

**Guide to:**

# **Leaving Home Rights**

**Legal information for young people in Ontario**

See our other guides on [Going into Care](#) and [Being in Care](#)



**JUSTICE**  
FOR CHILDREN  
AND YOUTH



This pamphlet gives general legal information about the rights of young people to leave home in Ontario.

Speak to a lawyer about whether these legal rights apply to your situation.



**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 special 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

# OVERVIEW OF TOPICS COVERED



Who decides where you live

What happens if home is unsafe

Your rights if you are  
15 & under

Your rights if you are  
16 & 17:

- Legal advice before signing a VYSA
- Child support
- ID & belongings
- Privacy at school
- Status in Canada
- Ontario Works
- Working
- Renting a place to live
- Healthcare decisions

Rights of  
First Nations,  
Inuit or Métis  
children and  
youth



## WHO DECIDES



### Who decides where I live?

If you are **15 and under**, (or if you and your parents/caregivers live in another province where the age for leaving home is older), your parents/caregivers decide where you live. If you leave, they can contact the police to have you returned home if you are living in a place that is not safe; eg. you are at risk of physical, emotional or sexual abuse, or being neglected.

If you are **16 or 17**, you have the right to leave home and "withdraw from parental/caregiver control" which means you take over responsibility of your own care and custody. You can leave home against the wishes of your parents/caregivers and live somewhere else; and you do not need a legal guardian. If you are living with another person, they will not be charged with a criminal offence as long as they do not assist you in leaving home.

### WHO DECIDES WHERE I LIVE?

<p><b>15 &amp; UNDER:</b></p> <p>Your parents/caregivers have the right to decide where you live.</p>	<p><b>16 &amp; OVER:</b></p> <p>You have the right to live independently and choose where you live.</p>

## NO COURT PROCESS



### You do not need to apply to a court to be "Emancipated" in Ontario

There are no laws on "emancipation" in Ontario. In other jurisdictions (eg. Quebec and some USA states), there are emancipation laws that allow someone who is 16 years or older apply to a court to be free from the custody and control of their parents/caregivers. This is not required in Ontario.

# OTHER LIVING SITUATIONS

## SEPARATED PARENTS & CAREGIVERS



### What if my parents or caregivers live apart?

If your parents/caregivers live apart and cannot agree on what to do, then they may have to go to court. In court, the judge will make a parenting order based on your best interests. The judge can appoint the Office of the Children's Lawyer (OCL) to represent your views and preferences.

If you are **16 and over**, you can usually make the decision on where you live.

If you **15 and under**, one of your parents/caregivers can ask the judge to appoint the OCL to represent your views and wishes on where you want to live. You may be able to ask the court to appoint a lawyer for you if your parents/caregivers refuse to ask for the OCL appointment.

### What if my parents/caregivers need some support? Or we just can't get along?

You parents/caregivers can ask the Children's Aid Society (CAS) for support caring for you. The kind of support offered depends on your family's needs as well as your wishes. If the CAS and your parents/caregivers agree that home is not safe for you, they may be able to sign a Temporary Care Agreement for you to stay in a different place for a while and return home when things get better. If you are 12 or older, they cannot sign an agreement if you do not consent as well.

## TEMPORARY & CUSTOMARY CARE



If you are First Nations, Inuk or Métis, your parents/caregivers also have the option to enter into a Customary Care Arrangement with a First Nations Child and Family Services Agency. *More information on the next page.*

# FIRST NATIONS, INUK OR MÉTIS

**ALL  
DECISIONS  
MUST  
SUPPORT &  
MAINTAIN  
YOUR  
CULTURE**



## **What if I identify as First Nations, Inuk or Métis?**

If you identify as First Nations, Inuit or Métis, all decisions must support and maintain your culture, heritage, traditions, connection to community and concept of extended family.

## **What is a Customary Care Arrangement?**

A Customary Care Arrangement is defined in the *Child Youth Family Services Act* as the "care and supervision of a First Nations, Inuk or Métis child by a person who is not the child's parent, according to the custom of the child's band or First Nations, Inuit or Métis community."

The arrangement outlines how you will be cared for within your community. The role of each person involved will be described; and this may include your birth parents, caregivers, Band/community members, and other service providers. The person who cares for you on a day to day basis may get financial help to care for you.

This type of arrangement is voluntary. There is no time limit on a Customary Care Arrangement.

## **Where can I find more information?**

The Association of Native Child and Family Service Agencies has a website with links to their member agencies: [www.ancfsao.ca](http://www.ancfsao.ca)

As well, many Bands and communities have their own websites, including:

- Northwestern Ontario Metis Child and Family Services: [nwomcfs.ca](http://nwomcfs.ca)
- Tungasuvvingat Inuit: [www.tiontario.ca](http://www.tiontario.ca)

# UNSAFE AT HOME: UNDER 16

## IN NEED OF PROTECTION



**CAS:**  
Children's  
Aid Society

**Agency:**  
First Nation  
Child and  
Family  
Service  
Agency

Visit our  
website for  
information  
on *Going into  
Care & Being  
in Care*



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

If you feel unsafe, you can call, or ask an adult that you trust, to call a local Children's Aid Society (CAS) or your First Nation Child and Family Service Agency (Agency). Feeling unsafe can be based on physical, emotional or sexual harm; or that your needs are being neglected.

Anyone who believes someone under 16 is being harmed or at risk of harm, must make a report to a local Children's Aid Society (CAS) or your First Nation Child and Family Service Agency.

## What happens after a report is made?

After a CAS or Agency receives a report, they will usually start an investigation by talking to you and the people who know you to decide if you are in need of protection.

If the CAS or Agency decides that you are in need of protection, they must take steps to make you safe. This can include offering support services to your parents/caregivers and asking them to follow rules and conditions in caring for you. If these steps are not enough to protect you, the CAS or Agency may place you in the home of a relative or other adult you trust ("kinship care"); or, if you are First Nations, Inuk or Métis, under a Customary Care Arrangement. If you have already left home and staying with a person who you are safe with, then you might be allowed to stay there. If none of these options are possible, you may be placed in a foster home or in a group home.

More information is available in our guides to *Going into Care* and *Being in Care*.

# UNSAFE AT HOME: 16 & 17

## OVER 16 AND IN NEED OF PROTECTION



**CAS:**  
Children's  
Aid Society

**Agency:**  
First Nation  
Child and  
Family  
Service  
Agency

### What if I'm over 16 and can't live at home?

Any person, including you, may call and make a report to a local Children's Aid Society (CAS) or your First Nation Child and Family Services Agency (Agency), if there is a belief that someone 16 or 17 years old is at risk of harm or facing harm. Harm can be physical, emotional, sexual, or that your needs are being neglected.

After a report is received, the CAS or Agency will usually start an investigation by talking to people who know you to determine if you are in need of protection from harm. If you do not consent to the investigation, the CAS or Agency worker will have to decide how much risk you are in and consider other ways to determine safety concerns about you. You do not have to participate with the CAS or Agency if you do not want to.

If you are found to be in need of protection, the CAS or Agency may offer for you to enter into a Voluntary Youth Service Agreement (VYSA) with them. If this is not offered, you can also ask for one.

### What is a Voluntary Youth Service Agreement (VYSA)?

A VYSA is a contract between you and the CAS or Agency to receive their services. You have a right to consent or refuse to enter into a VYSA; and you can end a VYSA if you no longer want to be part of the agreement.

Before signing a VYSA, you will be given a lawyer through the Office of the Children's Lawyer for legal advice and representation.

## VOLUNTARY YOUTH SERVICE AGREEMENT (VYSA)





# VOLUNTARY YOUTH SERVICE AGREEMENT & SERVICES PLAN

## HELP SEEKING A VYSA



### What if the CAS or Agency refuses to give me a VYSA?

If you ask a CAS or Agency for a VYSA, they are required to notify the Office of the Children's Lawyer (OCL); and a lawyer from the OCL will contact you. You have the right to speak to an OCL lawyer even if the CAS or Agency does not agree to offer you a VYSA; and you can the OCL lawyer for help getting a VYSA.

You can also:

- ask an adult you trust to help advocate for you,
- call Justice for Children and Youth to speak to a lawyer for advice and assistance
- call or complete a complaint form online with the Ombudsman's Children and Youth in Care team: [www.ombudsman.on.ca](http://www.ombudsman.on.ca)

### What happens after I sign the VYSA?

If you enter into a VYSA, a Voluntary Youth Services Plan must be created within 30 days of signing the VYSA. This plan will include finding you a place to live and provide other supports, such as financial and social supports, planning for post secondary education, transitioning into adulthood, and assisting with developing and/or maintaining cultural connections.

### What happens when I turn 18?

If you are on a VYSA that ends on your 18th birthday, you will be entitled to on-going support and services to live on your own until your 23rd birthday.



If you are First Nations, Inuit or Métis, these supports and services may continue until your 26th birthday.

# CHILD SUPPORT, ID & BELONGINGS

## CHILD SUPPORT



### Do my parents have to support me?

In general, your parents/caregivers must provide support until you are 18 years old; or longer if you are enrolled in school full time, or you have a disability and can not live independently.

If you are 16 or older, and you were forced to leave home due to abuse, neglect, or being kicked out, you can seek child support from your parents/ caregivers.

The amount of support you will be given is based on the income of your parents/caregivers, and not based on what you need.

You can apply to Legal Aid Ontario for a Legal Aid Certificate to pay a lawyer to help you seek child support from your parents/caregivers.

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

If you have withdrawn from parental/caregiver control (voluntarily or involuntarily), 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 identification such as your health card, birth certificate and passport. These documents are very important and you should take them with you.

If your parents/caregivers are refusing to let you take your own property, you can contact the police or a lawyer for help. You can also ask a family member or friend to help pick up your property for you.

## ID & BELONGINGS



# RECOVERY OF ID & BELONGINGS

## RECOVERY OF BELONGINGS



### What if my parents or caregivers refuse to give me my belongings?

You are legally entitled to your identification and belongings. Parents/caregivers can be sued for not returning these to you. Call JFCY for legal advice and assistance.

You can also ask a youth worker or other support person to write a letter to your parents/caregivers to ask for your belongings back. *Sample letter:*

### SAMPLE LETTER



This is also on our website.

Call JFCY if you need help finding it.

<Today's date>

Dear \_\_\_\_\_,

I am \_\_\_\_\_. I was consulted by <young person's name> regarding their personal belongings that are currently in your possession. On their behalf, I request the return of the following items:

1. Health card
2. Passport
3. Clothing:
4. Electronics:
5. ...

These items are their legal property. You have no legal authority to withhold them. It is important that they have their identity documents.

We ask that you arrange to have \_\_\_\_\_'s documents and belongings securely returned to this address: <provide address>.

If we do not hear from you by \_\_\_\_\_<insert date>, I will be contacting a lawyer to give <young person's name> legal advice in respect of the legal actions available to seek the return of their property.

Yours, {signature}  
<name and title, if applicable>

## SCHOOL



## SAMPLE LETTER



This is also on our website.

Call JFCY if you need help finding it.

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

Yes, you have the right to attend school in the school board district where you live. You will have all the same rights as an 18 year old. The school will need proof of your new address; and they may ask you for proof that you have withdrawn from parental/caregiver control. Call JFCY if the school is refusing to register you. *Sample letter for school:*

<From: student's name and full address>  
<To: Principal's name and school name/address>  
<Today's date>

Dear Principal \_\_\_\_\_,

My name is \_\_\_\_\_. I am writing this letter to inform you that I have withdrawn from parental/caregiver control. The legal information in this letter is from Justice for Children and Youth, a legal clinic in Ontario - [www.jfcy.org](http://www.jfcy.org)

Under Ontario law, a 16 or 17 year old has the legal right to withdraw from parental/caregiver control and take over the incidents of custody pertaining to them, without the consent from their parents/caregivers or the involvement of the courts. Once the young person has left home, the custody rights end immediately.

Under the Education Act, the 16 or 17 year holds the rights of a parent/caregiver or adult student. This includes the right to enrol themselves in school where they live, be responsible for their own attendance and participate in disciplinary proceedings on their own.

A student who has withdrawn from parental/caregiver control is also entitled to privacy in their Ontario Student Records. In my case, I am now living separately and independently from my parents/caregivers and ask that you not share any information about me without my consent. Thank you for supporting me by respecting my rights under the Education Act.

Sincerely, {Student Signature}

## ONTARIO WORKS (OW)



Also called  
"OW",  
"welfare",  
or  
"social  
assistance"

### Can I get Ontario Works (OW) to help me out?

If you are **under 16**, you can not get Ontario Works (OW) on your own. However, if you are living with an adult, such as a friend's parent, they can ask to have the Canada Child Benefit and Ontario Child Benefit paid to them to help support you. They can also ask OW for help to support you.

If you are **16 or 17**, you can apply for OW by yourself under "special circumstances." You might have to show the OW worker that your parents/caregivers 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/caregivers can not or will not support you financially.

You can ask your OW worker to not contact your parents/caregivers if there are safety reasons. For example, your parents/caregivers have abused you or threatened you with harm. You may also need to provide proof 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 whether you get OW and how much they give you. You may also have to participate in family counselling (exception: your parents/caregivers have abused you).

### What if I'm a parent myself?

If you have a child, you can receive OW at any age.

You may be required to attend a program approved by OW to help you develop your parenting skills.

## MORE ABOUT ONTARIO WORKS



### **What does OW 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 month's rent, furniture and moving costs. If you live in a hostel or youth shelter, you can apply for a personal needs allowance only.

### **How do I apply for OW?**

You can apply online or go in-person to your local Ontario Works office (it is best to call first):  
[www.ontario.ca/page/social-assistance](http://www.ontario.ca/page/social-assistance)

If you have it, bring identification documents.

If you are 16 or 17, 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 you set this up.

### **Do I have a right to apply for OW? Can I appeal if they turn me down?**

Yes, everyone has a right to apply, 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 more information on OW:  
[www.yourlegalrights.on.ca](http://www.yourlegalrights.on.ca)

For advice or help with a review or an appeal, contact your local community legal clinic or JFCY.

To locate your community legal clinic:  
[www.legalaid.on.ca/legal-clinics/](http://www.legalaid.on.ca/legal-clinics/)

# STATUS, WORK, HOUSING & HEALTHCARE

## STATUS



### What about my immigration status?

If you have questions about if or how your status might be impacted by leaving home, or are unsure what your status is, it is important to get legal advice and assistance. There is some information on our website, and you can call us to get help from JFCY's lawyers and CASA program.

## WORKING



### Can I work?

Yes, you can work, but not during school hours if you are under 18 and have not graduated yet. If you are receiving OW, you can keep the money you earn.

## HOUSING



### Can I rent my own apartment?

Yes, you are legally entitled to rent your own apartment. If you are on OW, your worker has the right to approve where you live. It is against the law for a landlord to refuse to rent to you because you are 16 or 17. It is also against the law to refuse to rent to you because you are receiving OW.

## HEALTHCARE



### Who will make my healthcare decisions?

You can see a healthcare practitioner and make your own decisions at any age as the law deems you to be “capable” unless the healthcare practitioner says you are “incapable”. If you are found incapable, your “substitute decision-maker” will be asked to make decisions for you. This is often your parents/caregivers.

At the age of 16 and up, you can create a Power of Attorney for Personal Care to choose who your substitute decision-maker is. For more information and a Power of Attorney Kit: [www.ontario.ca/page/make-power-attorney](http://www.ontario.ca/page/make-power-attorney)

Visit our website for information on your *Healthcare and Mental Healthcare Rights*

## FOR HELP FINDING A LAWYER:

**Justice for Children and Youth:**  
1-866-999-5329, [www.jfcy.org](http://www.jfcy.org)

**Legal Aid Ontario:**  
1-800-668-8258. [www.legalaid.onca](http://www.legalaid.onca)

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

**Law Society of Ontario's Referral Service:**  
[www.lso.ca](http://www.lso.ca), receive up to 30 min free advice

## OTHER SERVICES:

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

**LGBT YouthLine:** Phone and online peer support  
1-800-268-9688, [www.youthline.ca](http://www.youthline.ca)

**211 Ontario:**  
[www.211ontario.ca](http://www.211ontario.ca), dial 211 from any phone

## NOTES and LOCAL RESOURCES:

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