

STREET LAW SMARTS #3

LEAVING HOME, RETRIEVING YOUR BELONGINGS, and CHILD SUPPORT

Leaving home under age 16

In Ontario, if you leave home before you are 16, your parent(s)/guardian(s) can get a warrant from the police to have you returned home. Also, child protection workers (e.g. Children's Aid Society - CAS) can apprehend you (pick you up) and take you to a safe place, such as a foster home or a group home.

If you are leaving home because your parents mistreat you, you may be considered a child in need of protection and you may be put into the care of a CAS.

If you have a safe and responsible place to stay, the CAS may allow you to stay there. A judge will then decide whether you will be in the care of the CAS.

If you are under 16 and do not have a relative or responsible friend to stay with, you may seek the help of the CAS by your own wishes.

Leaving home at 16 or older

In Ontario, there is no such thing as legal emancipation or “divorcing” your parent(s)/guardian(s). At age 16 or older, you can leave home without the permission of your parent(s) or a judge.

If you left home at age 16 or 17 and have special needs, like a physical or mental disability or illness, you may contact the CAS and ask them for help. They may be able to help you live in a foster home or care for you. Otherwise, the CAS will likely not get involved in your care.

Child Support

Generally, your parent(s)/guardian(s) must financially support you until you are 18 or longer if you are in school full-time. Someone who has treated you like a child of their family has the obligation to financially support you in the same way legal parent(s)/guardian(s) must.

If you are 16 or older and you leave home voluntarily, your parent(s)/guardian(s) do not have to continue to support you, but if you leave because the conditions at home were intolerable or unsafe, your leaving may not be considered involuntary and you could be entitled to financial support from your parent(s)/guardian(s).

If you are 16 or older and you have been forced to leave home, your parent(s)/guardian(s) may still have to support you. Examples of situations where a person is forced to leave home include being kicked out by parent(s)/guardian(s) without good reason or experiencing abuse or neglect at home.

Each of your parents or guardians has an independent obligation to support you. They are each only required to support you as much as they are financially able to. There is a chart (called the Child Support Guidelines) that sets out how much parent(s)/guardian(s) usually have to pay based on their income.

The court may also order your parent(s)/guardian(s) to keep medical or dental insurance coverage for you, or decide if there are special costs that they should pay for things like post-secondary school, or sports and activities.

Your possessions – over or under age 16

You are entitled to all personal items belonging to you that are at the home of your parent(s)/guardian(s), including personal identification and gifts. This is true at any age. You can ask the police to help you get your belongings back, but your parent(s)/guardian(s) may not let them in, so you may need other help.

The police should help you if you left home to escape from violence or physical abuse. You may also get the help of a youth worker or CAS worker by having them telephone your parent(s)/guardian(s) to talk to them.

The letter below is one that a youth worker could help you send to your parent(s)/guardian(s) in order to get your belongings back. Call Justice for Children and Youth for a lawyer's help. Your parent(s)/guardian(s) could be taken to court for not returning your personal belongings.

Sample letter for recovery of possessions from a parent's home

(insert date)

Dear _____,

I am _____. I was consulted by _____ regarding his personal belongings that are currently in your possession. On their behalf, I request return of the following items:

1. Ontario Health Insurance Card (OHIP)
2. Social insurance number (SIN) card

These items are their legal property. You have no legal authority to withhold them from them. It is especially important that they have possession of their identity documents including their SIN card for many reasons.

We ask that you arrange to have _____'s documents securely returned to this address: (list address)

If we do not hear from you by _____ (insert date) I will be contacting a lawyer to give _____ legal advice in respect of the legal actions available to him for the return of his property.

Yours,
