for a continuous period of six months or more, and
- (vii) who resides in Ontario at the date of application, and
- (viii) who has resided in Ontario for at least one year immediately before the date of application, or, where she was absent from Ontario for any period of time during that year, a regional administrator is satisfied that the period of absence was of a temporary nature, and
- (ix) who remains in Ontario with her dependent child except where she has been given permission in writing by a regional administrator to be absent from Ontario for compassionate or other reasons satisfactory to him, and
- (x) who is, in the opinion of a regional administrator, a suitable person to receive an allowance; or

(b) to a dependent father,

- (i) who is a widower, or
- (ii) whose wife has deserted him and has not been heard of for six months or more, or
- (iii) whose wife is a patient in a sanatorium, hospital or other similar institution, or

- (iv) whose wife is imprisoned in a penal institution and has been imprisoned therein for a continuous period of six months or more, and
- (v) who complies with the residence requirements set out in subclauses vii, viii and ix of clause *a*, and
- (vi) who in the opinion of the regional administrator is a suitable person to receive an allowance; or

(c) to a foster-mother,

- (i) who complies with the residence requirements set out in subclauses vii, viii and ix of clause *a*, and
- (ii) who is, in the opinion of a regional administrator, a suitable person to act as foster-mother to her dependent foster-child. 1957, c. 73, s. 2; 1958, c. 62, s. 2.

3. For the purposes of subclause viii of clause *a* of section 2, ^{Interpre-} any period during which the mother was in receipt of public assistance in the form of direct relief paid to her or on her behalf by a province or municipality, other than Ontario or a municipality in Ontario, shall be deemed not to be a period of residence in Ontario. 1958, c. 62, s. 3.

4. No allowance shall be paid under this Act in respect of ^{Qualifica-} a dependent child or dependent foster-child who is not attend- ^{tions for} children ing school unless the child or foster-child,

- (a) is of pre-school age; or
- (b) is unable to attend school by reason of mental or physical disability; or
- (c) is on vacation from school and a regional administrator is satisfied that the child will return to school at the end of the vacation period. 1957, c. 73, s. 3.

5.—(1) In cases presenting special circumstances and in ^{Special} which investigation shows the advisability of an allowance being paid to an applicant who is not strictly eligible for an allowance under this Act, the Lieutenant Governor in Council may direct that an allowance be paid to the applicant. ^{cases}

(2) A regional administrator may determine the amount ^{Allowance} of any allowance directed to be paid under subsection 1 or ^{may be} any predecessor thereof and may from time to time vary the ^{varied} amount so determined. 1957, c. 73, s. 4.

Continuance
of allowance
in desertion
cases

6.—(1) Where a recipient has qualified for an allowance under subclause iii of clause *a* or subclause ii of clause *b* of section 2 and the deserting husband or wife, as the case may be, is later found, a regional administrator may, in his discretion, continue payment of the allowance for a period of not more than three months after the month following that in which he or she is found.

Continuance
of allowance
in rehabilita-
tion cases

R.S.O. 1960,
c. 350

(2) Where a recipient has qualified for an allowance under subclause ii of clause *a* of section 2 and, in the opinion of a regional administrator, the husband may benefit from rehabilitation services under *The Rehabilitation Services Act*, the regional administrator may recommend the husband for such services and continue payment of the allowance to the mother for the period during which the husband receives such services. 1957, c. 73, s. 5.

Duties of
Director

7. The Director shall,

- (a) exercise general supervision over the administration of this Act and the regulations;
- (b) advise regional administrators as to the manner in which their duties are to be performed; and
- (c) act as chairman of the board of review. 1957, c. 73, s. 6.

Duties of
regional adminis-
trators

8. Every regional administrator shall,

- (a) receive applications for allowances; and
- (b) determine the eligibility of each applicant to receive an allowance and, where the applicant is eligible, determine the amount of the allowance and direct payment accordingly, and may from time to time vary any amount so determined. 1957, c. 73, s. 7.

Power
to take
affidavits
R.S.O. 1960,
c. 59

9. The Director, every regional administrator and every field worker is, in the performance of his duties, a commissioner for taking affidavits within the meaning of *The Commissioners for taking Affidavits Act*. 1957, c. 73, s. 8.

Allowances

10. Allowances under this Act shall be determined having regard to the financial need of the applicant and shall be computed in accordance with the regulations. 1957, c. 73, s. 9.

Allowances
and
expenses

11. The allowances and expenses of the administration of this Act and the regulations are payable out of the moneys appropriated therefor by the Legislature. 1957, c. 73, s. 10.

12.—(1) No person shall knowingly obtain or receive an ^{Offences} allowance that he is not entitled to obtain or receive under this Act and the regulations.

(2) No person shall knowingly aid or abet another person ^{Idem} to obtain or receive an allowance that such other person is not entitled to obtain or receive under this Act and the regulations.

(3) Every person who contravenes subsection 1 or 2 is ^{Idem} 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 fine and imprisonment. 1957, c. 73, s. 12.

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

- (a) establishing a medical advisory board consisting of one or more persons and prescribing its powers and duties;
- (b) establishing a board of review consisting of the Director and two or more other persons and prescribing its powers and duties;
- (c) establishing classes of recipients and prescribing the maximum allowance that may be paid to recipients in each such class;
- (d) prescribing the manner of computing the amount of allowances;
- (e) fixing the intervals at which and the manner in which allowances are to be paid;
- (f) adding further qualifications to those specified in this Act for applicants for allowances;
- (g) governing the manner of making application for an allowance;
- (h) providing for the transfer, suspension and cancellation of allowances;
- (i) prescribing additional duties of the Director;
- (j) prescribing additional duties of regional administrators;
- (k) prescribing the powers and duties of field workers;
- (l) providing for the whole or part of the cost of providing medical and dental services to beneficiaries;

- (*m*) providing for the making of investigations respecting applicants for or beneficiaries of allowances;
 - (*n*) prescribing the material or proof of any fact, including evidence under oath, that shall be furnished as a condition precedent to the payment of an allowance;
 - (*o*) prescribing forms and providing for their use;
 - (*p*) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. 1957, c. 73, s. 13.
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