

COUNTRY PROFILE

1993 HAGUE INTERCOUNTRY ADOPTION CONVENTION¹

RECEIVING STATE

COUNTRY NAME: CANADA - Province of New Brunswick

PROFILE UPDATED ON: July 2021

PART I: CENTRAL AUTHORITY

1. Contact details ²	
Name of office:	Department of Social Development
Acronyms used:	SD
Address:	2 nd .floor,551 King Street,Fredericton,N.B. E3B 1E7
Telephone:	+ 1 506 444-2859
Fax:	+ 1 506 453-2082
E-mail:	connie.folkins@gnb.ca
Website:	http://www2.gnb.ca/content/gnb/en/departments/social_development/adoptio n.html
Contact person(s) and direct contact details (please indicate language(s) of communication):	Connie Folkins, Provincial Consultant Adoption. English
<p><i>If your State has designated more than one Central Authority, please provide contact details for the further Central Authorities below and specify the territorial extent of their functions.</i></p> <p>Canada is a federal State made up of 10 provinces and 3 territories. A federal Central Authority and a Central Authority for each of the territorial units have been designated. The contact information for all Canadian Central Authorities appears in Part 1 of Canada's main Country</p>	

¹ Full title: the *Hague Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption* (referred to as the "1993 Hague Intercountry Adoption Convention" or the "1993 Convention" in this Country Profile). Please note that any reference to "Articles" (or Art. / Arts for short) in this Country Profile refers to Articles of the 1993 Hague Intercountry Adoption Convention.

² Please verify whether the contact details on the Hague Conference website < www.hcch.net > under "Intercountry Adoption Section" then "Central Authorities" are up to date. If not, please e-mail the updated contact information to < secretariat@hcch.net >.

Profile. The contact information for the Central Authority for the province of New Brunswick and the specific information on the operation of the Convention in this province appear in this Annex.



HAGUE CONFERENCE ON
PRIVATE INTERNATIONAL LAW
CONFÉRENCE DE LA HAYE
DE DROIT INTERNATIONAL PRIVÉ

PART II: RELEVANT LEGISLATION

2. The 1993 Hague Intercountry Adoption Convention and domestic legislation	
<p>a) When did the 1993 Hague Intercountry Adoption Convention enter into force in your State?</p> <p><i>This information is available on the Status Table for the 1993 Hague Intercountry Adoption Convention (accessible via the Intercountry Adoption Section of the Hague Conference website < www.hcch.net >).</i></p>	<p>See Canada's main Country Profile</p>
<p>b) Please identify the legislation / regulations / procedural rules which implement or assist with the effective operation of the 1993 Convention in your State. Please also provide the date of their entry into force.</p> <p><i>Please remember to indicate how the legislation / regulations / rules may be accessed: e.g., provide a link to a website or attach a copy. Where applicable, please also provide a translation into English or French if possible.</i></p>	<p>Intercountry Adoption Act http://www.canlii.org/en/nb/laws/stat/snb-1996-c-i-12.01/latest/snb-1996-c-i-12.01.html General Regulation, NB Reg 2008-154 http://www.canlii.org/en/nb/laws/regu/nb-reg-2008-154/latest/nb-reg-2008-154.html</p>

3. Other international agreements on intercountry adoption³	
<p>Is your State party to any other international (cross-border) agreements concerning intercountry adoption?</p> <p><i>See Art. 39.</i></p>	<p><input type="checkbox"/> Yes:</p> <p><input type="checkbox"/> Regional agreements (please specify):</p> <p><input type="checkbox"/> Bilateral agreements (please specify):</p> <p><input type="checkbox"/> Non-binding memoranda of understanding (please specify):</p> <p><input type="checkbox"/> Other (please specify):</p> <p><input checked="" type="checkbox"/> No</p>

PART III: THE ROLE OF AUTHORITIES AND BODIES

4. Central Authority(ies)	
<p>Please briefly describe the functions of the Central Authority(ies) designated under the 1993 Convention in your State.</p> <p><i>See Arts 6-9 and Arts 14-21 if accredited bodies are not used.</i></p>	<p>The Minister of Social Development is the Central Authority for the Province of New Brunswick and is responsible for all functions imposed by the Convention.</p>

³ See Art. 39(2) which states: "Any Contracting State may enter into agreements with one or more other Contracting States, with a view to improving the application of the Convention in their mutual relations. These agreements may derogate only from the provisions of Articles 14 to 16 and 18 to 21. The States which have concluded such an agreement shall transmit a copy to the depositary of the Convention" (emphasis added).

5. Public and competent authorities

Please briefly describe the role of any public and / or competent authorities, including courts, in the intercountry adoption procedure in your State.

See Arts 4, 5, 8, 9, 12, 22, 23 and 30.

The Minister of Social Development has designated the Provincial Adoption Consultant (a government official) to perform the functions of the Central Authority. Government social workers have no involvement in the intercountry adoption program.

The Minister of Social Development has delegated a Community Social Service agency to carry specific tasks related to intercountry adoptions (fee for service). The private practitioners are Registered Social Workers in the Province of New Brunswick. They provide the mandatory training to adoptive applicants, completion of home assessments, updates, and post placement services. All staff who work in the adoption field must be licensed by the New Brunswick Association of Social Workers.

The New Brunswick Court of Queen's Bench issues Adoption Orders completed in New Brunswick. It is extremely rare for adoption orders for intercountry adoptions to be issued in New Brunswick. Most intercountry adoptions are finalized in the State of origin.

6. National accredited bodies⁴

a) Has your State accredited its own adoption bodies?

See Arts 10-11.

N.B. the name(s) and address(es) of any national accredited bodies should be communicated by your State to the Permanent Bureau of the Hague Conference (see Art. 13).⁵

Yes

No – **go to Question 8**

b) Please indicate the number of national accredited bodies in your State, including whether this number is limited and, if so, on what basis.⁶

c) Please briefly describe the role of national accredited bodies in your State.

6.1 The accreditation procedure (Arts 10-11)

⁴ "National accredited bodies" in this Country Profile means adoption bodies based within your State (receiving State) which have been accredited under the 1993 Convention by the competent authorities in your State. See further *Guide to Good Practice No 2 on Accreditation and Adoption Accredited Bodies* (hereinafter "GGP No 2"), available on the [Intercountry Adoption Section](#) of the Hague Conference website < www.hcch.net > at Chapters 3.1 *et seq.*

⁵ See GGP No 2, *ibid.*, Chapter 3.2.1 (para. 111).

⁶ See GGP No 2, *supra*, note 4, Chapter 3.4.

a) Which authority / body is responsible for the accreditation of national adoption bodies in your State?	
b) Please briefly describe the <i>procedure</i> for granting accreditation and the most important accreditation <i>criteria</i> .	
c) For how long is accreditation granted in your State?	
d) Please briefly describe the criteria and the procedure used to determine whether the accreditation of a national adoption body will be <i>renewed</i> .	

6.2 Monitoring of national accredited bodies⁷

a) Which authority is competent to monitor / supervise national accredited bodies in your State? <i>See Art. 11 c).</i>	
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b) Please briefly describe how national accredited bodies are monitored / supervised in your State (<i>e.g.</i> , if inspections are undertaken, how frequently).	
c) Please briefly describe the circumstances in which the accreditation of bodies can be revoked (<i>i.e.</i> , withdrawn).	
d) If national accredited bodies do not comply with the 1993 Convention, is it possible for sanctions to be applied?	<input type="checkbox"/> Yes, please specify possible sanctions (<i>e.g.</i> , fine, withdrawal of accreditation): <input type="checkbox"/> No

7. Authorisation of national accredited bodies to work in other Contracting States (Art. 12)⁸

7.1 The authorisation procedure

a) Which authority / body in your State is responsible for the authorisation of national accredited bodies to work with, or in, other Contracting States?	
b) Is authorisation granted as part of the accreditation procedure or is a separate authorisation procedure undertaken?	<input type="checkbox"/> Authorisation is granted as part of the accreditation procedure. <input type="checkbox"/> A separate procedure is undertaken for authorisation.
c) Is authorisation granted to national accredited bodies to work in <i>all</i> States of origin or must national accredited bodies apply for authorisation to work	<input type="checkbox"/> Authorisation is granted generally: once authorised, national accredited bodies are able to work in <i>all</i> States of origin.

⁷ See GGP No 2, *supra*, note 4, Chapter 7.4.

⁸ In relation to authorisation of accredited bodies, see further GGP No 2, *supra*, note 4, Chapter 4.2.

in specific, pre-identified State(s) of origin?	<input type="checkbox"/> Authorisation is granted specifically: national accredited bodies must apply for authorisation to work in one or more pre-identified State(s) of origin.
<p>d) Please briefly describe the <i>procedure</i> for granting authorisation and the most important authorisation <i>criteria</i>.⁹</p> <p>If your State does not have authorisation criteria, please explain on what basis decisions concerning authorisation are made.</p> <p>Please also explain whether your State has any criteria concerning how the national accredited body must establish itself in the State(s) of origin or whether this is left entirely to the requirements of the State of origin (e.g., requirements that the body must have a local representative in the State of origin, or must establish a local office).</p>	

e) For how long is authorisation granted?	
f) Please briefly describe the criteria and procedure used to determine whether authorisation will be <i>renewed</i> .	
7.2 Monitoring the work of your authorised national accredited bodies in other Contracting States	
a) Please briefly describe how your State ensures that authorised national accredited bodies (including their representatives, co-workers and any other staff ¹⁰ in the State of origin) are monitored / supervised by your State in relation to their work / activities <i>in the State of origin</i> .	
b) Please briefly describe the circumstances in which the authorisation of national accredited bodies can be revoked (<i>i.e.</i> , withdrawn).	

8. Approved (non-accredited) persons (Art. 22(2))¹¹	
<p>Is the involvement of approved (non-accredited) persons permitted in intercountry adoption procedures in your State?</p> <p>N.B. see Art. 22(2) and check whether your State has made a declaration according to this</p>	<p><input type="checkbox"/> Yes, our State has made a declaration under Article 22(2) and the involvement of approved (non-accredited) persons is possible. Please specify their role:</p> <p><input checked="" type="checkbox"/> No</p>

⁹ In relation to authorisation criteria, please see GGP No 2, *supra*, note 4, Chapters 2.3.4.2 and 4.2.4.

¹⁰ For an explanation of the terminology used concerning the staff of the national accredited body working in the State of origin, see the GGP No 2, *supra*, note 4, Chapters 6.3 and 6.4.

¹¹ See GGP No 2, *supra*, note 4, Chapter 13.

<p>provision. You can verify this on the Status Table for the 1993 Convention, available on the Intercountry Adoption Section of the Hague Conference website.</p> <p>If your State has made a declaration according to Art. 22(2), the Permanent Bureau of the Hague Conference should be informed of the names and addresses of these bodies and persons (Art. 22(3)).¹²</p>	
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PART IV: THE CHILDREN PROPOSED FOR INTERCOUNTRY ADOPTION

9. The adoptability of a child (Art. 4 a))

<p>Does your State have its own criteria concerning the adoptability of a child (e.g., maximum age) which must be applied <i>in addition</i> to the requirements of the State of origin?</p>	<p><input type="checkbox"/> Yes – please specify:</p> <p><input checked="" type="checkbox"/> No, there are no additional criteria concerning adoptability – the requirements of the State of origin are determinative.</p>
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10. The best interests of the child and subsidiarity (Art. 4 b))

<p>Does your State request information / evidence from the State of origin to satisfy itself that the State of origin has respected the principle of subsidiarity (i.e., proof that family reunification was attempted, or that the possibility of in-country permanent family placements has been explored)?</p>	<p><input type="checkbox"/> Yes – please specify:</p> <p><input checked="" type="checkbox"/> No</p>
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11. Children with special needs

<p>Does your State have its own definition of the term “special needs children” which is applied in intercountry adoption cases?</p>	<p><input checked="" type="checkbox"/> Yes – please provide the definition used in your State: A child with a “special need” means a person under the age of majority based on evidence acceptable to the Minister and has been:</p> <p>diagnosed with a physical or mental disability</p> <p>diagnosed with an emotional, behavioral disturbance or developmental condition</p> <p>recognized as being at high risk of developing a physical or mental disability, or</p> <p>recognized at being high risk of developing an emotional, behavioral disturbance or developmental conditions</p> <p><input type="checkbox"/> No – the definition used in the State(s) of origin is determinative.</p>
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12. The nationality of children who are adopted intercountry¹³

¹² See GGP No 2, *supra*, note 4, Chapter 13.2.2.5.

¹³ Regarding nationality, see further the *Guide to Good Practice No 1 on the implementation and operation of the 1993 Hague Intercountry Adoption Convention* (hereinafter, “GGP No 1”), available on the [Intercountry Adoption Section](#) of the Hague Conference website < www.hcch.net >, at Chapter 8.4.5.

<p>Do children who are adopted intercountry to your State acquire the nationality of your State?</p>	<p><input type="checkbox"/> Yes, always. Please specify:</p> <p>(i) At what stage nationality is acquired by the child: ; and</p> <p>(ii) The procedure which must be undertaken (or whether acquisition of nationality is <i>automatic</i> upon the occurrence of a particular event, <i>e.g.</i>, the making of the final adoption decision):</p> <p><input checked="" type="checkbox"/> It depends – please specify which factors are taken into consideration (<i>e.g.</i>, the nationality of the prospective adoptive parents (“PAPs”), whether the child loses his / her nationality of the State of origin): See Canada's main Country Profile</p> <p><input type="checkbox"/> No, the child will never acquire this nationality.</p>
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PART V: PROSPECTIVE ADOPTIVE PARENTS (“PAPs”)

13. Limits on the acceptance of files	
<p>a) Does your State place any limit on the total number of applications for intercountry adoption which are accepted at any one time?</p>	<p><input type="checkbox"/> Yes, please specify the limit applied and the basis on which it is determined:</p> <p><input checked="" type="checkbox"/> No</p>
<p>b) Does your State allow PAPs to apply to adopt from more than one State of origin at the same time?</p>	<p><input type="checkbox"/> Yes, please specify whether any limits are applied:</p> <p><input checked="" type="checkbox"/> No – PAPs may only apply to adopt from one State of origin at any one time.</p>

14. Determination of the eligibility and suitability of PAPs wishing to undertake an intercountry adoption¹⁴ (Art. 5 a))	
14.1 Eligibility criteria	
<p>a) Do PAPs wishing to undertake an intercountry adoption have to fulfil any criteria in your State concerning their relationship status(es)?</p> <p><i>Please tick any / all boxes which apply and indicate in the space provided whether any further conditions are imposed (e.g., duration of marriage / partnership / relationship, cohabitation).</i></p>	<p><input checked="" type="checkbox"/> Yes, the following person(s) may apply in our State for an intercountry adoption:</p> <p><input checked="" type="checkbox"/> Married, heterosexual couples: 2 years</p> <p><input checked="" type="checkbox"/> Married, same-sex couples: 2 years</p> <p><input checked="" type="checkbox"/> Heterosexual couples in a legally registered partnership: 2 years</p> <p><input checked="" type="checkbox"/> Same-sex couples in a legally registered partnership: 2 years</p> <p><input checked="" type="checkbox"/> Heterosexual couples that have not legally formalised their relationship: 2 years</p> <p><input checked="" type="checkbox"/> Same-sex couples that have not legally formalised their relationship: 2 years</p> <p><input checked="" type="checkbox"/> Single men:</p> <p><input checked="" type="checkbox"/> Single women:</p>

¹⁴ *I.e.*, this section refers to the eligibility criteria applied, and suitability assessment undertaken, in relation to PAPs who are habitually resident in your State and who wish to adopt a child who is habitually resident in another Contracting State to the 1993 Convention: see further Art. 2 of the 1993 Convention.

	<p><input checked="" type="checkbox"/> Other (please specify): An adoption order shall not be made on an application of a person who is a spouse or common-in-law partner without the other spouse or common-law partner joining the application, unless the person is adopting the child of his or her spouse or common-law partner.</p> <p>New Brunswick abides by the criteria of a specific countries with respect to marital status and will only forward home studies which meet the criteria of that country..</p> <p><input type="checkbox"/> No, there are no relationship status criteria for PAPs.</p>
<p>b) Are there any age requirements in your State for PAPs wishing to undertake an intercountry adoption?</p>	<p><input checked="" type="checkbox"/> Yes, please specify:</p> <p><input type="checkbox"/> Minimum age requirements: 19 years+</p> <p><input type="checkbox"/> Maximum age requirements:</p> <p><input type="checkbox"/> Difference in years required between the PAPs and the child:</p> <p><input type="checkbox"/> Other (please specify):</p> <p><input type="checkbox"/> No</p>
<p>c) Are there any <i>other</i> eligibility criteria which your State requires PAPs to fulfil?</p>	<p><input type="checkbox"/> Yes, please specify:</p> <p><input type="checkbox"/> Additional / differing criteria must be met for PAPs wishing to adopt a child with special needs (please specify):</p> <p><input type="checkbox"/> Couples must supply evidence of infertility:</p> <p><input type="checkbox"/> For persons with children already (biological or adopted), there are additional criteria (please specify): Current parenting and relationship between children and parents is assessed</p> <p><input checked="" type="checkbox"/> Other (please specify): Legal or practical conditions that disqualify persons from adopting:</p> <p>Adoption is viewed as a privilege not a right. The legislative mandate is to the protection of the child and what is in the best interest of the child (international or domestic). Prospective adoptive parents can be refused for reasons such as criminal record, child protection concerns, medical issues, marital problems etc.</p> <p><input type="checkbox"/> No</p>
<p>14.2 Suitability assessment¹⁵</p>	
<p>a) Which body(ies) / expert(s) perform the assessment of whether the PAPs are</p>	<p>Community Social Service Agency designated by the Minister of Social Development</p>

¹⁵ This suitability assessment will usually form one part of the report on the PAPs (Art. 15): as to which, see GGP No 1, *supra*, note 13, Chapter 7.4.3 and Question 17 below.

suitable persons to undertake an intercountry adoption?	
b) Please briefly describe the procedure which is used to assess the PAPs and determine their suitability to undertake an intercountry adoption.	<p>All prospective adoptive parents must have a home study completed. An intercountry home study involves approximately 35 hours to complete.</p> <p>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. It is composed</p> <ul style="list-style-type: none"> • An educational component on inter-racial, inter-cultural issues, effects of insitutionalization, 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.
14.3 Final approval	
Which body / person gives the final approval that the PAPs are eligible and suited to undertake an intercountry adoption?	Designated Provincial Central Authority

15. Preparation and counselling of PAPs (Art. 5 b))	
<p>a) In your State, are courses provided to prepare PAPs for intercountry adoption?</p>	<p><input checked="" type="checkbox"/> Yes, please specify the following:</p> <ul style="list-style-type: none"> - Whether the courses are mandatory: Yes - At what stage of the adoption procedure they are offered: Beginning of the process - Who provides the courses: Community Social Service Agency designated by the Minister of Social Development - Whether they are provided to PAPs individually or collectively (<i>i.e.</i>, in a group): collectively - Whether they are provided "in person" or electronically: in person - How many hours the courses last: 1.5 days - The content of the courses: course content covers various topics.<i>i.e.</i> separation and loss issues,health,special needs, attachment,discipline,inter-racial cross cultural,talking about adoption, - Whether there are specific courses for PAPs wishing to adopt a child with special needs: N/A - Whether the courses are (or can be) targeted at preparing PAPs for the adoption of a child from specific States of origin: <p><input type="checkbox"/> No</p>
<p>b) Aside from any courses provided, what, if any, (other) counselling or preparation is provided to individual PAPs (<i>e.g.</i>, meeting with adoptive parents, language and culture courses)?</p> <p>Please specify, in each case:</p> <p>(i) If it is mandatory for PAPs to use the service;</p> <p>(ii) Who provides the service; and</p> <p>(iii) At what stage in the adoption procedure the service is provided.</p>	<p>This is a component of the home study process</p>

PART VI: THE INTERCOUNTRY ADOPTION PROCEDURE

16. Applications	
<p>a) To which authority / body should PAPs apply for an intercountry adoption?</p>	<p>The adoption documents are submitted to the Provincial Central Authority through the Community Social Service Agency (CSSA). The CSSA must review all documentation for completeness prior to submission to the Provincial Central Authority for review and provincial approval of applicants' eligibility and suitability to adopt.</p>

<p>b) Please indicate which documents your State requires to be included within the PAPs' file for transmission to the State of origin:¹⁶</p> <p><i>Please tick all which apply.</i></p>	<p><input checked="" type="checkbox"/> An application form for adoption completed by the PAPs</p> <p><input checked="" type="checkbox"/> A statement of "approval to adopt" issued by a competent authority</p> <p><input checked="" type="checkbox"/> A report on the PAPs including the "home study" and other personal assessments (see Art. 15)</p> <p><input checked="" type="checkbox"/> Copies of the PAPs' passports or other personal identification documents</p> <p><input checked="" type="checkbox"/> Copies of the PAPs' birth certificates</p> <p><input checked="" type="checkbox"/> Copies of the birth certificates of any children living with the PAPs</p> <p><input checked="" type="checkbox"/> Copies of marriage, divorce or death certificates, as applicable (please specify in which circumstances): copies for all applicable situations</p> <p><input checked="" type="checkbox"/> Information concerning the health of the PAPs (please specify in which circumstances and what type of information is required): Medical reports</p> <p><input checked="" type="checkbox"/> Evidence of the financial circumstances of the family (please specify in which circumstances and what type of information is required): All adoptive applicants must provide financial information supported by Income Tax returns, bank statements,</p> <p><input checked="" type="checkbox"/> Information concerning the employment status of the PAPs (please specify in which circumstances and what type of information is required): Employer documentation</p> <p><input checked="" type="checkbox"/> Proof of no criminal record</p> <p><input type="checkbox"/> Other(s): please explain Social Development Prior Record Check and any other documents that are required by the country of origin</p>
<p>c) Is it compulsory in your State for an accredited body to be involved in an intercountry adoption procedure?¹⁷</p>	<p><input type="checkbox"/> Yes, please specify at which stage(s) of the procedure an accredited body must be involved (<i>e.g.</i>, for the preparation of the home study, for the submission of the adoption file to the State of origin, for all stages of the procedure):</p> <p><input checked="" type="checkbox"/> No. Please specify who assists PAPs if no accredited body is involved in the adoption procedure: Central Authority. Please note however that (New Brunswick) does not license adoption agencies to facilitate intercountry adoption. Residents of the province must work with an agency licensed in another Canadian province that allows for out-of-province applicants.</p>
<p>d) Are any <i>additional</i> documents required if PAPs apply through an accredited body?</p>	<p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> A power of attorney issued by the PAPs to the accredited body (<i>i.e.</i>, a written</p>

¹⁶ Please remember that a specific State of origin may have other / additional requirements concerning the documentation that must be submitted to it. A list of documents required by the specific State of origin can be found in the State of origin's Country Profile.

¹⁷ See GGP No 1, *supra*, note 13, paras 4.2.6 and 8.6.6: "independent" and "private" adoptions are not consistent with the system of safeguards established under the 1993 Convention.

<p><i>Please tick all which apply.</i></p>	<p>document provided by the PAPs to the accredited body in which the PAPs formally appoint the accredited body to act on their behalf in relation to the intercountry adoption):</p> <p><input type="checkbox"/> A contract signed by the accredited body and the PAPs:</p> <p><input checked="" type="checkbox"/> A document issued by a competent authority of the receiving State certifying that the accredited body may undertake intercountry adoptions:</p> <p><input type="checkbox"/> Other (please specify):</p> <p><input type="checkbox"/> No</p>
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17. The report on the PAPs (Arts 5 a) and 15(1))

<p>a) Which body(ies) / expert(s) prepare the report on the PAPs? Please include all those involved with the preparation of any of the documents which are included within such a report.</p>	<p>Community Social Service Agency's private Practitioners designated by the Minister of Social Development</p>
<p>b) Is a "standard form" used for the report on the PAPs in your State?</p>	<p><input type="checkbox"/> Yes, please provide a link to the form or attach a copy:</p> <p><input type="checkbox"/> No. Please indicate whether your State has any requirements concerning the information which must be included in the report on the PAPs and / or the documentation which must be attached to it: PAPs are assessed on various factors, Personal History, Personal Characteristics, Marital/Domestic Partnership Relationship, Children/Others Residing in Home, Extended Family Relationships, Physical/Social Environment, General Parenting, Specialized Parenting and Adoption Issues.</p>
<p>c) For how long is the report on the PAPs valid in your State?</p>	<p>1 year</p>
<p>d) Who is responsible in your State for renewing the report on the PAPs if the period of validity expires before the intercountry adoption is completed and what is the procedure for renewal?</p>	<p>Community Social Service Agency's private Practitioners designated by the Minister of Social Development will complete an update of the original adoption home assessment on a yearly basis if the intercountry adoption has not been completed.</p>

18. Transmission of the PAPs' file to the State of origin

<p>a) Who sends the finalised application file of the PAPs to the State of origin?</p>	<p>Provincial Central Authority in Hague situations in most instances with the occasional one being sent by the PAPs accredited Canadian agency.</p>
<p>b) If no accredited body is involved with the intercountry adoption application</p>	<p>The Community Social Service agency assists with the gathering of the PAp's documents</p>

(see Question 16 c) above), who assists the PAPs with compiling and transmitting their application file?	and compiling the file. Once completed, the CSSA forwards the completed file to the Provincial Central Authority for review and transmitting of the files. <input type="checkbox"/> Not applicable – an accredited body will always be involved (see response to Question 16 c) above).
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19. Receipt of the report on the child (Art. 16(2)) and acceptance of the match (Art. 17 a) and b))

19.1 Receipt of the report on the child (Art. 16(2))

Which authority / body in your State receives the report on the child from the State of origin?	Provincial Central Authority receives the child proposal and once reviewed and approved will forward to the Community Social Services agency and a social worker will present to the PAPs
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19.2 Acceptance of the match

a) Does your State require that the matching be accepted by a competent authority in your State?	<input checked="" type="checkbox"/> Yes, please provide the following details: <ul style="list-style-type: none"> - Which authority determines whether to accept the match (e.g., the Central Authority or another competent authority): Provincial Central Authority and - The procedure which is followed (e.g., the report on the child is transmitted <u>first</u> to the competent authority to determine whether the match is accepted and only if this authority accepts the match is the report sent to the PAPs): The child's information is presented to the PAPS by a private practitioner for review and questions. <p style="text-align: center;"><u>Go to Question 19.2 b)</u></p> <input type="checkbox"/> No. Please explain the procedure which is followed once the authority / body referred to in Question 19.1 has received the report on the child from the State of origin: <p style="text-align: center;"><u>Go to Question 19.2 c)</u></p>
b) Which criteria must be fulfilled for the relevant authority in your State to accept the match?	The profile of the child proposed must correspond to the one the PAPs were approved for.
c) Does your State impose any requirements on PAPs concerning the length of time they are given to decide whether to accept a match?	<input checked="" type="checkbox"/> Yes, in addition to any requirements of the State of origin, our State has a time-limit – please specify: In general, the PAPs require sufficient time to review and discuss amongst themselves and other appropriate persons such as their physician. <input type="checkbox"/> No, the requirements of the State of origin are determinative in this regard.
d) Do PAPs receive any kind of assistance from your State when deciding whether to accept a match?	<input checked="" type="checkbox"/> Yes – please specify what type of assistance is provided (e.g., counselling): The Private Practitioner reviews the child proposal with the PAPs.

	<input type="checkbox"/> No
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20. Agreement under Article 17 c)

a) Which competent authority / body agrees that the adoption may proceed in accordance with Article 17 c)?	Provincial Central Authority
b) At what point in the adoption procedure is the Article 17 c) agreement given in your State?	<input type="checkbox"/> Our State waits for the State of origin to provide its agreement first OR <input checked="" type="checkbox"/> Our State sends its agreement to the State of origin with a notice that the match has been accepted OR <input type="checkbox"/> Other (please specify):

21. Travel of the PAPs to the State of origin¹⁸

a) Does your State impose any travel requirements / restrictions on PAPs in addition to those imposed by the State of origin?	<input checked="" type="checkbox"/> Yes, please specify the additional requirements / restrictions: Until the match is accepted, all contact takes place between the central authorities. Once that approval is received, the necessary arrangements are made to pick up the child in accordance with the rules of the country of origin. <input type="checkbox"/> No
b) Does your State permit an escort to be used to bring the child to the adoptive parents in your State in any circumstances?	<input type="checkbox"/> Yes, please specify in which circumstances: It is expected that both parents or at a minimum, one parent travels to the country of origin. A situation in which an escort was requested would have to be explored and discussed. <input type="checkbox"/> No

¹⁸ See GGP No 1, *supra*, note 13, Chapter 7.4.10.

22. Authorisation for the child to enter and reside permanently (Arts 5 c) and 18)	
a) Please specify the procedure to obtain authorisation for the child to enter and reside permanently in your State.	An adopted child who has been granted citizenship through a direct grant (see response to question 12 of Canada's main Country Profile) may enter and reside permanently in Canada. Otherwise, an adopted child may be authorized to enter and reside permanently if they are granted permanent residency under the federal Immigration and Protection of Refugees Act and the Immigration and Refugee Protection Regulations. See response to question 22 in Canada's main Country Profile.
b) Which documents are necessary for a child to be able to enter and reside permanently in your State (e.g., passport, visa)?	See Canada's main Profile
c) Which of the documents listed in response to Question 0 b) above must be issued by your State? Please indicate which public / competent authority is responsible for issuing each document.	See Canada's main Profile
d) Once the child has arrived in your State, what is the procedure, if any, to notify the Central Authority or accredited body of his / her arrival?	The PAPs must inform the Central Authority of their arrival back in the receiving state.

23. Final adoption decision and the Article 23 certificate	
a) If the final adoption decision is made in your State, which competent authority: (i) Makes the final adoption decision; and (ii) Issues the certificate under Article 23? <i>N.B. According to Art. 23(2), the authority responsible for issuing the Art. 23 certificate should be formally designated at the time of ratification of / accession to the 1993 Convention. The designation (or any modification to a designation) should be notified to the depositary of the Convention. The answer to (ii) above should therefore be available on the Status Table for the 1993 Convention (under "Authorities"), available on the Intercountry Adoption Section of the Hague Conference website.</i>	(i) The New Brunswick Court of Queen's Bench issues Adoption Orders completed in New Brunswick. It is extremely rare for adoption orders for intercountry adoptions to be issued in New Brunswick. Most intercountry adoptions are finalized in the State of origin (ii) Provincial Central Authority
b) Does your State use the "Recommended model form – Certificate of conformity of intercountry adoption"? See GGP No 1 – Annex 7.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
c) Please briefly describe the procedure for issuing the Article 23 certificate.	The certificate certifies that the adoption was completed in accordance with the

<p><i>E.g.</i>, how long does it take to issue the certificate? Is a copy of the certificate always given to the PAs? Is a copy sent to the Central Authority in the State of origin?</p>	<p>Convention. Copies are sent to the adopting parents and to the country of origin.</p>
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d) In cases in which the Article 23 certificate is issued in the State of origin, which authority or body in your State should receive a copy of this certificate?	Provincial Central Authority
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PART VII: INTRA-FAMILY INTERCOUNTRY ADOPTIONS

24. Procedure for the intercountry adoption of a child who is a relative of the PAPs ("intra-family intercountry adoption")	
a) Please explain the circumstances in which an intercountry adoption will be classified as an " <i>intra-family intercountry adoption</i> " in your State. Please include an explanation of the degree of relationship which a child must have with PAPs to be considered a "relative" of those PAPs.	The Family Services Act of New Brunswick provides for "Immediate Family" adoption. Immediate family when used in reference to any person, includes a parent or grandparent of the person, a brother or sister of the person, a brother or sister of the person's mother or father, the spouse or common-law partner of any of the above, while the parties are cohabitating. It would still be considered an intercountry adoption.
b) Does your State apply the procedures of the 1993 Convention to intra-family intercountry adoptions? <i>N.B. If the child and PAPs are habitually resident in different Contracting States to the 1993 Convention, the Convention is applicable, irrespective of the fact that the child and PAPs are related: see further GGP No 1 at para. 8.6.4.</i>	<input checked="" type="checkbox"/> Yes – go to Question 25 <input type="checkbox"/> Yes, in general, although there are some differences in the procedures for intra-family intercountry adoptions – please specify: Go to Question 25 <input type="checkbox"/> No – go to Question 24 c)
c) If your State does not apply the Convention procedures to intra-family intercountry adoptions, please explain the laws / rules / procedures which are used in relation to: (i) The counselling and preparations which PAPs must undergo in your State; (ii) The preparation of the child for the adoption; (iii) The report on the PAPs; and (iv) The report on the child.	(i) (ii) (iii) (iv)

PART VIII: SIMPLE AND FULL ADOPTION¹⁹

25. Simple and full adoption	
a) Is "full" adoption permitted in your State? <i>See GGP No 1 at Chapter 8.8.8 and note 19 below.</i>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> In certain circumstances only – please specify: <input type="checkbox"/> Other (please explain):

¹⁹ According to the 1993 Convention, a **simple** adoption is one in which the legal parent-child relationship which existed before the adoption is not terminated but a new legal parent-child relationship between the child and his / her adoptive parents is established. A **full** adoption is one in which the pre-existing legal parent-child relationship is terminated. See further Arts 26 and 27 and GGP No 1, *supra*, note 13, Chapter 8.8.8.

<p>b) Is "simple" adoption permitted in your State?</p> <p><i>See GGP No 1 at Chapter 8.8.8 and note 19 below.</i></p>	<p><input type="checkbox"/> Yes</p> <p><input checked="" type="checkbox"/> No</p> <p><input type="checkbox"/> In certain circumstances only (e.g., for intra-family adoptions only) – please specify:</p> <p><input type="checkbox"/> Other (please explain):</p>
<p>c) Does the law in your State permit "simple" adoptions to be converted into "full" adoptions in accordance with Article 27 of the 1993 Convention?</p> <p><i>See Art. 27(1) a).</i></p>	<p><input checked="" type="checkbox"/> Yes – please provide details of how this is undertaken and please specify whether this is done on a regular basis when a State of origin grants a "simple" adoption or only in specific cases: An adoption order granted in New Brunswick terminates all the birth parent's rights and duties to the child. If the adoption order does not have the same effect as an adoption order granted in New Brunswick, the adoptive parents may want to have the order converted. The Provincial Central Authority must consult with the Central Authority in the country of origin regarding the possibility of converting the adoption to a full adoption when the child arrives in NB. Adoptive parents will have to provide to the court that the consents were given for the purpose of an adoption which terminates parental rights.</p> <p><input type="checkbox"/> No – go to Question 26</p>
<p>d) If conversion of a "simple" adoption into a "full" adoption is sought in your State following an intercountry adoption, how does your State ensure that the consents referred to in Article 4 c) and d) of the 1993 Convention have been given in the State of origin to a "full" adoption (as required by Art. 27(1) b))?</p> <p><i>See Art. 27(1) b) and Art. 4 c) and d).</i></p>	<p>None sought to date</p> <p>Procedure</p> <p>The application to the court to convert the adoption must include:</p> <ul style="list-style-type: none"> • required consents or proof of consent • certified copy of the adoption order granted in the country of origin • Certificate of Conformity granted by the country of origin in accordance with Article 23(1) of The Hague Convention • child's birth registration, or if not available, satisfactory evidence of the facts regarding the child's birth • details of any access order • details of any orders dispensing with the birth parents' consents • Notification of Agreement issued in accordance with Article 17 of The Hague Convention <p>On completion of the conversion:</p> <ul style="list-style-type: none"> • adoptive parents must forward a certified copy of the New Brunswick Adoption Order to the agency, who will in turn forward a copy to the Provincial Central Authority • Provincial Central Authority will issue a Certificate of Conformity in accordance with

	Article 23 of The Hague Convention and send a copy to the Central Authority in the child's country of origin.
e) Following a conversion in your State, please explain which authority is responsible for issuing the Article 23 certificate in relation to the conversion decision. Please also explain the procedure which is followed.	<input checked="" type="checkbox"/> The competent authority and the procedure is the same as stated in response to Question 23 above. <input type="checkbox"/> Other (please specify):

PART IX: POST-ADOPTION MATTERS

26. Preservation of, and access to, information concerning the child's origins (Art. 30) and the adoption of the child	
a) Which authority in your State is responsible for preserving information concerning the child's origins, as required by Article 30?	<p>New Brunswick provides preservation of and secure access to information through the Department of Social Development (post Adoption Disclosure Services) the same government body responsible for domestic and international adoptions.</p> <p>To access the services listed below, the adoptee must be 19 years or over ("adult adoptee") and the adoption must have taken place in New Brunswick.</p>
b) For how long is the information concerning the child's origins preserved?	All adoption files are preserved on microfilm and are preserved indefinitely
<p>c) Does your State permit the following persons to have access to information concerning the child's origins and / or information concerning the adoption of the child:</p> <p>(i) the adoptee and / or his / her representative(s);</p> <p>(ii) the adoptive parent(s);</p> <p>(iii) the birth family; and / or</p> <p>(iv) any other person(s)?</p> <p>If so, are there any criteria which must be met for access to be granted (<i>e.g.</i>, age of the adopted child, consent of the birth family to the release of information concerning the child's origins, consent of the adoptive parents to the release of information concerning the adoption)?</p> <p><i>See Art. 9 a) and c) and Art. 30.</i></p>	<p>(i) <input checked="" type="checkbox"/> Yes – please explain any criteria: If the adoption took place in New Brunswick, the adult adoptee may receive non-identifying information, and, if no Disclosure Veto is on file, identifying information on their birth parent(s) On the recommendation of a psychologist or therapist this information may be received sooner if it is determined to be in the child's best interest.</p> <p><input type="checkbox"/> No</p> <p>(ii) <input checked="" type="checkbox"/> Yes – please explain any criteria: If the adoption took place in New Brunswick and the adoptee is 19 years of age and older, adoptive parents may obtain non-identifying information about the birth parents and birth relatives.</p> <p><input type="checkbox"/> No</p> <p>(iii) <input checked="" type="checkbox"/> Yes – please explain any criteria: If the adoption took place in New Brunswick and the adoptee is 19 years of age and older, the birth parents may receive non-identifying information, and, if no Disclosure Veto is on file, identifying information about the adult adoptee. The birth parents may also receive non-</p>

	<p>identifying information about the adoptive parents.</p> <p><input type="checkbox"/> No</p> <p>(iv) <input checked="" type="checkbox"/> Yes – please explain any criteria: If the adoption took place in New Brunswick and the adoptee is 19 years of age and older, birth relatives may receive non-identifying information in relation to an adoption</p> <p><input type="checkbox"/> No</p>
d) Where access to such information is provided, is any counselling or other guidance / support given in your State?	<p><input checked="" type="checkbox"/> Yes – please specify: if requested. Support is provided by the Social Development's Post Adoption Disclosure Services</p> <p><input type="checkbox"/> No</p>
e) Once access to such information has been provided, is any <i>further</i> assistance offered to the adoptee and / or others (e.g., regarding making contact with his / her biological family, tracing extended family)?	<p><input checked="" type="checkbox"/> Yes – please specify: See response to question 26 a)</p> <p><input type="checkbox"/> No</p>

27. Post-adoption reports

a) Absent specific requirements of the State of origin in this regard, who is responsible in your State for <i>writing</i> post-adoption reports and <i>sending</i> such reports to the State of origin?	Community Social Service Agency and/or PAPS. The Provincial Central authority receives a copy for file. However, if requested, the Provincial Central Authority may forward the report to the Central Authority in the country of origin.
b) Absent any specific requirements of the State of origin in this regard, is there a model form which is used by your State for post-adoption reports?	<p><input type="checkbox"/> Yes – please specify whether use of the form is mandatory and indicate where it may be accessed (e.g., provide a link or attach a copy):</p> <p><input checked="" type="checkbox"/> No – in which case, please specify the content expected by <i>your</i> State in a post-adoption report (e.g., medical information, information about the child's development, schooling): adjustment period, changes in PAPS' circumstances, health & medical, child's development, activities, pictures, schooling,</p>
c) How does your State ensure that the requirements of the State of origin in relation to post-adoption reporting are fulfilled?	The provincial Central Authority's legislation does not give authority to enforce the requirements of progress reports.

28. Post-adoption services and support (Art. 9 c)

Apart from the matters raised in Question 26 above, what, if any, post-adoption services and support is / are provided by your State to the child and / or PAPS following completion of an intercountry	No specific post -adoption service, but families with a child with disabilities would be directed to appropriate government services/programs for assistance.
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adoption (e.g., counselling, support to preserve cultural links)?

In particular, please state whether any specific post-adoption services or support are provided in your State in the case of special needs children.

PART X: THE FINANCIAL ASPECTS OF INTERCOUNTRY ADOPTION²⁰

Receiving States are also kindly requested to complete the "Tables on the costs associated with intercountry adoption", available on the [Intercountry Adoption Section of the Hague Conference website](#).

29. The costs²¹ of intercountry adoption	
<p>a) Are the costs of intercountry adoption regulated by law in your State?</p>	<p><input checked="" type="checkbox"/> Yes – please specify any relevant legislation / regulations / rules and indicate how they may be accessed (e.g., link to a website or attach a copy). Please also briefly explain the legal framework: with respect to what the designated Community Social Service Agency in the NB can charge. The fees are in NB Regulations under the Intercountry Adoption</p> <p>http://laws.gnb.ca/en/ShowTdm/cs/I-12.01//</p> <p>The Provincial Central Authority requires the CSSA to submit yearly financial statements</p> <p><input type="checkbox"/> No</p>
<p>b) Does your State monitor the payment of the costs of intercountry adoption?</p>	<p><input type="checkbox"/> Yes – please briefly describe how this monitoring is undertaken:</p> <p><input checked="" type="checkbox"/> No</p>
<p>c) Are the costs of intercountry adoption which must be paid in your State paid through the accredited body involved in the particular intercountry adoption (if applicable – see Question 16 c) above) or directly by the PAPs themselves?</p> <p><i>See the "Note on the financial aspects of intercountry adoption" at para. 86.</i></p>	<p><input checked="" type="checkbox"/> Through the accredited body: for costs paid in the State of origin</p> <p><input checked="" type="checkbox"/> Directly by the PAPs: The PAPs pay the designated CSSA in NB directly the costs for the tasks(i.e.homestudy,training,PPRs,etc,)related to intercountry</p> <p><input type="checkbox"/> Other (please explain):</p>
<p>d) Are the costs of intercountry adoption which must be paid in your State paid in cash or only by bank transfer?</p> <p><i>See the "Note on the financial aspects of intercountry adoption" at para. 85.</i></p>	<p><input type="checkbox"/> Only by bank transfer:</p> <p><input type="checkbox"/> In cash:</p> <p><input type="checkbox"/> Other (please explain):</p>
<p>e) Which body / authority in your State receives the payments?</p>	<p>N/A</p>
<p>f) Does your State provide PAPs (and other interested persons) with information about the costs of intercountry adoption (e.g., in a brochure or on a website)?</p> <p>N.B. Please also ensure that your State has completed the "Tables on the costs associated with intercountry adoption" (see above).</p>	<p><input checked="" type="checkbox"/> Yes – please indicate how this information may be accessed: general overview of costs associated. There would be fees associated with the gathering of the documents required. Those fees are determined by those issuing the documents and vary.</p> <p><input type="checkbox"/> No</p>

²⁰ See the tools developed by the "Experts' Group on the Financial Aspects of Intercountry Adoption", available on the [Intercountry Adoption Section](#) of the Hague Conference website: i.e., the *Terminology adopted by the Experts' Group on the financial aspects of intercountry adoption* ("Terminology"), the *Note on the financial aspects of intercountry adoption* ("Note"), the *Summary list of good practices on the financial aspects of intercountry adoption* and the *Tables on the costs associated with intercountry adoption*.

²¹ See the definition of "costs" provided in the harmonised Terminology, *ibid*.

30. Contributions, co-operation projects and donations²²	
<p>a) Does your State permit contributions²³ to be paid (either through your State's Central Authority or a national accredited body) to a State of origin in order to engage in intercountry adoption with that State?</p> <p><i>For good practices relating to contributions, see the "Note on the financial aspects of intercountry adoption" at Chapter 6.</i></p>	<p><input checked="" type="checkbox"/> Yes – please explain:</p> <ul style="list-style-type: none"> - What type of contribution is permitted by your State: New Brunswick works with States of origin that require the payment of a contribution in order to engage in intercountry adoptions. As a Receiving State, we notably require transparency - i.e. that the amount of the contribution is fixed and well-documented in the fees of the country of origin, and that this amount is identified separately from adoption costs. - Who is permitted to pay it (<i>i.e.</i>, the Central Authority or a national accredited body): accredited bodies - How it is ensured that contributions do not influence or otherwise compromise the integrity of the intercountry adoption process: Before an adoption agency is accredited, it must demonstrate that the contribution is required by the State of origin, and that the amount of the contribution is fixed and well-documented. <p><input type="checkbox"/> No</p>
<p>b) Does your State undertake (either through the Central Authority or national accredited bodies) co-operation projects in any States of origin?</p>	<p><input type="checkbox"/> Yes - please explain:</p> <ul style="list-style-type: none"> - What type of co-operation projects are permitted by your State: - Who undertakes such projects (<i>i.e.</i>, the Central Authority and / or national accredited bodies): - Whether such projects are mandatory according to the law of your State: - Whether such projects are monitored by an authority / body in your State: - How it is ensured that co-operation projects do not influence or otherwise compromise the integrity of the intercountry adoption process: <p><input checked="" type="checkbox"/> No</p>
<p>c) If permitted in the State of origin, does your State permit PAPA or accredited bodies to make donations to</p>	<p><input checked="" type="checkbox"/> Yes – please explain:</p> <ul style="list-style-type: none"> - To whom donations may be made (<i>e.g.</i>, to orphanages, other institutions

²² See the definitions of these terms provided in the harmonised Terminology. In addition, on contributions and donations, see Chapter 6 of the Note, *supra*, note 20.

²³ See further the harmonised Terminology, *supra*, note 20, which states that there are two types of contributions: (1) contributions demanded by the State of origin, which are mandatory and meant to improve either the adoption system or the child protection system. The amount is set by the State of origin. These contributions are managed by the authorities or others appropriately authorised in the State of origin which decide how the funds will be used; (2) contributions demanded by the accredited body from PAPA. These contributions may be for particular children's institutions (*e.g.*, for maintenance costs for the child) or for the co-operation projects of the accredited body in the State of origin. The co-operation projects may be a condition of the authorisation of that body to work in the State of origin. The amount is set by the accredited body or its partners. The payment may not be a statutory obligation and accredited bodies may present the demand in terms of "highly recommended contribution", but in practice it is "mandatory" for the PAPA in the sense that their application will not proceed if the payment is not made.

<p>orphanages, institutions or birth families in the State of origin?</p> <p>N.B. This is <u>not</u> recommended as a good practice: see further the "Note on the financial aspects of intercountry adoption" at Chapter 6 (in particular, Chapter 6.4).</p>	<p>and / or birth families): PAPs are allowed to make small gifts (clothing, books, toys) for the child to whom they have been matched and/or other children of the orphanage</p> <ul style="list-style-type: none"> - What donations are intended to be used for: - Who is permitted to pay donations (e.g., only accredited bodies or also PAPs): - At what stage of the intercountry adoption procedure donations are permitted to be paid: - How it is ensured that donations do not influence or otherwise compromise the integrity of the intercountry adoption procedure: <p><input type="checkbox"/> No</p>
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31. Improper financial or other gain (Arts 8 and 32)

<p>a) Which authority is responsible for preventing improper financial or other gain in your State as required by the Convention?</p>	<p>Central Authority. Please note however that (New Brunswick) does not license adoption agencies to facilitate intercountry adoption. Residents of the province must work with an agency licensed in another Canadian province that allows for out-of-province applicants. New Brunswick does not therefore have authority over fees or other costs imposed by or paid through adoption agencies licensed in other provinces. Central Authority.</p>
<p>b) What measures have been taken in your State to prevent improper financial or other gain?</p>	<p>The New Brunswick Intercountry Adoption Act states in Article 54 that only costs and expenses, including reasonable professional fees of persons involved in the adoption, may be charged or paid.</p> <p>52(1) No person, in relation to an intercountry adoption, whether directly or indirectly, before or after the birth of a child, shall make, give or receive or agree to make, to give or to receive a payment, reward or favour for, in consideration of or in relation to the adoption or proposed adoption of the child, b) the giving of consent or the signing of a consent to the adoption of the child, c) the placement of the child with a view to the adoption of the child, d) or the conduct of negotiations or the making of arrangements with a view to the adoption of the child.</p>
<p>c) Please explain the sanctions which may be applied if Articles 8 and / or 32 are breached.</p>	<p>The New Brunswick Intercountry Adoption Act states in Article 52(2) that proceedings in respect of an offence under this section may be commenced at any time within six years after the alleged violation. It is a Category F Offence is a seven thousand six hundred and twenty dollars fine.</p>

PART XI: ILLICIT PRACTICES²⁴

32. Response to illicit practices in general	
Please explain how your Central Authority and / or other competent authorities respond to intercountry adoption cases involving alleged or actual illicit practices. ²⁵	See Canada's main Country Profile.

33. The abduction, sale of and traffic in children	
<p>a) Please indicate which laws in your State seek to prevent the abduction, sale of and traffic in children in the context of your intercountry adoption programmes.</p> <p>Please also specify which bodies / persons the laws target (e.g., accredited bodies (national or foreign), PAPs, directors of children's institutions).</p>	<p>Intercountry Adoption Act:</p> <p>Section 50</p> <p>50(1)No person, in relation to an intercountry adoption, shall publish or cause to be published in any form or by any means an advertisement concerning the placement or adoption of a child.</p> <p>50(2)Subsection (1) does not apply to the publication of</p> <p>(a) a notice under the authority of a court order,</p> <p>(b) a notice or advertisement authorized by the Minister,</p> <p>(c) an announcement of an adoption placement or adoption of a child, or</p> <p>(d) other forms of advertising specified by the regulations.</p> <p>50(3)Proceedings in respect of an offence under this section may be commenced at any time within six years after the alleged violation.</p> <p>Section 52</p> <p>52(1)No person, in relation to an intercountry adoption, whether directly or indirectly, before or after the birth of a child, shall make, give or receive or agree to make, to give or to receive a payment, reward or favour for, in consideration of or in relation to</p> <p>(a) the adoption or proposed adoption of the child,</p> <p>(b) the giving of consent or the signing of a consent to the adoption of the child,</p> <p>(c) the placement of the child with a view to the adoption of the child, or</p>

²⁴ "Illicit practices" in this Country Profile refers to "situations where a child has been adopted without respect for the rights of the child or for the safeguards of the Hague Convention. Such situations may arise where an individual or body has, directly or indirectly, misrepresented information to the biological parents, falsified documents about the child's origins, engaged in the abduction, sale or trafficking of a child for the purpose of intercountry adoption, or otherwise used fraudulent methods to facilitate an adoption, regardless of the benefit obtained (financial gain or other)" (from p. 1 of the *Discussion Paper: Co-operation between Central Authorities to develop a common approach to preventing and addressing illicit practices in intercountry adoption cases*, available on the [Intercountry Adoption Section](http://www.hcch.net) of the Hague Conference website < www.hcch.net >).

²⁵ *Ibid.*

	<p>(d) the conduct of negotiations or the making of arrangements with a view to the adoption of the child.</p> <p>52(2) Proceedings in respect of an offence under this section may be commenced at any time within six years after the alleged violation.</p> <p>Section 53</p> <p>53 If the Minister has reasonable grounds to suspect that a person has violated or failed to comply with any provision of this Act, the Minister may, in addition to any action he or she may take with respect to prosecution, require any professional society, association or other organization authorized to regulate the professional activities of the person, to cause an investigation to be made into the matter.</p> <p>See also Canada's main Country Profile</p>
<p>b) Please explain how your State monitors respect for the above laws.</p>	<p>See Canada's main Country Profile</p>
<p>c) If these laws are breached, what sanctions may be applied? (<i>e.g.</i>, imprisonment, fine, withdrawal of accreditation.)</p>	<p>See section 56 of the Intercountry Adoption Act for the amount of fine</p> <p>See also Canada's main Country Profile</p>

34. Private and / or independent adoptions

Are private and / or independent adoptions permitted in your State?

N.B. "Independent" and "private" adoptions are not consistent with the system of safeguards established under the 1993 Convention: see further GGP No 1 at Chapters 4.2.6 and 8.6.6.

Please tick all which apply.

- Private adoptions are permitted – please explain how this term is defined in your State:
- Independent adoptions are permitted - please explain how this term is defined in your State:
- Neither private nor independent adoptions are permitted.

PART XII: INTERNATIONAL MOBILITY

35. The scope of the 1993 Convention (Art. 2)

a) If foreign national PAPs, habitually resident in your State, wish to adopt a child habitually resident in another Contracting State to the 1993 Convention, are they permitted to do so under the law of your State?

Example: Indian PAPs are habitually resident in the USA and wish to adopt a child habitually resident in India.

- Yes – please explain whether this would be treated as an *intercountry* or *domestic* adoption in your State²⁶ and please briefly explain the procedure which would be followed, as well as any specific criteria / conditions which would apply: intercountry
- No

b) If foreign national PAPs, habitually resident in your State, wish to adopt a child also habitually resident in your State, are they permitted to do so under the law of your State?

Example: Indian PAPs are habitually resident in the USA and wish to adopt a child also habitually resident in the USA.

- Yes – please explain whether this would be treated as an *intercountry* or *domestic* adoption in your State²⁷ and please briefly explain the procedure which would be followed, as well as any specific criteria / conditions which would apply: They must be a resident of New Brunswick and proof of permanent resident status.
- No

c) If a State of origin treats an adoption by PAPs habitually resident in your State as a *domestic* adoption when, in fact, it should be processed as an intercountry adoption under the 1993 Convention, how does your State deal with this situation?

Example: PAPs who are nationals of State X habitually reside in your State. They wish to adopt a child from State X. Due to their nationality, the PAPs are able to adopt a child in State X in a domestic adoption procedure (in breach of the 1993 Convention). They then seek to bring the child back to your State.

No such situation has arisen to my knowledge.

²⁶ According to the 1993 Convention (see Art. 2), this is an *intercountry* adoption due to the differing habitual residences of the PAPs and the child. The Convention procedures, standards and safeguards should therefore be applied to such adoptions: see further, GGP No 1, *supra*, note 13, Chapter 8.4.

²⁷ According to the 1993 Convention (see Art. 2), this is a *domestic* adoption due to the fact that the habitual residence of the PAPs and the child is in the same Contracting State: see further, GGP No 1, *supra*, note 13, Chapter 8.4.

PART XIII: SELECTION OF PARTNERS FOR INTERCOUNTRY ADOPTION²⁸

36. Selection of partners	
a) With which States of origin does your State currently partner on intercountry adoption?	USA, China, Philippines, Haiti, South Africa, India, Ethiopia, Jamaica, DRC, Kazakhstan
b) How does your State determine with which States of origin it will partner? In particular, please specify whether your State only partners with other <i>Contracting States</i> to the 1993 Convention. <i>To see which States are Contracting States to the 1993 Convention, please refer to the Status Table for the 1993 Convention (accessible via the Intercountry Adoption Section of the Hague Conference website < www.hcch.net >).</i>	Authorization is granted to work in all States of origin as long as the legislative requirements are met and adoption has not been suspended in the country of origin.
c) If your State also partners with <i>non-Contracting States</i> , please explain how it is ensured that the safeguards of the 1993 Convention are complied with in these cases. ²⁹	Essentially the same principles/criteria regarding the PAPS suitability and eligibility to adopt, and the child's availability for adoption are applied. <input type="checkbox"/> Not applicable: our State only partners with other <i>Contracting States</i> to the 1993 Convention.
d) Are any formalities required in order to commence intercountry adoptions with a particular State of origin (e.g., the conclusion of a formal agreement ³⁰ with that State of origin)?	<input type="checkbox"/> Yes – please explain the content of any agreements or other formalities: ³¹ <input checked="" type="checkbox"/> No

²⁸ In relation to the choice of foreign States as partners in intercountry adoption arrangements, see further GGP No 2, *supra*, note 4, Chapter 3.5.

²⁹ See GGP No 1, *supra*, note 13, Chapter 10.3 regarding the fact that "[i]t is generally accepted that States Party to the Convention should extend the application of its principles to non-Convention adoptions".

³⁰ See note 3 above concerning Art. 39(2) and the requirement to transmit a copy of any such agreements to the depositary for the 1993 Convention.

³¹ *Ibid.*