

Minors' Funds

Information Sheet

If you are the parent or caregiver of a child with money paid into court and you cannot afford an expense which is necessary for the direct benefit of the child, you may make a request for payment out of a child's court account by making a written request to the Office of the Children's Lawyer.

You may request funds to assist with support, medical, educational and dental expenses. The material that you submit must demonstrate that the money will be used for the direct benefit of the child and that the parents or caregivers are unable to meet the needs of the child without assistance. Each request will be considered by a Justice of the Superior Court.

How to Apply

To apply for payment of funds out of Court, please provide the following:

- Completed Request for Payment Out of Court Form (1 per child) (<http://ontariocourtforms.on.ca/en/office-of-the-childrens-lawyer-forms/>)
- Completed Financial Information Form (<http://ontariocourtforms.on.ca/en/office-of-the-childrens-lawyer-forms/>)
- Any supporting documentation such as invoices, bills, receipts or estimates for the item or service requested
- The child's consent to the payment out to the person requesting the money, if the child is 16 years of age or over (<http://ontariocourtforms.on.ca/en/office-of-the-childrens-lawyer-forms/>)

The documents listed above can be sent to the Office of the Children's Lawyer either by email, fax, mail or courier to:

Minors' Funds Inquiries

Office of the Children's Lawyer

393 University Avenue, 14th floor

Toronto, ON., M5G 1E6

MinorsFunds@ontario.ca

Phone: (416) 314-8003 Fax: (416) 314-8056

How do I know if my request will be approved?

Each request is dealt with on its own merits by the judge. In reaching a decision about the request, the following factors are considered:

- the obligation of a child's parents to support and look after the child
- the child's situation
- the amount of money in court
- the age of the child
- whether the money is being spent on education, medical expenses or support
- the source of the funds
- the terms in the will, if the money was left to the minor in a will

While each case is considered based on the specific situation, examples of requests that are often approved are those for medical or educational expenses or requests for support where a child's parent has died. Requests for funds for vacations or gifts may not be approved.

What can I do if the judge denies my request?

The process through the Minors' Funds Program of the Office of the Children's Lawyer to obtain a decision from a judge about a request for payment out of court is an informal process without legal costs. The judge's decision is final. If you are unhappy with the decision, you should contact a lawyer for legal advice about the possibility of commencing a formal legal proceeding under Rule 72 of the *Rules of Civil Procedure*, on notice to the Office of the Children's Lawyer.

How does my child get his/her money when he/she turns 18?

The Office of the Children's Lawyer does not hold minors' money. The funds are held by the Accountant of the Superior Court of Justice. Please contact their office to find out the age at which your child is entitled to receive his/her funds and what is required to have the funds paid out to him/her:

Accountant of the Superior Court of Justice

Office of the Public Guardian and Trustee

595 Bay Street, Suite 800

Toronto, ON

M5G 2M6

Telephone:

Toll free: 1-800-366-0335

Local calls concerning children who have turned 18: 416-314-2477

Other local calls: 416-314-8692

Website: www.attorneygeneral.jus.gov.on.ca/english/family/pgt