

Guide to:

# Your Age and the Law



## Starting School

You can start school when you are **4** (or will be turning 4 between Sept 1st and Dec 31st of that school year) if your school board offers junior kindergarten, **or**

When you are **5** (or will be turning 5 between Sept 1st and Dec 31st of that school year) if your school board offers senior kindergarten.

You are required to attend school at age **6**.

[*Education Act*]

## 7 and older

Your consent is required for you to be adopted. [*Child Youth and Family Services Act*]

## Under 12

If you have serious criminal-type behaviour (examples: killing or badly injuring someone, or destroying property), your parents are supposed to provide treatment or consent to treatment to correct this behaviour. If your parents do not do this, you can be taken into the care of a Children's Aid Society. [*Child Youth and Family Services Act*]

You can be ordered by a court to go into a treatment program for a mental health issue. There may be restrictions on what you can do and where you can go. This requires consent of the Minister for Children and Youth Services. [*Child Youth and Family Services Act*]

## 12 & over

You can be charged for federal criminal offences and your parents will be notified. Examples: shoplifting, assault and having a weapon or drugs. [*Youth Criminal Justice Act*]

Your consent is required to have your name changed. [*Child Youth and Family Services Act & Change of Name Act*]

You can be charged for provincial offences and your parents will be notified. Examples: skipping school, jaywalking and trespassing. [*Provincial Offences Act*]

Your consent is required if your parents want to temporarily put you in care with a Children's Aid Society. [*Child Youth and Family Services Act*]

If you are in the care of a Children's Aid Society, you can apply to the court to have this changed or ended. [*Child Youth and Family Services Act*]

You can see a counselor or therapist without your parent's knowledge or consent. [*Child Youth and Family Services Act*]

The court can order you into a treatment program if you have a mental health issue. There may be restrictions on what you can do and where you can go. [*Child Youth and Family Services Act*]

You have a right to be involved and have your own lawyer in court when a judge is deciding whether to allow information about you to be shared ("openness order") with birth family members or other significant people before and after you are adopted. [*Child Youth and Family Services Act*]

### **Sexual Activity**

#### **12 - 13 years:**

You can only consent to sexual activity with a person who is less than 2 years older than you. That person must not be in a position of authority or trust over you (i.e. teacher, coach, doctor, lawyer).

#### **14 - 15 years:**

You can only consent to sexual activity with a person who is less than 5 years older than you. That person must not be in a position of authority or trust over you (i.e. teacher, coach, doctor, lawyer).

#### **16 - 17 years:**

You can consent to sexual activity with a person who is older than you by any number of years. That person must not be in a position of authority or trust over you (i.e., teacher, coach, doctor, lawyer).

[*Criminal Code of Canada*]

### **14 & over**

You can be given an adult sentence for more serious criminal offences. Examples: murder, attempted murder, manslaughter, and sexual assault involving serious violence. [*Youth Criminal Justice Act*]

### **Under 16**

You are deemed competent to appoint and instruct your own lawyer for legal proceedings about your admission into a facility for people with mental illnesses. [*Mental Health Act*]

Between midnight and 6 am you are not allowed to be in a public place unless you are with your parents (or with another person over 18 and with your parents' permission). [*Child Youth and Family Services Act*]

Your legal guardian may exercise your rights to privacy and access to information but not in respect of health care related treatment to which you consent on your own. [*Municipal Freedom of Information and Protection of Privacy Act*]

If there are concerns about your parents providing for your health or safety, you can be removed from your home and taken to a safe place or brought into the care of a Children's Aid Society. The court may be involved in deciding how to keep you safe. [*Child Youth and Family Services Act & Children's Law Reform Act*]

## 16 & 17

If there are concerns about your parents providing for your health or safety, and with your consent, you can:

- be removed from your home and taken to a safe place or brought into the care of a Children's Aid Society.
- enter into a Voluntary Youth Service Agreement with a Children's Aid Society.

[*Child Youth and Family Services Act*]

## 16 & over

You have the right to be involved in decisions about your special education needs. [*Education Act*]

You can withdraw from your parent's control (i.e. leave home) but you may lose your right to financial support [*Child Youth and Family Services Act, Children's Law Reform Act & Family Law Act*]

If you have withdrawn from parental control, you may have the right to appeal school-related decisions, i.e. suspensions and expulsions.

[Common law & *Education Act*]

If you are a Canadian citizen, you can apply for a Canadian passport on your own.

[*Canadian Passport Order*]

You are considered an adult under the *Provincial Offences Act*, i.e. your parents will not be notified about any charges.

If you are not married, you can apply and receive social assistance in special circumstances. Examples: you are kicked out or forced to leave home because of abuse. [*Ontario Works Act*]

You are protected from age discrimination when looking for housing. [*Ontario Human Rights Code*]

In case you become incapable of making decisions, you can appoint a substitute decision maker for health care related treatment and personal care decisions. This person must follow the treatment wishes that you made after you turned 16. You can also be appointed as a substitute decision maker for someone else.

[*Health Care Consent Act & Substitute Decisions Act*]

You can protect your right to privacy of your own personal information. You also have a right of access to this information. Examples: information collected by your school, libraries and the police. [*Municipal Freedom of Information and Protection of Privacy Act*]

You can also:

- get married with your parents' consent, a court order or permission from the Minister of Consumer & Business Services [*Marriage Act*]
- change your name with your parents' consent or a court order [*Change of Name Act*]; and
- provide an advance health care directive to refuse future emergency medical treatment. [*Health Care Consent Act*]

## Under 18

When riding a bicycle, you are required to wear an approved helmet [Highway Traffic Act]

You can be sued on contracts for necessities (example: housing) and for goods and services if you benefit from the contract [Common Law, *Age of Majority and Accountability Act*]

You require a “litigation guardian” (an adult to represent you) to sue someone or be sued unless a court orders that you be allowed to do so on your own [Rules of Civil Procedure, *Age of Majority and Accountability Act*]

A “litigation guardian” may be ordered to represent you in legal proceedings where you are not a party but your interests require separate representation [Rules of Civil Procedure]

The United Nations Convention on the Rights of the Child applies to you. This international agreement sets out minimum and basic standards that all people under 18 should be entitled to. These standards include your right to protection from abuse and exploitation, and respect for your views and wishes in all court and government decisions.

You can be paid reduced minimum wage if you are a student and work 28 hours or less per week. [Employment Standards Act]

Your parents may be sued for damages caused by you if they failed to reasonably supervise and control you, i.e. depending on your maturity level. [Common Law, *Parental Responsibility Act, Age of Majority and Accountability Act*]

### Quitting School

If you turn **17** between the first day of school and December 31st, you can quit school at the end of that school year.

If you turn **18** between January 1<sup>st</sup> and end of August, can quit school on 18<sup>th</sup> birthday.

You can also leave school if you have already graduated from high-school. [Education Act]

## 18 & over

You are protected from age discrimination under the Ontario *Human Rights Code*. For example:

- An employer should not refuse to hire you for a job simply because they think a person your age can not handle the responsibilities of the job.
- A landlord can not refuse to rent you an apartment because they think youth can not reliably pay rent.

A court can no longer make child protection orders about you; and any existing child protection orders and Voluntary Youth Service Agreements automatically end. Children’s Aid Society shall offer continued care and support for a young person in extended society care (formerly “crown ward”) and those on Voluntary Youth Service Agreements.

[Child Youth and Family Services Act]

You are no longer entitled to financial support from your parents unless you are in school full time. [Family Law Act]

You are entitled to receive full minimum wage. [Employment Standards Act]

You are considered an adult under the:

- *Criminal Code of Canada* (i.e. your parents will not be notified if you are charged)
- *Age of Majority and Accountability Act* (i.e. you can sue or be sued in your own name)
- *Ontario Election Act and Canada Elections Act* (i.e. you can vote)
- *Education Act* (i.e. you can appeal a suspension or expulsion without your parents' involvement)
- *Children's Law Reform Act* (i.e. your parent's custody and access orders about you can no longer be enforced)

You can also:

- change your name [*Change of Name Act*]
- enter into contracts [*Common Law, Sale of Goods Act*]
- make a will [*Succession Law Reform Act*]
- get married [*Marriage Act*]
- see a restricted movie [*Film Classification Act*]
- buy a lottery ticket [*Ontario Lottery and Gaming Corporation Act*]
- apply for social assistance without having to show special circumstances [*Ontario Works Act*]
- appoint or be appointed as a substitute decision-maker with respect to property matters [*Substitute Decisions Act*]

## **19 & over**

You can:

- buy alcohol [*Liquor Licence Act*]
- buy tobacco [*Smoke-Free Ontario Act*]
- be on gaming premises and take part in gaming activities (i.e. casinos, racetracks). [*Ontario Lottery and Gaming Corporation Act*]

## **Marijuana**

The law on the possession of non-medical possession of marijuana will be changing sometime in 2018.

Until then, the possession of non-medical marijuana remains illegal.

When the law changes, each Province will have their own set of rules. In Ontario, the government intends to set the legal age for possession of small amounts of marijuana to 19 years of age and over. Other rules will also apply. [*Cannabis Act—proposed, not yet in force*]

## **Non age-based laws (it does not matter how old you are)**

You have a right to see your Ontario School Record. [*Education Act*]

You have a right to attend school in the school board district where your parents live. If you are living on your own, you have a right to attend school in the school board district where you live. [*Education Act*]

You can drink alcohol at home or in another private place if it is supplied by your parents at that location. Examples: drinking wine or beer at home with your parents with dinner or while watching television. [*Liquor Licence Act*]

You can consent to health care related treatment according to your ability to understand the treatment you are seeking. It is not based on your age. [*Health Care Consent Act*]

Single parents of any age are eligible for social assistance, if needed. [*Ontario Works Act*]

The *Canadian Charter of Rights and Freedoms* protects you from laws that discriminate against you based on age.

The *Canada Human Rights Act* protects you from age discrimination in working for and receiving services from federal agencies, such as Canada Post, national airlines, chartered banks, First Nations employers and telephone companies.

Married persons or those in the military can make a will at any age. [*Succession Law Reform Act*]

#### **FOR HELP FINDING A LAWYER:**

Justice for Children and Youth - information below

Community Legal Clinics - [www.legalaid.on.ca](http://www.legalaid.on.ca), locate and contact the clinic closest to you

Human Rights Legal Support Centre - [www.hrlsc.on.ca](http://www.hrlsc.on.ca), 1-866-625-5179

Lawyer Referral Service - [www.lsuc.on.ca/lrs](http://www.lsuc.on.ca/lrs). Receive up to 30 min free advice

#### **OTHER SERVICES:**

Kids Help Phone - [www.kidshelpphone.ca](http://www.kidshelpphone.ca), 1-800-668-6868, phone and online support

Egale Youth OUTreach Counselling Centre - [www.egale.ca/outreach](http://www.egale.ca/outreach), 1-844-44-Egale (3-4253)  
LGBT YouthLine - [www.youthline.ca](http://www.youthline.ca), 1-800-268-968

This booklet is produced by Justice for Children and Youth.  
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Speak to a lawyer about specific questions. May 2018



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