

1950

c 242 Mothers' Allowances Act

Ontario

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Bibliographic Citation

Mothers' Allowances Act, RSO 1950, c 242

Repository Citation

Ontario (1950) "c 242 Mothers' Allowances Act," *Ontario: Revised Statutes*: Vol. 1950: Iss. 3, Article 27.

Available at: <http://digitalcommons.osgoode.yorku.ca/rso/vol1950/iss3/27>

CHAPTER 242

The Mothers' Allowances Act

1. In this Act,

Interpre-
tation.

- (a) "allowance" means allowance under this Act;
- (b) "beneficiary" means a person receiving an allowance;
- (c) "Commission" means The Mothers' Allowances Commission;
- (d) "investigator" means any person designated as such under the regulations;
- (e) "local authority" means an investigator and in addition where there is a welfare unit means the public welfare administrator or where there is no welfare unit means the clerk of the municipality or such other person as the council with the approval of the Minister may appoint;
- (f) "local board" means local board provided for in the regulations;
- (g) "Minister" means Minister of Public Welfare;
- (h) "permanently unemployable" means permanently unemployable by reason of mental or physical disability;
- (i) "regulations" means regulations made under this Act. 1948, c. 58, s. 1; 1949, c. 95, s. 9 (1).

2.—(1) Subject to this Act and the regulations a monthly allowance may be paid towards the support of the dependent children of a mother who,

Conditions
under which
allowance
may be paid

- (a) is a widow, or the wife of a man who is permanently unemployable, or of a man who has deserted her and has not been heard of for at least one year;
- (b) was resident in Ontario at the time of the death, permanent unemployability or desertion by the father of the child or children on whose behalf the allowance is to be made, and for a period of two years immediately prior to the application for an allowance;
- (c) is resident in Ontario at the time of the application for an allowance;

(d) continues to reside in Ontario with her dependent children while in receipt of an allowance; and

(e) has resident with her one or more of her own children under sixteen years of age and has not adequate means to care properly for such child or children without the assistance of an allowance.

Where husband permanently unemployable.

(2) Where a mother who otherwise qualifies for an allowance has a permanently unemployable husband, an allowance may be granted for the husband in the same amount and manner as though the husband were a dependent child, provided that the allowance for the husband shall cease when the youngest child becomes sixteen years of age.

Allowance to foster mother.

(3) A like allowance may be paid to a woman who is resident as aforesaid and has resident with her one or more orphan children under sixteen years of age and is the grandmother, sister, aunt or other suitable person acting as the foster mother of such child or children and has not adequate means to care properly for such child or children without the assistance of an allowance.

Reaching sixteen years of age during school year.

(4) Where a child in respect of whom an allowance is being paid is attending school and reaches the age of sixteen years during the school year, the allowance shall, subject to this Act and the regulations, continue to be paid until the conclusion of the school year unless the child sooner ceases to attend school.

Allowance in special cases.

(5) In cases presenting special circumstances where investigation has shown the advisability of an allowance being granted to the children dependent upon a mother or foster mother who is not strictly eligible under the terms of this section, the Lieutenant-Governor in Council may direct the payment of an allowance and fix the amount thereof, notwithstanding that such payment is not expressly provided for in this Act. 1948, c. 58, s. 2.

Mothers' Allowances Commission.

3.—(1) The Lieutenant-Governor in Council may appoint one, two or three persons as a commission to be known as The Mothers' Allowances Commission.

Chairman.

(2) When the Commission consists of more than one person the Lieutenant-Governor in Council may designate one of them as chairman.

Quorum.

(3) When the Commission consists of three persons, a majority shall be a quorum. 1948, c. 58, s. 3.

Duties of Commission.

4. It shall be the duty of the Commission,

- (a) to receive applications for allowances; and
- (b) to determine the eligibility of each applicant to receive an allowance, and where the applicant is eligible, to determine the amount thereof and direct payment accordingly. 1948, c. 58, s. 4.

5. Subject to the right of the Commission to rescind or amend any determination or direction made by it, every determination and direction of the Commission shall be final and shall not be subject to review by any court of law or otherwise. 1948, c. 58, s. 5.

6. The Lieutenant-Governor in Council may make regulations,

- (a) prescribing the maximum amounts of allowances;
- (b) providing for the payment of the whole or part of the cost of providing medical and dental services to beneficiaries and their dependants under this Act;
- (c) governing the manner of making application for an allowance;
- (d) providing for the suspension and cancellation of allowances;
- (e) providing for the designation of persons as investigators and prescribing their powers and duties;
- (f) prescribing the powers and duties of local authorities;
- (g) providing for the payment of the expenses incurred by local authorities in connection with this Act, and their remuneration;
- (h) providing for the appointment of local boards and prescribing their powers and duties;
- (i) providing for the furnishing of notices and information by local authorities to the Commission and by the Commission to local authorities;
- (j) providing for the making of investigations respecting persons to whom allowances may be paid or who are in receipt of allowances or by whom or on whose behalf application has been made for an allowance;
- (k) 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;
- (l) fixing the intervals at which and the manner in which allowances shall be paid;

- (m) prescribing forms for use under this Act;
- (n) respecting any other matter necessary or advisable to carry out effectively the purposes of this Act. 1948, c. 58, s. 6.

Local
author-
ities,
appoint-
ment of;

7.—(1) Where there is no welfare unit, the council of any municipality may, subject to the approval of the Minister, appoint any person as a local authority for such municipality for the purposes of this Act, but until such an appointment is made the clerk of the municipality shall be the local authority. 1948, c. 58, s. 7 (1); 1949, c. 95, s. 9 (2).

taking
affidavits.

(2) Every person who is appointed as a local authority shall be *ex officio* a commissioner for taking affidavits for the purposes of this Act. 1948, c. 58, s. 7 (2), *amended*.

Allowances
and ex-
penses,
how payable.

8. Allowances and the expenses of administration of this Act shall be payable out of such moneys as may be appropriated therefor by the Legislature. 1948, c. 58, s. 8.
