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c 193 Juvenile and Family Courts Act

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CHAPTER 193

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 or county, as the case may be.

Establishment of courts. 1929, c. 46 (Can.).

(2) The 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.

Idem.

(3) The Lieutenant-Governor in Council may at any time establish a juvenile court for any municipality or for any portion thereof.

Idem.

(4) Any order heretofore or hereafter made establishing a juvenile court shall be deemed not to be a regulation within *The Regulations Act*.

Order not to come within Rev. Stat., c. 337. 1950, c. 79, s. 10.

2.—(1) When under *The Magistrates' Jurisdiction Act* or any other general or special Act of Ontario, jurisdiction is conferred upon the judge or a 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 judges, officers and staff of such juvenile court shall be the judge, deputy judges, officers and staff of the family court.

When juvenile court becomes family court. Rev. Stat., c. 220. R.S.O. 1937, c. 316, s. 2 (1); 1947, c. 53, s. 1.

(2) Every family court shall continue as a court of record and as a juvenile court for the purposes of this Act.

Continuance of family courts. R.S.O. 1937, c. 316, s. 2 (2).

JURISDICTION

3. 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.

Jurisdiction as to offences. 1929, c. 46 (Can.). R.S.O. 1937, c. 316, s. 4.

JUDGES

Judge,
appoint-
ment of.

4.—(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. 1937, c. 316, s. 3 (1).

Deputy
judges,
appoint-
ment of.

(2) The Lieutenant-Governor in Council may appoint one or more deputy judges of any juvenile court each of whom shall act as judge of the court and shall perform such duties as may be assigned to him by the Attorney-General. 1947, c. 53, s. 2 (1).

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

(3) In case of the absence or illness of the judge or of a 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. R.S.O. 1937, c. 316, s. 3 (3); 1947, c. 53, s. 2 (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 request and while so acting shall have all the powers of a juvenile court. R.S.O. 1937, c. 316, s. 3 (4).

CLERKS

Clerk,
appoint-
ment and
removal;

5.—(1) There shall be a clerk of each juvenile court and, subject to section 10, such probation and other officers and staff as the judge of the court deems necessary, who shall be appointed and be removable by the Attorney-General. R.S.O. 1937, c. 316, s. 5.

duties;

(2) The clerk of a juvenile court shall see that all cases to be heard before the court are properly prepared, shall have before the court all papers and documents in such cases, shall arrange for the sittings of the court, and shall preserve order during such sittings. R.S.O. 1937, c. 316, s. 6.

idem.

(3) 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. 1937, c. 316, s. 7.

PROBATION OFFICERS

Ex officio
probation
officers.

6.—(1) Every agent of a children's aid society shall be *ex officio* a probation officer of the juvenile court of the city or county in which the society is situated. R.S.O. 1937, c. 316, s. 8.

(2) 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 the 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 the appointment. R.S.O. 1937, c. 316, s. 9. Appointment without remuneration.

(3) Every probation officer, while acting in the discharge of his duties, shall have all the powers of a peace officer. R.S.O. 1937, c. 316, s. 10. Powers.

(4) Every probation officer shall have all the powers of a truant officer under *The School Attendance Act*. R.S.O. 1937, c. 316, s. 11. Idem. Rev. Stat., c. 347.

7. 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. 1937, c. 316, s. 12. Control of officers.

JUVENILE COURT COMMITTEE

8. 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 the *Juvenile Delinquents Act* (Canada). R.S.O. 1937, c. 316, s. 13. Committee. 1929, c. 46 (Can.).

DETENTION HOMES

9.—(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. 53.

(2) Subject to 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.

(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 the child in a detention home. Liability for maintenance in 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. 1937, c. 316, s. 14.

COURT ROOM, OFFICES AND EXPENSES OF COURT

Corporation to provide accommodation and salaries.

10.—(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, deputy judges, clerk, probation officers and other officers of the court and shall make proper provision for the salaries of the judge, deputy judges, clerk, probation officers and other officers of the court and for the general expenses of the court. R.S.O. 1937, c. 316, s. 15 (1); 1947, c. 53, s. 3 (1).

Salaries of judge and amount of expenses.

(2) The Lieutenant-Governor in Council may fix the salaries to be paid to the judge and deputy judges 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 the 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:

Where the district covered by the court has,

Limit of expenses of court.

- (a) a population of more than 200,000, not more than \$100,000;
- (b) a population of more than 75,000, but less than 200,000, not more than \$50,000;
- (c) a population of more than 25,000, but less than 75,000, not more than \$25,000;
- (d) a population less than 25,000, not more than \$15,000. R.S.O. 1937, c. 316, s. 15 (2); 1947, c. 53, s. 3 (2); 1949, c. 47, s. 1.

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 the city or town towards the salaries and expenses of the court and prescribe the times and manner of making the payments. R.S.O. 1937, c. 316, s. 15 (3).

11. The Attorney-General shall have charge of the administration of this Act. R.S.O. 1937, c. 316, s. 16. Adminis-
tration.

12. The Lieutenant-Governor in Council may prescribe such forms and make such rules and regulations as may be deemed necessary for the full and proper carrying out of this Act. R.S.O. 1937, c. 316, s. 17. Forms and
regula-
tions.

