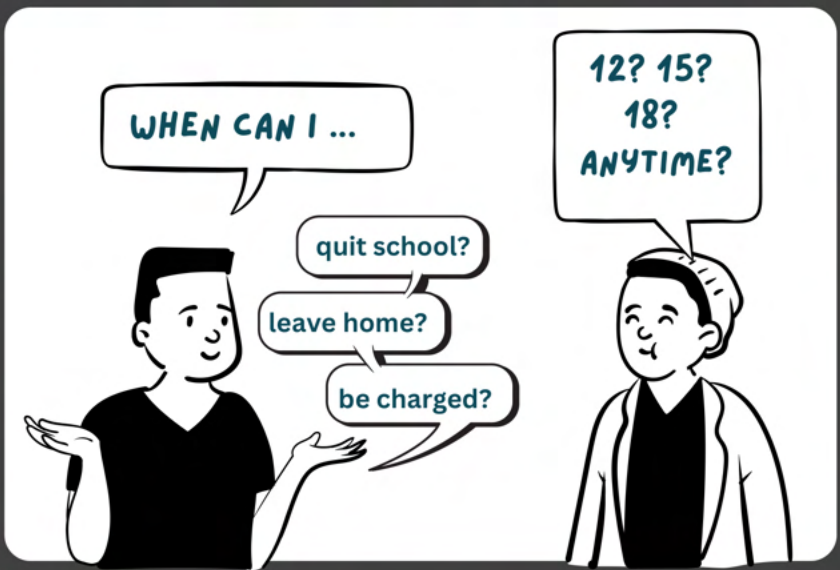


Your Age and the Law



JUSTICE
FOR CHILDREN
AND YOUTH

**This pamphlet gives general legal information
about the rights of young people in Ontario**

**Speak to a lawyer for legal advice about
situations you are experiencing**

**Justice for Children and Youth (JFCY)
provides free and confidential legal services to
young people in Ontario**

If you are under 18 and have a legal question or problem,
call JFCY toll free: 1-866-999-5329 (JFCY)

JFCY also has specialized services:

- Your Way Forward (YWF) for young people who have been victimized by sexual and/or family violence
- Street Youth Legal Services (SYLS) for youth under 25 who are experiencing homelessness
- Childhood Arrivals Support and Advocacy (CASA) for young people under 25 and have precarious immigration status



Laws that apply to all young people (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 district where your parent/caregiver(s) live. If you are living on your own, you have a right to attend school in the district where you live. *[Education Act]*

You can drink alcohol at home or in another private place if it is supplied by your parent/caregiver(s) at that location, e.g. drinking wine or beer at home with your parent/caregiver(s) with dinner.
[Liquor Licence and Control Act]

You can consent to your own health care treatment if you understand the treatment that 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]*

You are protected from age discrimination in all government actions, including the creation and implementation of all laws and policies.
[Canadian Charter of Rights and Freedoms]

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

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

7 & 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 (e.g. badly injuring someone or destroying property), your parent/caregiver(s) are supposed to provide treatment or consent to treatment to correct this behaviour. If they 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.
[*Child Youth and Family Services Act*]

Sexual Activity*

12 - 13:

You can only consent to sexual activity with a person who is less than 2 years older than you.

14 - 15:

You can only consent to sexual activity with a person who is less than 5 years older than you.

16 - 17:

You can consent to sexual activity with a person who is older than you by any number of years.

*** In all these situations: the older person must not be in a position of authority or trust over you, e.g. teacher, coach, doctor and lawyer.**

[*Criminal Code of Canada*]

12 & over

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

You can be charged for provincial offences and your parent/caregiver(s) will be notified. Examples: skipping school and trespassing. [*Provincial Offences Act*]

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

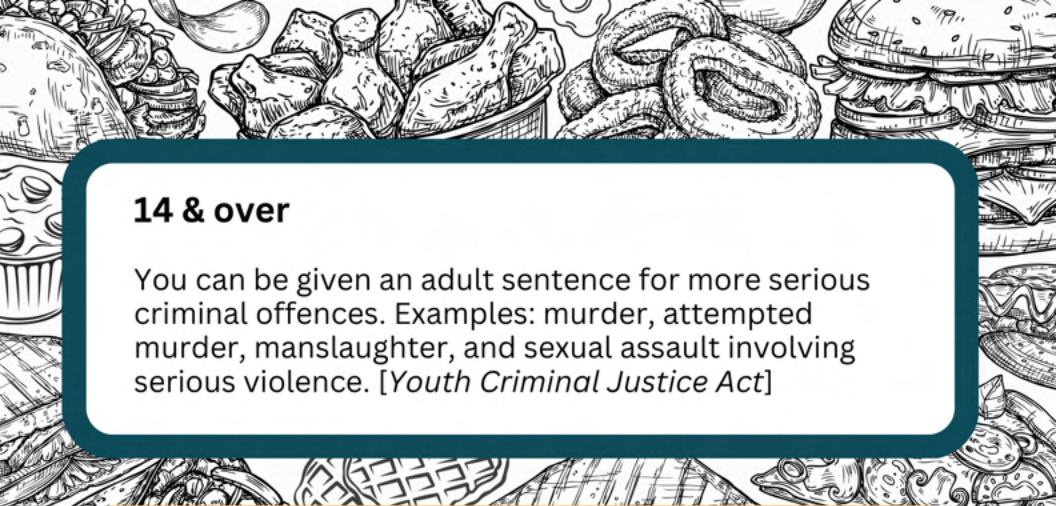
Your consent is required if your parent/caregiver(s) want to temporarily put you in care with a Children's Aid Society. [*Child Youth and Family Services Act*]

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/caregiver(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 when a judge is deciding whether information about you can be shared with birth family members or others before and after you are adopted. [*Child Youth and Family Services Act*]



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 hire your own lawyer for legal proceedings about going 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 parent/caregiver(s) or with another person over 18 and with your parent/caregiver(s) permission. [*Child Youth and Family Services Act*]

Your parent/caregiver(s) can seek access to information held by institutions such as schools, libraries and the police, on your behalf. Except information about health care treatment that you consented to on your own. [*Municipal Freedom of Information and Protection of Privacy Act*]

If there are concerns about your parent/caregiver(s) 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*]

16 & 17

You can 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/caregiver(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/caregiver control, you may have the right to appeal school-related decisions, e.g. 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* and your parent/caregiver(s) will not be notified about any charges.

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

16 & over (continued)

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

You can appoint a substitute decision maker for health care treatment and personal care decisions in case you become incapable of making 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 the privacy of your own personal information held by institutions such as schools, libraries and the police. You also have a right of access to this information. [*Municipal Freedom of Information and Protection of Privacy Act*]

You can also:

- get married with your parent/caregiver(s) consent, a court order or permission from the Minister of Consumer & Business Services. [*Marriage Act*]
- change your name with your parent/caregiver(s) consent or a court order. [*Change of Name Act*]
- 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 a helmet. [*Highway Traffic Act*]

You can be sued on contracts for necessities, such as 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 parent/caregiver(s) may be sued for damages caused by you if they failed to reasonably supervise and control you, depending on your maturity level. [*Common Law, Parental Responsibility Act, Age of Majority and Accountability Act*]



Quitting School

You can quit school in the year you turn 18, either:

- on your birthday if you turn 18 between Jan 1st and the end of the school year that June, or
- at the end of the school year in June if you turn 18 between June and December of that calendar year.

You can also leave school at any age if you have graduated already with a secondary school diploma.

[*Education Act*]

18 & over

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

- 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. The Children's Aid Society must offer continued care and support if you are in extended society care or on a Voluntary Youth Service Agreement on your 18th birthday. [*Child Youth and Family Services Act*]

You are no longer entitled to financial support from your parent/caregiver(s) unless you are in school full time or unable to become independent, e.g. due to a disability. [*Family Law Act*]

18 & over (continued)

You are entitled to be paid full minimum wage.
[*Employment Standards Act*]

You are considered an adult under the:

- *Criminal Code of Canada*
- *Age of Majority and Accountability Act* and you can sue or be sued in your own name
- *Ontario Election Act* and *Canada Elections Act* and you can vote
- *Education Act* and you can sign your own notes, and appeal a suspension or expulsion on your own
- *Children's Law Reform Act* and your parent/caregiver(s) contact orders end

You can also:

- change your name [*Change of Name Act*]
- sign contracts [*Common Law, Sale of Goods Act*]
- make a will [*Succession Law Reform Act*]
- get married [*Marriage Act*]
- see a restricted film [*Film Content Information Act*]
- buy a lottery ticket [*Ontario Lottery and Gaming Corporation Act*]
- apply for social assistance [*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 cannabis [*Cannabis Act*]
- buy alcohol [*Liquor Licence and Control 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*]

FOR HELP FINDING A LAWYER:

Justice for Children and Youth:
1-866-999-5329, www.jfcy.org

Law Society of Ontario's Referral Service:
www.lso.ca, receive up to 30 min free advice

Human Rights Legal Support Centre:
1-866-625-5179, www.hrlsc.on.ca

Community Legal Clinics: www.legalaid.on.ca
To locate and contact the clinic closest to you

OTHER SERVICES:

Kids Help Phone: Phone and online support
1-800-668-6868, www.kidshelpphone.ca

LGBT YouthLine: Phone and online peer support
1-800-268-9688, www.youthline.ca

NOTES and LOCAL RESOURCES:

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