

Message from the President

By Russell Vaughan

I am writing to update you, our members, on the Clinic operations of Justice for Children and Youth and on the activities of your Board of Directors. I am also hoping to enlist your help in our continued success.

Recent achievements

As you will read elsewhere in this newsletter, in December, 1999, **Cheryl Milne**, a staff lawyer, and **Paul Schabas**, a lawyer at Blake Cassels and Graydon who donated his services to us, argued JFCY's constitutional challenge to the corporal punishment provisions of Canada's Criminal Code.

In February, **Martha Mackinnon** and **Mary Birdsell**, both staff lawyers, wrote a brief on the federal government's proposed *Youth Criminal Justice Act*. This brief and an oral presentation were provided to the Justice Committee in Ottawa. Justice for Children and Youth continues to be involved in the consultation process at both a federal and a provincial level. *Continued on page two.*

WEBSITE LAUNCHED!



www.jfcy.org

After many years of talking, planning, and wishful thinking, the Justice for Children and Youth website was launched at www.jfcy.org. The format of the site relates to one of our best known publications, Know Your Rights but incorporates new graphics and pictures. The logo, seen on the masthead above, was developed by **Emily Visser**, a graphic artist who donated her time developing it and the first draft of the site.

Jane Walsh, a social work student at Ryerson Polytechnic University, spent much of her placement with us developing the site with Emily. She also was instrumental in engaging a group of high school students from **L'Amoreaux Collegiate** to develop the final product.

The L'Amoreaux students took our ideas and initial draft, tested it with focus groups of other students, then developed the site you see. The content gives you some basic legal information in some of the key areas that we work in. It also tells you about the clinic and our significant policy, community and test case work. (See page 7)

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President – continued from page 1

The clinic continues to attract a number of dedicated volunteers to augment the efforts of our permanent staff. Many thanks for their contributions, and special thanks for some of our recent volunteers: **Michelle Astudillo, Tricia Brenneman, Lee Ann Chapman, Sanja Curic, Naomi Johnson, Holly Nickel, Jennifer Orenstein, Ted Pickles, Erin Stoik, Pema Tulotsang, Kerrian Williams and Lavina Sadhwani.**

Transitions

We have experienced many changes over the last six months. **Sheena Scott**, Executive Director, is on an extended leave of absence. **Martha Mackinnon** has been acting as Executive Director until the Board hires a short-term contract Interim Executive Director. This process is underway. Two support staff left and their work is being done by contract staff. The Board was faced with a human rights dispute relating to staff. The dispute has been successfully resolved and the work of rebuilding our staff and Board complement can begin. Of the 15 Board members elected at the annual general meeting, eight have resigned, some for personal reasons, others for reasons relating to the human rights dispute.

The seven remaining Board members have appointed three new members of the Board: **David Day, Lynn Thomson, and Fred Zemans.** We are working with a consultant whose expertise is board development and operations. On behalf of the Board, I would like to thank the outgoing Board members for their contribution to Justice for Children and Youth.

Our plans

The Board is planning to review and update its corporate bylaws, policies and procedures, using a best practices approach. In this work, we welcome your participation. We anticipate that the process will begin in the late summer and will continue into the fall and winter. **Please call Martha Mackinnon at (416) 920-1633 if you are interested in participating in this important review.**

Membership has almost doubled in the past year. However, we would like to see a further increase in membership, since the credibility and weight of our voice in law reform and policy initiatives is based in part on the size of our membership and on the commitment of our members to the rights of young people. A large and vigorous membership will help us further the work of Justice for Children and

Youth. **Please call Andrew Stewart at (416) 923-7431 if you are interested in helping with a membership drive.**

We are pleased that we are now in a position to begin rebuilding the Clinic and its work. We are delighted with the qualities that our new Board members bring to our efforts. We encourage you, our members to participate in the rebuilding process. Your input and support is vital to the success of the Clinic and Foundation.

Biographical notes on all Board members can be found on page 6 of this newsletter. Ed. ♦

Case updates

Francis v. Ministry of Citizenship and Immigration – The applicants have been granted leave to appeal to the Supreme Court of Canada in this case involving the interests of Canadian born children of a deportee. We intervened at the Court of Appeal and may seek intervenor status at the Supreme Court.

F.N. v. Her Majesty the Queen – We intervened and presented oral argument at the Supreme Court of Canada in November, 1999 on this case involving the disclosure of Youth Court records to Newfoundland school boards. The Court recently upheld unanimously the confidentiality provisions of the Young Offenders Act and prohibited the disclosure of court dockets to school boards.

J. H. v. Attorney General – The Ontario Court of Appeal reversed the decision of the Ontario Court of Justice that the court could not inquire into the parent's financial circumstances when ordering that a lawyer be provided to a young offender under s.11 of the *Young Offenders Act*. We had intervened at the Court of Appeal. J.H. will be asking the Supreme Court of Canada to hear an appeal of the decision. We hope to intervene should leave be granted.

Challenge to the Safe Streets Act – We are representing a 16 year old who was charged under the *Safe Streets Act* for squeegeeing. A constitutional challenge has been launched in this case and in a number of other similar cases. They will all be heard together in early January 2001, in the Ontario Provincial Offences Court before a Judge of the Ontario Court of Justice. ♦

New Publications

Submission of Justice for Children and Youth Regarding the Proposed Youth Criminal Justice Act, February 2000. \$5.00
Ontario Age-Based Legal Milestones, May 2000. Free (See pages 8-9)

Advocates in Restorative Justice Initiatives

Justice for Children and Youth was invited to submit a paper to the Department of Justice on restorative justice. The following is a very brief summary of our submission.

Restorative justice tries to address criminal behaviour in a holistic way by attempting to redress the harm done to the victim, the community and the offender and to restore social relationships and social equality in relationships so that each person's rights to equal dignity, concern and respect are satisfied. While much attention has been paid to the participation of the victim in restorative justice, not enough attention has been paid to the participation and integrity of young offenders.

A process that gives greater power to victims should not empower victims at the cost of the destruction of the integrity of young offenders.

Individual rights in the criminal law context and particularly in the youth criminal context have evolved to balance the enormity of the state's power and the relative immaturity and vulnerability of the young accused. Expressed public dissatisfaction reflects a tough-on-crime, tough-on-youth mentality. It is important that this anti-youth attitude not dominate a process designed to heal relationships.

The process often involves creating a setting where the offender, victims, parents and family members, police officers and other members of the community who have been affected come together with a facilitator. Our concern is that a process that gives greater power to victims should not empower victims at the cost of the destruction of the integrity of young offenders. While it is important that safety and respect be addressed for the victims, it is equally important that young people who are willing to accept responsibility for their criminal behaviour be treated appropriately and fairly.

Restorative justice processes are community-based. The process may well differ from community to community. But the federal government should play a role to ensure that community building is enhanced, by establishing standards, or best practices that act as safeguards for young people.

Restorative justice cannot be effective unless there is meaningful involvement of the participants, including the offender. Enhancing the involvement of the victim will not

automatically involve the offender. Indeed, the offender's isolation from the community is the likely result of the wrongdoing. Such isolation may even have led to the wrongdoing, and mediation, negotiation, conflict resolution and peacemaking skills may be skills quite lacking to the young offender. Therefore, a fair restorative justice model must ensure that the offender has access to a skilled advocate.

A successful restorative justice model must recognize the issue of power imbalances. Concern for the safety of the victim is legitimate. However, while family members, police and other concerned community members may predictably be supportive of victims of harm, the same is not true for young offenders. If we eliminate formalized rights protections and legal advocates in the restorative justice process, we must equalize social supports by ensuring that offenders have professionally trained advocates, not in a legal, but in a social and restorative sense. This early in the development of restorative justice models in Canada, there may be a paucity of such advocates.

The theoretical underpinnings of restorative justice are focused on the repair of harm already done and the restoration of relationships. This must include assurances that in the justice circle, no additional harm is done to the offender. ♦

Bizarre laws

In **Canada**, we are not permitted to pay for a 50-cent item with 50 pennies.



It is illegal to drive on the road in **New Brunswick**.

In Ontario, in **Oshawa**, it is illegal to climb trees.

In **Ottawa**, it is not legal to eat ice cream on Bank Street on a Sunday.

In **Etobicoke**, a bylaw prohibits residents from having more than 3.5 inches of water in a bathtub.

Albertans are forbidden from painting wooden logs.

In the **United States**, it is against the law for a U.S. citizen to have any contact with extraterrestrials or their vehicles.

But ...

In **Japan**, it is legal, and was until recently the basis of a television game show, to bring pre-adolescent children on stage and tell them (falsely) that their mothers have just been shot in order to allow contestants to guess how long it will take them to begin to cry.

And in **Canada**, it is still legal for parents and teachers to hit children for correction purposes.

The Parental Responsibility Act

By Stephen Lamont (for the Policy Committee of Justice for Children and Youth)

In April 2000, the Government of Ontario caused the Legislature to pass Bill 55, the Parental Responsibility Act (“PRA”). In doing so, the Government has stated that it is taking action to protect the rights of victims, in the face of what it regards as a significant increase in youth vandalism*. Specifically, the supposed purpose of the PRA is to provide victims with a civil right of action against the parents of a child who intentionally damages the victim’s property.

Government press releases announcing this Act admit that an action in negligence against parents for the acts of their children already exists.

Government press releases announcing this Act admit that an action in negligence against parents for the acts of their children already exists. However, the Attorney General stated that the PRA would make it easier for people whose property was intentionally damaged, destroyed or stolen by children, to recover damages of up to \$6,000 from the parents of the perpetrators. This is because the PRA supposedly places a “greater onus of proof on the parents,” as opposed to prior to the Act’s passage, where the victim “bore much of the responsibility for proving the case”.

The PRA gives a person the right to bring a small claim court action (for damages limited to \$6,000.00) against the parent of a child who intentionally damages the plaintiff’s property. The Act does not apply to personal injury caused by a child. According to the Act, the victim’s action will succeed upon proof that the child damaged the victim’s property, unless the parent can show that the damage was unintentional, or that the parent:

- (a) was exercising reasonable supervision over the child at the time; and
- (b) made reasonable efforts to prevent or discourage the child from engaging in the kind of activity that resulted in the loss.

The Act provides a list of factors that the Court may consider in assessing the reasonableness of the parent’s actions. A victim may use evidence of the child’s conviction for an offence under the Young Offenders Act as proof in a subsequent civil action against the child’s parents arising out of the same incident. However, the Act contains provisions

protecting the publication of information relating to the YOA conviction.

All other remedies that a victim would have had under existing law are preserved by the PRA. Most importantly, the Act repeals and then re-enacts section 68 of the Family Law Act. This section, in force since 1986, already puts the onus of proving the exercise of reasonable control or supervision on the parent in any action against that parent for the acts of his or her child. It is when this provision is considered that it becomes patently obvious that the PRA is in fact a statute without any substance, a statute that has not changed the law.

At common law, parents could not be held vicariously liable for the acts of their children (unless the child was their employee). But parents have always been liable if they negligently supervised their children who then as a result caused damage to others. What is considered to be negligent supervision depends on many circumstances, including the child’s age, his or her propensity for violence and the extent and nature of the parent’s direct or indirect supervision.

It is true that a plaintiff would have had the onus of proving that the parent acted negligently under the common law. However, this onus was reversed in 1986 by section 68 of the Family Law Act, which read:

68. In an action against a parent for damage to property or for personal injury or death caused by the fault or neglect of a child who is a minor, the onus of establishing that the parent exercised reasonable supervision and control over the child rests with the parent.

This is the same provision that, after being repealed by section 12 of the PRA, is re-enacted word for word as section 10(2) of the same statute. The PRA violates the government’s stated policy to avoid unnecessary duplication and red tape.

As a result, therefore, the PRA does not affect the proof of a case against a parent for the acts of his or her child. In each case, both before and after the PRA, the victim must prove that his or her property was damaged by the child’s actions, but the parent must prove that he or she acted reasonably in supervising and controlling the child. The legislation accomplishes nothing at all. It applies only to a subset of parental negligence cases (it does not apply to unintentional acts or to personal injury claims) and it makes absolutely no difference to the conduct or the result of those cases to which it does apply. Despite the Government’s vaunted claims, the legislation does not increase victim’s rights.

But the PRA may indirectly cause harm to children. For one thing, the PRA turns an artificial spotlight on the already strained relationship between children engaging in anti-social behaviour and their parents. By drawing attention to albeit already existing civil remedies available against parents, the PRA may cause an increase in the number of such actions.

These actions may in some cases cause a final rupture of the fragile bond between troubled children and their financially strapped parents. The legislation also flouts a fundamental principle of dealing with young people, a principle that should be espoused by politicians of all affiliations – the principle that young people should learn to take responsibility for their own actions and not to view others responsible for them. Ultimately, however, the PRA is most distasteful because it appears to be politically cynical, simply a vote-getting device that makes the

Harris government appear to be “getting tough” on crime, while not actually changing the law at all.

Endnotes

*On the contrary, the Canadian Centre for Justice Statistics recently reported that the number of cases in Youth Court involving property crimes has decreased 27% since 1992 (Statistics Canada 2000).

1. Ontario Government Press Releases, “Harris Government Strengthens Parental Responsibility,” April 4, 2000.
2. It is interesting to note that the legislation defines the potentially liable “parent” to be an “individual” only. The government has thereby ensured that the PRA does not operate so as to make the government itself liable for the vandalism of children who are wards of the state.

Stephen Lamont is a lawyer with the firm of Osler, Hoskin & Harcourt LLP and is a member of the Policy Committee for Justice for Children. ♦

Ontario Superior Court Upholds Section 43

In a decision released on July 5, 2000, **Justice David McCombs** of the Ontario Superior Court rejected the Foundation’s bid to have the corporal punishment section of the *Criminal Code* declared unconstitutional. The Foundation had argued that section 43, which justifies the use of reasonable force against children for the purpose of correction, infringed sections 7, 12 and 15 of the *Charter of Rights and Freedoms*.

Cheryl Milne, staff lawyer at the clinic, and **Paul Schabas** of Blake, Cassels and Graydon, argued the case during the week of December 6, 1999. The Attorney General in Right of Canada and two intervenors, the Coalition for Family Autonomy and the Canadian Teachers Federation, responded. The Ontario Association of Children’s Aid Societies intervened in support of our application.

Despite finding that there was a growing consensus that corporal punishment does more harm than good, Justice McCombs found that the section did not infringe a child’s right to equal protection of the law. He further found that, although the section infringed the child’s right to security of the person, that the standard of reasonableness met the requirement that such an infringement be in accordance with the principles of fundamental justice.

His analysis of the social science data, rather than supporting the continued use of corporal punishment on children, points to the conclusions reached by most experts that it does very little good and may actually do genuine harm to children. He found that everyone agreed that it should never be used on children under 2 years or on teenagers, that it should never involve the use of implements or contact with the child’s head, and that corporal punishment that results in injury is abuse. Justice McCombs found, however, that section 43 is necessary to provide a protected sphere of reasonable force within which parents and teachers can do their jobs. He went on to state:

These reasons for judgment are not intended to be taken as a wholehearted endorsement of the provisions of s. 43 of the *Criminal Code*. The evidence shows that public attitudes toward corporal punishment of children are changing. There is a growing body of evidence that even mild forms of corporal punishment do no good and may cause harm. There has been disparity in the judicial application of s. 43 of the *Criminal Code*.

The Foundation will be appealing the decision, which also fails to provide any guidance to courts or law enforcement as to the meaning of the term “reasonable force”. The court summarized the areas of agreement among the experts on both sides of the case, but then stated that the time may have come for Parliament to amend the section to provide specific criteria to guide parents, teachers and law enforcement officials. ♦

Meet JFCY's Board of Directors

Madeleine Brazeau is a Franco-Ontarian who has volunteered and worked in several non-profit organizations dealing with children over the past ten years such as Streetkids International and Cabbagetown Community Arts Company. She is currently on committees with the Toronto District Health Council and Ontario Children's Rehabilitation Services. Madeleine is a member of our Board Development Committee.

Donald Bur is a lawyer working with the Office of the Public Guardian and Trustee. He has worked both in the public sector (in addition to the Public Guardian's office, he has worked for a number of years with the Ontario Law Reform Commission and with the Crown Law Office Constitutional) and in the private sector for national and international law firms. In addition to his LL.B., he also has a LL.M. from the University of Toronto, a B.C.L. from McGill University, Diplôme from the Institut International des Droits de l'Homme in Strassbourg, and a Ph.D. from Cambridge University. Donald is currently on our Personnel Committee.

David Day is currently an Assistant Professor in the Department of Psychology and School of Justice Studies at Ryerson Polytechnic University. He received his Ph.D. in applied social psychology from the University of Windsor in 1990. He has previously worked as a Research Associate at the Hincks-Dellcrest Centre and the Director of Research at Earls Court Child and Family Centre in Toronto. He also worked as a staff psychologist at the Ontario Correctional Institute (OCI), a medium security custody facility for adult male offenders, in Brampton.

Louise Gwyn is an elementary school teacher with the Toronto District School Board. For the past fourteen years, she has been working with children and youth in an inner city school. Recently, she was elected to an advisory council for a downtown community centre. The council's principle responsibility was dealing with recreation and sports programs for children, youths and adults. Louise is currently on our Personnel Committee.

Jennifer Leitch is a litigation lawyer at Goodman Phillips, Vineberg. She was a volunteer at Justice for Children and Youth from January 1999 to July at which time she became a staff lawyer until accepting her present employment in October. Jennifer serves on our Board Development Committee.

Ginger Manone has been a Board Member of Justice for Children and Youth since our 20th anniversary Annual General Meeting in 1998. She has brought her own personal experience with the clinic to her position and has been a member of our Youth Advisory Committee and our Fundraising Committee. Ginger is currently our Vice-Chair.

Andrew Stewart is a small businessman who founded a publishing company. He has his MBA from the University of Western Ontario. Andrew has been very active in tenant's rights issues and property tax reform. He was the President of the 320 Lonsdale Road Tenants' Association, the first ever to receive funding from the City of Toronto to commence an action against a landlord. He was a Director of Citizens for Property Tax Reform and is currently the Tenant Co-Chair of the Tenant/Landlord Coalition for Equal Taxation. In addition to serving on our Executive as our Treasurer and Secretary, Andrew is on our Board Development Committee.

Lynn Thomson is an employment lawyer with the Toronto firm of Hicks Morley Hamilton Stewart Storie. She obtained her LLB and MBA from the University of Ottawa. She has extensive experience representing employers in arbitrations, human rights and wrongful dismissal actions

Russell Vaughan has over 25 years of experience in property, business and construction management and has been working mostly in the non-profit housing sector since 1984. Most recently, he was part of a management team hired to implement a complete restructuring of the largest supportive housing organization in the country, serving over 1,000 low income tenants with special needs; including consumer survivors of the mental health system, women and children leaving abusive situations and young people in difficulty. Russell is our President and Chair and serves on our Personnel Committee.

Fred Zemans is a Professor at Osgoode Hall Law School of York University and the Director of Clinical Education. He was the founding director of Parkdale Community Legal Services and the Intensive Programme in Poverty Law and a founding director of Justice for Children and Youth. He has published extensively on legal services for low-income persons both in Canada and internationally as well in the field of dispute resolution. He is a member of the graduate faculty of Osgoode's LL.M. in Alternative Dispute Resolution and a member of the evaluation team of the Mandatory Mediation Pilot Project in Toronto and Ottawa.

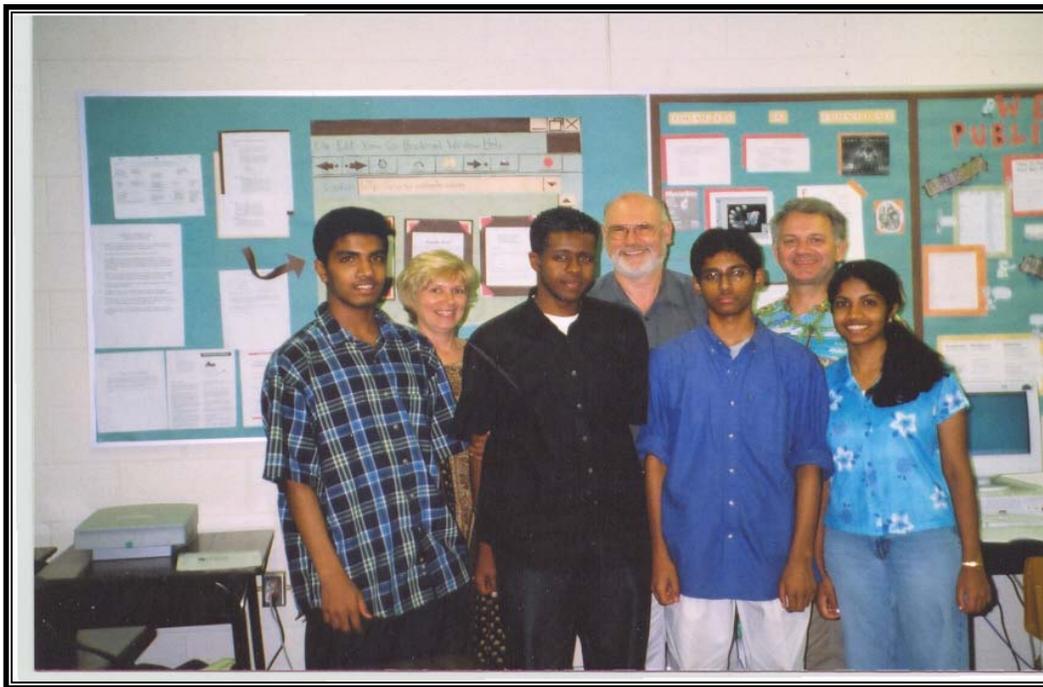
Interim Executive Director Update

We would like to welcome John Doherty who has recently joined the clinic as the Interim Executive Director. Martha Mackinnon has been the Acting Executive Director since the beginning of the year and will continue her work as a staff lawyer. John, who has extensive experience as a Consultant and an Interim Executive Director in the non-profit sector, will be filling the position until the end of Sheena Scott's leave of absence. John's strong organizational and financial skills will be an asset to Justice For Children and Youth. We look forward to working with him.

Acknowledgements

We would like to thank Charlotte Murray, a member of Justice For Children and Youth, for volunteering her creative talents and editorial expertise in putting together this Newsletter.

Website Developers



From left to right: Sanjayan Ehamparam, Shirley Broekstra, Ismail Hussein, Ian McCollom, Sirisenthuran Sivananthan, Russell Bronson, Dharmine Ehamparam

Missing from the picture: Daniel Yu, Caleb Chua and Karen Beigelow

SUMMARY OF AGE-BASED LEGAL MILESTONES FOR YOUTH IN ONTARIO

Glossary

AMAA – Age of Majority & Accountability Act
CAS – Children’s Aid Society
CCC – Criminal Code of Canada
CFSA – Child and Family Services Act
CLRA – Children’s Law Reform Act
CNA – Change of Name Act
Ed Act – Education Act
FLA – Family Law Act
HCCA – Health Care Consent Act
HRC – Human Rights Code (Ontario)
HTA – Highway Traffic Act
ITA – Income Tax Act
MA – Marriage Act
MFIPPA – Municipal Freedom of Information & Protection of Privacy Act
MHA Mental Health Act
OWA – Ontario Works Act
POA – Provincial Offences Act
SLRA – Succession Law Reform Act
SDA – Substitute Decisions Act
Th Act – Theatres Act
YOA – Young Offenders Act

6 & OVER

- School attendance required [Ed Act, s. 21]

7 & OVER

- Consent to be adopted required [CFSA, s. 137]

UNDER 12

- Can be apprehended by CAS for serious criminal behaviour [CFSA, s. 37(2)]
- Can be the subject of a secure treatment order only with Minister’s consent [CFSA, s. 117]
- Cannot see a movie during school hours or after 7:30 p.m. unless accompanied by person apparently 16 years or older [Th Act, s. 19(1)]

12 & OVER

- Can be prosecuted for provincial offences such as truancy [POA, s. 93(a)]
- Can be charged with a criminal offense [YOA, s.2(1)]
- Consent of child required for voluntary care agreements with CAS and voluntary child protection proceedings [CFSA, s. 29(2)(b); s. 37(2)(1)]
- Can consent on one’s own to counseling by service provider [CFSA, s. 28]
- If in care, can apply to have status reviewed [CFSA, s. 64]

- CAS wards can consent to access by person previously in charge of them [CFSA, s. 59]
- Can be the subject of a secure treatment order [CFSA, s. 117]
- Consent required to change name [CNA, s. 5(2)]

14 & OVER

- Can stop attending school or attend part time with parents’ consent and Board approval [Ed Act, s. 11(8), O.Reg 308/90]
- Can reside with third party or non-custodial parent without criminal repercussion to the parent or third party [CCC ss.281,282 but see s. 280]
- Can be transferred to adult court for prosecution of a criminal offense [YOA, s. 16]
- Can see “adult entertainment” movies if with person 18 years or older [Th Act, s. 19(2)]
- Can consent to sexual activity except with a person in position of authority or trust [CCC, s. 150.1, 153.1]

UNDER 16

- Can be apprehended and taken to place of safety; and can be the subject of child protection proceedings [CFSA, s. 37(1); 40(2); 41(7) and CLRA, s. 36]
- Parents’ obligation to provide financial support is absolute and not dependant regardless of residence or why child left home [FLA, s. 31]
- Presumed not mentally competent for purposes of the MHA but deemed competent to appoint counsel in proceedings for admission into a psychiatric facility [MHA, s. 5 & 43]
- Legal custodian may exercise child’s rights to privacy and access to information on child’s behalf [MFIPPA, s. 54(c)]

16 & OVER

- Considered an adult under the POA [s.93(b)]
- Attendance in school is not compulsory after the end of the school year in which the student turns 16 [Ed Act, s. 21]
- Can work during school hours [Ed Act, s. 21]
- Entitled to participate in decision identifying whether special needs student and subsequent placement [Ed Act, O.Reg 181/98, s. 4]
- Can voluntarily withdraw from parental control but may lose right to parents’ financial support [CFSA, s.43(2); CLRA, s.65; FLA, s.31]
- Can no longer be apprehended by the CAS [CFSA, s. 37]
- Can apply for secure treatment [CFSA, s. 114]
- May apply to terminate wardship (CAS will NOT usually oppose) [CFSA, s.64]
- Considered an adult for the purpose of the MHA
- Can refuse emergency treatment [HCCA, s. 26]

- Can be or appoint a substitute decision maker in medical treatment and personal care matters [HCCA, s. 33; SDA, s. 43]
- Substitute decision maker must give effect to patient's treatment wishes made after patient turned 16 years [HCCA, s. 21]
- Can marry with parents' consent, court order or Minister's permission [MA, s. 5, 6]
- Can change name with parents' consent or court order [CNA, s. 43(3); (4)]
- If single, entitled to social assistance in special circumstances [OWA]
- Protected from discrimination based on age respecting housing [HRC, s. 4]
- Eligible for novice driver's licence in graduated licensing scheme [HTA, s. 37(2); O.Reg. 509/97, s. 28]
- Right to privacy of and access to personal information on own behalf [MFIPPA, s. 54(c)]

UNDER 18

- Parents may be civilly liable for damages caused by their minor children. Liability based on failing to supervise and depends on maturity of child [Common Law; AMAA, s. 1]
- Litigation Guardian required to sue or be sued civilly unless court orders otherwise [Rules of Civil Procedure, R. 7.02 & AMAA, s. 1]
- No statutory appeal or process rights under the Education Act [Ed Act, ss. 1(2)]
- If a student, entitled to reduced minimum wage [ESA, O.Reg. 325/90, s. 10(1.3)]
- Can be sued on contracts for necessities (such as housing). May be sued on contracts for non-necessities if beneficial to the minor [Common Law]
- Considered a "child" under the United Nations Convention on the Rights of the Child

18 & OVER

- Age of majority - ceases being a minor [AMAA, s. 1]
- Considered an adult under the CCC (no longer a "young person" under the YOA)
- Can sue or be sued in their own name as no longer a minor under Rule 7.02 [AMAA, s. 1]
- Eligible to vote [Election Act, s.10(1); 15(1)]
- "Adult" for the purposes of the Ed Act but if appealing a suspension, parents will still be notified [s. 1.2(1); 23(2)]
- Protection from age discrimination [HRC, s. 10]
- Can appoint or be a substitute decision maker with respect to property matters [SDA, s. 4]
- Cannot be the subject of child protection orders. Existing orders terminate unless extended by CAS [CFSA, s. 71]
- Can no longer be the subject of custody or access orders [CLRA, s. 18(2)]

- Parents obligation to provide financial support ceases, unless in school full time [FLA, s. 31(1)]
- Eligible for social assistance, if in need [OWA]
- Entitled to earn full minimum wage [ESA, O.Reg. 325/90, s.10(1.3)]
- Can enter into contracts, [Common Law]
- Can make a will, [SLRA, s. 8]
- Can change name, [CNA, s. 1; 4(3)]
- Can see a restricted movie, [Th Act, s. 19(4)]
- Can marry without permission [MA, s.5]

19 & OVER

- Can consume alcohol [Liquor License Act, s. 30(1)]
- Can purchase tobacco [Tobacco Control Act, s. 3]
- Eligible for GST refund credit [ITA]

NON AGE - BASED MILESTONES

- Pupils of any age can see their school records [Ed Act, s. 266]
- Entitlement to attend school depends on residence of parent or tenancy of pupil in school board area [Ed Act, s. 36]
- Consent to medical treatment depends on mental capacity not age [HCCA]
- Federal HRC and Charter protect all ages from age discrimination [Canadian Human Rights Act, Charter]
- Single parents of any age are eligible for social assistance, if needed [OWA]
- Parents or married persons of any age are eligible to claim GST refund credit [ITA]
- Married persons or those in the military can make a will at any age [SLRA, s. 8]
- Civil liability of minors depends on maturity not age (no known case ascribing liability to a child of "tender years" i.e. under 6 years) [Common Law]

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MEMBERSHIP APPLICATION

YES, I am interested in becoming involved with Justice for Children and Youth.

_____ I would like to become a member of Justice for Children and Youth.

_____ I would like to renew my membership.

Please enroll me as:

- an individual member, \$20.00
- an organization, \$50.00
- a sustaining member, \$100.00 (Lifetime)
- a youth member, under 18, free _____ (age)
- YAC members, free
- Students, Free

NAME/ORGANIZATION: _____

ADDRESS: _____

TELEPHONE (B): _____
(Area Code) _____

TELEPHONE (H): _____
(Area Code) _____

I am interested in serving on the following Committee:

- Policy Committee
- Youth Advisory Committee (youth members)
- Fundraising Committee
- Community Development Committee

Please find enclosed my membership fee of \$ _____ and a donation of \$ _____
(Charitable donations receipts will be issued). Thank you for your contribution.

JUSTICE FOR CHILDREN AND YOUTH
Canadian Foundation for Children, Youth and the Law
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