

## COUNTRY PROFILE

### 1993 HAGUE INTERCOUNTRY ADOPTION CONVENTION<sup>1</sup>

#### RECEIVING STATE

**COUNTRY NAME:** CANADA - province of Ontario

**PROFILE UPDATED ON:** February 2015

#### PART I: CENTRAL AUTHORITY

##### 1. Contact details<sup>2</sup>

Name of office: Private and International Adoption Unit  
Ministry of Children and Youth Services

Acronyms used:

Address: 101 Bloor Street West, 6<sup>th</sup> Floor  
Toronto, Ontario M5S 2Z7

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E-mail: Gloria.Varghese@Ontario.ca

Website: www.children.gov.on.ca

Contact person(s) and direct contact details  
(please indicate language(s) of  
communication): Ms. Gloria Varghese (English)

*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.*

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

<sup>1</sup> 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.

<sup>2</sup> Please verify whether the contact details on the Hague Conference website < [www.hcch.net](http://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](mailto:secretariat@hcch.net) >.

## PART II: RELEVANT LEGISLATION

<b>2. The 1993 Hague Intercountry Adoption Convention legislation</b>	
<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 <a href="#">Status Table</a> for the 1993 Hague Intercountry Adoption Convention (accessible via the <a href="#">Intercountry Adoption Section</a> of the Hague Conference website &lt; <a href="http://www.hcch.net">www.hcch.net</a> &gt;).</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>Ontario's Intercountry Adoption Act, 1998 (IAA) implemented the Hague Convention in the province <a href="http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_98i29_e.htm">http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_98i29_e.htm</a></p>

<b>3. Other international agreements on intercountry adoption<sup>3</sup></b>	
<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>

<sup>3</sup> 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).

**PART III: THE ROLE OF AUTHORITIES AND BODIES**



**4. Central Authority(ies)**

Please briefly describe the functions of the Central Authority(ies) designated under the 1993 Convention in your State.

*See Arts 6-9 and Arts 14-21 if accredited bodies are not used.*

The Private and Int the Ministry of Child performs the following Central Authority (' intercountry adopti countries:

- annually reviews, approves or refuses, requests from agencies to facilitate intercountry adoptions that are completed in foreign jurisdictions under Ontario's legislation on behalf of residents of Ontario
- annually reviews, approves, or refuses requests from adoption practitioners (social workers approved by OCA) to conduct homestudy assessments on behalf of residents of Ontario, to review and present child proposals to prospective adoptive parents approved to adopt by the OCA, to complete homestudy updates, and post-adoption reports.
- provides consultation and training to licensed intercountry adoption agencies and approved adoption practitioners regarding best practices to support intercountry adoption
- reviews homestudy assessments for intercountry adoption and determines whether to approve prospective adoptive parents as eligible and suitable to adopt
- reviews, approves or refuses to approve proposed adoption placements
- provides responsive letters to Citizenship and Immigration Canada, in response to applications for immigration filed on behalf of the adoptive child or children
- cooperates with appropriate authorities sending countries, the Government of Canada, the governments of other provinces and territories to address intercountry adoption cases or issues.

<b>5. Public and competent authorities</b>	
<p>Please briefly describe the role of any public and / or competent authorities, including courts, in the intercountry adoption procedure in your State.</p> <p><i>See Arts 4, 5, 8, 9, 12, 22, 23 and 30.</i></p>	<p>Children's Aid Societies</p> <p>Children's aid societies welfare agencies that protect and ensure the well-being of children in their care</p> <p>Children's aid societies provide:</p> <ul style="list-style-type: none"> <li>-guardianship, temporary, long-term and permanent care and supervision of children who are in need of protection</li> <li>-for the best interests/needs of the children in their care, including arranging for medical, psychological and emotional needs to be assessed, counselling and other supports to be provided, arranging for visitation and/or consideration of domestic adoption placements, and all other appropriate and necessary supports to children in need of protection</li> </ul> <p>Ontario Courts</p> <p>In Ontario, a court may make an order for the adoption of a child. The child and the adoptive applicant must be residents of Ontario.</p> <p>If the child's country of origin requires that the adoption be finalized in the receiving State, then an application to adopt must be considered for final approval by an Ontario court who may issue an adoption order.</p> <p>Ontario courts are responsible for considering and determining a number of other matters including but not limited to custody, visitation, guardianship and care of children.</p>

<b>6. National accredited bodies<sup>4</sup></b>	
<p>a) Has your State accredited its own adoption bodies?</p> <p><i>See Arts 10-11.</i></p> <p><b>N.B.</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).<sup>5</sup></p>	<p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No – <b>go to Question 8</b></p>
<p>b) Please indicate the number of national accredited bodies in your State,</p>	<p>There are 15 adoption agencies in Ontario that are licensed to facilitate intercountry</p>

<sup>4</sup> "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](http://www.hcch.net) > at Chapters 3.1 *et seq.*

<sup>5</sup> See GGP No 2, *ibid.*, Chapter 3.2.1 (para. 111).



<p>including whether this number is limited and, if so, on what basis.<sup>6</sup></p>	<p>adoptions. There are no legislative adoption agencies facilitate intercountry any given time.</p>
<p>c) Please briefly describe the role of national accredited bodies in your State.</p>	<p>The responsibilities of licensed adoption agencies include the following:</p> <ul style="list-style-type: none"> <li>-receiving an application from prospective adoptive parents interested in intercountry adoption from a specific country</li> <li>-submitting all required documentation to the OCA for consideration of approval of the prospective adoptive parents to adopt including: the homestudy assessment, criminal and child welfare clearances, reference letters, medical reports, etc.</li> <li>-ensuring that steps to facilitate an intercountry adoption are not taken unless the applicants have been approved by the OCA to adopt and that the licensee has valid accreditation from the sending country to facilitate the adoption</li> <li>-receiving a child proposal from the sending country and sharing the proposal with an adoption practitioner to be reviewed and considered by the approved applicant or applicants</li> <li>-submitting the applicant's consent or refusal of the child proposal to the OCA for consideration and approval and upon approval, providing the consent or refusal to the sending country</li> <li>-submitting post-adoption reports, completed by an approved adoption practitioner following the child's placement in the adoptive home, to the sending state if required</li> <li>-ensures the prospective adoptive parents are aware of, and receive guidance, in order to take all necessary steps to obtain permission for the child to leave his or her State of origin and to enter and reside permanently in Canada.</li> <li>-ensures that the child is escorted from the State of origin to Ontario by the adoptive parents or in the company of an authorized escort.</li> </ul>
<p><b>6.1 The accreditation procedure (Arts 10-11)</b></p>	
<p>a) Which authority / body is responsible for the accreditation of national adoption bodies in your State?</p>	<p>The Private and International Adoption Unit of the Ministry of Children and Youth Services is Ontario's Central Authority for intercountry adoptions and is exclusively responsible for licensing (accrediting) adoption agencies.</p>
<p>b) Please briefly describe the <i>procedure</i> for</p>	<p>An adoption agency applying for a licence to</p>

<sup>6</sup> See GGP No 2, *supra*, note 4, Chapter 3.4.



<p>granting accreditation and the most important accreditation <i>criteria</i>.</p>	<p>facilitate intercountry adoptions, the licensee must complete a form to the OC/DC and provide information that is available for an application has been made available for an business premises.</p> <p>The most important</p> <ul style="list-style-type: none"> <li>-demonstration of competency to facilitate intercountry adoptions in compliance with: Ontario's requirements for intercountry adoption, requirements of each foreign jurisdiction from which the licensee seeks to facilitate intercountry adoptions, Canadian immigration requirements relevant to intercountry adoption, Convention requirements</li> <li>-evidence of the agency's expertise and capacity to provide ethical, accurate and consistent service to residents of Ontario interested in completed intercountry adoptions</li> <li>-detailed information evidencing the agency's expert understanding and knowledge of the intercountry adoption process required in each State of origin from which the agency seeks to facilitate intercountry adoptions, such as, the foreign Central Authority's eligibility requirements for intercountry adoption and its processes/requirements for: submission of adoption dossiers, child matching, acceptance or refusal of a child proposal, completion of the intercountry adoption, post-adoption reporting requirements, etc.</li> <li>-documents identifying and confirming the suitability of agency staff and foreign representatives to assist in the facilitation of intercountry adoption, such as proof of educational credentials, criminal and child welfare clearances, resume, professional experience, etc.</li> <li>-proof of not-for-profit status</li> <li>-proof of accreditation of the foreign orphanages that the agencies hope to secure child proposals from</li> <li>-where foreign accreditation of the licensed agency is required, evidence that the agency is eligible to apply for accreditation from the foreign Central Authority or adoption authority; and the agency understands that it may not facilitate intercountry adoptions from the State of origin where accreditation is required but has not yet been received</li> <li>-the agency's collaboration agreement with its foreign representatives which details the specific roles and responsibilities of each party and provides thorough details regarding all applicable foreign fees and services to be provided.</li> </ul>
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<p>c) For how long is accreditation granted in your State?</p>	<p>Up to one year term</p>
<p>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>.</p>	<p>Please refer to the r in addition, please</p> <p>When making a lice Ontario Central whether the app</p> <ul style="list-style-type: none"> <li>-has demonstrated sound management and adoption facilitation skills throughout the previous year of accreditation</li> <li>-has demonstrated good judgment and ethical decision making regarding intercountry adoptions</li> <li>-has had prior incidents of misconduct, negligence or poor practice and if so, whether the agency has been able to improve, correct and put into effect proper and appropriate safeguards to the satisfaction of the OCA that ensure that previous errors will not be repeated</li> <li>-has valid accreditation by States of origin where required, or has applied for renewed accreditation and will ensure that renewal is confirmed before the agency accepts new clients</li> </ul>

**6.2 Monitoring of national accredited bodies<sup>7</sup>**

<p>a) Which authority is competent to monitor / supervise national accredited bodies in your State?</p> <p><i>See Art. 11 c).</i></p>	<p>The OCA has exclusive responsibility to monitor/supervise licensed intercountry adoption agencies in Ontario.</p>
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<p>b) Please briefly describe how national accredited bodies are monitored / supervised in your State (<i>e.g.</i>, if inspections are undertaken, how frequently).</p>	<p>Licensed agencies are monitored by the OCA through review and consideration of applications for initial approval or renewal, investigation of complaints, follow up by the OCA if irregular or improper processes are noted upon review of any aspect of the intercountry adoption process.</p> <p>Monitoring may include inspections and is an on-going and fluid process.</p> <p>Monitoring may include:</p> <ul style="list-style-type: none"> <li>-submission of current and past case load summaries and further case details upon request</li> <li>-on-going requirements for the licensee to provide updates regarding any material changes the licensee may experience, such as to staffing, financial status and/or adoption programs</li> <li>-submission of an annual financial report completed by an authorized accountant detailing the licensee's financial status</li> <li>-submission of evidence of suitability of agency staff, directors, members of the board and foreign representatives such as: resume,</li> </ul>
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<sup>7</sup> See GGP No 2, *supra*, note 4, Chapter 7.4.

	<p>criminal and ch education crede change/additior representative</p> <p>-inspection of licens records</p>
<p>c) Please briefly describe the circumstances in which the accreditation of bodies can be revoked (<i>i.e.</i>, withdrawn).</p>	<p>The OCA may consi where the licen: facilitate intercountry adoptions in compliance with all legislative and other adoption requirements and/or processes.</p> <p>Questions concerning a licensee's competency may arise where:</p> <ul style="list-style-type: none"> <li>-the licensee has contravened or has knowingly permitted a person under its control to contravene Ontario's statutory and policy requirements for intercountry adoption</li> <li>-an adoption was facilitated in a manner that could be prejudicial to the health, safety or welfare of children</li> <li>-the licensee has misrepresented, withheld or provided inaccurate information regarding an intercountry adoption</li> </ul>
<p>d) If national accredited bodies do not comply with the 1993 Convention, is it possible for sanctions to be applied?</p>	<p><input checked="" type="checkbox"/> Yes, please specify possible sanctions (<i>e.g.</i>, fine, withdrawal of accreditation):</p> <ul style="list-style-type: none"> <li>-issuance of a licence with restrictions</li> <li>-revocation of a licence</li> <li>-possible fine/imprisonment</li> </ul> <p><input type="checkbox"/> No</p>

<b>7. Authorisation of national accredited bodies to work in other Contracting States (Art. 12)<sup>8</sup></b>	
<b>7.1 The authorisation procedure</b>	
<p>a) Which authority / body in your State is responsible for the authorisation of national accredited bodies to work with, or in, other Contracting States?</p>	<p>The Private and International Adoption Unit of the Ministry of Children and Youth Services is Ontario's Central Authority for intercountry adoptions which is exclusively responsible for authorisation of licensed (accredited) adoption agencies to work with, or in, other Contracting States.</p>
<p>b) Is authorisation granted as part of the accreditation procedure or is a separate authorisation procedure undertaken?</p>	<p><input checked="" type="checkbox"/> Authorisation is granted as part of the accreditation procedure.</p> <p><input type="checkbox"/> A separate procedure is undertaken for authorisation.</p>
<p>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 in specific, pre-identified State(s) of origin?</p>	<p><input type="checkbox"/> Authorisation is granted generally: once authorised, national accredited bodies are able to work in <i>all</i> States of origin.</p> <p><input checked="" 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>
<p>d) Please briefly describe the <i>procedure</i> for granting authorisation and the most</p>	<p>Please refer to responses to questions 6.1b</p>

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



<p>important authorisation <i>criteria</i>.<sup>9</sup></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>	
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<p>e) For how long is authorisation granted?</p>	<p>Up to one year.</p>
<p>f) Please briefly describe the criteria and procedure used to determine whether authorisation will be <i>renewed</i>.</p>	<p>Please refer to responses to questions 6.1b&amp;d</p>

**7.2 Monitoring the work of your authorised national accredited bodies in other Contracting States**

<p>a) Please briefly describe how your State ensures that authorised national accredited bodies (including their representatives, co-workers and any other staff<sup>10</sup> in the State of origin) are monitored / supervised by your State in relation to their work / activities <i>in the State of origin</i>.</p>	<p>Please refer to the response to questions 6.2b, in addition please also note:</p> <p>The licensee must submit to the Ontario Central Authority:</p> <ul style="list-style-type: none"> <li>- a collaboration agreement with their foreign representative clearly outlining the roles and responsibilities of each party and providing thorough details regarding all applicable foreign fees and services to be provided.</li> <li>- proof of accreditation for the foreign orphanages the licensee wishes to collaborate with, including proof of authorization to place children for intercountry adoption issued by the foreign Central Authority or adoption authorities</li> </ul> <p>Further, the OCA will review information provided through International Social Services, the Canadian federal Central Authority, and other reliable sources which may indicate or clarify whether concerns/issues have been identified in a State of origin regarding foreign representatives.</p>
<p>b) Please briefly describe the circumstances in which the authorisation of national accredited bodies can be revoked (<i>i.e.</i>, withdrawn).</p>	<p>Please refer to the response to question 6.2c.</p>

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

<sup>10</sup> 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.

### 8. Approved (non-accredited) persons (Art. 22)

Is the involvement of approved (non-accredited) persons permitted in intercountry adoption procedures in your State?

**N.B.** see Art. 22(2) and check whether your State has made a declaration according to this provision. You can verify this on the [Status Table](#) for the 1993 Convention, available on the [Intercountry Adoption Section](#) of the Hague Conference website.

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)).<sup>12</sup>

Yes, our State has made a declaration under Article 22(2) of the Convention. If possible, please specify the conditions.

No

## PART IV: THE CHILDREN PROPOSED FOR INTERCOUNTRY ADOPTION

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

Does your State have its own criteria concerning the adoptability of a child (e.g., maximum age) which must be applied *in addition to* the requirements of the State of origin?

Yes – please specify: The OCA is involved in adoptions of children under the age of 18. It may also consider factors such as birth order, spacing between adoption placements and spacing between the ages of children in the home, however these are factors for consideration only and may not be strictly applied.

No, there are no additional criteria concerning adoptability – the requirements of the State of origin are determinative.

### 10. The best interests of the child and subsidiarity (Art. 4 b))

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)?

Yes – please specify: Ontario requires a statement from the Central Authority of the sending country that the child is available for intercountry adoption.

No

### 11. Children with special needs

Does your State have its own definition of the term “special needs children” which is applied in intercountry adoption cases?

Yes – please provide the definition used in your State:

No – the definition used in the State(s) of origin is determinative.

<sup>11</sup> See GGP No 2, *supra*, note 4, Chapter 13.

<sup>12</sup> See GGP No 2, *supra*, note 4, Chapter 13.2.2.5.



12. The nationality of children who are adopted in your State	
<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 the factors taken into consideration (e.g., the nationality of the prospective adoptive parents ("PAPs"), whether the child loses his / her nationality of the State of origin): See the main Country Profile for Canada</p> <p>(i) At what stage does the child acquire the nationality?</p> <p>(ii) The procedure of adoption (e.g., the date of the occurrence of a particular event, e.g., the making of the final adoption decision):</p> <p><input checked="" type="checkbox"/> It depends – please specify which factors are taken into consideration (e.g., the nationality of the prospective adoptive parents ("PAPs"), whether the child loses his / her nationality of the State of origin): See the main Country Profile for Canada</p> <p><input type="checkbox"/> No, the child will never acquire this nationality.</p>

## 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 checked="" type="checkbox"/> Yes, please specify the limit applied and the basis on which it is determined: The Ontario Central Authority may limit the total number of adoption applications that a licensee may accept during a one year period, or may establish a maximum case load that the agency may maintain at any given time.</p> <p><input 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 adoption <sup>14</sup> (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 type="checkbox"/> Yes, the following person(s) may apply in our State for an intercountry adoption:</p> <p><input type="checkbox"/> Married, heterosexual couples:</p> <p><input type="checkbox"/> Married, same-sex couples:</p> <p><input type="checkbox"/> Heterosexual couples in a legally registered partnership:</p> <p><input type="checkbox"/> Same-sex couples in a legally registered partnership:</p> <p><input type="checkbox"/> Heterosexual couples that have not</p>

<sup>13</sup> 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 [Inter-country Adoption Section](http://www.hcch.net) of the Hague Conference website < [www.hcch.net](http://www.hcch.net) >, at Chapter 8.4.5.

<sup>14</sup> *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>legally formalised</p> <p><input type="checkbox"/> Same-sex formalised</p> <p><input type="checkbox"/> Single member</p> <p><input type="checkbox"/> Single worker</p> <p><input type="checkbox"/> Other (please specify):</p> <p><input checked="" type="checkbox"/> No, there are no specific 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 type="checkbox"/> Yes, please specify:</p> <p><input type="checkbox"/> Minimum age requirements:</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 checked="" type="checkbox"/> No</p>
<p>c) Are there any <i>other</i> eligibility criteria which your State requires PAPs to fulfil?</p>	<p><input checked="" 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 checked="" type="checkbox"/> For persons with children already (biological or adopted), there are additional criteria (please specify): Factors such as birth order, spacing between adoption placements and spacing between the ages of children in the home are considered, however these are factors for consideration only and may not be strictly applied.</p> <p><input checked="" type="checkbox"/> Other (please specify): Factors affecting eligibility to adopt include: the applicant's health, financial capacity to provide permanent care for a child or children, ability to provide a separate bedroom/appropriate sleeping area for the child, appropriate guardianship plan in case of emergency and completion of a required adoptive parent training course.</p> <p><input type="checkbox"/> No</p>
<p><b>14.2 Suitability assessment<sup>15</sup></b></p>	
<p>a) Which body(ies) / expert(s) perform the assessment of whether the PAPs are suitable persons to undertake an intercountry adoption?</p>	<p>Homestudy assessments are completed by Adoption Practitioners who are approved to conduct assessments for the purpose of intercountry adoption by the OCA.</p>
<p>b) Please briefly describe the procedure which is used to assess the PAPs and determine their suitability to undertake an intercountry adoption.</p>	<p>Ontario employs the Structured Analysis Family Evaluation (SAFE) homestudy assessment model. The assessment process involves a series of interviews of the applicants by the Adoption Practitioner taken over a period of several months, some of which will take place in the</p>

<sup>15</sup> 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.



	<p>applicants' home country.</p> <p>During the assessment, applicants are required to complete parent training questionnaires, provide information about their life story, and provide references, such as criminal records, police clearances, for the applicant has lived abroad for more than 6 months, medical references identifying the health of the applicants, reference letters from family and friends describing the applicants suitability to parent.</p> <p>The Adoption Practitioner will complete a home safety check to ensure that the home of the applicants is suitable and safe for children.</p> <p>The Adoption Practitioner must assess all clinical adoption issues that may apply and specifically assess the age, health, sex and other characteristics of the child or children which the applicants are best suited to adopt/parent.</p> <p>The Adoption Practitioner must consider and mitigate all pertinent issues prior to making a recommendation stating the applicants are suitable to adopt.</p> <p>Finally, the Adoption Practitioner must prepare a homestudy assessment report which outlines in detail whether in her or his professional opinion, the applicants are suitable to adopt and why.</p>
<b>14.3 Final approval</b>	
<p>Which body / person gives the final approval that the PAPs are eligible and suited to undertake an intercountry adoption?</p>	<p>The Director of the Ontario Central Authority is responsible for final determination of the applicants suitability to adopt after reviewing and considering the information contained in the homestudy assessment and its supporting documents.</p>



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:</p> <ul style="list-style-type: none"> <li>- Whether the Ontario has training course for Informa Education" mandatory</li> <li>- At what stage of the adoption procedure they are offered: The course is taken during the homestudy assessment period and completed prior to the end of the homestudy assessment process.</li> <li>- Who provides the courses: PRIDE training is delivered by an adoption practitioner who has been authorised as a PRIDE trainer and an adoptive or foster parent who is a co-trainer.</li> <li>- Whether they are provided to PAPs individually or collectively (<i>i.e.</i>, in a group): PRIDE training is offered in a small group setting.</li> <li>- Whether they are provided "in person" or electronically: PRIDE training must be completed in person.</li> <li>- How many hours the courses last: PRIDE training requires 27 hours for completion.</li> <li>- The content of the courses: PRIDE covers topics such as attachment, grief and loss, child development, abuse, neglect, institutionalization, cultural and racial identity, discipline, child welfare and adoption legislation, adoption policies, various adoption types, the importance of permanency, continuity and connections for a child, openness in adoption and the unique aspects of parenting in adoption.</li> <li>- Whether there are specific courses for PAPs wishing to adopt a child with special needs: PRIDE is also designed to prepare applicants who wish to adopt a child with special needs.</li> <li>- Whether the courses are (or can be) targeted at preparing PAPs for the adoption of a child from specific States of origin: PRIDE provides general and not country specific adoption information, however, some licensed adoption agencies provide additional training that is country specific, for their clients.</li> </ul> <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</p>	<p>Adoption Practitioners offer a variety of additional counseling services to their clients which PAPs may opt to accept.</p> <p>PAPs may opt to join adoption support groups, social groups for adoptive parents and their children who have completed adoptions generally, from a particular country or</p>



<p>the service;                  (ii) Who provides the service; and                  (iii) At what stage in the adoption procedure the service is provided.</p>	<p>specific region of                  Some adoption agencies                  clients to take a                  focused on adoption                  country.</p>
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**PART VI: THE INTERCOUNTRY ADOPTION PROC**

<p><b>16. Applications</b></p>	
<p>a) To which authority / body should PAPs apply for an intercountry adoption?</p>	<p>PAPs must apply to adopt through a licensed adoption agency.</p>



<p>b) Please indicate which documents your State requires to be included within the PAPs' file for transmission to the State of origin:<sup>16</sup></p> <p><i>Please tick all which apply.</i></p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> An application for adoption by the PAPs</li> <li><input checked="" type="checkbox"/> A statement of "consent" by a competent authority</li> <li><input checked="" type="checkbox"/> A report on the "pre-adoption study" and other (see Art. 15)</li> <li><input type="checkbox"/> Copies of the PAPs' personal identification documents</li> <li><input type="checkbox"/> Copies of the PAPs' birth certificates</li> <li><input type="checkbox"/> Copies of the birth certificates of any children living with the PAPs</li> <li><input type="checkbox"/> Copies of marriage, divorce or death certificates, as applicable (please specify in which circumstances):</li> <li><input checked="" type="checkbox"/> Information concerning the health of the PAPs (please specify in which circumstances and what type of information is required): Where required by the State of origin</li> <li><input type="checkbox"/> Evidence of the financial circumstances of the family (please specify in which circumstances and what type of information is required):</li> <li><input type="checkbox"/> Information concerning the employment status of the PAPs (please specify in which circumstances and what type of information is required):</li> <li><input type="checkbox"/> Proof of no criminal record</li> <li><input type="checkbox"/> Other(s): please explain Note that although all the documentation as specified in response to questions 14.1 and 14.2 are considered and reviewed by the OCA, it does not receive or review the final dossier sent to the State of origin. It is the role of the licensed adoption agency to submit a complete dossier to the sending country including any additional documentation that may be specifically required by that State.</li> </ul>
<p>c) Is it compulsory in your State for an accredited body to be involved in an intercountry adoption procedure?<sup>17</sup></p>	<ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Yes, please specify at which stage(s) of the procedure an accredited body must be involved (e.g., 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): Prior to leaving Ontario for the purpose of initiating or completing an intercountry adoption, residents of Ontario are required to: complete a homestudy assessment through an Adoption Practitioner, work with a licensed adoption agency that is authorized to facilitate adoptions from the country from which they wish to adopt, and receive approval from the Director of the OCA to adopt. Once approved to adopt,</li> </ul>

<sup>16</sup> 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.

<sup>17</sup> 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>the licensed adoption dossier to the foreign authority for consideration. If a match is made, the child proposal document is completed with the Adoptions Office. The licensee completes the assessment of the applicants. The licensee presents the proposal to the OCA and prepares the consent or refusal of the child proposal to the OCA for review and approval. If the proposal is approved, the licensee facilitates the finalization of adoption in the sending country; manages submission of post adoption reporting.</p> <p><input type="checkbox"/> No. Please specify who assists PAPs if no accredited body is involved in the adoption procedure:</p>
<p>d) Are any <i>additional</i> documents required if PAPs apply through an accredited body?</p> <p><i>Please tick all which apply.</i></p>	<p><input checked="" type="checkbox"/> Yes</p> <p><input checked="" type="checkbox"/> A power of attorney issued by the PAPs to the accredited body (<i>i.e.</i>, a written 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 checked="" 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>

<b>17. The report on the PAPs (Arts 5 a) and 15(1))</b>	
<p>a) Which body(ies) / expert(s) prepare the report on the PAPs?</p> <p>Please include all those involved with the preparation of any of the documents which are included within such a report.</p>	<p>Please refer to the response to q.14.2</p>
<p>b) Is a "standard form" used for the report on the PAPs in your State?</p>	<p><input checked="" type="checkbox"/> Yes, please provide a link to the form or attach a copy: SAFE homestudy assessment</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:</p>
<p>c) For how long is the report on the PAPs valid in your State?</p>	<p>2 years.</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</p>	<p>The Adoption Practitioner must complete the homestudy update and must provide a copy to the licensee. The licensee is responsible for submitting the homestudy</p>

what is the procedure for renewal?	update to the OCA applicants approved two years. Please see questions 14.1 & information on the process which is application.
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### 18. Transmission of the PAPs' file to the State of origin

a) Who sends the finalised application file of the PAPs to the State of origin?	The licensee.
b) If no accredited body is involved with the intercountry adoption application (see Question 16 c) above), who assists the PAPs with compiling and transmitting their application file?	<input checked="" type="checkbox"/> Not applicable – an accredited body will always be involved (see response to Question 16 c) above).

### 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?	The licensee, who must subsequently forward it to the OCA when seeking approval of the applicants consent or refusal of the child proposal.
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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"> <li>- Which authority determines whether to accept the match (e.g., the Central Authority or another competent authority): Ontario's Central Authority must approve the match and issue Article 17c agreement per Convention requirements. and</li> <li>- 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): Please refer to the response to question 16c.</li> </ul> <p><b><u>Go to Question 19.2 b)</u></b></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: <b><u>Go to Question 19.2 c)</u></b>
b) Which criteria must be fulfilled for the relevant authority in your State to accept the match?	A proposed child's profile must reasonably fit within the parameters for approval of the applicants to adopt, as specified in the OCA's Letter of Approval. The licensee is not authorized permit presentation of a child proposal that does not fall within the

	characteristics of Approval.
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 type="checkbox"/> Yes, in addition State of origin, please specify: <input checked="" type="checkbox"/> No, the requirements are determined by the State of origin
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 Adoption Practitioner must review the child profile in person with the applicants in their home. PAPs are encouraged to seek additional medical or other professional advice before they accept the proposal. <input type="checkbox"/> No

### 20. Agreement under Article 17 c)

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

### 21. Travel of the PAPs to the State of origin<sup>18</sup>

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: The PAPs are not authorized to leave Ontario for the purposes of initiating or completing an intercountry adoption unless they first receive approval by the Director of the OCA to complete an intercountry adoption. <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 checked="" type="checkbox"/> Yes, please specify in which circumstances: In the rare circumstance where the adoptive parents are unable to travel with their child, the licensed adoption agency would be responsible for arranging for an approved foreign representative or agency staff person to escort the child. <input type="checkbox"/> No

<sup>18</sup> See GGP No 1, *supra*, note 13, Chapter 7.4.10.

<b>22. Authorisation for the child to enter and reside (Arts 5 c) and 18)</b>	
<p>a) Please specify the procedure to obtain authorisation for the child to enter and reside permanently in your State.</p>	<p>An adopted child with citizenship through response to the Country Profile) permanently in an adopted child must 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.</p>
<p>b) Which documents are necessary for a child to be able to enter and reside permanently in your State (e.g., passport, visa)?</p>	
<p>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.</p>	
<p>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?</p>	<p>The licensee notifies the Ontario Central Authority of the child's arrival upon submission of the final adoption order.</p>

<b>23. Final adoption decision and the Article 23 certificate</b>	
<p>a) If the final adoption decision is made in your State, which competent authority:</p> <p>(i) Makes the final adoption decision; and (ii) Issues the certificate under Article 23?</p> <p><i><b>N.B.</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 <a href="#">Status Table</a> for the 1993 Convention (under "Authorities"), available on the <a href="#">Intercountry Adoption Section</a> of the Hague Conference website.</i></p>	<p>(i) Following review and approval of the OCA, an Ontario Court has authority to consider whether to issue a final adoption order. (ii) The OCA.</p>
<p>b) Does your State use the "Recommended model form – Certificate of conformity of intercountry adoption"?</p> <p><i>See GGP No 1 – Annex 7.</i></p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>c) Please briefly describe the procedure for issuing the Article 23 certificate.</p>	<p>Where applicable, the certificate is prepared and sent to the licensee to be delivered</p>

<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>to the PAs and the State of origin the State of origin licensee and PAI</p>
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<p>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?</p>	<p>The OCA.</p>
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## PART VII: INTRA-FAMILY INTERCOUNTRY ADOF

<p><b>24. Procedure for the intercountry adoption of a child who is a relative of the PAPs (“intra-family intercountry adoption”)</b></p>	
<p>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.</p>	<p>Intercountry adoptions completed in the State of origin are subject to Ontario’s Intercountry Adoption Act (IAA). There is no distinction between relative intercountry adoptions and other intercountry adoptions under the IAA.</p> <p>Intercountry adoptions completed in Ontario are subject to to Ontario’s Child and Family Services Act (CFSA). The CFSA defines a “relative” as the child’s grandparent, great-uncle, great-aunt, uncle or aunt, whether by blood, through a spousal relationship or through adoption.</p>
<p>b) Does your State apply the procedures of the 1993 Convention to intra-family intercountry adoptions?</p> <p><i>N.B. If the child and PAPs are habitually resident in different Contracting States to the 1993 Convention, <b>the Convention is applicable</b>, irrespective of the fact that the child and PAPs are related: see further GGP No 1 at para. 8.6.4.</i></p>	<p><input checked="" type="checkbox"/> Yes – <b>go to Question 25</b></p> <p><input type="checkbox"/> Yes, in general, although there are some differences in the procedures for intra-family intercountry adoptions – please specify: <b>Go to Question 25</b></p> <p><input type="checkbox"/> No – <b>go to Question 24 c)</b></p>
<p>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:</p> <p>(i) The counselling and preparations which PAPs must undergo in your State;</p> <p>(ii) The preparation of the child for the adoption;</p> <p>(iii) The report on the PAPs; and</p> <p>(iv) The report on the child.</p>	<p>(i)</p> <p>(ii)</p> <p>(iii)</p> <p>(iv)</p>

## PART VIII: SIMPLE AND FULL ADOPTION<sup>19</sup>

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

<sup>19</sup> 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><i>below.</i></p>	<p>specify:  <input type="checkbox"/> Other (please explain)</p>
<p>b) Is “simple” adoption permitted in your State?   <i>See GGP No 1 at Chapter 8.8.8 and note 19 below.</i></p>	<p><input type="checkbox"/> Yes  <input type="checkbox"/> No  <input checked="" type="checkbox"/> In certain circumstances, intra-family adoptions of orphaned children and the State of Origin has completed a simple adoption.  specify: Where  <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?   <i>See Art. 27(1) a).</i></p>	<p><input 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:  <input checked="" type="checkbox"/> No – <b>go to Question 26</b></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))?   <i>See Art. 27(1) b) and Art. 4 c) and d).</i></p>	
<p>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.</p>	<p><input 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):</p>

**PART IX: POST-ADOPTION MATTERS**

<p><b>26. Preservation of, and access to, information concerning the child’s origins (Art. 30) and the adoption of the child</b></p>	
<p>a) Which authority in your State is responsible for preserving information concerning the child’s origins, as required by Article 30?</p>	<p>Service Ontario Contact Centre  Custodian of Adoption Information  Ontario Central Authority</p>
<p>b) For how long is the information concerning the child’s origins preserved?</p>	<p>Adoption records are retained for 100 years</p>
<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:  (i) the adoptee and / or his / her representative(s);  (ii) the adoptive parent(s);  (iii) the birth family; and / or  (iv) any other person(s)?   If so, are there any criteria which must</p>	<p>(i) <input checked="" type="checkbox"/> Yes – please explain any criteria:  If the adoption was finalized in Ontario, an adult adoptee (18 years of age or older) whose adoption was registered in Ontario, may request access to their original Birth Certificate, Adoption Order, request a search to access medical information, etc.  If the adoption was finalized in the child’s country of origin, the adult adoptee may have access to non-identifying information about his/or her adoption and birth family.</p>

<p>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)?  <i>See Art. 9 a) and c) and Art. 30.</i></p>	<p><input type="checkbox"/> No</p> <p>(ii) <input checked="" type="checkbox"/> Yes – please Adoptive parer Adoption Order information. <input type="checkbox"/> No</p> <p>(iii) <input checked="" type="checkbox"/> Yes – please explain any criteria: For adoptions finalized in Ontario, Birth parents have access to original Birth Certificate, Adoption Order, request a search for medical information, Non-identifying information, etc. <input type="checkbox"/> No</p> <p>(iv) <input checked="" type="checkbox"/> Yes – please explain any criteria: For adoptions finalized in Ontario, descendants of an adoptee, and members of the birth family may request a copy of the Adoption Order, request a search for medical information, Non-identifying information, etc. <input type="checkbox"/> No</p>
<p>d) Where access to such information is provided, is any counselling or other guidance / support given in your State?</p>	<p><input checked="" type="checkbox"/> Yes – please specify: Counselling, reunification support, and a variety of post adoption services are available. Private arrangements with professionals can be made as needed. <input type="checkbox"/> No</p>
<p>e) Once access to such information has been provided, is any <i>further</i> assistance offered to the adoptee and / or others (<i>e.g.</i>, regarding making contact with his / her biological family, tracing extended family)?</p>	<p><input type="checkbox"/> Yes – please specify: . <input checked="" type="checkbox"/> No</p>

<p><b>27. Post-adoption reports</b></p>	
<p>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?</p>	<p>Adoption Practitioners are responsible for writing post-adoption reports, while licensees are responsible for submitting them to the State of origin.</p>
<p>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>	<p><input type="checkbox"/> Yes – please specify whether use of the form is mandatory and indicate where it may be accessed (<i>e.g.</i>, provide a link or attach a copy): <input checked="" type="checkbox"/> No – in which case, please specify the content expected by <i>your</i> State in a post-adoption report (<i>e.g.</i>, medical information, information about the child's development, schooling):</p>
<p>c) How does your State ensure that the requirements of the State of origin in relation to post-adoption reporting are</p>	<p>The licensee is responsible for timely submission of post-adoption reports to the State of origin.</p>



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

<p>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 adoption (<i>e.g.</i>, counselling, support to preserve cultural links)?</p> <p>In particular, please state whether any specific post-adoption services or support are provided in your State in the case of special needs children.</p>	<p>A variety of post-ac available to families adoptive parent support groups, peer counseling, cultural and social groups targeted to meeting the needs of adoptive families, etc. In addition, adoptive families are encouraged to contact their Adoption Practitioner for further counseling and assistance with adoption issues.</p>
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## PART X: THE FINANCIAL ASPECTS OF INTERCOUNTRY ADOPTION

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

### 29. The costs<sup>21</sup> 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 laws / 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: Ontario's Intercountry Adoption Act, regulation 200/99 specifies the services for which the licensee may charge fees, and the types of expenses that are authorized. See:  http://www.e-laws.gov.on.ca/html/regs/english/elaws_regs_990200_e.htm</p> <p><input type="checkbox"/> No</p>
<p>b) Does your State monitor the payment of the costs of intercountry adoption?</p>	<p><input checked="" type="checkbox"/> Yes – please briefly describe how this monitoring is undertaken: The Ontario Central Authority requires licensed agencies to keep records of all fees and disbursements made on behalf of their clients, this must be submitted to the OCA upon application for licence renewal.  Licensed agencies are also required to provide to the Ontario Central Authority a detailed schedule of fees and services, including the fees paid by accredited agency for travel arrangements for the PAPs to and from the State of origin.</p> <p><input 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: PAPs pay fees to the licensed agency</p> <p><input type="checkbox"/> Directly by the PAPs:</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 checked="" type="checkbox"/> Other (please explain): Accredited agencies accept certified cheques, money orders or credit cards</p>

<sup>20</sup> 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*.

<sup>21</sup> See the definition of "costs" provided in the harmonised Terminology, *ibid*.



<p>e) Which body / authority in your State receives the payments?</p>	<p>PAPs pay fees to the licensed ag</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><i><b>N.B.</b> Please also ensure that your State has completed the "Tables on the costs associated with intercountry adoption" (see above).</i></p>	<p><input checked="" type="checkbox"/> Yes – please indicate how th accessed: The schedule of fe to PAPs through the agency' OCA does share a general ra intercountry adoptions upon</p> <p><input type="checkbox"/> No</p>



30. Contributions, co-operation projects and donations	
<p>a) Does your State permit contributions<sup>23</sup> 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"> <li>- What type of contributions regulated by your State:</li> <li>- Who is permitted to pay it (i.e., the Central Authority or a national accredited body): the licensee.</li> <li>- How it is ensured that contributions do not influence or otherwise compromise the integrity of the intercountry adoption process: Ontario does not authorize contributions that are not regulated by the foreign authorities. PAPS may not provide contributions to an orphanage that may be connected to an adoption by the PAPS. PAPS may make voluntary contributions through their licensee, only after the adoption has been completed and the child has arrived in Canada with her or his adoptive parents.</li> <li>- Ontario allows contributions through the licensed agency towards specific projects, if such contributions are required by the State of origin to be considered for accreditation to facilitate intercountry adoptions.</li> </ul> <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"> <li>- What type of co-operation projects are permitted by your State:</li> <li>- Who undertakes such projects (i.e., the Central Authority and / or national accredited bodies):</li> <li>- Whether such projects are mandatory according to the law of your State:</li> <li>- Whether such projects are monitored by an authority / body in your State:</li> <li>- How it is ensured that co-operation projects do not influence or otherwise compromise the integrity of the intercountry adoption process:</li> </ul>

<sup>22</sup> 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.

<sup>23</sup> 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 PAPS. 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 PAPS in the sense that their application will not proceed if the payment is not made.

	<input checked="" type="checkbox"/> No
<p>c) If permitted in the State of origin, does your State permit PAPs or accredited bodies to make donations to orphanages, institutions or birth families in the State of origin?</p> <p><b>N.B. This is <u>not</u> recommended as a good practice:</b> see further the "Note on the financial aspects of intercountry adoption" at Chapter 6 (in particular, Chapter 6.4).</p>	<input checked="" type="checkbox"/> Yes – please exp <ul style="list-style-type: none"> <li>- To whom donations are made (e.g., to orphanages and / or birth families) may be made in the State of origin require a specific donation be made as part of the intercountry adoption process. The licensee must provide a copy of the laws which specify the requirement and confirm upon request of the OCA, proof of all donations made.</li> <li>- What donations are intended to be used for: If required by the foreign authority, mandatory donations made to foreign central authorities; how the donation is used is difficult to ascertain.</li> <li>- Who is permitted to pay donations (e.g., only accredited bodies or also PAPs):</li> <li>- Mandatory contributions required by sending countries must be paid only through the licensee.</li> <li>- At what stage of the intercountry adoption procedure donations are permitted to be paid:</li> <li>- Mandatory contributions may be paid through the licensed agency according to the requirements of the State of origin. Voluntary contributions may be paid through the licensee only after the adoption has been completed and the child along with her or his adoptive parents have arrived in Ontario.</li> <li>- How it is ensured that donations do not influence or otherwise compromise the integrity of the intercountry adoption procedure: Unfortunately, without the assistance of the State of origin, this is very difficult to ensure.</li> </ul> <input type="checkbox"/> No

<b>31. Improper financial or other gain (Arts 8 and 32)</b>	
<p>a) Which authority is responsible for preventing improper financial or other gain in your State as required by the Convention?</p>	<p>The OCA as well as licensees.</p>
<p>b) What measures have been taken in your State to prevent improper financial or other gain?</p>	<p>Licensed agencies are required to submit to the Ontario Central Authority, on an annual basis, records of their financial activities. Licensees are also required to report to the Ontario Central Authority any illicit activities and improper payments made in connection with intercountry adoption.</p>

<p>c) Please explain the sanctions which may be applied if Articles 8 and / or 32 are breached.</p>	<p>Ontario legislation prohibits a person from giving or receiving a child in an intercountry adoption for financial or other expenses. The offer of a bribe is punishable by a fine of up to \$25,000 and/or imprisonment.</p>
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## PART XI: ILLICIT PRACTICES<sup>24</sup>

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

<b>33. The abduction, sale of and traffic in children</b>	
<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>See the main Country Profile for Canada</p>
<p>b) Please explain how your State monitors respect for the above laws.</p>	<p>See the main Country Profile for Canada</p>
<p>c) If these laws are breached, what sanctions may be applied? (e.g., imprisonment, fine, withdrawal of accreditation.)</p>	<p>See the main Country Profile for Canada</p>

<sup>24</sup> "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](http://www.hcch.net) >).

<sup>25</sup> *Ibid.*



<b>34. Private and / or independent adoptions</b>	
<p>Are private and / or independent adoptions permitted in your State?</p> <p><b>N.B.</b> “Independent” and “private” adoptions are <u>not</u> 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.</p> <p>Please tick all which apply.</p>	<p><input type="checkbox"/> Private adoptions explain how this State:</p> <p><input type="checkbox"/> Independent adoptions please explain how your State:</p> <p><input checked="" type="checkbox"/> <u>Neither</u> private nor independent adoptions are permitted.</p>

## PART XII: INTERNATIONAL MOBILITY

<b>35. The scope of the 1993 Convention (Art. 2)</b>	
<p>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?</p> <p><i>Example: Indian PAPs are habitually resident in the USA and wish to adopt a child habitually resident in India.</i></p>	<p><input checked="" type="checkbox"/> Yes – please explain whether this would be treated as an <i>intercountry</i> or <i>domestic</i> adoption in your State<sup>26</sup> and please briefly explain the procedure which would be followed, as well as any specific criteria / conditions which would apply:</p> <p>Ontario's legislation requires that PAPs be habitual residents of Ontario.</p> <p>Ontario requires that foreign nationals habitually residing in Ontario complete their intercountry adoption in compliance with Ontario's requirements. However, in order to bring the adopted child to reside permanently in Canada, PAPs must also ensure that they meet the immigration requirements before initiating their adoption.</p> <p>If PAPs are determined to be habitually resident outside of Ontario, they are required to complete the intercountry adoption in compliance with the requirements of the State in which they are habitually resident.</p> <p><input type="checkbox"/> No</p>
<p>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?</p> <p><i>Example: Indian PAPs are habitually resident in the USA and wish to adopt a child also habitually resident in the USA.</i></p>	<p><input checked="" type="checkbox"/> Yes – please explain whether this would be treated as an <i>intercountry</i> or <i>domestic</i> adoption in your State<sup>27</sup> and please briefly explain the procedure which would be followed, as well as any specific criteria / conditions which would apply:</p> <p>Foreign PAPs habitually residents in Ontario, may adopt an Ontario child through public or private domestic adoption, if determined to be eligible and suitable to adopt.</p> <p><input type="checkbox"/> No</p>
<p>c) If a State of origin treats an adoption by PAPs habitually resident in your State as a <i>domestic</i> adoption when, in</p>	<p>The Ontario Central Authority will determine whether the PAPs willfully contravened Ontario's intercountry adoption requirements.</p>

<sup>26</sup> 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.

<sup>27</sup> 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.

<p>fact, it should be processed as an intercountry adoption under the 1993 Convention, how does your State deal with this situation?</p> <p><i>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.</i></p>	<p>If a wilful contraven OCA will contact aut origin to determine ' Central Authority wi permit them to bring compliance with Ont compliance with the</p>
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## PART XIII: SELECTION OF PARTNERS FOR INTERCOUNTRY ADOPTION<sup>28</sup>

36. Selection of partners	
<p>a) With which States of origin does your State currently partner on intercountry adoption?</p>	<p>Ontario's 15 licensed and accredited agencies are authorized to facilitate adoptions from the following countries: Albania, Bulgaria, Kazakhstan, Romania, Ukraine, USA, Bangladesh, Barbados, Guyana, India, Jamaica, Philippines, Sri Lanka, St. Vincent and the Grenadines, China, Ethiopia, Lithuania, Poland, Serbia, Ghana, Haiti, Kenya, Nigeria, South Africa, Honduras, Vietnam, South Korea, Thailand, Zambia</p>
<p>b) How does your State determine with which States of origin it will partner?</p> <p>In particular, please specify whether your State only partners with other <i>Contracting States</i> to the 1993 Convention.</p> <p><i>To see which States are Contracting States to the 1993 Convention, please refer to the <a href="#">Status Table</a> for the 1993 Convention (accessible via the <a href="#">Intercountry Adoption Section</a> of the Hague Conference website &lt; <a href="http://www.hcch.net">www.hcch.net</a> &gt;).</i></p>	<p>The licensed agency must submit an application for a licence to the OCA, for its review and approval or refusal. The OCA will consider among other things, whether the State of origin has: well respected and reliable intercountry adoption processes, whether the laws of the State of origin protect children and prevent child trafficking and other improper activities, whether the proposed intercountry adoption process involves a rigorous child matching and child proposal process, and more.</p> <p>Ontario partners with both contracting and non-contracting States of origin.</p>
<p>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.<sup>29</sup></p>	<p>Ontario follows similar principles and safeguards for all intercountry adoptions involving Contracting and Non-Contracting States. Ontario requires that PAPs work with a licensed agency; required consents have been obtained, where applicable; relevant adoption authority or an authorized orphanage in a sending country provided documentation confirming the child's availability for intercountry adoption, etc.</p> <p><input type="checkbox"/> Not applicable: our State only partners with other <i>Contracting States</i> to the 1993 Convention.</p>

<sup>28</sup> 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.

<sup>29</sup> 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”.





<p>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<sup>30</sup> with that State of origin)?</p>	<p><input checked="" type="checkbox"/> Yes – please explain the formalities required, refer to the relevant provisions of the Ontario Central Adoption Authority Act, or refer to the relevant provisions of the country's Central Adoption Authority Act, or refer to the relevant provisions of the country's accreditation, v</p> <p><input type="checkbox"/> No</p>
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<sup>30</sup> 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.

<sup>31</sup> *Ibid.*