



**Watch our video on this at <http://youtu.be/4CAVDsKB0lk>**

### **When can I decide where I want to live?**

In Ontario, at 16 years of age or older, you can generally decide where you want to live and you do not need a legal guardian. You can live with someone else against the wish of your legal guardian. The other person will not be charged with a criminal offence as long as they do not assist you in leaving home.

If you are under 16 years old, (or if you and your parents live in another province where the age for leaving home is 18 years), your parents can contact the police to have you returned home if you are living in a place that is not safe; in other words, a place where you are at risk of physical, emotional or sexual abuse.

The Children's Aid Society can also take you into care and place you away from home.

### **Can I apply to a court to be "Emancipated"?**

No. In some U.S. states, there are emancipation laws which let someone 16 years and older apply to a court, to be free from the custody and control of their parents or guardians. We do not have laws on "Emancipation" in Ontario.

### **What if my parents live apart?**

If your parents live apart and are both asking for custody, you may have some say in where you live. In general, if you are 16 years of age or older, you can decide. If you are under 16 either one of your parents can ask the judge in court to appoint the Office of the Children's Lawyer to represent your views depending on your ability to understand the situation. You may be able to ask the court to appoint a lawyer for you if your parents refuse.

### **What if I am under 16 and can't live at home?**

If you are under 16 years of age, the local Children's Aid Society (CAS) may be legally required to take you into their care if they believe that you are in need of protection. For example, if your parents kicked you out and you have no place to live, or you are being abused. They may place you with a relative, in a foster care home, or in a group home.

If you and your parents cannot get along, but you are not in need of protection, you may be able to get

a Temporary Care Agreement with CAS. This means you can stay in a foster home or a group home for a while and then return home when things are better.

If you had to leave home and are staying with a person who CAS believes you are safe with, CAS may allow you to stay with that person.

### **What if I'm over 16 and can't live at home? Do my parents have to support me?**

If you are 16 years or older and you were forced to leave home, your parents may still have to support you. For example, you are entitled to support if you left home because you were kicked out without a very good reason, or if you were abused, or if your living situation at home is unsafe, unbearable or impossible.

Your parents must make sure that you have food, clothes and a place to live. Otherwise, they must provide enough money to get these necessities for you. *The amount of support you will get is based on your parents' income, not on what you need.* In general, your parents must provide support until you are 18 years old or longer if you are enrolled in a full-time educational program. You can apply for a Legal Aid Certificate from Legal Aid Ontario to pay for a family lawyer to help you claim support from your parents.

Your parents do not have to support you if you are 16 years or older and have left home of your own free will.

In general, the Children's Aid Society (CAS) will not be available to help you if you leave home after you turn 16. However, there are some situations in which CAS may help 16 and 17 year olds on a voluntary basis. You should call your local CAS to see if the situations apply to you.

### **What can I take when I leave home?**

You have a right to take all of your personal property with you whether you bought it yourself or it was given to you as a gift. This includes all of your identification such as health cards, birth certificates, and passport. These documents are very important and you should take them with you. If your parents are refusing to let you take your own property you can contact the police or a lawyer for help. Sometimes a family member or friend can help pick up your property for you.

### **Can I go to school if I am not living at home?**

Yes. The law says you go to school until you are 18 years old or have graduated from high school. If you are 16 years old and have withdrawn from parental control then you can attend school in the school board district where you live and you will have all the same rights as an 18 year old, for example: you do not need a legal guardian to register for school.

The school will need proof of your new address and you may have to show some proof that you have withdrawn from parental control. For example, they may ask how you are supporting yourself. You should call Justice for Children and Youth if the school is refusing to enroll you.

### **Can I get a job when I leave home?**

Yes, you may work and keep your own wages, even if you qualify for Ontario Works (see the following pages). However, you cannot work during school hours if you are under 18 and not have not graduated from high school.

## **Can I get Ontario Works (“OW”, “welfare” or “social assistance”) to live on my own?**

If you are under 16 years of age, you are not entitled to receive social assistance as a single person. However, if you are living with an adult, such as a friend’s parent, they can ask to have the Child’s Tax Benefit and Ontario Child Benefit paid to them to help support you. They can also ask the Ontario Works office for help to support you.

If you are 16 or 17 years old, you can apply for social assistance from Ontario Works (OW) under *special circumstances*: you might have to show the OW worker that your parents will not let you live at home, or that it is harmful for you to live there. The OW worker must be sure that your parents cannot or will not support you financially. You can ask your OW worker to not contact your parents if there are safety reasons, e.g. if your parents have physically abused you or threatened you with harm. You might also need to provide confirmation of your circumstances, such as a letter from a guidance counselor.

OW will need to know who you are living with and whether they are financially supporting you. This may affect your eligibility. You may also have to participate in family counseling (exception: if your parents have abused you).

You will have to attend school full time or be in an approved training program, unless you have a serious medical or psychological problem that makes this impossible. Anytime you miss school or the training program, you must have a justified reason for doing so or your OW will end.

If you are suspended or expelled from school you may be cut off from social assistance. If you believe that the reason you were suspended or expelled was not fair, you should appeal the decision - see our pamphlets on Suspensions and Expulsions. You can also call Justice for Children and Youth to find out how to appeal the decision.

If you have a child, you can receive OW at any age. You may be required to participate in a program approved by OW to help you complete high school, develop job skills and/or develop your parenting skills.

## **What does Ontario Works pay for?**

OW payments are for shelter, food, clothing and other basic needs. When you move into a new place OW can also help you cover extra items, such as last months rent, furniture and moving costs. If you need prescription drugs, OW will also pay for those except for a small dispensing fee (which some drug stores will not make you pay). If you live in a hostel or youth shelter, you can apply for a personal needs allowance only.

## **How do I apply for Ontario Works?**

If you wish to apply for financial assistance, contact your local Ontario Works office; it is best to call first. You can find your local office in the blue pages of the phone book under “Ontario Works” or “Social Assistance” or at [www.mcass.gov.on.ca](http://www.mcass.gov.on.ca)

If you have it, bring identification documents and proof that you are enrolled in school or a training program.

OW will not pay money directly to you, they require it to be paid to an adult called a “trustee”. If you do not know someone who can act as your “trustee”, OW will help set this up for you.

## Do I have a Right to apply for OW?

You have the right to apply for benefits even if you are told that you may not be eligible. If you are turned down, you should ask for the decision in writing so you can ask for a review of the decision by someone else in the OW office. If they turn you down again you can appeal the decision to the Social Benefits Tribunal. Your request for a review or an appeal must be in writing. There are short deadlines for reviews and appeals so make sure you act on it as soon as possible.

For further information on Social Assistance, visit: [www.yourlegalrights.on.ca](http://www.yourlegalrights.on.ca)

For advice or help with a review and/or an appeal, contact your local community legal clinic or Justice for Children and Youth.

## Can I rent my own apartment?

Yes. It is against the law for a landlord to refuse to rent an apartment to you because you are 16 or 17 years old. It is also against the law to refuse to rent to you because you are on social assistance provided by Ontario Works (OW). If you are on OW, your worker will have the right to approve where you live.

## FOR HELP FINDING A LAWYER

**Justice for Children and Youth** – details at end of publication

**Lawyer Referral Service** - [www.lsuc.on.ca](http://www.lsuc.on.ca)  
416-947-3330 or 1-800-268-8326 (up to 30 min free advice)

**Legal Aid Ontario** - [www.lao.on.ca](http://www.lao.on.ca) | 416-979-1446 or 1-800-668-8258

## SELECT YOUTH SERVICES

**Kids Help Phone** - [www.kidshelpphone.ca](http://www.kidshelpphone.ca) | 416-973-4444 or 1-800-668-6868  
Phone and on-line support and information (under 20)

**Lesbian Gay Bi Trans Youthline** - [www.youthline.ca](http://www.youthline.ca) | 416-962-9688 or 1-800-268-9688  
Peer-phone and online support and information. Sun - Fri, 4:00 - 9:30 p.m.

**Toronto 211** - [www.211Toronto.ca](http://www.211Toronto.ca) | Dial 211 from any phone in Toronto  
Free information on government and non-government services in Toronto:  
locating food, shelter, health and financial assistance, etc.

**211 Ontario** - [www.211Ontario.ca](http://www.211Ontario.ca) | Dial 211 from any phone in Ontario

This pamphlet gives general information about the legal rights to leave home in Ontario.  
Speak to a lawyer or legal worker for advice. Current as of June 2012.



415 Yonge Street, Suite 1203  
Toronto, Ontario M5B 2E7  
416-920-1633 | 1-866-999-5329  
Website: [www.jfcy.org](http://www.jfcy.org)  
Blog: <http://jfcy1.blogspot.com/>