



1937

## c 316 Juvenile and Family Courts Act

Ontario

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### Bibliographic Citation

*Juvenile and Family Courts Act*, RSO 1937, c 316

### Repository Citation

Ontario (1937) "c 316 Juvenile and Family Courts Act," *Ontario: Revised Statutes*: Vol. 1937: Iss. 3, Article 54.

Available at: <http://digitalcommons.osgoode.yorku.ca/rso/vol1937/iss3/54>

## CHAPTER 316.

### The Juvenile and Family Courts Act.

**1.**—(1) In every city, town and county in which the *Juvenile Delinquents Act* (Canada) is proclaimed, there shall be a court of record to be known as the "juvenile court" of the city, town, county or other area, as the case may be.

Court to be established wherever *Juvenile Delinquents Act* in force. R.S.C., c. 103.

(2) Such court shall have jurisdiction within such territory, in addition to the area included within the limits of such city, town or county, as the Lieutenant-Governor in Council may from time to time designate.

Territorial jurisdiction of court.

(3) The Lieutenant-Governor in Council may at any time establish a juvenile court for any municipality or for any portion thereof. R.S.O. 1927, c. 281, s. 1.

Court may be established in any municipality.

**2.**—(1) When under the provisions of *The Magistrates' Jurisdiction Act* or of any other general or special Act of Ontario, jurisdiction is conferred upon the judge or deputy judge of a juvenile court established under this Act to conduct inquiries or hear, try, determine or dispose of matters in addition to those in respect of which jurisdiction is conferred by this Act, such juvenile court shall be known as the "family court" of the municipality or area for which it is established, and the judge, deputy judge, officers and staff of such juvenile court shall be the judge, deputy judge, officers and staff of the family court.

When juvenile court becomes family court.

Rev. Stat., c. 134.

(2) A family court shall continue as a court of record and as a juvenile court for the purposes of this Act. 1934, c. 25, s. 3.

Continuance of family court as juvenile court.

#### JUDGES.

**3.**—(1) The judge of a juvenile court shall be appointed by the Lieutenant-Governor in Council, and shall hold office during good behaviour and shall be subject to removal by the Lieutenant-Governor in Council. R.S.O. 1927, c. 281, s. 2 (1); 1931, c. 23, s. 21.

Judge, appointment of.

(2) The Lieutenant-Governor in Council may appoint a deputy judge of the juvenile court who shall act as judge of the court and shall perform such duties as may be assigned to him by the Attorney-General.

Deputy judge.—appointment of.

In case of absence of judge or deputy,— who may act.

(3) In case of the absence or illness of the judge or of the deputy judge and on the written request and with the written approval of the Attorney-General, any other person may act as judge of the juvenile court. 1930, c. 57, s. 2.

When justice of the peace may act.

(4) Any justice of the peace may, on the written request of the Attorney-General, act as juvenile court judge for the trial of any case specified in the said request and shall while so acting have all the powers of a juvenile court. R.S.O. 1927, c. 281, s. 2 (3).

JURISDICTION.

Jurisdiction as to offences. R.S.O. c. 108.

4. Every such court shall be a juvenile court for the purposes of the *Juvenile Delinquents Act* (Canada), and shall have all the powers vested in a juvenile court under that Act, and shall also have power to try any child charged with an offence against the laws of Ontario, and to deal with all cases where jurisdiction is conferred by any Act upon a juvenile court. R.S.O. 1927, c. 281, s. 3.

OFFICERS.

Officers,— appointment and removal.

5. There shall be a clerk of each juvenile court and, subject to the provisions of section 15, such probation and other officers and staff as the judge of such court shall deem necessary, who shall be appointed and be removable by the Attorney-General. R.S.O. 1927, c. 281, s. 4.

Duties of clerk.

6. It shall be the duty of the clerk of a juvenile court to see that all cases to be heard before the court are properly prepared, to have before the court all papers and documents in such cases, to arrange for the sittings of the court, and to preserve order during such sittings. R.S.O. 1927, c. 281, s. 5.

Records.

7. The clerk shall keep proper records, the form of which shall be approved by the Attorney-General, containing full particulars of the cases dealt with by the court, including the disposition or order made in each case, the parentage, nationality and religion of each delinquent or neglected child, and such other information as may be required. R.S.O. 1927, c. 281, s. 6.

PROBATION OFFICERS.

Agent of children's aid society to be *ex officio* probation officer.

8. Every agent of a children's aid society shall *ex officio* be a probation officer of the juvenile court of the city or county in which such society is situated. R.S.O. 1927, c. 281, s. 7.

9. The Attorney-General may appoint any person willing to perform the services of a probation officer without remuneration, to be a voluntary probation officer, and may at any time revoke such appointment and the judge of the juvenile court may appoint any person to be a voluntary probation officer to deal with the case of a particular child and may at any time revoke such appointment. R.S.O. 1927, c. 281, s. 8; 1928, c. 48, s. 2.

Appointment without remuneration.

10. Every probation officer duly appointed as hereinbefore provided, while acting in the discharge of his duties as such probation officer, shall have all the powers of a peace officer. R.S.O. 1927, c. 281, s. 9.

Powers of probation officer.

11. Every probation officer shall have all the powers of a truant officer under the provisions of *The School Attendance Act*. R.S.O. 1927, c. 281, s. 10.

To have powers of truant officer under Rev. Stat., c. 367.

12. Subject to the regulations, all officers of the court shall be under the control and subject to the orders and directions of the judge. R.S.O. 1927, c. 281, s. 11.

Control of officers.

JUVENILE COURT COMMITTEE.

13. There shall be in connection with every juvenile court a committee of citizens, serving without remuneration, to be known as "the juvenile court committee," which committee shall be constituted as provided by section 24 of the *Juvenile Delinquents Act* (Canada). R.S.O. 1927, c. 281, s. 12.

Committee. R.S.C., c. 108.

DETENTION HOMES.

14.—(1) Every temporary home or shelter provided for children under *The Children's Protection Act*, and every institution for the care of children or children's home, the trustees of which have given their consent thereto, shall be a detention home within the meaning of the *Juvenile Delinquents Act* (Canada).

Temporary homes, etc. Rev. Stat., c. 312.

R.S.C., 108.

(2) Subject to the provisions of the *Juvenile Delinquents Act* (Canada), the Attorney-General may declare any place, house, home or institution a detention home within the meaning of that Act.

Declaring place a detention home.

(3) The Attorney-General may make regulations for the government and management of detention homes in so far as they are used for that purpose.

Government of detention homes.

Liability for maintenance in detention home.

(4) The corporation of the city, separated town, or county within which the offence with which the child is charged was committed shall be liable for all expenses of maintaining such child in any detention home.

Duty of corporation.

(5) The corporation of any city, town or county in which a juvenile 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. R.S.O. 1927, c. 281, s. 13.

COURT ROOM, OFFICES AND EXPENSES OF COURT.

Corporation to provide accommodation and salaries.

**15.**—(1) The corporation of any city, town or county in which a juvenile court is established shall provide a suitable court room and offices for the judge, clerk, probation officers and other officers of the court and shall make proper provision for the salaries of the judge, clerk, probation officers and other officers of the court and for the general expenses of the court. R.S.O. 1927, c. 281, s. 14 (1).

Salaries of judge and amount of expenses.

(2) The Lieutenant-Governor in Council may fix the salary to be paid to the judge and the amount to be appropriated for other salaries and for the expenses of the court, and such salaries and expenses shall be paid by the city, town or county at the time and in the manner set forth in such Order-in-Council, provided that where fixed by the Lieutenant-Governor in Council the total amount so directed to be paid for the expenses of the court, including salaries, but exclusive of the cost of providing court room and offices and detention home, shall fall within the following limits:—

Proviso.

Where the district covered by the court has,—

Limit of expenses of court.

- (a) a population of more than 200,000, not more than \$50,000;
  - (b) a population of more than 75,000, but less than 200,000, not more than \$25,000;
  - (c) a population of more than 25,000, but less than 75,000, not more than \$15,000;
  - (d) a population less than 25,000, not more than \$8,000.
- R.S.O. 1927, c. 281, s. 14 (2); 1929, c. 74, s. 3.

Salary of judge in district, how apportioned.

(3) Where a juvenile court has been established in a provisional judicial district for any territory in which there is a city or town, the Lieutenant-Governor in Council may fix the amount to be paid by such city or town towards the salaries and expenses of the court and prescribe the times and manner of making such payments. 1928, c. 48, s. 3.

**16.** The Attorney-General shall have charge of the adminis-<sup>Adminis-</sup>tration of this Act. 1928, c. 48, s. 4. <sub>tration.</sub>

**17.** The Lieutenant-Governor in Council may prescribe <sup>Forms and</sup> such forms and make such rules and regulations as may be <sup>regula-</sup>deemed necessary for the full and proper carrying out of the <sub>tions.</sub> provisions of this Act. R.S.O. 1927, c. 281, s. 16.

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