

## COUNTRY PROFILE

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

#### RECEIVING STATE

**COUNTRY NAME:** Canada - Province of Prince Edward Island

**PROFILE UPDATED ON:** July 2021

#### PART I: CENTRAL AUTHORITY

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

Name of office:	Department of Social Development and Housing
Acronyms used:	DSDH
Address:	P.O. Box 2000, 161 St. Peters Road, Charlottetown, PE, C1A 7N8
Telephone:	(902) 368-6515
Fax:	(902) 620-3776
E-mail:	kmhpeck@ihis.org
Website:	www.gov.pe.ca
Contact person(s) and direct contact details (please indicate language(s) of communication):	Kelly Peck, Director of Child Protection (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 Prince Edward Island 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 and domestic 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>For Prince Edward Island, the Convention came into effect on April 1, 1997</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>Adoption Act, R.S.P.E.I. 1988 &amp; Regulations (proclaimed October 30, 1993 and last amended January 31, 2020)  <a href="http://www.gov.pe.ca/law/statutes/pdf/a-04_1.pdf">http://www.gov.pe.ca/law/statutes/pdf/a-04_1.pdf</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>

## PART III: THE ROLE OF AUTHORITIES AND BODIES

<b>4. Central Authority(ies)</b>	
<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>To ensure compliance with the standards of adoption practice established in Articles 6-9, 14-15, 17-22 of the 1993 Convention with respect to international adoptions, which are consistent with the standards for domestic adoptions.</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).

<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>The Director of Child Protection (as the Central Authority) has authorized 2 social workers in the private sector to complete home studies for PAPs and to meet with them when they are considering a child proposal. The administrative and decision making duties of the Central Authority are delegated to the Provincial Adoption Coordinator, with the exception of the approval of the applicants to adopt internationally. The qualifications for authorization are: (a) current registration in Prince Edward Island, in good standing, as a social worker; (b) successful completion of such specialized training in placement and adoption as the Director provides; and (c) successful taking of such examination, interview and exercises as the Director may conduct so as to be able to judge the applicant's competence and suitability to perform the specialized professional functions required. The Supreme Court of PEI would finalize an inter-country adoption that was not finalized in the child's state of origin.</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 type="checkbox"/> Yes</p> <p><input checked="" type="checkbox"/> No – <b>go to Question 8</b></p>
<p>b) Please indicate the number of national accredited bodies in your State, including whether this number is limited and, if so, on what basis.<sup>6</sup></p>	
<p>c) Please briefly describe the role of national accredited bodies in your State.</p>	
<b>6.1 The accreditation procedure (Arts 10-11)</b>	
<p>a) Which authority / body is responsible for the accreditation of national adoption bodies in your State?</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).

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

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> .	
<b>6.2 Monitoring of national accredited bodies<sup>7</sup></b>	
a) Which authority is competent to monitor / supervise national accredited bodies in your State?  <i>See Art. 11 c).</i>	

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

<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>	
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 in specific, pre-identified State(s) of origin?	<input type="checkbox"/> Authorisation is granted generally: once authorised, national accredited bodies are able to work in <i>all</i> States 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.

<sup>7</sup> See GGP No 2, *supra*, note 4, Chapter 7.4.

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

<p>d) Please briefly describe the <i>procedure</i> for granting authorisation and the most 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>	
---	--

<p>e) For how long is authorisation granted?</p>	
<p>f) Please briefly describe the criteria and procedure used to determine whether authorisation will be <i>renewed</i>.</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>b) Please briefly describe the circumstances in which the authorisation of national accredited bodies can be revoked (<i>i.e.</i>, withdrawn).</p>	

## 8. Approved (non-accredited) persons (Art. 22(2))<sup>11</sup>

<p>Is the involvement of approved (non-accredited) persons permitted in intercountry adoption procedures in your State?</p> <p><b>N.B.</b> see Art. 22(2) and check whether your State has made a declaration according to this provision. You can verify this on the <a href="#">Status Table</a> for the 1993 Convention, available on the <a href="#">Intercountry Adoption Section</a> of the Hague Conference website.</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>
---	--

<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.

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

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>

## 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: PEI requires legal confirmation that the child is free for adoption which is a Court Order or by consent of the birth parent. If the parent is not able to consent then PEI would require a Court Order. PEI would impose this condition whether the adoption is finalized in the state of origin or not. This meets the requirement for PEI that the child is free for adoption
- 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:
- 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.

### 12. The nationality of children who are adopted intercountry<sup>13</sup>

Do children who are adopted intercountry to your State acquire the nationality of your State?

- Yes, always. Please specify:
- (i) At what stage nationality is acquired by the child: \_\_\_\_\_ ; and
- (ii) The procedure which must be undertaken (or whether acquisition of nationality is *automatic* upon the occurrence of a particular event, e.g., the making of the final adoption decision):

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

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

	<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 response in Canada's main country profile. <input type="checkbox"/> No, the child will never acquire this nationality.
--	--

## PART V: PROSPECTIVE ADOPTIVE PARENTS (“PAPs”)

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

<b>14. Determination of the eligibility and suitability of PAPs wishing to undertake an intercountry adoption<sup>14</sup> (Art. 5 a)</b>	
<b>14.1 Eligibility criteria</b>	
a) Do PAPs wishing to undertake an intercountry adoption have to fulfil any criteria in your State concerning their relationship status(es)?  <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>	<input type="checkbox"/> Yes, the following person(s) may apply in our State for an intercountry adoption: <input type="checkbox"/> Married, heterosexual couples:  <input type="checkbox"/> Married, same-sex couples: <input type="checkbox"/> Heterosexual couples in a legally registered partnership: <input type="checkbox"/> Same-sex couples in a legally registered partnership: <input type="checkbox"/> Heterosexual couples that have not legally formalised their relationship:  <input type="checkbox"/> Same-sex couples that have not legally formalised their relationship:  <input type="checkbox"/> Single men: <input type="checkbox"/> Single women: <input type="checkbox"/> Other (please specify): <input checked="" type="checkbox"/> No, there are no relationship status criteria for PAPs.
b) Are there any age requirements in your State for PAPs wishing to undertake an intercountry adoption?	<input checked="" type="checkbox"/> Yes, please specify: <input checked="" type="checkbox"/> Minimum age requirements: 18 years <input type="checkbox"/> Maximum age requirements:

<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.

	<input type="checkbox"/> Difference in years required between the PAPs and the child: <input type="checkbox"/> Other (please specify): <input type="checkbox"/> No
c) Are there any <i>other</i> eligibility criteria which your State requires PAPs to fulfil?	<input checked="" type="checkbox"/> Yes, please specify: <input type="checkbox"/> Additional / differing criteria must be met for PAPs wishing to adopt a child with special needs (please specify):  <input type="checkbox"/> Couples must supply evidence of infertility: <input type="checkbox"/> For persons with children already (biological or adopted), there are additional criteria (please specify):  <input checked="" type="checkbox"/> Other (please specify): Resident of PEI <input type="checkbox"/> No
<b>14.2 Suitability assessment<sup>15</sup></b>	
a) Which body(ies) / expert(s) perform the assessment of whether the PAPs are suitable persons to undertake an intercountry adoption?	The authorized social worker prepares the home study report and files required documents to support the risk assessment. The PAPs submit other documents not required by the risk assessment. The home study/risk assessment report is then reviewed by the Provincial Adoption Coordinator and the Director of Child Protection as Central Authority.
b) Please briefly describe the procedure which is used to assess the PAPs and determine their suitability to undertake an intercountry adoption.	The authorized social worker meets with the PAPs on a number of occasions to gather information. A risk assessment is completed, which includes criminal record checks, medicals, child protection checks as well as an evaluation of the PAPs' capacity to provide the necessary resources for a child. Their motivation to adopt must be in the child's best interests. Family relationships and approaches to discipline are evaluated. Three letters of reference are also required.
<b>14.3 Final approval</b>	
Which body / person gives the final approval that the PAPs are eligible and suited to undertake an intercountry adoption?	The Director of Child Protection, as Central Authority, gives final approval.

<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.



<b>15. Preparation and counselling of PAPs (Art. 5 b))</b>	
<p>a) In your State, are courses provided to prepare PAPs for intercountry adoption?</p>	<p><input type="checkbox"/> Yes, please specify the following:</p> <ul style="list-style-type: none"> <li>- Whether the courses are mandatory:</li> <li>- At what stage of the adoption procedure they are offered:</li> <li>- Who provides the courses:</li> <li>- Whether they are provided to PAPs individually or collectively (<i>i.e.</i>, in a group):</li> <li>- Whether they are provided "in person" or electronically:</li> <li>- How many hours the courses last:</li> <li>- The content of the courses:</li> <li>- Whether there are specific courses for PAPs wishing 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:</li> </ul> <p><input checked="" 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>Information on the challenges and risks of international adoption is provided at the initial inquiry stage by the Provincial Adoption Coordinator, and by the authorized social worker during the course of the adoption assessment.</p> <p>When the country of origin requires the PAPs to attend a course, the PAPs may access the training online in some cases. PAPs from PEI have also accessed training held in the neighbouring provinces of Nova Scotia or New Brunswick. This is typically completed before their dossier is sent to the country of origin and a certificate verifying their attendance at the course accompanies their dossier.</p>

## **PART VI: THE INTERCOUNTRY ADOPTION PROCEDURE**

<b>16. Applications</b>	
<p>a) To which authority / body should PAPs apply for an intercountry adoption?</p>	<p>PAPs contact the Provincial Adoption Coordinator to discuss the process for international adoption. They would then advise which Canadian adoption agency (there are no such agencies in PEI) they intend to use to facilitate an adoption. The agency and Central Authority in PEI establish a mutually agreeable process for this to occur and the family then contracts with the 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>	<p><input 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 type="checkbox"/> Copies of the PAPs' passports or other personal identification documents</p> <p><input type="checkbox"/> Copies of the PAPs' birth certificates</p> <p><input type="checkbox"/> Copies of the birth certificates of any children living with the PAPs</p> <p><input type="checkbox"/> Copies of marriage, divorce or death certificates, as applicable (please specify in which circumstances):</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): PAPs must not have a medical condition that would adversely affect their capacity to parent.</p> <p><input type="checkbox"/> Evidence of the financial circumstances of the family (please specify in which circumstances and what type of information is required):</p> <p><input type="checkbox"/> Information concerning the employment status of the PAPs (please specify in which circumstances and what type of information is required):</p> <p><input checked="" type="checkbox"/> Proof of no criminal record</p> <p><input checked="" type="checkbox"/> Other(s): please explain The dossier would also contain all information required by the country of origin. The Central Authority ensures all required information is included prior to sending.</p>
<p>c) Is it compulsory in your State for an accredited body to be involved in an intercountry adoption procedure?<sup>17</sup></p>	<p><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): An accredited body is required for all stages of the procedure. Social workers completing the home study must be authorized by the Director of Child Protection, as Central Authority, to perform this role. The Provincial Adoption Coordinator is also authorized and is delegated administrative functions by the Central Authority. The PAPs must contract with an accredited agency in another province because there are no such agencies in PEI.</p> <p><input type="checkbox"/> No. Please specify who assists PAPs if no accredited body is involved in the adoption procedure:</p>

<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>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 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 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: The agency's license may be requested to verify their authority to facilitate adoptions in the country of origin and in Canada.</p> <p><input type="checkbox"/> Other (please specify):</p> <p><input type="checkbox"/> No</p>
---	---

### 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?</p> <p>Please include all those involved with the preparation of any of the documents which are included within such a report.</p>	<p>A professional registered social worker who holds a valid certificate of authorization issued under Regulation Sections 73 to 85 of Prince Edward Island's Adoption Act, is authorized to prepare the report on the PAPs. The local RCMP detachment or the municipal police force provides the criminal record check, a physician provides the medical form, and the child protection check is provided by the Child and Family Services Division of the Department of Family and Human Services.</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 checked="" 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: Usually the country of origin/agency specifies the information required in the home study. We require an overview of the PAPs including family background, education, employment, health, religion, interests as well as details of the marital relationship, motivation to adopt, views on parenting, home and financial status, child desired and recommendations.</p>
<p>c) For how long is the report on the PAPs valid in your State?</p>	<p>Reports are valid in our province until there is a significant change in circumstances of the PAPs, such as birth or adoption of a child, divorce or death of one of the applicants, significant change in employment or income, or the PAPs move to another jurisdiction. Some originating</p>

	countries have validity times, and if so, we ensure updates are submitted.
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?	The authorized social worker would renew the report, with the necessary supporting documents, and submit it to the Central Authority for review and approval. All would then be forwarded to the agency and country of origin as required.

### 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 Central Authority of Prince Edward Island forwards the documents following translation/notarization by the agency.
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 agency receives the child proposal and forwards it to the Central Authority of PEI.
---	---

#### 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): The Central Authority of PEI must approve the match. 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): The Central Authority presents the child proposal to the PAPs once the match is approved.</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: <p><b><u>Go to Question 19.2 c)</u></b></p>
b) Which criteria must be fulfilled for the relevant authority in your State to accept the match?	As noted in Article 16 of the Hague Convention, the Central Authority of PEI would review the report on the child to ensure the child proposed is within the parameters of the PAPs' approval. The

	Central Authority would also review documents to verify the child is legally free for adoption. This would enable a decision under Article 17.
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 to any requirements of the State of origin, our State has a time-limit – please specify: <input checked="" 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): PAPs would meet with their authorized social worker and their family doctor to review information in the child 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 Central Authority of PEI
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 <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 type="checkbox"/> Yes, please specify the additional requirements / restrictions: <input checked="" 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: If the country of origin approves this practice and it has been arranged through the agency. <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 permanently (Arts 5 c) and 18)</b>	
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 response in Canada's main country 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 response in Canada's main country 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?	There is no specific requirements for notifying the provincial Central Authority of the child's arrival, however the information can be informally shared by the family and/or agency. Often, this is confirmed with the initial post-placement report.

<b>23. Final adoption decision and the Article 23 certificate</b>	
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><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>	(i) The Central Authority of PEI would make a recommendation of approval for an adoption to be finalized by the Supreme Court of PEI (Family Division); however, most intercountry adoptions are finalized in the country of origin.  (ii) The Central Authority of PEI
b) Does your State use the "Recommended model form – Certificate of conformity of intercountry adoption"?  See GGP No 1 – Annex 7.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

<p>c) Please briefly describe the procedure for issuing the Article 23 certificate. <i>E.g.</i>, how long does it take to issue the certificate? Is a copy of the certificate always given to the PAPs? Is a copy sent to the Central Authority in the State of origin?</p>	<p>As stated, adoptions are finalized in the state of origin. The Central Authority of PEI has not issued the Article 23 certificate for an adoption finalized here.</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?	The Central Authority of PEI receives this from the agency who receives it from the country of origin.
--	--

## PART VII: INTRA-FAMILY INTERCOUNTRY ADOPTIONS

<b>24. Procedure for the intercountry adoption of a child who is a relative of the PAPs ("intra-family intercountry adoption")</b>	
a) Please explain the circumstances in which an intercountry adoption will be classified as an "intra-family intercountry adoption" 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.	When PAPs propose a plan to adopt a relative from another country, the Central Authority in PEI requires them to be approved to adopt. In terms of their approval, there is no distinction for an "intra-family intercountry adoption". We request documentation that the birth parents consent to the adoption and the country of origin supports the adoption of the relative child but the Central Authority is not approving the match in relative intercountry adoptions in the traditional sense.
b) Does your State apply the procedures of the 1993 Convention to intra-family intercountry adoptions?  <i><b>N.B.</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>	<input type="checkbox"/> Yes – <b>go to Question 25</b> <input checked="" type="checkbox"/> Yes, in general, although there are some differences in the procedures for intra-family intercountry adoptions – please specify: As stated, the Central Authority approves the PAPs and verifies the consent of the birth parents was provided, but would not be required to otherwise approve the match. <b>Go to Question 25</b> <input type="checkbox"/> No – <b>go to Question 24 c)</b>
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 ADOPTION<sup>19</sup>

<b>25. Simple and full adoption</b>	
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:

<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.



	<input type="checkbox"/> Other (please explain):
<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>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> In certain circumstances only (e.g., for intra-family adoptions only) – please specify: <input type="checkbox"/> Other (please explain):
<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>	<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>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>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>	<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):

## PART IX: POST-ADOPTION MATTERS

<b>26. Preservation of, and access to, information concerning the child's origins (Art. 30) and the adoption of the child</b>	
<p>a) Which authority in your State is responsible for preserving information concerning the child's origins, as required by Article 30?</p>	The Central Authority of PEI
<p>b) For how long is the information concerning the child's origins preserved?</p>	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);  (ii) the adoptive parent(s);  (iii) the birth family; and / or  (iv) any other person(s)?</p> <p>If so, are there any criteria which must be met for access to be granted (e.g., age of the adopted child, consent of the</p>	<p>(i) <input checked="" type="checkbox"/> Yes – please explain any criteria: The adoptee can apply to Post-Adoption Services to receive non-identifying information at the age of 18 years. The adoptee would be directed to the country where the adoption was finalized for further information.  <input type="checkbox"/> No</p> <p>(ii) <input checked="" type="checkbox"/> Yes – please explain any criteria: The adoptive parents would have the same information contained in the records of the Central Authority concerning the</p>

<p>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>adoption of the child. Information could be shared if requested.</p> <p><input type="checkbox"/> No</p> <p>(iii) <input checked="" type="checkbox"/> Yes – please explain any criteria: PEI's legislation would require the birth family to seek information about the adoption in the country where the adoption was finalized.</p> <p><input type="checkbox"/> No</p> <p>(iv) <input checked="" type="checkbox"/> Yes – please explain any criteria: All parties would be directed to seek information from the country where the adoption was finalized. PEI can offer services only at the request of that jurisdiction.</p> <p><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: The post-adoption services consultant can provide short-term counselling and support in adoption matters.</p> <p><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 (e.g., regarding making contact with his / her biological family, tracing extended family)?</p>	<p><input checked="" type="checkbox"/> Yes – please specify: As stated, the parties to the adoption would be directed to the jurisdiction where the adoption was finalized for service. PEI would provide service at the request of that jurisdiction.</p> <p><input type="checkbox"/> No</p>

## 27. Post-adoption reports

<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>The authorized social workers are responsible for writing the reports and the Central Authority for PEI is responsible for sending completed reports to the country of origin or to the agency to forward to the country 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 (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): PEI follows the requirements of the country of origin.</p>
<p>c) How does your State ensure that the requirements of the State of origin in relation to post-adoption reporting are fulfilled?</p>	<p>The Provincial Adoption Coordinator monitors the submission of these reports. If not submitted on time, the Provincial Adoption Coordinator contacts the agency, who notifies the family to contact the authorized social worker. The agency may send the required forms directly to the social worker.</p>

**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 PAs following completion of an intercountry 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.

In PEI, there are no formal support services available to families who adopt internationally. There are informal parent-led support groups.

## PART X: THE FINANCIAL ASPECTS OF INTERCOUNTRY ADOPTION<sup>20</sup>

**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](#).**

<b>29. The costs<sup>21</sup> of intercountry adoption</b>	
<p>a) Are the costs of intercountry adoption regulated by law in your State?</p>	<p><input 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:</p> <p><input checked="" 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 that must be paid in the state of origin, PAPs pay fees directly to accredited bodies (licensed international adoption agencies in other provinces).</p> <p><input checked="" type="checkbox"/> Directly by the PAPs: PAPs pay the social worker completing their home study directly.</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): The Central Authority does not impose any direct fees in intercountry adoption. Courier costs that may arise are billed through the agency. PEI utilizes private sector authorized adoption social workers to complete home studies as well as post adoption reports. Private authorized social workers do not provide support services or training. PAPs pay the authorized adoption social worker by cheque or electronic bank transfer.</p>
<p>e) Which body / authority in your State receives the payments?</p>	<p>The Central Authority for PEI imposes no fees. So payments in the province are only received by private authorized adoption Social Workers</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><b>N.B.</b> Please also ensure that your State has completed the "Tables on the costs associated with intercountry adoption" (see above).</p>	<p><input type="checkbox"/> Yes – please indicate how this information may be accessed: the information can be obtained from the accredited adoption agency</p> <p><input checked="" type="checkbox"/> No</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*.



<b>30. Contributions, co-operation projects and donations<sup>22</sup></b>	
<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 contribution is permitted by your State: Prince Edward Island works with States of origin that require 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.</li> <li>- Who is permitted to pay it (i.e., the Central Authority or a national accredited body): The accredited adoption body</li> <li>- How it is ensured that contributions do not influence or otherwise compromise the integrity of the intercountry adoption process: Before an 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</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> <p><input checked="" type="checkbox"/> No</p>
<p>c) If permitted in the State of origin, does your State permit PAPs or accredited bodies to make donations to</p>	<p><input type="checkbox"/> Yes – please explain:</p>

<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.

<p>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>	<ul style="list-style-type: none"> <li>- To whom donations may be made (e.g., to orphanages, other institutions and / or birth families):</li> <li>- What donations are intended to be used for:</li> <li>- Who is permitted to pay donations (e.g., only accredited bodies or also PAPs):</li> <li>- At what stage of the intercountry adoption procedure donations are permitted to be paid:</li> <li>- How it is ensured that donations do not influence or otherwise compromise the integrity of the intercountry adoption procedure:</li> </ul> <p><input checked="" type="checkbox"/> No</p>
---	--

### 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>PEI does not have authority over the fees imposed in another jurisdiction, such as those required by an agency. The authorized social workers in private practice do charge fees for the completion of reports and these rates are typical within private practice.</p>
<p>b) What measures have been taken in your State to prevent improper financial or other gain?</p>	<p>The agency and/or Central Authority in the agency's jurisdiction would be questioned regarding any unusual fees imposed.</p>
<p>c) Please explain the sanctions which may be applied if Articles 8 and / or 32 are breached.</p>	<p>Section 55(1) of the Adoption Act states that "Any person who gives or receives, or agrees to give or receive any payment or reward, either directly or indirectly, to procure or assist in procuring a child for the purposes of placement or adoption is guilty of an offense and is liable to summary conviction to a fine not exceeding \$20,000 or imprisonment for a term not exceeding one year." Subsection (2) states that "Subsection (1) does not preclude (a) reimbursement for reasonable costs incurred; (b) a fee for service charged by the Director (of Child Protection) or, with the Director's approval or authorization in regulations, by a person authorized to make a placement; or (c) fees charged by a barrister, solicitor or attorney within the range considered by the Council of the Law Society of Prince Edward Island to be reasonable for such legal services."</p>

## PART XI: ILLICIT PRACTICES<sup>24</sup>

<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) >).

### 32. Response to illicit practices in general

<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>The PEI Central Authority will seek to place a suspension on adoption from a country where alleged or actual illicit practices come to light. If an agency is similarly suspect, the jurisdiction responsible for licensing that agency would be contacted and involvement with that agency would cease.</p> <p>Also see Canada's main Country Profile.</p>
--	--

### 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 (<i>e.g.</i>, accredited bodies (national or foreign), PAPs, directors of children's institutions).</p>	<p>PEI's Adoption Act states in Section 3: "No one may place a child, or act as an intermediary in or arrange the placement of a child, except (a) the Director of Child Protection; or (b) a person authorized by the Director in accordance with the regulations, and no one may receive a placed child except from a person referred to in clause (a) or (b)."</p> <p>Also see Canada's main Country Profile.</p>
<p>b) Please explain how your State monitors respect for the above laws.</p>	<p>Anyone inquiring about adoption is directed to the Director or a person authorized by the Director as noted above. Anyone perceived to be deviating from such requirements are notified verbally and/or in writing of the appropriate process.</p> <p>Also 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>Section 55(1) of the Adoption Act states that "Any person who gives or receives, or agrees to give or receive any payment or reward, either directly or indirectly, to procure or assist in procuring a child for the purposes of placement or adoption is guilty of an offense and is liable to summary conviction to a fine not exceeding \$20,000 or imprisonment for a term not exceeding one year." Subsection (2) states that "Subsection (1) does not preclude (a) reimbursement for reasonable costs incurred; (b) a fee for service charged by the Director (of Child Protection) or, with the Director's approval or authorization in regulations, by a person authorized to make a placement; or (c) fees charged by a barrister, solicitor or attorney within the range considered by the Council of the Law Society of Prince Edward Island to be reasonable for such legal services."</p> <p>Also see Canada's main Country Profile.</p>

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



### 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 State<sup>26</sup> and please briefly explain the procedure which would be followed, as well as any specific criteria / conditions which would apply: This would be considered an intercountry adoption and the PAPs would follow all such procedures.
- 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 State<sup>27</sup> and please briefly explain the procedure which would be followed, as well as any specific criteria / conditions which would apply: This would be considered a domestic adoption and there are no specific conditions that would apply to foreign nationals.
- 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.*

PEI would request documentation establishing that the child is legally available for adoption. If necessary, we would need to contact the Central Authority in the State of origin to get such information. In addition, we would direct the PAPs to have a home study completed to determine their suitability to adopt. The letter of Agreement/No Objection required under Canadian immigration or citizenship rules would not be issued

<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.

## PART XIII: SELECTION OF PARTNERS FOR INTERCOUNTRY ADOPTION<sup>28</sup>

<b>36. Selection of partners</b>	
a) With which States of origin does your State currently partner on intercountry adoption?	China, United States, Haiti
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 <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>	PAPs choose the country provided a moratorium or suspension is not in place. PEI is open to non-Hague countries provided we can fulfill our duties under the Hague, i.e. receive documentation that the child falls within the parameters of the PAPs' approval and receive documentation that the child is legally free for adoption.
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>	The Central Authority for PEI must be able to fulfill its obligations under the Hague. It is required that the Central Authority approve the PAPs and also approve the child proposal as a match before presenting information to the PAPs. If the non-Hague country cannot provide the necessary documentation to the PEI Central Authority, an adoption cannot occur with that country.  <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 <sup>30</sup> with that State of origin)?	<input type="checkbox"/> Yes – please explain the content of any agreements or other formalities: <sup>31</sup>  <input checked="" type="checkbox"/> No

<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".

<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.*