

NAME OF COUNTRY OR ORGANISATION: CANADA

Canada's Answer is based on answers received from the Central Authorities in each province or territory to which the Convention applies, the Federal Central Authority, Citizenship and Immigration Canada as well as from Quebec to which the Convention does not yet apply. No information was included where the Central Authority had either no comments or no experience on the subject to date.

A EXPLANATIONS AND QUESTIONS

If a question does not apply to your State, please answer "Not applicable".

1. Description

- (a) Is your country (primarily) a receiving State or a State of origin? If both, please ensure your answers to the questions clearly distinguish, when necessary, between your role as a receiving State and your role as a State of origin.

Canada is a receiving state.

- (b) If your country is not yet a Party, please specify if your country is considering becoming a party to the Convention.

The Convention entered into force in Canada on April 1, 1997 in the five provinces which were the first to enact implementing legislation, i.e. British Columbia, Prince Edward Island, Manitoba, New Brunswick and Saskatchewan. On November 1, 1997, the Convention entered into force for Alberta; on August 1, 1998 for the Yukon; on October 1, 1999 for Nova Scotia; on December 1, 1999 for Ontario; the Northwest Territories on April 1, 2000, Nunavut on September 1, 2001 and Newfoundland and Labrador on December 1, 2003.

Quebec is currently carrying out the groundwork for implementation. Quebec should therefore have implemented the Hague Convention by Fall 2005. The National Assembly of Quebec adopted, on April 22, 2004, the Act to implement the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption and to amend various legislative provisions in relation to adoption (2004, chapter 3), hereinafter called "Act 3". Quebec is currently working on the implementation of that Act.

For a number of years, Quebec has been pursuing similar objectives and imposing conditions similar to those set out in the Convention. The responses to the questionnaire are provided from the perspective of our new legislation on intercountry adoption.

- (c) Was your country represented at the 2000 Special Commission? Were the Conclusions and Recommendations of that meeting discussed or implemented by relevant authorities in your country?

Yes. Conclusions and Recommendations were mostly consistent with Canadian law or practice. Conclusions and Recommendations were also considered when drafting new legislation (i.e. Québec).

2. Good practice

The Permanent Bureau has commenced work on a Guide to Good Practice on Implementation of the Convention. A consultative group met in September 2004 to

provide advice to the Permanent Bureau on this project. It is anticipated that the draft Guide will be circulated, in English, French and Spanish, to all Contracting States in June 2005 seeking comments and for discussion at the Special Commission.

- (a) In relation to any aspect of intercountry adoption, what examples of good practice can you report, (i) from your own country or (ii) from another country?

BRITISH COLUMBIA

(i) In British Columbia we have a very effective assessment process. Our home studies are completed using the Safe Assessment tool which we believe to be a very effective method. Section 48 of our Adoption Act reads:

- (1) Before a child who is not a resident of British Columbia is brought into the Province for adoption, the prospective adoptive parents must obtain the approval of the director or an adoption agency.**
- (2) The director or the adoption agency must grant approval if**
 - (a) the birth parent or other guardian placing the child for adoption has been provided with information about adoption and the alternatives to adoption,**
 - (b) the prospective adoptive parents have been provided with information about the medical and social history of the child's biological family,**
 - (c) a homestudy of the prospective adoptive parents has been completed in accordance with the regulations and the prospective adoptive parents have been approved on the basis of the homestudy, and**
 - (d) the consents have been obtained as required in the jurisdiction in which the child is resident.**
- (3) The director or the adoption agency must preserve for the child any information obtained about the medical and social history of the child's biological family.**

We believe this is a strong piece of legislation outlining requirements regarding inter provincial and inter country adoption. Other areas we believe to be examples of good practise are our educational component (regulated piece of the home study), requirements regarding receiving and reviewing medical information (see section 48 above), requirements for birth parent counselling.

(ii) information flow between British Columbia and ICAB(Philippines) works very well.

MANITOBA

In those countries where families must travel to have a child "proposed" to them, we have instituted a practice/policy that requires the family and/or the agency representing them, to send us the information on the child before they accept the child for adoption. Our concern is that once the family travels to the country, without prior knowledge of who they are being "proposed" as a child, they are extremely emotionally vulnerable and may accept a child that they have either not been approved/recommended to receive by the Central Authority in the receiving country, or feel pressured to accept.

NEW BRUNSWICK

For the most part it appears that the Hague Convention is working in that there have been few difficulties experienced with NB families but there are limited adoptions with Hague countries.

ONTARIO

- Where the Convention does not apply or where the ministry has no authority to approve child proposals, the ministry nevertheless requires its licensed agencies to arrange for consultation to prospective adoption applicants to be provided by qualified adoption practitioners approved by the ministry. Adoptive applicants must provide the ministry with written Consent/Refusal documents.
- The following manuals have been developed by the ministry. Licensees and approved adoption practitioners are required to comply with the guidelines.
 - Standards and Guidelines for Licensed International Adoption Agencies under the Intercountry Adoption Act, 1998 and Ontario Regulation 200/99 (adoptions completed in the child's country of origin)
 - Standards and Guidelines for Licensees in Private Adoption Practice under the Child and Family Services Act, R.S.O. 1990 and Ontario Regulation 70 of R.R.O. 1990 (adoptions completed in Ontario)
 - Private and International Adoption Manual for Approved Adoption Practitioners (assessment guidelines for homestudies)

QUEBEC

(i) In Quebec:

- 1° Certification of intercountry adoption bodies.
- 2° Monitoring and supervision of bodies by the Secrétariat à l'adoption internationale with respect to
 - adoption processes;
 - financial statements;
 - quality and motivation of members of the boards of directors;
 - adoption costs;
 - conflict of interest;
 - representation abroad;
 - continuous training of certified bodies.
- 3° Creation of a position to inspect and monitor the activities of certified bodies.
- 4° Exceptional nature of adoptions without certified bodies (terms and conditions set out by ministerial order).
- 4° Missions to validate and supervise the activities of certified bodies in the countries of origin.
- 5° Partnership and collaboration with Quebec youth protection stakeholders.
- 6° Participation in research on intercountry adoption in Quebec.
- 7° Development of adoption-related services.

(ii) Other countries:

- Lithuania:** - advice on the Lithuanian intermediaries contemplated by the Quebec certified body;
- fixed maximum for the costs that a Lithuanian intermediary may request;
- Belarus:** - control of the number of certifications by receiving country;

Philippines: - preparation of older children.

SASKATCHEWAN

***The Intercountry Adoption (Hague Convention) Implementation Act* - an Act respecting the Application to Saskatchewan of the convention on Protection of Children and Cooperation in respect of Intercountry Adoption, and *The Adoption Act, 1998* of Saskatchewan.**

FEDERAL CENTRAL AUTHORITY

All provinces and territories work closely together and with federal departments to solve problems related to intercountry adoption.

(b) Please indicate what topics you would suggest for future chapters in the Guide to Good Practice (in addition to "Implementation", "Central Authority Practice" and possibly "Accreditation").

- **The issue of adopting "sibling groups" and the extreme needs of these children. As well, the possibility of having families adopt "siblings," but at different times, in order for each child to be thoroughly transitioned and attached to the parents/family members before another child enters the home. MANITOBA**
- **It would be beneficial if the topics of a)both authorities must approve a placement b)evidence must be presented showing the child will be able to enter the country were highlighted to ensure all authorities were aware of those specific requirements. NEW BRUNSWICK**
- **Social, developmental, and medical history on the child and his/her biological family. ONTARIO**
- **Management of donations/financial contributions ONTARIO**
- **Role of accredited agencies as permitted under the Hague Convention. FEDERAL CENTRAL AUTHORITY**

(c) Have you experienced any major concerns or problems (i) in your State and (ii) in another State, associated with implementation of the Convention, such as a lack of implementing legislation, inadequate staffing or funding issues?

ALBERTA

We are not aware of the issues that other jurisdictions are experiencing but there is a clear lack of response and follow through, which may be due to a lack of funding or staffing.

BRITISH COLUMBIA

(i) None really, growing pains only. (ii) Some central authorities may not have had the legislative support to process relative adoptions.

MANITOBA

As well, the issue of "relative" adoptions has created difficulties due to the strong cultural norms and desire to first and foremost, adopt relative children.

NEW BRUNSWICK

There have been few difficulties with NB families but it has been expressed by other provinces that some Hague jurisdictions do not always follow established procedures.

ONTARIO

- (i) The Province of Ontario in Canada, we have two pieces of legislation governing adoptions. The Child and Family Services Act applies to international adoptions that are completed through our provincial courts. Under this legislation, this ministry (Central Authority) has no authority in a relative adoption which is defined as adoption of a niece/nephew, great-niece/nephew, grandchild.**
- (ii) In other States: We find this also applies to a number of other countries also**

QUEBEC

The delay between the adoption of Act and its implementation has created ambiguity and caused some difficulties in the processing of adoption files with States Parties to the Convention.

SASKATCHEWAN

Cooperation between States works well when there is an established procedure for the adoption process. It is more difficult or sometimes impossible, for the receiving state to ensure safeguards when there is no cohesive system or process in place in the child's state of origin. Public authorities responsible for the welfare of children are usually most responsive.

Citizenship and Immigration Canada

Canada's Immigration and Refugee Protection Act requires that adoptions between states that have implemented the Hague Convention on Adoption must conform to the requirements of the Convention. The decision to approve a child's application for permanent residence in Canada is, in part, contingent on this. When implementing states lack the necessary legislation and process to put the Convention into effect but nevertheless allow international adoptions to occur, CIC is unable to approve these children for residence in Canada. As a result, immigration applications in these cases are effectively on hold.

FEDERAL CENTRAL AUTHORITY

The infrastructure is not in place in some sending countries to allow them to implement practices that are consistent with the Hague Convention. This means that Canada cannot process adoptions from these countries because they do not have Hague procedures in place.

- (d) If your State has signed but not yet ratified the Convention, please indicate whether your State would like implementation assistance from the Permanent Bureau or other States. What type of assistance would be most beneficial?**

Non applicable.

3. Questions concerning scope

Please specify any difficulties you have experienced in determining whether certain situations do or do not come within the scope of the Convention.

In particular, have there been any problems in determining whether:

(a) a child was or was not habitually resident in the State of origin;

ALBERTA

No

BRITISH COLUMBIA

No

MANITOBA

Yes

NEW BRUNSWICK

No

ONTARIO

There have been instances where children were brought to Canada by Ontario residents (usually relatives) as visitors. (For the purpose of adoption, a relative is defined in Ontario's domestic legislation as aunt/uncle, great-aunt/uncle, grandparent.) Adoptive applicants may subsequently apply to an Ontario Court without involvement of the Central Authority as it would not be viewed as an international adoption. The Court determines whether the adoption is in the best interests of the child and whether the child qualifies as a resident.

SASKATCHEWAN

No

(b) a prospective adopter was or was not habitually resident in the receiving State (as e.g. in the case of a short-term or temporary resident); and

ALBERTA

Yes, in the case where families are former residents of the child's jurisdiction.

BRITISH COLUMBIA

Yes, unclear time frames for short term or temporary residency.

MANITOBA

Yes.

NEW BRUNSWICK

No

ONTARIO

We are not aware of problems with applicants that are in Canada for a short period. However, we have experienced difficulties in determine whether Ontario has authority to process adoptions by Canadian citizens who no longer physically reside in Ontario but make applications as habitual residents.

We do have problems where Ontario residents have retained citizenship in the country of origin. As residents of Ontario, they are subject to the adoption laws of Ontario and Article 2 of the Convention would apply. The applicants are able to adopt a child in their country of origin without involvement of Ontario's Central Authority. As the applicants thereby violate Ontario law, the ministry

cannot provide the Canadian immigrant visa office with the required assurance that the adoption has conformed to provincial law and to the Convention.

SASKATCHEWAN

No

- (c) the removal of the child was or was not "for the purpose of adoption" in the receiving State (as e.g. where the child is initially moved to the receiving country on a temporary basis or for foster care, and later on adoption is considered)?

ALBERTA

Yes, this was the case where a child was placed for adoption with a family from Alberta without our knowledge or involvement.

BRITISH COLUMBIA

No concerns with Hague countries. Some concern with non Hague countries with regards to children visiting without the adoption process being in place. Children are brought over for a short visit with a family that is in the initial stages of exploring adoption. The children then return to their country of origin and the family makes a decision on proceeding with the adoption. This practise we refer to as "camp to adopt" does not seem in the best interests of the child.

MANITOBA

Yes.

NEW BRUNSWICK

No

ONTARIO

Please note the answer above regarding children brought to Canada on visitor status. In the majority of cases, these are relative adoptions. The ministry is not able to determine the "purpose of the removal of the child." On occasion, a foreign child welfare authority has placed a child with an Ontario family on a guardianship order before the child was legally free for adoption. If and when the foreign authority declares the child legally available for adoption, the adoption could be brought into compliance with Ontario law and in accordance with the Convention.

QUEBEC

Not currently applicable. However, Quebec considered all of those questions (a, b and c) during the drafting of legislative tools for the implementation (ministerial orders under Act 3). Those elements were thoroughly discussed with the legal authorities in Quebec (Ministère de la Justice, Ministère de l'Immigration et des Communautés Culturelles, Citizenship and Immigration Canada and other authorities concerned).

SASKATCHEWAN

No

4. General principles for protection of children

- (a) What are the different types of care available to a child in need of care and protection in your State?

ALBERTA

Temporary or permanent care, foster care, kinship care, group homes or institutions

BRITISH COLUMBIA

Types of care include: Temporary Custody Order, Continuing Custody Order, Voluntary Care Agreement, Special Needs Agreement, Supervision Order and Protective Intervention Order. Children are cared for in ministry approved foster homes rather than institutions.

MANITOBA

Under our Child and Family Services Act, a child can be provided care and protection under the following contracts or court orders:

- 1) Voluntary Placement Agreement – child placed “voluntarily” by the parent into an agency’s care, but the parent retains legal guardianship.**
- 2) Order of Supervision – child remains with a parent, but the family court orders an agency’s “supervision” of the child in the home.**
- 3) Temporary Orders – i) an agency is approved by the court as temporary guardian of a child under 5 years of age for a period not exceeding 6 months; ii) an agency is appointed by the court as temporary guardian of a child between 5 years and 12 years for a period not exceeding 12 months; iii) an agency is appointed temporary guardian of a child 12 years and older for a period not exceeding 24 months.**
- 4) Permanent Orders – an agency is, by court order, made the permanent guardian of a child.**
- 5) Voluntary Surrender of Guardianship – a parent voluntarily surrenders their child to the permanent care of an agency.**

NEW BRUNSWICK

There are temporary and permanent care statuses available within New Brunswick. Protective Care (PC) is used to secure the immediate safety of the child and allows for the child to be removed from the home for a time period not exceeding 5 days. Custody Agreements (CA) can be used when both the parents and the Minister believe it is in the best interests of the child to temporarily come into the care of the Minister. These are typically for 6 months and are voluntary agreements. Custody Order (CO) is a Court of Queens Bench order, requiring the temporary removal of the child from the parents and placed into the custody of the Minister. These are typically for a 6 month period and are not voluntary. Guardianship Agreements (GA) are voluntary agreements where a parent can place the permanent custody of the child with the Minister. These are voluntary agreements and can only be used when the child is six months of age or younger. Guardianship Orders (GO) is a Court of Queens Bench ordering the permanent removal of the child from the parents and placed into the custody of the Minister. These orders terminate all parental rights and are not voluntary.

ONTARIO

Ontario’s Child and Family Services Act provides authority for a children’s aid society to intervene to protect a child less than 16 years of age. Children in need of protection may be admitted into care by a children’s aid society by means of a voluntary arrangement with his/her parents or by a court order. Children in care are placed according to their identified needs. This spectrum of

care includes: foster home; group home; secure custody; and care with extended family members.

QUEBEC

Considering that, for the moment, outside of a few cases of adoptions between related persons, no child from Quebec has been adopted outside Quebec, Quebec is limiting its responses to situations of children adopted outside Quebec by persons residing in Quebec.

An adopted child has the same rights and benefits from the same protection as a child born in Quebec. In Quebec, the director of youth protection is the competent authority where the child's safety or development may be considered to be compromised. All decisions concerning a child must be made in light of the child's interests and the respect of his or her rights.

SASKATCHEWAN

Temporary or permanent care within extended family, significant others and foster care. Adoption is an option for permanent alternate care. Saskatchewan is a receiving State.

- (b) Please specify the procedures or other measures in place to ensure that due consideration is given to the possibilities for placement of the child within the State of origin before intercountry adoption is considered (the principle of subsidiarity - see Article 4 *b*) and Preamble, paragraphs 1-3).

ALBERTA

Non applicable.

BRITISH COLUMBIA

We are a receiving state only. Only in special circumstances would a child be placed with relatives and/or an established relationship would need to be proven.

MANITOBA

Manitoba has specific legislation that addresses the priority placement of Manitoba children being placed in Manitoba. As well, placement outside of Manitoba and within Canada requires provincial approval, and placement outside Canada requires approval by the Lieutenant Governor in Council.

NEW BRUNSWICK

All effort is made before an out of country placement will be made. Any out of country placement must be processed through the Central Authority.

ONTARIO

With the exception of a relative adoption (niece/nephew, great-niece/nephew, grandparent), Ontario law prohibits placement of a child outside of Canada unless one of the following special circumstances exist:

- (i) the placement fulfils a special need of the child that is related to or caused by a behavioural, developmental, emotional, physical, mental or other handicap,**
- (ii) at least one of the prospective adoptive parents is a Canadian citizen,**

- (iii) **at least one of the prospective adoptive parents is related to the child by blood, marriage or adoption but is not related with the meaning of Section 136(1) of the Act [aunt/uncle; great-aunt/uncle; grandparent]**
- (iv) **the placement will preserve the child's cultural background.**

QUEBEC

Not applicable

SASKATCHEWAN

Every effort is made to support and maintain the child in their family of origin, their community, or within the province (see The Child and Family Services Act). There are many adoptive resources. Children are rarely placed outside this province.

- (c) What are your procedures to establish if a child is adoptable?

ALBERTA

If the child is in the permanent care of the Ministry, and there are no suitable families in Alberta.

BRITISH COLUMBIA

There must be a relinquishment of parental rights either through voluntary or court ordered process as in a Continuing Custody Order.

MANITOBA

If a child is either voluntarily placed by parents for adoption, or the guardian agency determines it is in the child's best interests to be placed for adoption.

NEW BRUNSWICK

Any child in the permanent care of the Minister is considered to be adoptable.

ONTARIO

- (i) **proper consents to the adoption have been signed**
- (ii) **assessment of the child's situation indicates adoption is in the best interests of the child**

QUEBEC

Not applicable in the context of intercountry adoption. In national adoption, the procedures are set out in the *Civil Code of Quebec* and in the *Youth Protection Act*. Adoptability is decided by the court.

SASKATCHEWAN

For children permanently in care of the competent authority, a court order permitting adoption is required.

- (d) What procedures are in place to ensure that consent to an adoption is given in accordance with Article 4 c) and d) of the Convention?

ALBERTA

Non applicable.

BRITISH COLUMBIA

The following regulations ensure the above: Birth parent counselling with no fees, free and voluntary consent, our legislation, Section 13 and 14 read

Who must consent to adoption

13 (1) The consent of each of the following is required for a child's adoption:

- (a) the child, if 12 years of age or over;**
- (b) the birth mother;**
- (c) the father;**
- (d) any person appointed as the child's guardian.**

(2) For the purpose of giving consent to adoption, the child's father is anyone who

- (a) has acknowledged paternity by signing the child's birth registration,**
- (b) is or was the child's guardian or joint guardian with the birth mother,**
- (c) has acknowledged paternity and has custody or access rights to the child by court order or by agreement,**
- (d) has acknowledged paternity and has supported, maintained or cared for the child, voluntarily or under a court order,**
- (e) has acknowledged paternity and is named by the birth mother as the child's father, or**
- (f) is acknowledged by the birth mother as the father and is registered on the birth fathers' registry as the child's father.**

(3) If the child is in the continuing custody of a director under the Child, Family and Community Service Act, or a director under that Act is the child's guardian under the Family Relations Act, the only consents required are

- (a) that director's consent, and**
- (b) the child's consent, if required under subsection (1).**

(4) If a child who has been adopted is to be adopted again, the consent of a person who became a parent at the time of the previous adoption is required, instead of the consent of a person who ceased to have any parental rights and responsibilities at that time.

(5) If a child has been placed for adoption by an extra-provincial agency and the law of the jurisdiction in which the agency is located is that only the consent of the agency is required for the child's adoption, that consent and any consent required of the child under subsection (1) are the only consents required.

Birth mother's consent

14 A birth mother's consent to the adoption of her child is valid only if the child is at least 10 days old when the consent is given.

As well as Agency Regulations 9, 10 and 15 as follows:

Standards to be met by adoption agencies

9 An adoption agency must comply with the following standards:

- (a) the primary objective of every placement must be the best interests of the child as set out in section 3 of the Act;**
- (b) support services provided to birth parents and adoption services provided to prospective adoptive parents and adoptive parents must be delivered in a manner that ensures independence of advice and avoids coercion;**
- (c) support services provided to birth parents must, until the end of the 30 day period referred to in section 19 (1) of the Act, be delivered by a social worker who is not the same person who provides adoption services to the prospective adoptive parents;**
- (d) the adoption agency must ensure that a child who is placed**

with a caregiver under section 25 (b) of the Act is placed with a caregiver who meets the standards for caregivers required by the ministry;

(e) the adoption agency must ensure that birth parents, before giving a consent to adoption, have been given an opportunity to be advised by independent legal counsel;

(f) the adoption agency must give particular attention to a child with identified health, emotional or other problems to ensure that the child is placed with adoptive parents who have been approved through the homestudy process and who have been recommended, because of their desire and capacity, for a child with the specific needs of the child for whom the adoption placement is sought.

Information to be provided to clients by adoption agencies

10 An adoption agency must operate in accordance with the following requirements:

(a) the adoption agency must, before beginning a homestudy, advise the prospective adoptive parents of the purpose of the homestudy, the time involved, the structure of the interviews, the fees to be charged and the method of payment;

(b) the adoption agency must advise the prospective adoptive parents that

(i) the primary concern in completing a homestudy is the child's best interests, and

(ii) despite approval of the prospective adoptive parents following completion of a homestudy, a child may never be placed with them for adoption;

(c) the adoption agency must advise the birth parents or other guardian and the prospective adoptive parents about the adoption agency's arrangements for file storage and security of files, and the disposition of records following the granting of an adoption order;

(d) the schedule of fees charged by the adoption agency must be readily available for inspection by any person.

Prohibition on the charging of fees and expenses

15 (1) An adoption agency must not charge birth parents a fee, or recover expenses from birth parents, for any of the following:

(a) pre-placement services;

(b) adoption planning and preparation of consents;

(c) completion of the child's birth parent family medical and social history;

(d) reasonable counselling or post-placement services given for up to 6 months after the placement of the child.

(2) An adoption agency must not solicit or accept voluntary contributions of money from prospective adoptive parents or adoptive parents

(a) at any time before the granting of an adoption order, or

(b) for 6 months after the granting of an adoption order.

MANITOBA

Consents are required by the Court to proceed to an Adoption Order. Our provincial legislation requires consents are executed.

NEW BRUNSWICK

The responsibility of those particular clauses fall within the jurisdiction of the country of origin. NB is mostly a receiving state.

ONTARIO

For adoptions completed through a Provincial Court, the legislation requires that consenting parties must be counselled regarding the effect of an adoption that is completed in Ontario.

QUEBEC

Not applicable in the context of intercountry adoption.

SASKATCHEWAN

The Intercountry (Hague Convention) Implementation Act; The Adoption Act, 1998 and Regulations. Saskatchewan is primarily a receiving State.

(e) Do you make use of the Model Form for the "Statement of consent to the Adoption"? See < www.hcch.net >, "Intercountry Adoption", "Practical Operation Documents", "Annex B to the Special Commission Report of October 1994".

ALBERTA

We use a Notification of Agreement Letter.

BRITISH COLUMBIA

No.

MANITOBA

Yes.

NEW BRUNSWICK

NB is mostly a receiving state.

ONTARIO

No

QUEBEC

Not applicable in the context of intercountry adoption.

SASKATCHEWAN

Not applicable – receiving State

(f) Have you applied the "Recommendation concerning the application to refugee children and other internationally displaced children of the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption"? See Annex A to the Special Commission Report of October 1994.

ALBERTA

No

BRITISH COLUMBIA

Yes we have applied the recommendation. Ministry for Children and Family Development(MCFD) Migrant Services Program routinely provides services for refugee children and has held fast to the intent of the recommendation. Children in our service are not available for adoption without a clear indication from all sources that there are no surviving family members who could potentially provide a long term placement. In the 6 year history of our service,

only one child (Angolan) has been adopted by his foster family following assurances from the UNHCR that no family members in his country of origin or elsewhere could provide a permanent home.

MANITOBA

Yes, recently regarding the Tsunami disaster, we applied these principles in communicating to the citizens of Manitoba, that efforts to adopt children from these countries were premature.

ONTARIO

Yes. A child who is residing in Ontario as a refugee would be afforded the same protection, rights and privileges as any other resident of Ontario.

QUEBEC

No.

SASKATCHEWAN

All children residing in Saskatchewan, without distinction of any kind, are entitled to the same protections, rights and benefits under provincial law.

(g) How is the eligibility and suitability of prospective adoptive parents assessed in your country (see Article 5 a))?

ALBERTA

Extensive training is given to adoptive parents, according to Alberta adoption legislation, and regulations.

BRITISH COLUMBIA

Section 6 of Adoption Act reads:

Before placement by the director or an adoption agency

6 (1) Before placing a child for adoption, the director or an adoption agency must

- (a) provide information about adoption and the alternatives to adoption to the birth parent or other guardian requesting placement,**
- (b) if the birth parent or other guardian requesting placement wishes to select the child's prospective adoptive parents, provide the birth parent or other guardian with information about prospective adoptive parents who have been approved on the basis of a homestudy completed in accordance with the regulations,**
- (c) obtain as much information as possible about the medical and social history of the child's biological family and preserve the information for the child,**
- (d) give the prospective adoptive parents information about the medical and social history of the child's biological family,**
- (e) make sure that the child,**
 - (i) if sufficiently mature, has been counselled about the effects of adoption, and**
 - (ii) if 12 years of age or over, has been informed about the right to consent to the adoption,**
- (f) make reasonable efforts to obtain any consents required under section 13, and**
- (g) make reasonable efforts to give notice of the proposed adoption to**
 - (i) anyone who is named by the birth mother as the child's**

- birth father if his consent is not required under section 13,
and
(ii) anyone who is registered under section 10 in the birth
fathers' registry in respect of the proposed adoption.
- (2) The director or an adoption agency may only place a child for
adoption with prospective adoptive parents who have been approved on
the basis of a homestudy.

And Adoption Regulation #3 which reads: Requirements of a homestudy

- 3 (1) For the purposes of sections 6 (1) (b) and 48 (2) (c) of the Act, a homestudy of the prospective adoptive parents respecting their ability to provide for the physical and emotional needs of a child must be prepared by a social worker and must consider and provide for all of the following:**
- (a) how the prospective adoptive parents' reasons for adopting a child might affect their ability to meet the needs of the child;**
 - (b) whether there is or was drug or alcohol use on the part of the prospective adoptive parents, or any member of the household of the prospective adoptive parents, that might limit their ability to protect, nurture and care for the child;**
 - (c) whether the prospective adoptive parents, or any member of the household of the prospective adoptive parents, have had a child in their care that was found to be in need of protection;**
 - (d) how the physical and mental health of the prospective adoptive parents impacts on their ability to meet the needs of the child;**
 - (e) whether the prospective adoptive parents' life experiences might limit or strengthen their ability to parent a child who is added to the family through adoption;**
 - (f) the developmental, social and behavioral progress of any other child or children of the prospective adoptive parents that relates to the prospective adoptive parents' ability to understand, accept and meet the needs of a child and the compatibility between the child or children in the home and the child to be adopted;**
 - (g) the prospective adoptive parents' understanding of the child's cultural, racial, linguistic and religious heritage and their willingness to help the child appreciate and integrate that heritage;**
 - (h) the prospective adoptive parents' attitude about facilitating communication or maintaining relationships with the child's birth family or with any other person who has established a relationship with the child;**
 - (i) the prospective adoptive parents' ability to provide stable and continuous care of the child;**
 - (j) a description of the prospective adoptive parents' personalities, interests and values in order to identify the personal factors that may be helpful or limiting in meeting the needs of the child to be adopted;**
 - (k) the results of a criminal record check that are relevant to the ability of the prospective adoptive parents to protect, nurture and care for the child;**
 - (l) the results of a prior contact check that are relevant to the ability of the prospective adoptive parents to protect, nurture and care for the child;**
 - (m) the results of a medical report from a health care provider attesting to the prospective adoptive parents' mental and physical health;**
 - (n) any other factors that are relevant to the best interests of the child;**
 - (o) a recommendation as to the prospective adoptive parents' ability to parent a child by adoption.**

(2) In addition to the requirements of subsection (1), a homestudy of the prospective adoptive parents must include an educational component that prepares the prospective adoptive parents for all of the following:

- (a) separation and loss issues respecting the birth parents, the prospective adoptive parents and the child to be adopted;**
- (b) the difference between adoptive and biological parenting;**
- (c) adoption as a life-long process and how it affects child and adult development;**
- (d) the impact of the child's life experiences;**
- (e) if applicable, inter-racial and cross-cultural adoption.**

(3) If the prospective adoptive parents have applied to adopt a child with special needs, the educational component under subsection (2) must address the specific issues related to the special needs of the child.

(4) The homestudy required by subsection (1) must be in the form of a written report.

(5) An update of the homestudy must be provided to the director or the administrator by the prospective adoptive parents, once in each year after completion of the homestudy until a child has been placed for adoption with the prospective adoptive parents, setting out any change in information or additional information required by subsection (1).

(6) An update of the criminal record check and prior contact check must be provided to the director or the administrator by the prospective adoptive parents immediately prior to the placement of a child with those parents for the purposes of adoption.

(7) The information provided under subsections (5) and (6) must be attached to or incorporated into the homestudy and forms a part of the homestudy.

MANITOBA

The families are thoroughly addressed by a qualified social worker via the homestudy/assessment process.

NEW BRUNSWICK

All prospective adoptive parents must have a home study completed by a social worker who is approved by the Minister for the purpose of completing international adoption home studies and who is a registered member in good standing with the New Brunswick Association of Social Workers in accordance with New Brunswick legislation and regulations. An international home study involves approximately 35 hours to complete. It is composed of:

- An educational component on inter-racial, inter-cultural issues, affects of institutionalization, attachment and bonding and child development.**
- All applicants are required to submit to a criminal record check; medical check; prior contact check regarding child protection issues; references from persons not related.**

The home study includes assessing information on the family's background, relationships with others, reasons for and understanding of adoption, medical, parenting skills, methods of discipline, education etc.

ONTARIO

- Homestudy assessments for the purpose of international adoption are completed by private adoption practitioners approved by the ministry to conduct home assessments.**
- The adoption practitioners are required to follow the ministry's assessment guidelines.**

- The following additional documentation is also required:
 - Local and national police reports, including "vulnerable sector screening" (check made into a databank for anyone who has been convicted of sexual offence)
 - Five letters of reference
 - Medical reports
 - Homestudy assessments are forwarded to the ministry for review by qualified adoption officers and, where appropriate, approval letter, signed by the director, are issued.

QUEBEC

The eligibility and suitability of parents are assessed through a psychosocial assessment, conducted under the *Civil Code of Quebec* and the *Youth Protection Act*.

The psychosocial assessment is conducted by the director of youth protection or by a psychologist or social worker mandated by the director. The assessment deals in particular with the capacity of the adopters to meet the physical, psychological and social needs of the child.

In accordance with the Act, the director of youth protection, the Ordre des psychologues du Québec, the Ordre des travailleurs sociaux du Québec and the Minister of Health and Social Services shall agree on the basic criteria for all assessments. From that common tool, a practical guide was then designed for each of the professional orders involved.

In the context of the implementation of Act 3, a committee was established to review the processes and assessment criteria in order to update those criteria and establish additional criteria for cases involving older children, children with special needs or siblings. The assessment must therefore deal specifically with the adopter's capacity to ensure the integration of the child or children into their new environment.

SASKATCHEWAN

The adoption home study is a consolidation of information, education and insight from self-assessment forms, personal interviews, medical reports, references and any other reports that are deemed necessary in the evaluation of parenting ability. The home study is usually completed in six weeks to six months depending on a number of factors. If the social worker has concerns about the ability or suitability of the applicants, the concerns are discussed with the supervisor and the applicants. Concerns may include issues such as: child protection services involvement, criminal records, use of alcohol and drugs, psychiatric and emotional problems, marital problems, rigid parenting practices, a belief in or intent to use physical punishment as a method of child discipline, disabilities that would impair parenting, unresolved physical or sexual abuse, excessive debt or unresolved grief due to infertility or other personal losses. Applicants can defer their application to receive further counselling or other appropriate treatment or, withdraw their application. If the applicants cannot, or will not, resolve outstanding concerns they are refused approval. They may appeal the refusal within thirty days.

- (h) What preparation (counselling, education or training) is given to prospective adoptive parents to prepare them for the intercountry adoption?

ALBERTA

Alberta has a court regulated format for home assessment, and adoption policy, standards and regulations.

BRITISH COLUMBIA

See g above.

MANITOBA

Prospective adoptive parents attend an extensive educational component with a special module that addresses the “special needs” of children who have experienced orphanage care.

NEW BRUNSWICK

The education and training is a component of the discussions that take place during the home study process.

ONTARIO

Prospective adoptive parents are provided with adoption preparation information in the context of their homestudy interview sessions. Many voluntarily access adoption education and training courses, which is strongly recommended by the ministry. Training, in addition to the homestudy sessions, while strongly recommended, is not currently mandatory for international adoption.

QUEBEC

A number of bodies offer services providing pre-adoption information to prospective adopters. The Secrétariat à l'adoption internationale also plays an important role providing information and counselling to adopters. Some local community service centres have also developed pre-adoption programs. There is strong consensus among the various partners interested in providing useful counselling and training to people who want to adopt from abroad. A mandatory pre-adoption information session is currently being discussed in committees.

SASKATCHEWAN

See ‘Tools for Assessments for Intercountry Adoption’
http://www.adoption.ca/pdfs/home_assessment_tools_e.pdf

- (i) Please also specify the measures / procedures in place to ensure that the requirements concerning the counselling of prospective adopters are complied with (see Article 5 b)).

ALBERTA

As above

BRITISH COLUMBIA

See g above.

MANITOBA

Adoptive parents cannot be “approved” for an adoption placement unless they have complied with the educational components.

NEW BRUNSWICK

This is a component of the home study process.

ONTARIO

The homestudy must describe the education/training the prospective adoptive parents have received.

QUEBEC

The new Act grants the Minister of Health and Social Services the power to determine, by regulation, in what cases and on what terms and conditions a person must undergo training prior to adopting a child residing outside Quebec, and determine the persons qualified to give that training and the criteria applicable thereto.

SASKATCHEWAN

See 4.(g)

- (j) Please specify any post-adoption services established or contemplated in your country (see Article 9 c)).

ALBERTA

Post placement supervision and assessments are provided as required by the country of origin. Adopted children qualify for any supports available to all children who reside in this province.

BRITISH COLUMBIA

The Adoptive Families Association of BC provides many support services to the adoption community in BC. (www.bcadoption.com). Agency regulations ensure through the following section: Schedule 2, Section 3.

3 An adoption agency must make available to the adopted person, the birth parents and the adoptive parents, after the granting of an adoption order, the following services:

- (a) if requested, post-adoption counselling;**
- (b) if requested, mediation services respecting disputes which may arise regarding the terms of an openness agreement.**

For children adopted from the care of the ministry, Post Adoption Services are available regulated. Regulation #28(1)

Kinds of financial assistance and other assistance available

28 (1) Financial assistance or other assistance is available in respect of a designated child as follows:

- (a) maintenance payments if the designated child comes within paragraph (c) (ii) (B), (C) or (D) of the definition of "designated child";**
- (b) direct service support or payment for services related to the special needs of the designated child, including one or more of the following:**
 - (i) medical expenses;**
 - (ii) orthodontic and corrective dental treatment;**
 - (iii) home renovations to accommodate an identified need;**
 - (iv) equipment to accommodate an identified need;**
 - (v) counselling or therapy, including psychological, occupational, speech and hearing therapies;**
 - (vi) remedial education;**
 - (vii) rehabilitation training;**

- (viii) special needs day care;
- (ix) special services to children and youth;
- (x) extraordinary transportation costs;
- (xi) any other expenses related to care and treatment;
- (c) direct service support or payment for other service supports to the family, including one or more of the following:
 - (i) homemakers;
 - (ii) respite;
 - (iii) parenting programs or other training;
 - (iv) counselling;
 - (v) adoption support and information services.

MANITOBA

We do not have a mechanism for post-adoption services for those adoptions that are completed outside Manitoba; however, we are providing records management to ensure documentation is available for future reference.

NEW BRUNSWICK

Post-adoption services presently ensure the safekeeping of the adoption records should access to those records be required at a later date.

ONTARIO

The ministry does not have authority in an adoption once it has been completed. However, Ontario's legislation provides for post-adoption services as a prescribed expense by licensed adoption agencies. Adoptive families are encouraged to fulfil the requirements of a sending country by making arrangements with private adoption practitioners to provide these reports. The ministry also recommends that prospective adoptive parents make formal written commitments. In addition, the ministry recommends that agencies collect funds from adoptive parents in advance to cover the cost of post-adoption reports.

QUEBEC

Quebec has just added, to the range of services offered by the health and social services centres, the mandatory post-adoption visit within a few days following the child's arrival in Quebec. The Ministère de la Santé et des Services Sociaux is currently preparing a training program for Quebec's health and social services professionals in order to adequately meet the needs of parents and children adopted from another country (doctors, nurses, social workers, etc.).

SASKATCHEWAN

**Post Adoption Services in Saskatchewan refers to the disclosure of information following a legal adoption. Post adoption services may include provision of non-identifying background information, copies of legal documents, and search and contact services. They may also provide information services where, by probate of an estate, an adopted adult is identified as a beneficiary.
See: <http://www.dcre.gov.sk.ca/services/famyouth/Adoption/ado6.html>**

5. Central Authorities

- (a) Please specify any of the functions under Chapter IV of the Convention performed directly by your Central Authority or Central Authorities.

ALBERTA

All of them

BRITISH COLUMBIA

We submit the report referenced in 15(2) of the Hague Convention and the approval and agreement of 17 (b) and (c). As the Central Authority we also perform the function identified in article 20, 21 and 22.

MANITOBA

The Director of Child and Family Services is recognized as the Central Authority under the Hague Convention: Department of Family Services, Suite 201-114 Garry Street, Winnipeg, Manitoba, R3C 4V5, tel: (204) 945-6948, fax: (204) 945-6717.

The Director performs all functions of a Central Authority, with the exception of Articles 15-21, which are delegated to child and family services agencies and private adoption agencies in accordance with Article 22 of the Convention.

STAFF:

Under the Director of Child and Family Services, there are three senior adoption staff who assist the Director in carrying out the duties of the Central Authority. The adoption staff has degrees in social work from recognized university institutions and an average of 15 years adoption field and program/policy experience.

ROLE:

The Director performs all functions of a Central Authority, with the exception of Articles 15-21, which are delegated to child and family service agencies and private adoption agencies in accordance with Article 22 of the Convention.

In regards to the extent the Central Authority performs any functions under Chapter IV of the Convention, the Director of Child Welfare executes Article 15.2 and Article 17,C under Chapter IV.

NEW BRUNSWICK

New Brunswick's Central Authority is the Department of Family and Community Services, PO Box 6000, 551 King Street, Fredericton, New Brunswick, tel: (506) 444-4516. Fax: (506) 453-2082.

The Provincial Central Authority is responsible for contacting the country of origin, for processing documents, confirming the match etc. Although families in New Brunswick are allowed to retain the services of a private facilitator/agency everything must flow through the Central Authority.

ONTARIO

Article 15.2: Where an adoption does not involve an accredited agency, homestudy reports may be submitted to a Central Authority in the child's country directly by the ministry.

Article 17(c): The ministry provides formal notice of agreement with the adoption.

Article 20: Normally an accredited agency would be engaged in communicating with the Central Authority during the adoption process. The ministry would, however, communicate directly with the foreign Central Authority if there are difficulties or the situation otherwise warrants it.

QUEBEC

Article 14: The adopters can apply to a certified body, but the body is then required to inform the Secrétariat à l'adoption internationale.

Article 15: See the response to 4(g). The Secrétariat receives a copy of all the psychosocial assessments.

Article 16: In Quebec, there are no children available for intercountry adoption. However, the Quebec legislation confers the responsibilities related to the adoptability of a child on the director of youth protection. If necessary, the Secrétariat would work in collaboration with the director of youth protection.

Article 17: The Secrétariat à l'adoption internationale directly assumes the functions described in that article.

Article 18: Under the legislation applicable in Canada, in order for an adopted child to be permitted to enter the country, the Secrétariat à l'adoption internationale must issue a letter of no objection. It is then the immigration authorities who are competent to issue the necessary authorizations.

Article 19: See the response to article 17. The parents' trip is usually organized with the support of a certified body which, in exceptional cases where the parents do not make the trip, provides an escort for the child.

Article 20: The Secrétariat à l'adoption internationale directly assumes the function described in that article, in collaboration with the certified bodies.

Article 21: In Quebec, the director of youth protection is the competent authority where the child's safety or development may be considered to be compromised.

Additional information:

The Minister of Health and Social Services is the central authority within the Government of Quebec. The Secrétariat à l'adoption internationale is a branch of the Ministère de la Santé et des Services Sociaux (organizational chart is annexed). The mandate of the Secrétariat à l'adoption internationale is to

- coordinate intercountry adoption activities in Quebec in the best interests of the children and while respecting their fundamental rights;
- assist and counsel the individuals and families who plan to adopt a child residing outside Quebec and to ensure that their proposed adoption complies with standards;
- make recommendations to the Minister of Health and Social Services with respect to certifying the bodies that handle intercountry adoptions;
- counsel and support the certified bodies and monitor their activities within the framework provided for by the Act;
- ensure that Quebec legislation is applied and that its guidelines and rules of ethics concerning intercountry adoption are respected;
- ensure that all the requirements for each adoption are respected;
- counsel the authorities of the Ministère de la Santé et des Services Sociaux in matters of intercountry adoption;
- establish working relations with the authorities in foreign countries and draw up intercountry adoption agreements in keeping with their legislation and their culture.

The Quebec authorities responsible for child protection are competent for all children in Quebec.

There are currently 16 bodies certified by the Minister of Health and Social Services on the recommendation of the Secrétariat à l'adoption internationale. They operate in 21 countries. A certified body is a private non-profit corporation constituted under a Quebec statute. It is not a government body or a governmental service. Its board of directors is made up of at least five directors. The board must ensure that the body carries out the adoption process in accordance with the law, its mission, the code of ethics for certified intercountry adoption bodies while respecting the rights of the child and the adopters. The body must also undertake to deposit in a trust account the money given to it by the adopters. At least once a year or upon any other request of the Secrétariat à l'adoption internationale, the body must account for the cost of an adoption. It must also submit its financial statements. Those documents must be submitted to the Secrétariat à l'adoption internationale acting on behalf of the Minister of Health and Social Services.

Act 3 reinforces the Minister's powers to monitor and supervise certified bodies.

SASKATCHEWAN

- **The Minister of Saskatchewan Social Services is the Central Authority for the purposes of the Hague Convention. The ongoing administration of the adoption program is the responsibility of the Deputy Minister. Saskatchewan Social Services, Child and Family Services Division, Adoption Program, is the government body responsible for adoption in Saskatchewan.**
- **The Central Office, Child and Family Service Division is located at 12th Floor, 1920 Broad Street, Regina, Sk, Canada S4P 3V7**
- **Phone: (306) 787-0008 Fax: (306) 787-0925**
- **The Program Consultant for Intercountry Adoption co-ordinates and expedites the Intercountry Adoption Program. Duties are carried out by the Consultant, Program Staff in regional offices throughout the province and Administrative Support Staff.**
- **powers and duties:**
- **Communicate with other, Central, competent and public authorities; reply to justified requests from other Central Authorities or public authorities for information about a particular adoption situation;**
- **Receive applications and determine the eligibility and suitability of prospective adoptive parents to adopt; ensure the prospective adoptive applicants have been counselled as may be necessary; prepare home study reports and compile supporting documents; transmit dossier to the authority in the state of the child's origin;**
- **Receive child referrals; ensure adoptive parents agree with the proposed placement; assist in arranging the placement; supervise the placement; ensure the placement is in the best interests of the child; prepare and transmit follow-up reports as required by the child's state of origin; expedite proceedings with a view to obtaining an adoption order or ensuring recognition of the adoption order granted in another state as adoption with full effects;**
- **Delegate, approve and monitor persons to carry out any provision of the Convention;**
- **Determine if the child can be adopted and if the child is, or will be, authorized to enter and reside in Saskatchewan;**
- **Cooperate with other Central Authorities; keep one another informed about the operation of the Convention; promote the objects of the Convention; eliminate obstacles to its application; provide information as to the laws of Saskatchewan and other general information and evaluation reports;**

- **Take appropriate measures to prevent improper financial gain and deter practices contrary to the objects of the convention;**
- **Collect and preserve social, medical and family history information concerning the child, the birth and adoptive parents and provide post adoption services as appropriate;**
- **Take appropriate measures for the ongoing permanent care of the child, if it is necessary to withdraw the child from the care of the adoptive parents, in consultation with the child's state of origin**
- **Promote the ongoing development of adoption counseling and post-adoption services;**
- **Keep the Permanent Bureau of the Hague Conference on Private International Law informed of the names and addresses of the bodies or persons accredited to carry out the functions of the Convention.**

(b) Please indicate the number of personnel employed by your Central Authority to deal with intercountry adoption, their experience and qualifications, and what type of training they have received. (Where personnel undertake other functions, count them only for the amount of time spent on intercountry adoption, for example, if a person spends 50% of their time on intercountry adoption, count them as 0.5 of a person.)

ALBERTA

Anne Scully M.S.W. – Delegated Central Authority under the Hague Convention on Intercountry Adoption; Manages Alberta's adoption program including government, private and intercountry adoption. She has worked in the international adoption area for over ten years and has extensive experience. Forty percent of her time is spent on the International Program.

Faith Watson, R.S.W. – is involved in service delivery of the International Program, and works with individual families. She has done this work for five years, and spends sixty percent of her time in the international program.

Grace Liber, Administrative Support 5 – is involved in support and operational services, as well as direct client contact. She has done this work for over 15 years, and spends seventy five percent of her time in the international program.

BRITISH COLUMBIA

Two personnel, one Social Worker and one administration support. The primary responsibilities of the adoption consultant are as follows: The Consultant develops policies and procedures for inter-country adoption and the licensed adoption agencies. The position is also responsible for monitoring the practice of the agencies and investigating complaints made by the public to the Director of Adoption regarding this practice. The consultant is required to report to the Director their findings in a complaint investigation and make recommendations for resolution of the issues. The agencies are licensed for set periods and the consultant is responsible for reviewing relicensing packages and making recommendations to the Director regarding the issuance of a new license.

MANITOBA

See above.

NEW BRUNSWICK

The Central Authority has been designated to the Provincial Adoption Consultant. The Adoption Consultant holds two Degrees and is a Registered to practice Social Work with the New Brunswick Association of Social Workers. The Consultant has worked with Family and Community Services for approximately

13 years in various capacities. The Designated Central Authority has held that position for approximately 2.5 years.

NOVA SCOTIA

The intercountry adoption program is very small. One person assumes the responsibilities as Central Authority along with other duties as Manager of Adoption and Children in Care and Supervisor of the Adoption Disclosure Program. One support staff outside of the Adoption Disclosure Program assists. There are no licensed agencies in Nova Scotia. The Central Authority approves all home studies (which are completed by authorized private practitioners), reviews all child proposals and manages all communication with foreign jurisdictions, Immigration, etc..

ONTARIO

12 persons are employed in the ministry's international adoption unit. This number includes an adoption co-ordinator/director and 4 social workers. The latter review the homestudies and make the recommendations to the director regarding adoptive applicants' eligibility and suitability. There are also 2 liaison officers, who are responsible primarily for the licensing of agencies, ascertaining requirements of countries of origin, provide assistance where there is a need for the ministry to intervene. 5 persons provide administrative support.

QUEBEC

The Secrétariat à l'adoption internationale is made up of (organizational chart is annexed)

- An intercountry adoption secretary and director general;**
- An executive assistant;**
- Three secretariat officers including an executive secretary;**
- Three desk officers assigned to the processing of intercountry adoption files;**
- Four intercountry adoption counsellors;**
- A law research officer ;**
- A planning and socio-economic research officer (implementation of the Hague Convention, monitoring and inspection of certified bodies);**
- A computer and business processes analyst (computerized intercountry adoption file management system);**
- A research technician;**
- A digitization technician;**
- An archiving technician.**

It is a multidisciplinary team with degrees in law, sociology, social psychology, business administration, organizational analysis and development, politics, social work, psychology, intercultural relations, archive administration and documentation. The professional training is either at the bachelor's or master's level. The team of technicians all have postsecondary training or university certificates.

Continuous training and professional development is strongly encouraged under the government professional development programs.

SASKATCHEWAN

**One Program Consultant for Intercountry Adoption/ ten years experience in child welfare programs/ university social work degree equivalency
One part-time Administrative Assistant/ thirteen years experience in**

administrative support services/ certificate in administrative support

Program staff - fourteen Social Workers and eleven Supervisors in eleven different Social Services offices in the province, nine of these Social Workers provide services in a number of child welfare programs; five Social Workers provide services in domestic & intercountry adoption only, all Supervisors have responsibility for several child welfare programs/experience ranges from less than one year to thirty years - the average being about 10 years/all staff are required to have a social work degree or the equivalency

Administrative Staff, usually one person, part-time, per office, provides support in each office/experience varies similar to program staff/ usual requirement is certificate in administrative support or secretarial services

FEDERAL CENTRAL AUTHORITY

There are three people employed to work full-time on intercountry adoption at the Federal Central Authority, and occasionally, there are additional temporary staff for special projects. All have post-secondary education of varying levels, and training has occurred on-the-job, except for one staff member who has an MSW.

- (b) What procedures are in place to ensure continuity of experienced staff and training for new staff?

ALBERTA

Private licensed adoption agencies are licensed and monitored by Anne Scully. The agencies complete international adoption related tasks, such as training, home assessment reports, preparation of adoption dossiers, supervision of placements, post placement reports, and court finalization of adoption orders. These functions are completed under delegation from Anne Scully.

BRITISH COLUMBIA

Cross training of other staff.

MANITOBA

See above.

NEW BRUNSWICK

All staff who work in the adoption field must be licensed by the New Brunswick Association of Social Workers. Efforts are made to attempt and ensure that continuity is maintained within the Adoption Program.

ONTARIO

Adoption officers who review homestudies must have a post-secondary degree in social worker to qualify for employment.

QUEBEC

Missions abroad, continuous training, international conferences, seminars, discussions with other international ministries, participation in national and international forums.

SASKATCHEWAN

Ongoing departmental staffing and training.

FEDERAL CENTRAL AUTHORITY

Training for new staff occurs on the job.

- (d) Have you experienced difficulties with regard to the establishment or operation of the Central Authority, for example, difficulties over funding or resources?

No. However, funds would be welcome, particularly for travelling to countries of origin.

- (e) Please provide details of any difficulties you have experienced communicating with "central" Central Authorities in other countries or with provincial Central Authorities (in your own country or other countries)?

ALBERTA

No difficulty with federal authority or other provincial authorities. The biggest difficulty experienced with other countries is a lack of response, and timely action, e.g. the one year Immigration time limit for Visa and travel application for children has run out prior to receiving approval and processing of adoption applications in some countries.

BRITISH COLUMBIA

Language can be a barrier. Responses can take awhile. Sometimes other Central Authorities communicate directly with an applicant or a licensed adoption agency rather than with us, as the Central Authority.

NEW BRUNSWICK

Very few difficulties.

ONTARIO

We have not experienced difficulty in communicating with Central Authorities.

QUEBEC

The period of transition before the coming into force of the Convention created ambiguity and caused some difficulties in the processing of adoption files with States Parties to the Convention, notably with the Slovak Republic, Brazil and some Mexican States.

Also, it would be interesting to establish reciprocity for the translation of documents and correspondence so that they can be sent in the official language of the country to which they are being sent.

SASKATCHEWAN

No difficulties communicating with Central Authorities in Canada. Relatively few difficulties communicating with Central Authorities in other countries other language barriers and lack of translation service.

FEDERAL CENTRAL AUTHORITY

Canada has an excellent intercountry communications system; however we do have problems receiving information from Federal Authorities in some sending countries.

6. Accreditation

At the Special Commission meeting in September 2005, the first day will be devoted to an examination of accreditation issues. Your responses to this part of the questionnaire will be very helpful to the Permanent Bureau in the planning and preparations for that day.

Accredited bodies

(1) Please indicate whether your country uses or intends to use accredited bodies in intercountry adoption. If so, please provide details on the topics (a) to (m) below.

ALBERTA,

No. As indicated above, Alberta Children's Services manages the International Adoption Program directly. Private licensed adoption agencies receive delegation to complete the above mentioned duties.

BRITISH COLUMBIA

Yes, we use accredited agencies.

MANITOBA

We use accredited bodies in Manitoba and have delegated the functions of the Central Authority under Articles 15 - 21 to them.

NEW BRUNSWICK

New Brunswick does not permit agencies to operate within New Brunswick. Individuals from NB are permitted to use accredited agencies from other provinces to help facilitate the international adoption process.

ONTARIO

Ontario's legislation provides the ministry with authority to license adoption agencies. The ministry has two persons assigned to process licence applications/renewals and to monitor the practice of licensees.

QUEBEC

Yes, since 1990. Act 3 confirms the role of certified bodies because it establishes that

"The adoption arrangements are made by a body certified by the Minister of Health and Social Services pursuant to the *Youth Protection Act* unless an order of the Minister published in the *Gazette Officielle du Québec* provides otherwise."

Quebec thereby confirms the principle that all adoptions must be carried out by certified bodies and the exceptional nature of an adoption without a certified body (private adoption).

SASKATCHEWAN

Saskatchewan does not have any accredited agencies in the province. Saskatchewan adoptive applicants do use the services of accredited agencies in other Canadian provinces for some countries. In addition to Ministry staff, the Saskatchewan Central Authority/competent authority does approve independent practitioners to complete adoption home studies. These practitioners work in conjunction with Ministry staff who are responsible for other aspects of the adoption case plan.

- (a) Please provide details (including powers and resources) of the authority or authorities which grant accreditation.

BRITISH COLUMBIA

Our licensed agencies:

- >complete homestudies(written assessment and the education program),**
- >assist Prospective adoptive parents to compile the required documents for the child's country of origin,**
- >review with PAPs the information provided on the child and**
- >communicate with the Central Authority (Adoption Services) to complete the Hague procedures required.**

Also, Schedule 2, sections 2 and 3 read:

2 An adoption agency must make available to prospective adoptive parents, before the granting of an adoption order, the following services:

- (a) information on the options available in the adoption process;**
- (b) an explanation of the effects of adoption on all parties to the adoption;**
- (c) the organization of, or referral to, an appropriate support group;**
- (d) information about the options available in relation to openness;**
- (e) an explanation of the openness and disclosure provisions under sections 60 to 66 of the Act;**
- (f) counselling and assistance as needed before placement of a child and during the post-placement period;**
- (g) if requested, intermediary services with respect to an openness agreement and the sharing of non-identifying information;**
- (h) if requested, counselling and mediation services respecting changes or disputes which may arise regarding the terms of an openness agreement.**

3 An adoption agency must make available to the adopted person, the birth parents and the adoptive parents, after the granting of an adoption order, the following services:

- (a) if requested, post-adoption counselling;**
- (b) if requested, mediation services respecting disputes which may arise regarding the terms of an openness agreement.**

MANITOBA

We use accredited bodies in Manitoba and have delegated the functions of the Central Authority under Articles 15 - 21 to them.

QUEBEC

It is up to the Minister of Health and Social Services, on the recommendation of the Secrétariat à l'adoption internationale, to issue or not to issue intercountry adoption certifications in Quebec. In making the decision, the Minister considers, in particular

- the interests of the public and the interests of the children;**
- the number of certifications necessary to meet the needs in the State concerned;**
- the situation in the State concerned and the guarantees given to the children, their parents and the future adopters;**

- **the Minister may, in addition, impose any condition, restriction or prohibition the Minister considers necessary, and may at any time modify them or impose new conditions, restrictions or prohibitions.**
- (b) How many bodies have been accredited by your country? Federal States may provide the number for each state or province. If possible, please indicate how many bodies have been refused accreditation.

BRITISH COLUMBIA

5 provincially licensed adoption agencies are accredited to facilitate intercountry adoptions. None refused have been refused.

MANITOBA

We have 13 bodies.

ONTARIO

19 agencies are licensed to facilitate adoptions; individuals are also licensed to place children for adoptions that are finalized in Ontario. Such individuals require a special "term" on their licence to place a child from a foreign jurisdiction. A term is required for each country. Currently, 4 individuals have such terms on their licence.

QUEBEC

On June 1, 2005, there were 16 certified bodies in Quebec, working in 21 countries. Between February 2004 and June 2005, three applications for certification were rejected by the certification assessment committee. Two of those rejected applications are the subject of an application for review.

- (c) Please give a brief outline of your accreditation criteria, guidelines or legislation.

BRITISH COLUMBIA

Agency regulations 2, 4, 5, 9, 10, 11(for c, d, e)

Application for a licence

2 (1) A society may, in the form and manner specified by the director, apply for a licence to operate an adoption agency, and the application must be accompanied by all of the following:

- (a) a copy of the applicant's certificate of incorporation as a society;**
- (b) a copy of the applicant's constitution and bylaws;**
- (c) the municipal address, mailing address and a description of the premises from which the applicant proposes to operate the adoption agency;**
- (d) a statement confirming the services to be provided by the applicant;**
- (e) a business plan that includes, without limitation, all of the following:**
 - (i) a statement or plan setting out the geographical area in British Columbia that the applicant proposes to serve;**
 - (ii) if services are to be offered by the applicant to persons who live outside the geographical area where the proposed adoption agency will be located, a statement setting out how those services will be delivered;**

- (iii) a description of services other than adoption services, if any, that the applicant provides and the source of funding for those services;
 - (iv) how the services provided by, and the expenses of, the applicant will be funded;
 - (v) the proposed fee schedule for all services provided by the applicant, and whether the level of income of the prospective adoptive parents and adoptive parents will be used to determine the amount of those fees;
 - (vi) a general job description, including the qualifications and experience, for each position the applicant proposes for services, and whether those services will be delivered by employees of the applicant or through contractual arrangements;
 - (vii) the proposed personnel management practices of the adoption agency;
 - (viii) the proposed method of program evaluation;
 - (ix) a description of the applicant's file storage and security arrangements for the proposed adoption agency, and the method to be used to provide backup files in the event of loss;
 - (f) a statement as to whether the applicant proposes to provide interprovincial or intercountry adoption services and, if so, identification of the jurisdictions;
 - (g) evidence that the applicant has obtained general liability insurance satisfactory to the director covering the proposed adoption agency and its employees;
 - (h) a description of the past experience of the directors and the administrator of the applicant as that experience relates to the provision of adoption services;
 - (i) any other information or additional documentation referred to in paragraphs (a) to (h) that the director considers necessary to determine the ability of the applicant to provide the services and carry out the responsibilities of an adoption agency.
- (2) A non-refundable fee of \$200 payable to the Minister of Finance must accompany each application for a licence.
- (3) When making a decision respecting the granting of a licence under this section, the director must consider all of the following:
- (a) the information provided under subsection (1);
 - (b) the number of adoption agencies, if any, serving the geographic area in which the applicant proposes to locate;
 - (c) the financial viability of the applicant.
- (4) A licence issued under this section may contain terms and conditions, consistent with the Act and this regulation, as specified on the licence by the director.
- (5) A licence issued under this section is valid for an initial period of 2 years from the date of issue.

Criminal record check

- 4 (1) Subject to subsection (2), a society must, in respect of an adoption agency operated by it, ensure that the Consent to Criminal Record Check in Form 1 of Schedule 1 has been obtained for
- (a) the administrator, and
 - (b) each person employed by, or under contract with, the society and who works with or has contact with children, birth parents or prospective adoptive parents.
- (2) The society must not require a person to authorize a criminal

record check unless the society has offered employment to, or entered into a contract with, that person.

(3) The society must retain the results of the criminal record check required by subsection (1) for as long as the subject of the criminal record check is employed by, or under contract with, the society.

Conditions of a licence

5 (1) A licence is subject to the following conditions:

(a) the board of directors of the society must include at least 3 persons who are knowledgeable about or experienced in adoptions;

(b) the administrator of the adoption agency must be qualified by training or experience to operate an adoption agency and to work in the field of adoptions;

(c) the adoption agency must, in addition to the services required by the Act, make available the services set out in Schedule 2;

(d) the adoption agency may

(i) provide any service that is ancillary to those services provided under the Act and the regulations, and

(ii) if authorized under section 54 of the Act by the Central Authority for British Columbia, provide services under the Convention;

(e) the director must be promptly notified in writing of any

(i) change in the services offered by the adoption agency,

(ii) change in the schedule of fees used by the adoption agency, or

(iii) material change in the business plan, and the change is not valid until it has been approved in writing by the director;

(f) the society must, in respect of any administrator, employee or individual it contracts with during the term of its licence, comply with the requirements of section 4;

(g) if the director suspends or cancels the licence under section 6 or an adoption agency ceases operations voluntarily, the adoption agency must, when ordered by the director, transfer to the director the care, custody and guardianship of any child of whom the administrator of the adoption agency has care, custody and guardianship.

(2) An adoption agency must not provide interprovincial or intercountry adoption services unless authorized by the director as a condition of its licence.

(3) Subsection (1) (c) and (d) does not restrict an adoption agency from providing other services unrelated to adoption.

(4) If the requirement of subsection (1) (a) cannot be met or maintained, the board of directors of the society must establish an advisory committee, consisting of at least 3 persons who are knowledgeable about or experienced in adoptions, to advise the board on matters of adoption.

Standards to be met by adoption agencies

9 An adoption agency must comply with the following standards:

(a) the primary objective of every placement must be the best interests of the child as set out in section 3 of the Act;

(b) support services provided to birth parents and adoption services provided to prospective adoptive parents and adoptive parents must be delivered in a manner that ensures independence of advice and avoids coercion;

- (c) support services provided to birth parents must, until the end of the 30 day period referred to in section 19 (1) of the Act, be delivered by a social worker who is not the same person who provides adoption services to the prospective adoptive parents;**
- (d) the adoption agency must ensure that a child who is placed with a caregiver under section 25 (b) of the Act is placed with a caregiver who meets the standards for caregivers required by the ministry;**
- (e) the adoption agency must ensure that birth parents, before giving a consent to adoption, have been given an opportunity to be advised by independent legal counsel;**
- (f) the adoption agency must give particular attention to a child with identified health, emotional or other problems to ensure that the child is placed with adoptive parents who have been approved through the homestudy process and who have been recommended, because of their desire and capacity, for a child with the specific needs of the child for whom the adoption placement is sought.**

Information to be provided to clients by adoption agencies

10 An adoption agency must operate in accordance with the following requirements:

- (a) the adoption agency must, before beginning a homestudy, advise the prospective adoptive parents of the purpose of the homestudy, the time involved, the structure of the interviews, the fees to be charged and the method of payment;**
- (b) the adoption agency must advise the prospective adoptive parents that
 - (i) the primary concern in completing a homestudy is the child's best interests, and**
 - (ii) despite approval of the prospective adoptive parents following completion of a homestudy, a child may never be placed with them for adoption;****
- (c) the adoption agency must advise the birth parents or other guardian and the prospective adoptive parents about the adoption agency's arrangements for file storage and security of files, and the disposition of records following the granting of an adoption order;**
- (d) the schedule of fees charged by the adoption agency must be readily available for inspection by any person.**

Surrender of records after adoption of a child

- 11 (1) Subject to subsection (2), a copy of the records of an adoption agency respecting a child placed for adoption by the adoption agency must be forwarded to the director within 6 months after the granting of the adoption order.**
- (2) If post-adoption services are being provided by the adoption agency after the adoption order is granted, the adoption agency may make a request to the director for an extension of time to comply with the requirements of subsection (1).**
- (3) If a record relates to an intercountry adoption which was completed in the country of the child's origin, a copy of the records of the adoption agency respecting that adoption must be forwarded to the director within 6 months after the adoption order is received by the adoption agency.**

ONTARIO

Licensing requirements are set out in Ontario's legislation; i.e., the Child and Family Services Act for adoptions finalized in Ontario and the Intercountry Adoption Act for adoptions finalized in the child's country of origin. Standards and guidelines manuals have been developed for agencies. These are available to the Permanent Bureau upon request.

QUEBEC

Act 3 sets out the terms and conditions of the issuance, suspension, revocation or non-renewal of a certification. In addition to meeting the conditions set out in article 11 of the Convention, a body, to be certified in Quebec, must essentially

- have its headquarters in Quebec;
- have a board of directors consisting of at least five persons;
- have as its objective, in its by-laws, intercountry adoption and not pursue activities, in Quebec or elsewhere, that may come into conflict with its intercountry adoption activities;
- have a trust account to deposit all amounts levied for services not yet rendered, advanced in payment of disbursements to be made or fees payable to a third party;
- declare itself bound by the ethical principles and rules of professional conduct that take into account the public interest and the international context of intercountry adoption and that deal with services to the adopters, respect for the rights of the children, biological and adoptive parents, conflicts of interest and relations with other certified bodies;
- have access to the human, material and financial resources necessary to carry out the adoption process for adopters residing in Quebec.

Also, the body will have to show that the persons that direct or manage it

- are familiar with or adhere to the ethical principles and the rules of professional conduct to which the body has declared itself bound;
- have satisfactory knowledge of the legislation on intercountry adoption, in Quebec and in the State of origin, as well as immigration rules;
- have satisfactory knowledge of the process for adopting a child residing in the State of origin;
- are familiar with the culture and socio-political situation in the State of origin;
- are familiar with the competent authorities for intercountry adoption in Quebec and in the State of origin concerned.

(d) What is the process by which accreditation is granted?

BRITISH COLUMBIA

See (c)

MANITOBA

A body applies to the Director with the information and documentation required under legislation. In regards to private licensed adoption agencies, a specific regulation outlines the requirements. Once the Director and legal counsel have reviewed the documentation, the Executive Director of the Province will issue a licence.

ONTARIO

Applicants must make a formal application to the ministry. The application must

include documentation regarding its proposed practice in accordance with Ontario law and that of the child's country of origin. If the application is approved, the ministry issues a licence.

QUEBEC

After an application for certification is made, the adoption counsellor of the Secrétariat à l'adoption internationale responsible for the country of origin referred to in the application conducts an analysis and prepares his or her recommendation for the certification assessment committee as to the appropriateness of certifying or not certifying the requesting body. It is up to the assessment committee to make the final recommendation to the Minister.

- (e) If possible, please provide an electronic copy of your accreditation criteria, guidelines or legislation, and any translations into English, French or Spanish.

MANITOBA

- The process by which accreditation is granted or renewed is via a legislated and regulated licensing process under *The Adoption Act* of Manitoba.
- The criteria applied involves the ability of the Agency and staff to comply with *The Adoption Act* and corresponding regulations under *The Adoption Act*, as well as the provincial standards. There is also criteria regarding the qualifications of the staff and supervisors, and their related adoption experience.
- The process by which the competence of accredited bodies is kept under review is via the Director's ongoing review of the homestudies, as well as regular agency reports to the Director that include financial and statistical information. A well, a renewal process occurs for the licensing of private adoption agencies every two years. Agencies are also mandated to provide registered and regulated records management of their activities.

ONTARIO

We have two manuals -- one that applies to the Intercountry Adoption Act and another that applies to the Child and Family Services Act. Only one of the manuals is available electronically. Please advise how you would like us to forward both to you.

QUEBEC

The application form for intercountry adoption certification is annexed (being revised further to ongoing changes).

- (f) How is the supervision of accredited bodies carried out in your State (Article 11 c))?
Are there regular reporting requirements (including financial reporting) by the accredited body to the supervising authority?

BRITISH COLUMBIA

Agencies apply for relicensing every 3 years. Yes there are regular reporting requirements as stated in Adoption Agency Regulations 12, and 13.

Quarterly report to director

12 (1) An adoption agency must, within 30 days after the last day of March, June, September and December in each year, submit to the director, in the form and manner specified by the director, a report respecting the activities of the adoption agency during that 3 month period.

(2) The report required by subsection (1) may include information in any or all of the following categories:

(a) statistics with respect to domestic adoptions or proposed domestic adoptions during the quarter;

(b) statistics with respect to intercountry adoptions or proposed intercountry adoptions during the quarter;

(c) statistics respecting current activity in both proposed domestic and intercountry adoptions.

(3) At the request of the director, an adoption agency must submit to the director

(a) any statistical information and reports relating to the operation of the adoption agency, and

(b) copies of other records relating to any services provided under the Act and regulations.

Financial statement

13 An adoption agency must, within 90 days after the end of the adoption agency's fiscal year, submit to the director a financial statement for that fiscal year prepared by a person who is a member, or a partnership whose partners are members, in good standing of The Canadian Institute of Chartered Accountants or the Certified General Accountants' Association of British Columbia.

The Supervision of the agencies is outlined in sections 6 and 7 of the Adoption Agency Regulations

Suspension or cancellation of a licence

6 (1) Subject to this section, the director may suspend or cancel a licence on any of the following grounds:

- (a) the adoption agency is not, in the opinion of the director,
 - (i) giving paramount consideration to the best interests of the children who are being placed for adoption by the adoption agency,**
 - (ii) operating in a manner that is in the best interests of the persons who are receiving the adoption services, or**
 - (iii) operating in accordance with the requirements of the Act, the conditions of its licence, or the standards of operation for adoption agencies under this regulation;****

(b) the society has made a material false statement in an application for a licence or the renewal of a licence;

(c) a change has occurred in the board of directors of the society or the employees or contractors of the adoption agency that would be grounds for refusing to issue a licence if the society were applying for a licence for the first time;

(d) a member of the board of directors of the society or an employee or contractor of the adoption agency has contravened the Act or the regulations, the constitution or bylaws of the society, or a condition of the licence issued to the society;

(e) any other circumstance that, in the opinion of the director, is a cause for concern respecting the operation of the adoption agency.

(2) The director must give written notice to the adoption agency of any proposed suspension or cancellation of the licence

(a) stating the reasons for the proposed suspension or cancellation,

(b) specifying a date, time and place for a hearing to be conducted by the director respecting the proposed suspension or cancellation, and

(c) advising that the adoption agency has the right to be heard and, if representatives of the adoption agency do not attend the hearing, the matter may be disposed of in their absence.

(3) The notice under subsection (2) must be given at least 14 days before

the date of the hearing, delivered by personal service or sent by registered mail to the adoption agency at its last known address as determined from the Registrar of Companies.

(4) The director may order that

- (a) the suspension is effective immediately on the giving of the notice under subsection (2), or
- (b) the suspension or cancellation is effective subject to the results of the hearing.

(5) The adoption agency may appear with counsel at the hearing.

(6) The director must, as soon as practicable after giving the notice under subsection (2), hear and determine the matter set for hearing under this section and, within 14 days after the conclusion of the hearing, make an order, in writing and with reasons, to

- (a) confirm the suspension of a licence already suspended for a period specified by the director in the order,
- (b) suspend the licence for a period specified by the director in the order,
- (c) reinstate the licence, with or without conditions, if it was suspended before the hearing, or
- (d) cancel the licence.

(7) If the director confirms the suspension of a licence under subsection (6) (a) or suspends the licence under subsection (6) (b), the order may provide that the licence is reinstated after the period of suspension subject to such conditions as may be specified by the director in the order.

Appeal from a decision of the director

7 (1) A society that has not been granted a licence by the director, or an adoption agency whose licence has not been renewed or has been suspended or cancelled by the director, may appeal the decision to the minister at any time within 30 days from the date of the decision.

(2) The appellant must give written notice of the appeal to the minister stating the grounds of the appeal, and the minister must set a day and place for the hearing of the appeal, notice of which must be given by the director to the appellant and to any interested persons as the minister may direct.

(3) At the time and place set for the hearing, the minister must hear in a summary manner the appeal, and may adjourn the hearing and defer judgement as he or she thinks advisable.

(4) The minister may make an order varying, confirming or reversing, either in whole or in part, the decision being appealed from.

(5) An order of the minister under this section is final.

(6) No costs of appeal will be allowed to any party.

MANITOBA

All homestudies are reviewed and final approval provided by the Central Authority. Accredited agencies are required to submit quarterly and annual reports.

ONTARIO

Agencies are required to report to the ministry annually. An agency's general case practice is also monitored throughout the year.

QUEBEC

Annually, the certified bodies must file a report of their activities over the past year. Among other things, this report must be accompanied by financial statements. The form used to produce the annual report is annexed (being revised further to ongoing changes). Moreover, Act 3 provides for a power of

inspection and inquiry:

"§4. — Inspections and inquiries

"71.28. A person authorized in writing by the Minister to make an inspection may at any reasonable time enter any premises in which the person has grounds to believe that operations or activities for which certification is required by this Act are carried on, in order to ascertain whether this Act, the regulations and any ministerial order, and the laws and regulations governing the adoption of a child domiciled outside Québec, are being complied with.

That person may, during an inspection, examine and make a copy of any document relating to operations and activities for which certification is required under this Act ; and require any information relating to the application of this Act or any law governing the adoption of a child domiciled outside Québec, and the production of any document connected therewith.

Any person having custody, possession or control of such documents shall, on request, make them available to the person making the inspection.

A person making an inspection shall, if so required, produce a certificate signed by the Minister attesting to the person's capacity.

"72. No person may, in any manner whatsoever, hinder an inspector performing inspection duties, mislead the inspector through concealment or false statements or refuse to provide a document or information the inspector is entitled to obtain under this Act, a regulation or a ministerial order.

"72.1. An inspector may not be prosecuted for any act done in good faith in the performance of inspection duties.

"72.2. The Minister may entrust a person with making an inquiry into any matter in connection with the administration or operation of a certified body.

"72.3. The person so designated has, for the purposes of the inquiry, the powers and immunity of a commissioner appointed under the Act respecting public inquiry commissions (chapter C-37), except the power to impose imprisonment.

"72.4. Where an inquiry is so ordered, the Minister may suspend the powers of the certification holder and appoint an administrator to exercise those powers for the duration of the inquiry."

(g) How is the performance of the accredited body assessed or evaluated?

BRITISH COLUMBIA

In addition to the above, if a resident of BC wishes to lodge a complaint regarding a licensed adoption agency, a process exists in which the office of the Director of Adoption can be contacted and a review of the complaint will be conducted. Agency standards are currently being drafted and an auditing process explored. Answers from c to f apply, and as covered by Adoption Agency Regulations 3,6,7,12,and 13 and the complaints process addressed in (f) Application to renew a licence.

3 (1) A society that wishes to renew its licence must, in the form and

manner specified by the director, at least 60 days before the expiry date of the licence or such shorter time as is acceptable to the director, apply to renew the licence, and the application must be accompanied by all of the following:

- (a) a statement confirming that the information and documentation provided under section 2 (1) at the time of the application for a licence, or under this section at the time of the last licence renewal, has not changed or, if there has been any change in that information or documentation, a statement setting out the change or a copy of the documentation;
 - (b) any other information or additional documentation referred to in section 2 (1) that the director considers necessary to determine the ability of the adoption agency to continue to provide the services and carry out the responsibilities of an adoption agency.
- (2) A non-refundable fee of \$200 payable to the Minister of Finance must accompany each application for the renewal of a licence.
- (3) When making a decision respecting the renewal of a licence under this section, the director must consider all of the following:
 - (a) whether the adoption agency has complied with the requirements of section 5 (1);
 - (b) the grounds under section 6 that apply to the suspension or cancellation of a licence;
- (c) whether the licence was cancelled or suspended during its term.
- (4) A licence renewed under this section may contain terms and conditions, consistent with the Act and this regulation, as specified on the licence by the director.
- (5) A licence renewed under this section is valid for a period of 3 years from the date of expiry of the previously valid licence.

Suspension or cancellation of a licence

6 (1) Subject to this section, the director may suspend or cancel a licence on any of the following grounds:

- (a) the adoption agency is not, in the opinion of the director,
 - (i) giving paramount consideration to the best interests of the children who are being placed for adoption by the adoption agency,
 - (ii) operating in a manner that is in the best interests of the persons who are receiving the adoption services, or
 - (iii) operating in accordance with the requirements of the Act, the conditions of its licence, or the standards of operation for adoption agencies under this regulation;
 - (b) the society has made a material false statement in an application for a licence or the renewal of a licence;
 - (c) a change has occurred in the board of directors of the society or the employees or contractors of the adoption agency that would be grounds for refusing to issue a licence if the society were applying for a licence for the first time;
 - (d) a member of the board of directors of the society or an employee or contractor of the adoption agency has contravened the Act or the regulations, the constitution or bylaws of the society, or a condition of the licence issued to the society;
 - (e) any other circumstance that, in the opinion of the director, is a cause for concern respecting the operation of the adoption agency.
- (2) The director must give written notice to the adoption agency of any proposed suspension or cancellation of the licence
 - (a) stating the reasons for the proposed suspension or cancellation,
 - (b) specifying a date, time and place for a hearing to be conducted

- by the director respecting the proposed suspension or cancellation, and
- (c) advising that the adoption agency has the right to be heard and, if representatives of the adoption agency do not attend the hearing, the matter may be disposed of in their absence.
- (3) The notice under subsection (2) must be given at least 14 days before the date of the hearing, delivered by personal service or sent by registered mail to the adoption agency at its last known address as determined from the Registrar of Companies.
- (4) The director may order that
- (a) the suspension is effective immediately on the giving of the notice under subsection (2), or
 - (b) the suspension or cancellation is effective subject to the results of the hearing.
- (5) The adoption agency may appear with counsel at the hearing.
- (6) The director must, as soon as practicable after giving the notice under subsection (2), hear and determine the matter set for hearing under this section and, within 14 days after the conclusion of the hearing, make an order, in writing and with reasons, to
- (a) confirm the suspension of a licence already suspended for a period specified by the director in the order,
 - (b) suspend the licence for a period specified by the director in the order,
 - (c) reinstate the licence, with or without conditions, if it was suspended before the hearing, or
 - (d) cancel the licence.
- (7) If the director confirms the suspension of a licence under subsection (6) (a) or suspends the licence under subsection (6) (b), the order may provide that the licence is reinstated after the period of suspension subject to such conditions as may be specified by the director in the order.

Appeal from a decision of the director

- 7 (1) A society that has not been granted a licence by the director, or an adoption agency whose licence has not been renewed or has been suspended or cancelled by the director, may appeal the decision to the minister at any time within 30 days from the date of the decision.
- (2) The appellant must give written notice of the appeal to the minister stating the grounds of the appeal, and the minister must set a day and place for the hearing of the appeal, notice of which must be given by the director to the appellant and to any interested persons as the minister may direct.
- (3) At the time and place set for the hearing, the minister must hear in a summary manner the appeal, and may adjourn the hearing and defer judgement as he or she thinks advisable.
- (4) The minister may make an order varying, confirming or reversing, either in whole or in part, the decision being appealed from.
- (5) An order of the minister under this section is final.
- (6) No costs of appeal will be allowed to any party.

Quarterly report to director

- 12 (1) An adoption agency must, within 30 days after the last day of March, June, September and December in each year, submit to the director, in the form and manner specified by the director, a report respecting the activities of the adoption agency during that 3 month period.
- (2) The report required by subsection (1) may include information in any or all of the following categories:
- (a) statistics with respect to domestic adoptions or proposed domestic adoptions during the quarter;

- (b) statistics with respect to intercountry adoptions or proposed intercountry adoptions during the quarter;
- (c) statistics respecting current activity in both proposed domestic and intercountry adoptions.

(3) At the request of the director, an adoption agency must submit to the director

- (a) any statistical information and reports relating to the operation of the adoption agency, and**
- (b) copies of other records relating to any services provided under the Act and regulations.**

Financial statement

13 An adoption agency must, within 90 days after the end of the adoption agency's fiscal year, submit to the director a financial statement for that fiscal year prepared by a person who is a member, or a partnership whose partners are members, in good standing of The Canadian Institute of Chartered Accountants or the Certified General Accountants' Association of British Columbia.

MANITOBA

Daily, in reviewing the homestudies and dossiers they completed to forward to foreign jurisdictions. As well, licensing is renewed every 2 or 3 years and agency's performance is assessed to determine further renewals of licence.

ONTARIO

Evaluation is based on compliance with both this ministry standards and with the requirements of the child's country of origin.

QUEBEC

The work is carried out by the bodies in continual collaboration with the Secrétariat à l'adoption internationale. During the required interventions throughout the case (authorizations, issuing letters, etc.), the SAI can assess the work of the body. Annually, three general meetings reunite the SAI and all the certified bodies. The SAI also offers training on certain aspects of the bodies' work.

The SAI has also implemented a complaint system that allows (adopters) citizens to report any dissatisfaction regarding the certified bodies.

Moreover, when the annual report is filed and at each renewal application (generally every three years), each counsellor performs the follow-up together with the SAI liaison officer.

SASKATCHEWAN

Not applicable

- (h) Has the competent supervisory authority encountered any difficulties in relation to (f)?

BRITISH COLUMBIA

- **Contracting with private facilitators; adoption agencies in BC choose to contract with private facilitators thereby adding an additional party in the process, adding a level of uncertainty with regards to fees, payment of fee and the particulars of the process in the country of origin**
- **private adoptions: In addition to Hague intercountry adoptions, some countries have a domestic law permitting local or private adoptions that**

may be in contravention of the Hague

- **Adoptive parents are reluctant to inform us of additional costs added while in the child's country of origin for fear of jeopardizing the adoption.**

MANITOBA

No.

ONTARIO

On occasion, agencies have required ministry intervention in regard to their practice. In only one instance was an infraction serious enough to terminate the licence.

QUEBEC

The Secrétariat à l'adoption internationale reminds the certified bodies yearly that they are required to file their annual report according to a date determined by ministerial order, each June 30th. There is a follow-up to ensure that all the reports are properly filled out. They are then analyzed point by point. If a meeting is deemed necessary by the SAI, the body is met to discuss the problem areas in order to correct them. Follow-ups are carried out by counsellors or the liaison officer, depending on the type of problem.

SASKATCHEWAN

Not applicable

- (i) Are you aware of any acts or behaviour by accredited bodies or approved bodies or persons that contravened your accreditation criteria? Please also provide details of any sanctions or penalties applied?

BRITISH COLUMBIA

No

MANITOBA

No.

ONTARIO

See the answer above in (g)

QUEBEC

To date, the SAI has not applied any specific sanctions or penalties. It has, when justified by the circumstances, suspended or limited the certified body's registration long enough to find a satisfactory solution and bring the necessary changes.

SASKATCHEWAN

Not applicable

- (j) What are the conditions for renewal of accreditation?

BRITISH COLUMBIA

Refer to f and g.

MANITOBA

They are required to provide annual financial statements and a review engagement report, as well as quarterly reports. As well as statistics and reports of any adoption placement disruptions or breakdowns, they submit updated documentation that is required under the licensing regulation.

ONTARIO

An agency must maintain qualifications as required for the initial licence. The agency's practice during the preceding year would also be evaluated.

QUEBEC

The renewal conditions are the same as those required for the certification application, plus a review of the body's activities over the preceding period.

SASKATCHEWAN

Not applicable

(k) Have you experienced any difficulties in obtaining assistance or cooperation from other Central Authorities in regard to accredited bodies?

BRITISH COLUMBIA

No

MANITOBA

No

ONTARIO

In some instances, a foreign Central Authority requires an agency that is licensed in Ontario to go through an additional accreditation process in their country. This ministry would prefer for the case processing to be handled by the accredited agency. However, if the agency has not been accredited also by the country of the child's origin, the foreign Central Authority does not accept the documents directly from the agency, even though it has been licensed by this ministry.

QUEBEC

The SAI carries out missions abroad, during which it meets with central authorities to discuss the work of the body that wants to become certified or that is certified, and confirms the body's information. Discussions are usually open and constructive.

(l) Have you experienced any difficulties or concerns regarding the supervision of accredited bodies in other countries?

ALBERTA

We are not aware how accredited bodies in other countries are supervised. It would be helpful to have this information.

BRITISH COLUMBIA

No

MANITOBA

Yes.

ONTARIO

We are not aware of any difficulties in that regard.

QUEBEC

Despite the SAI confirmation during missions, there are still difficulties monitoring and supervising the activities of the intermediary and the certified body in the country of origin. In some cases, it seems difficult for even the certified body to monitor the costs and activities of its intermediary abroad. This is why the Secrétariat à l'adoption internationale insists that the certified bodies travel frequently to the country of origin to better supervise the intermediary. It is also extremely important for communications between certified bodies and the Secrétariat à l'adoption internationale to be open and fluid so that any problem situation is subject to discussion.

SASKATCHEWAN

No

(m) Do you consider that standard or model accreditation guidelines would assist countries in developing appropriate safeguards or procedures?

ALBERTA

Yes

BRITISH COLUMBIA

Yes

MANITOBA

Yes.

ONTARIO

This could be useful.

QUEBEC

Minimal guidelines or general principles included in international guidelines could be constructive. However, there should not be uniform international standards because of possible legislative conflicts, considering the relevant operative laws in each State.

SASKATCHEWAN

No

(2) Has your country authorised foreign accredited bodies to undertake intercountry adoptions in your country (see Article 12)?

Not applicable.

(a) What steps are involved in the process of authorisation?

Non applicable.

(b) What supervision of foreign authorised bodies occurs?

Non applicable.

- (c) Have you experienced any difficulties regarding a body accredited in one State and authorised to act in another State?

Non applicable.

- (3) If your State has decided not to use accredited bodies, please explain the reasons and indicate what has influenced the decision.

See answers in section on Accreditation.

- (4) What particular issues concerning accreditation would you like discussed on the Accreditation Day (17 September)?

- **How are countries of origin approving and monitoring the work of their agencies.** ALBERTA
- **A more accessible, transparent and current process regarding those accredited agencies in foreign jurisdictions.** MANITOBA
- **It would be helpful if guidelines could be developed regarding the handling of donations.** ONTARIO
- **The costs of intercountry adoptions and the idea of undue gain, in particular regarding the fees required by intermediaries in the country of origin.** QUEBEC
- **The authority of the competent/Central authority to place strict limits on practices of accredited bodies.** SASKATCHEWAN

- (5) Would you like to see a chapter on Accreditation developed for the Guide to Good Practice for Intercountry Adoption? What issues do you think should be covered in this chapter?

Yes

- **standards for accreditation for accredited bodies**
- **the use of "on the ground" personnel in the child's country of origin; i.e., qualifications, permissible activities, etc**
- **management of donations**
- **costs**
- **intermediaries**
- **how to limit outbidding**
- **certification period**
- **the effects and limits of certification in the country of origin (especially the number of adoptions the body can perform per year)**
- **responsibilities and obligations of certified bodies**
- **certification by the receiving country as a method of controlling the activities on its territory (taking into consideration the profile and number of children available and, perhaps, relieve the pressure that may lead to abuse**
- **standard or model accreditation guidelines**
- **the responsibility, authority and practicalities of competent/Central authorities to ensure good practice**

Approved bodies and persons

(6) Please indicate whether your country uses or intends to use approved bodies or persons (see Article 22(2)) in intercountry adoption. If so,

ALBERTA

Agencies, as indicated above. All social workers must meet the requirements of our Child, Youth and Family Enhancement Act and Regulations. Their work must be reviewed by the Executive Director of the Agency. The Agency's work is reviewed by Alberta's Delegated Central Authority.

BRITISH COLUMBIA

See question on accredited bodies.

MANITOBA

Yes

ONTARIO

Yes

QUEBEC

In Quebec, the authorities with jurisdiction under article 22(2) that effects articles 15 to 21 of the Hague Convention include youth protection branches, and the professional orders of psychologists and social workers. The youth protection branches are agencies under the Minister of Health and Social Services. As for the professional orders, they are governed by their code of ethics and the Professional Code.

(a) How many bodies or persons have been approved by your country to provide adoption services in accordance with Article 22(2)?

ALBERTA

5

MANITOBA

13

ONTARIO

Please see our comments in above section 5(2)(a).

QUEBEC

Not applicable.

SASKATCHEWAN

In addition to Ministry staff, fifteen persons called Independent Practitioners are currently approved to provide service only for the completion of adoption home studies for residents of Saskatchewan. The home study is submitted to the department of Community Resources and Employment for approval for child placement and further processing. Persons requesting approval as an Independent Practitioner to complete adoption home studies must have a degree in social work or equivalency; membership in their professional association and work experience in, or appropriate to, adoption work.

(b) Do you grant approval to persons or bodies from abroad?

Non applicable.

(c) What are the guidelines by which approval is granted (if different from 1(c))?

Non applicable.

(d) What is the process by which approval is granted and renewed?

MANITOBA

As noted earlier, by legislation and regulation.

ONTARIO

See answers above in this section and in the section (5)(1) and (2)

QUEBEC

Not applicable.

SASKATCHEWAN

Practitioners who complete home studies must maintain active membership in their professional association and attend a department one day training seminar every two years. Every home study completed is reviewed by department staff for approval of the applicant's eligibility and suitability.

(e) How is the supervision of approved bodies or persons carried out in your State (Article 22(2))?

Non applicable.

(f) Has your country made a declaration under Article 22(4)?

Non applicable.

7. Procedural aspects

(1) Please indicate any operational difficulties that have been experienced, including in particular:

ALBERTA

BRITISH COLUMBIA

MANITOBA

NEW BRUNSWICK

The majority of the international adoption performed in NB do not take place between Hague countries.

NOVA SCOTIA

ONTARIO

QUEBEC

SASKATCHEWAN

CIC

FEDERAL CENTRAL AUTHORITY

This has been a serious problem for Canada and we are now in the process of addressing this by developing a system whereby prospective adoptive parents can have additional medical examinations and tests performed on the child at the same time the medical examination is undertaken for immigration purposes.

(a) obtaining accurate and sufficient health and social information on the child;

ALBERTA

We would appreciate more and more accurate information with respect to the child's medical and developmental progress.

BRITISH COLUMBIA

We recommend that the term 'sufficient' be defined. There is no standard of the level of information received from country to country. In BC's Adoption Regulations, section 4 states the following is required for domestic adoptions.

Birth family medical and social history report

4 (1) For the purposes of sections 6 (1) (c) and 8 (2) (b) of the Act, the director or the administrator must, with respect to a child to be placed for adoption, obtain information about the medical and social history of the child and the child's biological family that includes, as practicable, all of the following:

(a) a physical description of the birth mother and birth father, and information about

- (i) the personality and personal interests of each of them,**
- (ii) their cultural, racial and linguistic heritage, and**
- (iii) their religious and spiritual values and beliefs;**

(b) a detailed health history of the birth mother and birth father, including

- (i) the lifestyle of the birth parents respecting usage of tobacco, alcohol and prescription and non-prescription drugs,**
- (ii) prenatal information respecting the birth mother, and**
- (iii) any medical condition and other health information about the biological relatives of the birth parents that may be relevant to the child;**

(c) a detailed social history of the birth mother and birth father, including

- (i) the relationship between the birth parents,**
- (ii) details about any other child born to either of them,**
- (iii) educational background and, if applicable, future**

- educational plans,
 - (iv) particulars respecting past, present and future employment, and
 - (v) family background information about the mother and father (both by birth and adoption) and the sisters and brothers (both by birth and adoption) of each birth parent;
 - (d) the reason why the birth parents have decided to make an adoption plan for the child;
 - (e) a physical description of the child, and information about
 - (i) the personality, behaviour and personal interests of the child, and
 - (ii) the cultural, racial, linguistic and religious heritage of the child;
 - (f) a detailed health history of the child, including
 - (i) the birth medical,
 - (ii) a history of the physical growth and development of the child,
 - (iii) the results of any past medical reports from a health care provider about the child's physical and mental health, and
 - (iv) the results of a current medical report about the child's physical and mental health;
 - (g) a detailed social history of the child's life experiences, including
 - (i) where the child has lived, who parented the child and the period of time the child lived with each of those persons,
 - (ii) the child's relationship with birth family, caregivers and peers, and
 - (iii) the child's educational background and current level of education;
 - (h) the child's understanding and views about an adoption plan for the child.
- (2) For the purpose of section 48 (2) (b) and (3) of the Act, the information about the medical and social history of the child and the child's biological family must include those matters in subsection (1) as are reasonably practicable.
- (3) The information required by this section must be in the form of a written report.

MANITOBA

Often, it is insufficient based on the fact the child has been abandoned.

NEW BRUNSWICK

No

QUEBEC

Reports are not sufficiently documented in terms of medical and psychosocial information. Moreover, the wording of the reports makes medical interpretation difficult in Quebec. For older children, assessors would like to know more in terms of the psychosocial level to better assess the future parent in terms of needs for this type of child.

SASKATCHEWAN

Yes

(b) obtaining accurate and sufficient information on prospective adoptive parents;¹

Non applicable.

(c) obtaining an accurate estimate of fees to be paid by adoptive parents prior to adoption and / or travel to collect the child;²

ALBERTA

Yes

BRITISH COLUMBIA

Most countries provide written fees. The question is around additional fees that we aren't informed of.

MANITOBA

Our agencies are generally able to accurately report the fees paid and are required to report them.

NEW BRUNSWICK

Not with NB residents to date.

QUEBEC

To minimize this type of difficulty, during certification, the Secrétariat à l'adoption internationale attentively reviews the cost breakdown submitted by the body. While on their missions to the country of origin, advisors try to verify the information received. It would be interesting to have stronger cooperation between central authorities to verify not only the fees but also the related procedures that could influence cost. Moreover, the Secrétariat à l'adoption internationale meets with adopters to verify their satisfaction of the body's services and compare the actual cost of their adoption project.

SASKATCHEWAN

This has happened in regard to a non-Convention country. The child does not come to Canada for some months after the adoption order and child care costs seem to increase without warning after the adoption. This country attributes this to instability and increasing costs in the country.

(d) documentation requirements, including requirements for legalisation or authentication of documents, or the acceptance of documents by the other country;

ALBERTA

Yes

BRITISH COLUMBIA

No

MANITOBA

In most countries, no.

NEW BRUNSWICK

¹ The Convention, Articles 15 and 16.

² See Report of the Special Commission of 2000, page 42, paragraph 7.

No

ONTARIO

It is sometimes difficult to obtain detailed information regarding donations.

- (a) documentation requirements, including requirements for legalisation or authentication of documents, or the acceptance of documents by the other country;**
- (b) obtaining the agreements required in Article 17;**
- (c) receiving post-placement reports from adoptive parents or Central Authorities;³**
- (d) translation requirements;**
- (e) time taken to process Convention cases.**

QUEBEC

Quebec has not noted any case of a foreign country refusing its documents. However, the fees that are required for legalizing documents sent to the country of origin are problematic and can be very high and recurring. The limitation rules on documents in certain countries also leads to fees for the adopters and could, in our opinion, be limited.

SASKATCHEWAN

Extensive documentation requirements are time consuming and add expense to adoption costs. Verification of the validity of the documents could be done in another manner.

- (e) obtaining the agreements required in Article 17;**

Generally not a problem. Does not yet apply to Quebec.

- (f) receiving post-placement reports from adoptive parents or Central Authorities;⁴**

ALBERTA

Non applicable.

BRITISH COLUMBIA

In BC neither the ministry nor the agencies have the legislative authority to insist post adoption placement reports are completed. The child is here, the adoption granted, and the adoptive parents have no compelling reason to complete post placement requirements.

MANITOBA

Non applicable.

NEW BRUNSWICK

NB is mostly a receiving state.

QUEBEC

The requirements of the country of origin are more and more strict regarding

³ See the Convention, Article 20.

⁴ See the Convention, Article 20.

the frequency and duration of the reports parents must produce; this leads to application problems. Systematic reports, especially for a long period of time, might not be appropriate. An adapted approach should be considered when the receiving country, such as Quebec, can ensure that the child has the same rights, and benefits from the same protection as a child biologically born in Quebec, especially regarding an organized youth protection system.

SASKATCHEWAN

Saskatchewan is primarily a receiving State. Adoptive parents are generally cooperative, rarely uncooperative but do seem to need reminders.

(g) translation requirements;

Sometimes, countries require documents in their language but these same countries do not do same, and we are required to translate documents received from abroad. Adopters have a significant amount of documentation to be translated, which does not seem necessary or relevant in some cases. As mentioned above, it would be interesting to establish reciprocity for document translation and correspondence in the language used by the respective countries.

(h) time taken to process Convention cases.

Some cases seem to take very long to process.

(2) Do you permit prospective adopters, once their eligibility and suitability have been established, to make their own arrangements for contacting directly the placement agencies in the country of origin?

ALBERTA

In some cases.

BRITISH COLUMBIA

In BC we do not allow prospective adoptive parents to make their own arrangements, however this may happen without our knowledge.

MANITOBA

Yes, but they cannot proceed to adopt a child without our reviewing the information regarding the “proposed” child and providing our consent.

NEW BRUNSWICK

Until the Central Authorities of the country of origin approve the match and the acceptance of the child, all contact takes place between the central authorities. Once that approval is received the individuals and the agencies make all necessary arrangements to pick up the child in accordance with the rules of the country of origin.

ONTARIO

No, with the exception of relative adoptions that are to be completed in Ontario.

QUEBEC

Adopters in Quebec, except for cases set out in the legislation, are not authorized to make their own arrangements for directly contacting the placement agencies in the country of origin.

SASKATCHEWAN

We do not permit this prior to matching and acceptance of the child. After matching and acceptance, with the permission of the child's country of origin and if appropriate the adopters may contact the child/child's caregivers.

(3) Has the practice referred to in the preceding question given rise to particular problems of which you are aware?

ALBERTA

Families tend to try to pressure the country of origin, since they speak the language and often have relatives in the country of origin who can contact the Central Authority on their behalf.

BRITISH COLUMBIA

Not aware of any.

MANITOBA

See earlier comments.

NEW BRUNSWICK

Not aware of any.

ONTARIO

Yes. All Ontario residents wishing to complete an adoption abroad are subject to Ontario's Intercountry Adoption Act. This includes relatives and residents who have retained citizenship of their home country. Such individuals, however, are often permitted to complete adoptions in their home country without involvement of Ontario's Central Authority. Having completed such adoptions, however, places the adoption in violation of Ontario law.

QUEBEC

Quebec has passed legislation on this subject to avoid situations that could place parents under any type of pressure by the country of origin, during the adoption process: fees to pay, attempted extortion, protecting the children (no direct contact), etc.

SASKATCHEWAN

Yes, in some instances adopters have contacted the child's caregivers without seeking permission as required. Clear direction to the receiving State/adopters at the time of matching/acceptance should help to ensure everyone understands expectations.

(4) Please provide details on the breakdown of placements in the Receiving State. What steps have been or are being taken in your country to address this problem (Article 21)?⁵

BRITISH COLUMBIA

⁵ The number of placement breakdowns is sought in the new draft Statistics Form.

One case in 2004. We will only become aware if the child comes into the care of the Ministry through an adoption breakdown. According to our legislation, adopted children are entitled to all the protection and the same rights as all children.

MANITOBA

We have rarely experienced disruptions and when we do, we thoroughly review the case to determine whether there are any areas that can be addressed to prevent future occurrences. In particular, we are very cautious about approving first-time families for the adoption of older special needs siblings, in order to prevent potential breakdowns or disruptions.

NEW BRUNSWICK

There have been no known breakdowns, however once the adoption is finalized and all the requirements for post placement reports have been met, the records are closed thus we would not be readily aware of breakdowns.

ONTARIO

The ministry is not always made aware of a breakdown in the adoption. A child whose adoption has broken down is entitled to the same protective measures as any other child in Ontario. A children's aid society would normally be involved and, if appropriate, the child is re-placed for adoption.

QUEBEC

Quebec has few placement failures. It is the responsibility of the director of youth protection to handle cases of breakdown in the relationship between adopted child and adoptive parent, and to find a permanent solution.

Research in Quebec and internationally on the emotional phenomena surrounding intercountry adoption is encouraged and leads to a better understanding of the issues in this field. The SAI cooperates with Quebec researchers so that its work addresses well-defined problems. This issue is also dealt with in the work of the subcommittee on the revision of assessment criteria established through implementation of the Hague Convention.

SASKATCHEWAN

As far as is known, there are no placement breakdowns to report.

(5) Legalisation of foreign documents can be very time consuming for Contracting States. At the Special Commission on the Apostille, Evidence and Service Conventions in November 2003,⁶ a recommendation was made concerning the 1993 Convention. The Report states that:

"The Special Commission stressed the usefulness of linking the application of the Hague Adoption Convention of 1993 to the Apostille Convention [the 1961 Convention Abolishing the Requirement of Legalisation for Foreign Public Documents]. In light of the high number of public documents included in a typical adoption procedure, the Special Commission recommended that States that are party to the Adoption Convention but not to the Apostille Convention

⁶ See "Conclusions and Recommendations adopted by the Special Commission on the Practical Operation of the Hague Apostille, Evidence and Service Conventions", 2003, page 5, available on the Hague Conference website at < www.hcch.net >.

consider actively becoming party to the latter.”⁷

Would you favour a similar recommendation from the forthcoming Special Commission meeting for the 1993 Convention?

Yes

(6) DNA testing has been used to establish identity (if, for example, a consent is in doubt). Can you provide details of such cases, including the cost and procedures involved?

DNA testing was once required for intercountry adoptions in Guatemala. The Canadian Embassy in Guatemala required such testing. Canada stopped all intercountry adoptions in this country in the early 2000s because of obvious irregularities. DNA testing is useful for determining a child's parentage but does not guarantee any regularity in the adoption process or in the free and informed character of consent.

8. Private international law issues

(1) The Convention does not determine which authorities have jurisdiction to grant or amend / revoke an adoption nor which law applies to the conditions governing, or the effects of, an adoption.

(a) Are you aware of any difficulties that may have arisen in the application of the Convention concerning the jurisdiction of the authorities to grant or amend / revoke an adoption?

No.

(b) Are you aware of any difficulties that may have arisen in the application of the Convention concerning the law or laws to be applied to the conditions governing, or the effects of, an adoption?

No.

(2) Issues of applicable law may arise when bodies accredited in one Contracting State act in another Contracting State (Article 12), for example:

- whether and to what extent agents of that body are authorised to act and bind their principal;
- whether they have exceeded or misused their authority.

Have you experienced any difficulties in this respect (see also the *Hague Convention of 14 March 1978 on the Law Applicable to Agency*)?

No. In Quebec, Article 3116 of our Civil Code deals with this issue and settles the problem of conflicting laws. Unless there is a specific provision between the parties (which is possible), the applicable law is the one of the country where the representative acted.

⁷ See paragraph 6.

9. Recognition and effects

(1) Have your courts used the Recommended Model Form "Certificate of Conformity of Intercountry Adoption"? See < www.hcch.net >, "Intercountry Adoption", "Practical Operation Documents", "Annex C to the Special Commission Report of October 1994".

ALBERTA, BRITISH COLUMBIA, ONTARIO,, SASKATCHEWAN

No.

In Ontario, the Certificate of Conformity has not been adopted. Normally, the accredited agency would be responsible for submitting a copy of the adoption order that has been certified by the Ontario Court. Prior to the adoption, the ministry would have been involved in approving the adoption placement and providing a statement to the Ontario Court recommending the adoption. In these cases, the child could not have been placed in the Ontario without already having complied with Hague requirements.

QUEBEC

Since Quebec has not yet used the tools of the Hague Convention, it is hard to answer this question. However, it is currently using the tools and models recommended by the Hague Convention (Letter 17(c), consent, etc.).

MANITOBA

Yes.

(2) Have you knowledge of any difficulties that have arisen in obtaining certificates under Article 23(1)?

ALBERTA, BRITISH COLUMBIA, MANITOBA, ONTARIO, SASKATCHEWAN

No

QUEBEC

Not applicable.

(3) Do you have information about any case in which recognition of a Convention adoption has been refused under Article 24?

ALBERTA BRITISH COLUMBIA, MANITOBA, ONTARIO, SASKATCHEWAN, NEW BRUNSWICK

No

QUEBEC

Not applicable.

(4) Are there any circumstances in which you would recognise the validity of a foreign adoption coming within the scope of the Convention despite Convention procedures or requirements not having been followed?

ALBERTA

No

BRITISH COLUMBIA

Yes. For example, a domestic adoption order granted in the Country X for which Hague was not followed. We would assess the merits of the order and retroactively apply the process of the Hague Convention: applicants would be required to complete a homestudy, we would consult the Central Authority of the child's country of origin in order to fulfill the requirements of Article 17 of the Hague Convention.

MANITOBA

No.

NEW BRUNSWICK

Only the NB Court of Queens Bench would be permitted to make such a decision.

ONTARIO

As noted in section on Procedural Aspects 6(2), relatives and citizens of another country are often permitted to adopt a child outside the Convention in spite of Article 2. We have had to develop a system of bringing the adoptions into "compliance" with Ontario law after the fact.

QUEBEC

Not applicable.

SASKATCHEWAN

Our adoption act states that any order granted in another jurisdiction that has substantially the same effect as an order made in Saskatchewan shall be recognized in the same manner as an order made in Saskatchewan. Where convention requirements have not been met every effort is made to bring those adoptions in line with requirements.

10. Payment of reasonable charges and fees

(1) Please quantify the costs and expenses charged or fees paid in your country in respect of intercountry adoptions (Article 32(2)). Is this information freely available and accessible to prospective adoptive parents and competent authorities?

ALBERTA

All information is available either on our website at www.child.gov.ab.ca, or through contact with our offices or the offices of the private licensed agencies in Alberta. Links to their information is available on the website.

Adoption training and Home Assessment Report - \$1,700 (app)

Immigration fees and travel – varies with country of origin

Preparation of dossier - \$500

In some circumstances we are not aware of the amount families spend in the country of origin, e.g. donations to orphanages.

BRITISH COLUMBIA

Each of our accredited agencies has their fee schedule approved by our provincial government authority. Fee schedules are available on individual

websites and are provided in the initial package given to applicants. Two of the agency websites are 1) www.hopeadopt.org/feeschedules.htm and 2) www.adoption-bc.com.

MANITOBA

See 2000 response. Yes, fees are regulated and agencies are to report fees paid in other jurisdictions.

NEW BRUNSWICK

New Brunswick charges no fees for the processing of an international adoption application. There would be fees associated with the gathering of the documents required. Those fees are determined by those issuing the documents and vary.

ONTARIO

Licensees may only charge for functions prescribed by the legislation; the amount is not specified. However, licensees must report all financial transactions and must be reasonable.

QUEBEC

In the certification conditions, the body must provide a breakdown of the costs of adoption in Quebec and abroad. The costs presented are verified and discussed with each body and confirmed during the SAI missions abroad. We perform a comparative analysis of the fees of bodies working in the same country. If information is available, there is a comparative analysis using the fees made available by other receiving countries. The SAI also meets adopters who have completed their adoption project to verify the actual cost of the adoption.

Cost breakdown is a required provision of the contract between the body and the adopter. The SAI, through its website, conveys the average costs of adoption in each country.

SASKATCHEWAN

See The Adoption Regulations, 2003, Section 52 Certain fees authorized.

Community Resources and Employment (DCRE) charges a nominal fee of \$600 Cdn for the completion of an intercountry adoption home study; the fee for required follow-up reports is \$100 Cdn to a maximum total fee of \$1000 Cdn per adoption (home study and follow-up reports). DCRE absorbs many administrative costs without charge to the applicant.

Many reports are completed by Independent Practitioners who set their own fees which must be reasonable professional fees. It is estimated the fees charged for home study reports are between \$600 to \$1200 Cdn based on a number of factors including number of interviews required, travel, etc..

Adoptive applicants pay for actual costs for required adoption documents and preparation of documents; some courier costs, etc..

Applicants are responsible for costs related to fees, costs and donations required by the child's country of origin or additional adoption services chosen by themselves and immigration, travel, etc..

This information is freely available and accessible to prospective adoptive

parents and competent/Central authorities.

(2) Have you had any experiences with the use of fee caps, established and publicised appropriate fees, established expediting fees, or other similar controls?

ALBERTA, BRITISH COLUMBIA, MANITOBA, NEW BRUNSWICK, NOVA SCOTIA, ONTARIO, SASKATCHEWAN

No

QUEBEC

It was brought to the SAI's attention that additional fees for a fast-track procedure might be requested. For the SAI, it is clear that this procedure must be confirmed and regulated by the foreign central authority to ensure that this procedure is not used to unduly enrich an intermediary.

(3) Do you have any comments on the practice in some countries of requiring a mandatory contribution by adoptive parents for the support or development of child protection services in such countries?

It would be preferable if the mandatory contributions were fixed, published in advanced and monitored by the foreign central authority or government body. This would help prevent the possibility of a child going to the "highest bidder."

The contributions required should be aimed at offering better environments to children.

(4) Do you have any comments on or experiences of uneven processing amongst countries due to large disparities in fees (for example, applications from countries that offer higher fees may be processed more quickly)?

BRITISH COLUMBIA

No.

MANITOBA

No.

NEW BRUNSWICK

No

ONTARIO

See above

QUEBEC

Yes. Quebec is dealing with its own experiences on the subject, experiences with outbidding due to the presence of certain host countries where state organization is not present throughout the entire process. Outbidding is observed not only where costs required for adoption are concerned but also where fees charged by intermediaries (coordinator, interpreter, translator, etc.) in the country of origin are concerned.

At present, Quebec is concerned with the power of intermediaries which seems to be increasing owing to the near-monopoly control they have over the adoption process in the country of origin. Often, the same intermediary works for many host countries blackmailing bodies and, indirectly, host countries less inclined to adopt costs that they consider excessive or disproportionate.

SASKATCHEWAN

Although this question has arisen a few times we have no direct evidence this is the case.

(5) Are you aware of any instances of disparity between professional salaries or fees charged for adoptions compared to other forms of legal work? (For example, large legal fees may be charged for adoption, while standard or lower fees are paid for other family law matters such as divorces – see Article 32(3).)

No. In Quebec, professionals called upon to intervene in intercountry adoption cases are governed by the occupation code and their professional corporation. Moreover, Quebec is concerned with certain fees paid in the States of origin, which, when taken in conjunction with the average annual income in the country, seem to be completely disproportionate.

(6) Are you aware of any significant differences in fees charged for intercountry adoption by regional or provincial authorities?

No.

QUEBEC

Quebec does not require any government fees to process adoption cases. As for fees paid in the country of origin, Quebec works with the information sent by bodies and authorities and does not report a particularly concerning situation.

(7) To what extent, if any, are intercountry adoption fees used (a) to support or develop the national childcare and protection system; or (b) to contribute to funding resources of Central Authorities or accredited bodies?

ALBERTA

Alberta families do not pay any fees to Alberta's Central Authority to process or proceed with their adoptions. Fees are paid to licensed private adoption agencies for training, assessment and preparation of dossiers.

BRITISH COLUMBIA

We are a receiving state only. None are used as identified.

MANITOBA

Non applicable.

NEW BRUNSWICK

Non applicable.

ONTARIO

This ministry does not charge fees. We are aware that agencies licensed by this ministry are required to collect contributions for this purpose.

QUEBEC

Not applicable.

SASKATCHEWAN

Fees go directly to the provincial treasury department which is responsible for budget allocations to provincial departments. The fees, limited as they are, would have no significant effect on budget allocations.

(8) Do you have any other comments about reasonable or unreasonable costs and expenses or fees?

As long as countries fail to openly discuss the issue of intercountry adoption costs and continue to act like competitors, the outbidding phenomenon will only escalate.

(9) Are you aware of any other problems arising from the payment of fees or charges in your country or in other countries with which you have adoption arrangements?

While we recognize there may be a need for financial contributions, we would prefer for these payments to be made under the authority of a governmental body and in accordance with the recommendation adopted at the Special Commission in December 2000.

See answers to previous questions.

11. Improper financial gain

(1) Please indicate the laws (including criminal sanctions), measures and procedures in place to give effect to the principle that no one shall derive improper financial or other gain from an activity related to an intercountry adoption (Article 32(1)).

ALBERTA

Child, Youth and Family Enhancement Act

BRITISH COLUMBIA

Section 84 of the BC Adoption Act. Paying or accepting payment for an adoption

- 84 (1) A person must not give, receive or agree to give or receive any payment or reward, whether directly or indirectly,**
- (a) to procure or assist in procuring a child for the purposes of adoption in or outside British Columbia, or**
 - (b) to place or arrange the placement of a child for the purposes of adoption in or outside British Columbia.**
- (2) Subsection (1) does not apply to any of the following:**
- (a) a birth mother receiving from a prospective adoptive parent expenses that do not exceed those allowed under the regulations;**
 - (b) a lawyer receiving reasonable fees and expenses for legal services provided in connection with an adoption;**
 - (c) a health care provider receiving reasonable fees and expenses for medical services provided to a child who is the subject of an adoption or to the birth mother in connection with the pregnancy or birth;**
 - (d) an adoption agency receiving fees and expenses that do not exceed those allowed under the regulations;**
 - (e) any other persons prescribed by regulation.**
- (3) A person who contravenes this section commits an offence and is liable to a fine of up to \$10 000 or to imprisonment for up to 6 months, or to both.**

MANITOBA

Our legislation under The Adoption Act addressed this, as well as being signatory to the Hague Convention.

NEW BRUNSWICK

The New Brunswick Intercountry Adoption Act states in Article 32 (2) Only costs and expenses, including reasonable professional fees of persons involved in the adoption, may be charged or paid.

ONTARIO

Ontario legislation prescribes expenses that may be charged. The ministry requires financial reports from licensed agencies on an annual basis.

QUEBEC

Act 3 incorporates the Hague Convention into Quebec law and therefore incorporates the prohibition of improper gain. Moreover, criminal sanctions are also provided for against any person who gives, receives or offers or agrees to give or receive, directly or indirectly, a payment or a benefit either for giving or obtaining a consent to adoption, for finding a placement or contributing to a placement with a view to adoption or for obtaining the adoption of a child.

SASKATCHEWAN

The Intercountry Adoption (Hague Convention) Implementation Act, Article 32(1)

The Adoption Act, 1998, Section 33, No payment or reward; Section 35, Offences and penalties

The Adoption Regulations, 2003, Section 52 Certain fees authorized

Citizenship and Immigration Canada

The Immigration and Refugee Protection Regulations make specific reference to "undue gain" with respect to international adoptions completed where the Hague Convention on Adoption does not apply (see the Immigration and Refugee Protection Regulations at 117(1)(g)(iii)(A) and 117(3)(g)). Where the Convention does apply, the Regulations do not mention "undue gain"; rather adoptions under the Convention must conform to all Convention requirements which would include those provisions dealing with undue gain. In either case, evidence of undue gain would be reason to refuse a child's application for permanent residence.

(2) Are you aware of any instances of success in enforcing penalties to discourage improper financial gain?

No.

(3) Are you aware of any difficulties in the enforcement of laws or regulations or in prosecution of criminal activity?

No.

(4) Apart from the measures referred to in Question 11(1) above, have any other preventive measures been taken in your country to combat improper financial gain?

QUEBEC

The cost and financial statement breakdown analysis combined with a close monitoring of the activities of certified bodies, missions abroad, the validation of actual costs incurred by adopters and the comparative analysis of the cost of bodies working in the same country are means used by Quebec in an attempt to prevent improper gain.

FEDERAL CENTRAL AUTHORITY

If serious problems with improper gain exist, Canadian provinces and territories may decide to shut down adoptions from the country in question.

(5) Please provide details of any measures taken to prevent solicitation (e.g. through inducements to consent) of children for adoption (Articles 8 and 29).

BRITISH COLUMBIA

Adoption Act Section 4 and 5. Agency regulations #15.

Who may place a child for adoption

4 The following may place a child for adoption:

- (a) the director;**
- (b) an adoption agency;**
- (c) a birth parent or other guardian of the child, by direct placement in accordance with this Part;**
- (d) a birth parent or other guardian related to the child, if the child is placed with a relative of the child.**

Who may receive a child for adoption

5 (1) A child may be placed for adoption with one adult or 2 adults jointly.

(2) Each prospective adoptive parent must be a resident of British Columbia.

Prohibition on the charging of fees and expenses

15 (1) An adoption agency must not charge birth parents a fee, or recover expenses from birth parents, for any of the following:

- (a) pre-placement services;**
- (b) adoption planning and preparation of consents;**
- (c) completion of the child's birth parent family medical and social history;**
- (d) reasonable counselling or post-placement services given for up to 6 months after the placement of the child.**

(2) An adoption agency must not solicit or accept voluntary contributions of money from prospective adoptive parents or adoptive parents

- (a) at any time before the granting of an adoption order, or**
- (b) for 6 months after the granting of an adoption order.**

NEW BRUNSWICK

The Family Services Act Section 69(1) prohibits anyone other than the parent or the Minister to place a child for adoption and "place" includes the "...transfer the care of a child, whether in law or in fact, from one person to another, and includes any act of solicitation or negotiation or any act or assistance that, on any reasonable view of the circumstances, can be construed as contributing to

the transfer of the care of the child, whether in law or in fact, from one person to another; and "placing" and "placement" have corresponding meanings;"

ONTARIO

Ontario legislation prohibits inducements to consent.

QUEBEC

In regulatiing private adoption, by limiting it to exceptional cases, Quebec is attempting to prevent the solicitation of children for adoption.

SASKATCHEWAN

Current legislation

(6) Have you experienced any difficulties in obtaining co-operation or assistance from other States in eliminating practices that lead to improper financial gain?

Yes.

In recent years, Québec's Secrétariat à l'adoption internationale expressed and reiterated its interest in participating in a working group, mainly European, on adoption costs.

12. Relative adoptions

Do you have any comments on the application of the Convention procedures to relative (inter-family) adoptions?

ALBERTA

Yes, it must apply to all adoption, including relative adoptions. This is Alberta's legislation and the legislation of the Hague Convention.

MANITOBA

The issue of relatives is a concern as it is not addressed in the Hague Convention and often based on "dual nationality" families travel to a country of origin, adopt a relative child and then attempt to process the adoption after the fact with no ability to determine whether it was in the child's best interests to be adopted in the first place. I recommend a process be established that is consistent with the Hague process to deal with "relative" adoptions.

NEW BRUNSWICK

The same rules should apply to all adoptions.

ONTARIO

At this time, the ministry has no legislative authority in a relative adoption that is being completed in Ontario. Therefore, the ministry is not in a position to comply with the Hague requirements in these cases. See also comments above in sections on Procedural Aspects 6(2) and Recognition and Effects of Adoption 9(4).

QUEBEC

Quebec is of the view that central authorities must also supervise this type of adoption. However, Quebec legislation sets limits on the family relationships

that qualify adopters for a different procedure, without certified bodies.

SASKATCHEWAN

The process should be the same for relative or non-relative adoptions. The difficulty lies in whether or not birth parents can choose to place their child with adoptive parents in another country. In many cases guardianship of the child would be more appropriate but immigration laws don't always accommodate such an arrangement.

FEDERAL CENTRAL AUTHORITY

Relative adoptions can be very difficult. When prospective adoptive parents maintain citizenship of the country from which they wish to adopt, they sometimes circumvent Hague Convention procedures by adopting under the domestic legislation of the country involved. These parents expect to be able to bring their adopted child into Canada without having undertaken all appropriate steps as defined by the Convention.

13. Children with special needs

What policies or programmes do you have to ensure that children with special needs are given the same opportunity to find a family through intercountry adoption as other children?

MANITOBA

Our families are "approved" if they are capable, able and willing to adopt special needs children. Families are educated and informed of countries of origin programs such as China's "Waiting Child" program.

QUEBEC

Quebec pays close attention to the profile of children in need of a family for which intercountry adoption is a life project. Act 3 provides for additional criteria during the psychosocial assessment for cases involving older children, children with special needs and siblings. The assessment will deal specifically with the adopter's capacity to ensure the integration of the child or children into their new environment. Proposed awareness sessions are planned and will help to expose the emerging profile of children made available for intercountry adoption.

SASKATCHEWAN

All prospective adoptive applicants can apply to adopt children with special needs and will be approved, given they have the capability to successfully parent a child with special needs.

Citizenship and Immigration Canada

The Immigration and Refugee Protection Act makes any foreign national who is likely to place "...an excessive demand on health or social services" inadmissible to Canada. However, unlike earlier immigration legislation, which had the same provision, this Act exempts the children of Canadian citizens or permanent residents from this prohibition. Children who are adopted abroad or who are brought to Canada for adoption are included in this exemption. Consequently, children with special needs who would have been refused under the former Act because of their potential demand on health and social services are no longer inadmissible to Canada for this reason.

14. Other forms of cross-border child care

International foster care, transnational *kafala* and other forms of child care with a cross-border element are not covered by the 1993 Convention, but by the *Hague Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in respect of Parental Responsibility and Measures for the Protection of Children*: See for example its Articles 3 e) and 33(1).

(1) Is your country involved in international placements of children other than for purposes of adoption?

Rarely.

(2) Are you aware of any difficulties concerning such placements?

These placements can be problematic in terms of the immigration status for the children coming to Canada for care. In some cases it is clear that the care arrangements are not temporary and that children will not be returning to their countries of origin. These children cannot be treated as visitors with grants of temporary status and they cannot qualify for permanent residence based on Canada's family immigration rules. These rules only provide for children who are adopted or in the process of being adopted. In such cases, if admission is granted, it is done by exception through the use of discretion.

QUEBEC

Quebec adopted, in co-operation with immigration authorities, upon recommendation of an interdepartmental committee made up of representatives of the Secrétariat à l'adoption internationale and various departments concerned with the issue, a program of transitional measures for children in guardianship. Its purpose was to facilitate the entry into Canada of children from countries in which adoption is impossible (countries with Koranic law) and are entrusted under Kafala to people who wish to receive them. The program ended. These cases are referred so that they can be dealt with under immigration.

(3) If your country is not yet a Party to the 1996 Convention, is your country actively studying ratifying or acceding to it?

Canada is currently conducting both legal and operational analysis of the Convention in view of ratification. A uniform act implementing the Convention has been adopted by the Uniform Law Conference of Canada in 2001.

15. Avoiding the Convention

Are you aware of any attempts to circumvent the Convention or to avoid protections afforded to children, including the moving of children or birth parents to other countries?

In our relations with countries that are party to the Convention, rules are complied with. Although Quebec has been applying the principles for a long time, some countries limit the processing of adoption cases as long as Quebec does not adopt the convention.

SASKATCHEWAN

In some cases, where applicants have dual citizenship, adoption orders have been granted by the Court in the child's country of origin under their domestic adoption law without the prior knowledge of the Central authorities of either

State. This seemed an attempt to circumvent immigration rather than the Convention

FEDERAL CENTRAL AUTHORITY

See #12. This response applies to anyone who has dual nationality and who adopts under the domestic legislation of the country where they hold citizenship and then attempts to bring the child into Canada.

16. Additional safeguards and bilateral arrangements

Please describe any additional safeguards, requirements or procedures, which you apply to Convention adoptions (*i.e.* over and above those which are set out in the Convention itself). Are these applied generally, or only in relation to particular States?

Non applicable.

Have you made agreements with one or more other Contracting State (see Article 32(2)) with a view to improving the application of the Convention? If so, please specify with which States and what matters are covered by the agreements.

No.

Do you have any comments on the efficacy of bilateral arrangements:

(a) with non-Contracting States? Are Convention safeguards applied?

A bilateral with Vietnam has recently been completed. No experience yet.

(b) with Contracting States? Do they improve the operation of the Convention? Have they caused any difficulties?

No. Such agreements would be useful where there is difficulty in applying the Convention; e.g., adoptions by relatives or dual-citizens.

17. Limits on number of States with whom co-operation is possible

In making arrangements for intercountry adoption (whether as a receiving State or as a State of origin), have you found it necessary to confine co-operation under the Convention to a limited number of other Contracting States? If so, please explain the reasons (*e.g.* no appropriate accredited body, lack of resources to process applications from large number of States, etc) and indicate what has influenced the choice of these States.

No.

B SUGGESTIONS FOR THE SEPTEMBER SPECIAL COMMISSION

18. Do you regularly hold seminars, training sessions or workshops on the Adoption Convention in your State? Would you welcome participants from other countries? Would you find it helpful if there was a consistent way to announce such activities to other States? Do you have suggestions?

ALBERTA

We work hard to be informed about the requirements of the Hague Convention and deliver training to Alberta licensed adoption agencies on the specific tasks which they deliver. We would welcome any originating state that would want to review Alberta's procedures.

BRITISH COLUMBIA

Do not hold seminars. Would welcome participants from other countries.

ONTARIO

We hold annual training sessions for licensees and private adoption practitioners who complete homestudies. We would welcome participants from other countries.

QUEBEC

A more seamless flow of information announcing training sessions, sessions, workshops and others on intercountry adoption would foster international participation at various events. In 2004, Quebec held a symposium "*Se connaître c'est mieux se comprendre*," on intercountry adoption which drew participants from around the world. The Secrétariat à l'adoption internationale's team of intercountry adoption counsellors regularly participates in national and international symposia.

SASKATCHEWAN

Our resources in this area are extremely limited.

FEDERAL CENTRAL AUTHORITY

Annual meetings of sending and receiving countries would be very useful, where problems with intercountry adoption could be discussed and sending and receiving countries could have bilateral meetings with each other to resolve any issues they may have.

19. In the current negotiations for a new Convention on the International Recovery of Child Support and other Forms of Family Maintenance, an Administrative Co-operation Working Group has been established to examine and report on practical problems and issues of administrative co-operation between authorities. Would you favour the establishment of a similar group for the 1993 Convention?

This seems like an interesting initiative.

20. Please indicate which topics you consider priority issues for the Special Commission in September 2005, and their degree of importance.

- Easy access to Central Authorities. Concrete plan on how to deliver services before becoming a party (Alberta, FEDERAL CENTRAL AUTHORITY)**
- Communication to and from Countries of origin and Receiving jurisdictions (Alberta)**
- Child Trafficking (British Columbia)**
- Consistency of Implementation, Standards of Practice (British Columbia)**
- Control of Private facilitators (British Columbia)**
- Relative adoptions (Ontario)**
- Non-compliance to Convention procedures (FEDERAL CENTRAL AUTHORITY)**
- Improper gain and means of collaboration to fight the current outbidding in intercountry adoption; Donations and other financial transactions (Quebec, Ontario)**

- Policy decisions in countries of origin relating to intercountry adoption that have a direct impact on abandoned children who can no longer find homes with the consequences that may result therefore : aging of children in orphanages, delinquency, etc. (Quebec)
- Source of the children: how and why do they end up and circulate on the intercountry adoption network? (Quebec)
- Children made available for intercountry adoption before they are born (Quebec)
- Best practice guidelines (Saskatchewan)
- Dual citizenship of adoptive parents (FEDERAL CENTRAL AUTHORITY)
- Citizenship of adopted children (FEDERAL CENTRAL AUTHORITY)

21. Any other suggestions, comments and observations are welcomed.