

<b>Name of State:</b>	CANADA The responses to the Questionnaire take into account the practices of Canada's 13 provincial and territorial Central Authorities and the federal Central Authority. Because these practices may vary from one Canadian jurisdiction to another, we have provided general, properly nuanced responses where necessary. Examples from specific provinces and/or territories are also provided.
<b>Information for follow-up purposes</b>	
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## 1. POST-ADOPTION MATTERS

### 1.1. Preservation of, and access to, information

Both States of origin and receiving States

#### 1.1.1. Preservation of information and use of data

1.	<p>Has your State <b>centralised</b>, in a public facility, information concerning the child's origins and the adoption of the child?</p> <p><input checked="" type="checkbox"/> Yes. Please specify where the information is centralised: Canadian jurisdictions have centralized information concerning the child's origins and the adoption of the child. Some provinces house the information within the Central Authority, while other provinces use a secure facility. For more detailed information, please refer to each jurisdiction's Country Profile, Question 26 a) and b).</p> <p><input type="checkbox"/> No. Please specify where the information is stored: Please insert text here</p>
2.	<p>Has your State encountered situations where personal data obtained during the intercountry adoption process has been <b>misused</b> (see Art. 31 of the Convention)?</p> <p><input type="checkbox"/> Yes. Please provide details of the types of situations your State encountered and the action(s) taken in response: Please insert text here</p> <p><input checked="" type="checkbox"/> No.</p>

#### 1.1.2. Search for origins

3.	<p>Is there a <b>specialised programme</b> or <b>section</b> in the <b>Central Authority</b> which deals with the search for the origins of an adoptee?</p> <p><input checked="" type="checkbox"/> Yes. Please provide its name and explain the services provided:</p> <p>Most jurisdictions require that the adoption be completed in their jurisdiction, and therefore these programs apply to very few intercountry adoptions. The Central Authority for Québec has developed a program for search for origins: Service de Recherche des Antécédents Sociobiologiques et de Retrouvailles Internationales (RASRI). This comprehensive program is available to all members of the adoption triad for children adopted internationally by Québec adoptive parents and also for Québec children placed internationally primarily during the 1960s and 70s.</p> <p><input type="checkbox"/> No. Please specify how the search for the origins is handled:</p> <p>Please insert text here</p>
4.	<p>Has your State developed any good practices to ensure that <b>Recommendation No 21</b><sup>1</sup> of the 2015 Special Commission is implemented?</p> <p><input checked="" type="checkbox"/> Yes. Please specify the good practices developed in that regard:</p> <p>Most Canadian jurisdictions have developed and implemented good practices to ensure that prospective adoptive parents understand the possibility of a child searching for his or her origins (Recommendation No. 21). This information is shared either during the home study process or the pre-adoption training of prospective adoptive parents (PAPs). As part of this training, some provinces invite individuals in the adoption triad to participate as members of a panel discussion to share their personal experiences with search for origins. These discussions provide PAPs with an understanding of the need of adoptees to know their origins.</p> <p><input type="checkbox"/> No. Please specify any reasons:</p> <p>Please insert text here</p>
5.	<p>If your State allows for the use of <b>DNA testing</b> to search for origins, please specify:</p> <p>(a) <b>which body</b> is in charge of the DNA testing (<i>e.g.</i>, government, private companies, NGOs); N/A</p> <p>(b) where the <b>data</b> is stored, and whether it is stored by a public or private entity; N/A</p> <p>(c) the average <b>cost</b> of a DNA test in your State and whether any subsidy is available; N/A</p> <p>(d) details of any <b>challenges</b> and / or <b>good practices</b> your State may have developed with respect to the issues identified in this question and DNA testing in general. N/A</p>
6.	<p>What is your State's practice when the background information of an adoption is <b>incomplete or non-existent</b>? How does your State support adoptees in such situations?</p>

<sup>1</sup> [“Conclusions and Recommendations adopted by the Fourth Meeting of the Special Commission on the practical operation of the 1993 Hague Intercountry Adoption Convention \(8-12 June 2015\)”](#), C&R No 21 (hereinafter, “C&R of the 2015 SC”):

“The SC recommended that the possibility of a child searching for his or her origins be **included** in the **counselling and preparation** of the prospective adoptive parents. When an adopted child or an adult adoptee undertakes such a search, **professional support** at all stages is recommended” [emphasis added].

	<p>Depending on their individual legislative and regulatory framework, Canadian jurisdictions may handle this situation differently. If the adoption has been completed in the province or territory, the Central Authority may be able to assist in locating or reconstructing the information from the State of origin or provide contacts in the State of origin that may assist the adoptee as needed. For adoptions completed in the State of origin, the Central Authority would contact various competent authorities in the State of origin to assist the adoptee.</p> <p>In many Canadian jurisdictions, support is available for adoptees during their search. Some jurisdictions fund organizations that support adoptees in their search (i.e. Adoption Council of Ontario and Adopt4Life), while other jurisdictions provides guidance to AAB and adoption practitioners who support adoptees. This process requires listening and professional support that addresses the context in which the adoption took place. The person is referred to a specialized practitioner if necessary.</p>
7.	<p>What is the procedure in your State when <b>illicit practices</b> are discovered during a search for origins? Please provide details of any challenges and / or good practices.</p> <p>Many Canadian jurisdictions have not encountered such situations. The Central Authority for Québec notes that it is important to try to obtain as much information as possible about the situation of the adopted person so that he or she can discover as much as possible about his or her identity and history. This is done in cooperation with the country of origin. Finally, it is very rare that the contents of the adoption records confirm that an illegal practice has taken place. Doubts may be raised but rarely certainties. Care must therefore be taken to avoid misleading a person, especially in this regard.</p>
8.	<p>If <b>statistics</b> are available in your State regarding the number of adoptees who are searching / have searched for their origins, please specify:</p> <p>(a) how many of these searches were <b>successful</b>;</p> <p>We would caution that the use of the term “successful” in the context of a search for origins may be inappropriate. In this regard, we note that, in many instances, certain obstacles may make it impossible to meet all of the needs identified by the applicants, for instance: the law does not permit the transmission of information; the procedure for tracing origins is not structured within the State of origin; the State of origin prohibits tracing of origins; the adopted person is from a State of origin where children were abandoned or without declared parentage; and finally the birthparent and the adoptee may not have the same needs. We would also emphasize the importance that the multi-step process of tracing origins be carried out in a way that respects the needs and pace of all applicants concerned (birthparents/adoptee/siblings).</p> <p>Most Canadian jurisdictions have not undertaken search for origins in the context of intercountry adoption. In the province of Québec, where a program for search of origins is well developed, statistics show that, on a comparative basis, requests to obtain sociobiological background summaries result in more positive responses than requests for disclosure of identity and reunion requests.</p> <p>(b) how many were <b>not successful</b> and what were the reasons.</p> <p>Please insert text here</p>
9.	<p>Has your State encountered any challenges with regard to access to information due to the <b>confidentiality</b> of the <b>identity of the birth parents</b>?</p> <p><input checked="" type="checkbox"/> Yes. Please specify the challenges and how your State addressed them:</p> <p>Most Canadian jurisdictions have not faced this situation. The Central Authority for Québec has encountered challenges because the law of certain countries of origin does not allow adoptees access to information on the identity of the biological parents because of confidentiality. In addition, in some countries, adoption is highly secretive and information about the identity of the parents of origin is not always available in the adoption file. The</p>

	<p>Central Authority for Québec meets these challenges by trying to establish collaborative relationships with the different countries of origin and by emphasizing the importance of access to information in order to facilitate active searches on behalf of adoptees. However, the process is long and arduous.</p> <p><input type="checkbox"/> No.</p>
10.	<p>Does your State make a distinction between the disclosure of <b>identifying</b> versus <b>non-identifying</b> information?</p> <p><input checked="" type="checkbox"/> Yes. Please explain your response:</p> <p>See responses to question 26 of the Country Profiles for more complete information.</p> <p>Most Canadian jurisdictions have legislation that makes the distinction between the disclosure of identifying and non-identifying information for intercountry adoptions finalized in the province or territory. Some provinces or territories will disclose non-identifying information to those who are entitled to request this non-identifying information through their disclosure laws. The search services provided by the Central Authority for Québec are organized in a progressive continuum. As a first step, the Central Authority prepares the Sociobiological Background Summary which provides the applicant with information regarding the period between birth and adoption. No identifying information regarding the family of origin or the adopted person (as the case may be) is transmitted. If the person chooses to proceed to the next step, the Central Authority will continue processing the application. This involves validating the identity and location of the person sought. This identifying information could then be revealed in compliance with the various applicable provisions.</p> <p><input type="checkbox"/> No. Please explain your response:</p> <p>Please insert text here</p>
11.	<p>What is the procedure in your State for processing requests from the <b>birth family</b> to receive information concerning the adoption of their child? Does your State have a specific programme / database to handle such requests?</p> <p>Depending on their individual legislative and regulatory framework, Canadian jurisdictions may handle this situation differently. Please refer to respective Country Profiles, Question 26 c) iii)</p>

### 1.1.3. Guidelines and good practices

12.	<p>Has your State developed any <b>guidelines</b> (e.g., procedures, manuals) and / or <b>good practices</b> regarding preservation of information and search for origins?</p> <p><input checked="" type="checkbox"/> Yes. Please provide a link or attach a copy with your response:</p> <p>See, for example:</p> <p>B.C.: <a href="https://www.bccsw.ca/wp-content/uploads/2016/10/BCCSW-Standards-Adoption-final.pdf">https://www.bccsw.ca/wp-content/uploads/2016/10/BCCSW-Standards-Adoption-final.pdf</a></p> <p>Alberta: <a href="https://open.alberta.ca/dataset/49a389b5-89c0-4ff7-bbdb-9d005efced64/resource/b4c4e54d-c85f-4d5d-b01e-916900f7ce0f/download/157438-mar09.pdf">https://open.alberta.ca/dataset/49a389b5-89c0-4ff7-bbdb-9d005efced64/resource/b4c4e54d-c85f-4d5d-b01e-916900f7ce0f/download/157438-mar09.pdf</a></p> <p>Québec: <a href="https://publications.msss.gouv.qc.ca/msss/document-001633">https://publications.msss.gouv.qc.ca/msss/document-001633</a></p> <p><input type="checkbox"/> No.</p>
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## 1.2. Post-adoption services<sup>2</sup>

### Both States of origin and receiving States

13.	<p>Has your State developed any good practices to ensure that <b>Recommendation No 18</b><sup>3</sup> of the 2015 Special Commission is implemented?</p> <p><input checked="" type="checkbox"/> Yes. Please specify the good practices developed in that regard:</p> <p>Specialised post adoption services for intercountry adoptions are available in the Canadian jurisdictions that do more than an occasional intercountry adoption. Such services may vary from one jurisdiction to another. These services may be offered by AABs (with support and guidance from the Central Authority) who may provide referrals to community organizations, community-based resources, support groups, webinars, workshops, or through private specialists in the adoption community (e.g. attachment therapists) on a fee-for-service basis. Services are also provided by agencies, funded by the provincial government (e.g. in Ontario, Adoption Council of Ontario and Adopt4Life). When an adopted child arrives in Québec, the Central Authority informs the institution responsible for health services in the region where the family resides. A nurse or psychoeducator from this service visits the family within 14 days to ensure the child's proper integration and accompany the parents in their new family situation. Medical or psychosocial referrals will be offered as needed.</p> <p><input type="checkbox"/> No. Please specify any reasons:</p> <p>Please insert text here</p>
14.	<p>If your State provides <b>specialised</b> post-adoption services, please specify:</p> <p>(a) the <b>type</b> of services provided and <b>to whom</b> they are provided (e.g., child and adult adoptees, birth families, adoptive families);</p> <p>The types of services available may vary from one Canadian jurisdiction to another. They include:</p> <p>general support, guidance, adoption conferences and referrals to outside agencies when needed;</p> <p>parent/child workshops promoting attachment;</p> <p>multidisciplinary services to adopted children and their families (including care and accompaniment of children living with a physical or intellectual disability or attachment disorder);</p> <p>home visits;</p> <p>professional psychosocial consultations and follow-up with families;</p> <p>discussion groups and hotline services.</p> <p>These services are offered to adoptees and adoptive families.</p> <p>(b) <b>who</b> provides the services (e.g., social welfare administration, school, health personnel);</p> <p>Depending on the Canadian jurisdiction, the services are provided by AABs, social services network, community therapists, medical clinics specializing in international adoption, school and health professionals, provincially funded non-profit agencies (e.g. Adoption</p>

<sup>2</sup> Post-adoption services may be provided to adoptees, birth families and adoptive families.

<sup>3</sup> C&R No 18 of the 2015 SC:

“The SC recognised that post-adoption services are essential and should take into account the **lifelong nature** of adoption. States are encouraged to develop **specialised post-adoption services**, in addition to the general services already in place” [emphasis added].

	<p>Council of Ontario and Adopt4Life), associations of adopted persons and specialized community organizations.</p> <p>(c) whether the <b>professionals</b> involved in the post-adoption services are the same as those involved in the preparation of the prospective adoptive parents (PAPs);</p> <p>In some Canadian jurisdictions (B.C.; Alberta; Manitoba; Ontario and Québec), the professionals involved in the post-adoption services are also those involved in the preparation of the PAP, however in some jurisdiction, professionals in private or in the public network can offer preparation and post-adoption services.</p> <p>(d) how, if there are different services, these various services are <b>coordinated</b>;</p> <p>Coordination varies depending on the Canadian jurisdiction. In some jurisdictions, coordination is provided by the AAB's social worker, in others by the Central Authority and finally by the Health and Social Services institutions in the region where the family's resides.</p> <p>(e) how the post-adoption services are <b>financed</b> (e.g., the government funds its own services, the government funds Adoption Accredited Bodies (AAB) services, adoptees and their families pay for the services themselves, other);</p> <p>Funding varies depending on the Canadian jurisdiction. In some jurisdictions, provincial legislation requires that these services be provided free of charge by AABs (first 6-months), while in others AABs charge a minimal cost for services. In some jurisdictions, the services are provided by government funded non-profit organizations and therefore at no cost to adoptees and adoptive parents. Costs for specialized services however are paid by adoptees and adoptive parents (personal insurance may cover a portion of the costs).</p> <p>(f) the <b>length of time</b> this support is available.</p> <p>The length of time post-adoption support is available also varies by Canadian jurisdiction. Some jurisdictions have no time limit (provided by AABs), while others charge for services after the first six-month period of the adoption. In some jurisdictions, length of duration of support may depend on the situation and needs of the family.</p>
15.	<p>Please provide details of any <b>good practices</b> in your State which ensure that adoptees, adoptive families and birth families are adequately <b>informed</b> about, and can easily <b>access</b>, post-adoption services.</p> <p>Depending on the Canadian jurisdiction, information on how to access services may be provided as part of pre-adoption education and training, in written material, or through AABs, private practitioners and support groups helping adoptees connect. Finally, some jurisdictions include information on post-adoption services on their website:</p> <p>British Columbia: <a href="https://www2.gov.bc.ca/gov/content/life-events/birth-adoption/adoptions/how-to-adopt-a-child/adopt-from-foster-care/post-adoption-assistance-program?keyword=post-adoption&amp;keyword=services">https://www2.gov.bc.ca/gov/content/life-events/birth-adoption/adoptions/how-to-adopt-a-child/adopt-from-foster-care/post-adoption-assistance-program?keyword=post-adoption&amp;keyword=services</a></p> <p>Alberta: <a href="https://www.alberta.ca/post-adoption-registry-post-guardianship-services.aspx">https://www.alberta.ca/post-adoption-registry-post-guardianship-services.aspx</a></p> <p>Manitoba: <a href="https://www.gov.mb.ca/fs/childfam/registry.html">https://www.gov.mb.ca/fs/childfam/registry.html</a></p> <p>Ontario: <a href="http://www.children.gov.on.ca/htdocs/English/adoption/life-after-adoption/index.aspx">http://www.children.gov.on.ca/htdocs/English/adoption/life-after-adoption/index.aspx</a></p> <p>Quebec: <a href="http://adoption.gouv.qc.ca/fr_services-postadoption">http://adoption.gouv.qc.ca/fr_services-postadoption</a></p>
16.	<p>In setting up post-adoption services in your State, were the <b>voices of adoptees</b> considered?</p> <p><input checked="" type="checkbox"/> Yes. Please specify in what way their voices were considered:</p> <p>A few Canadian jurisdictions have consulted with adoptees, adoptive parents and birth families when developing post-adoption services.</p> <p><input type="checkbox"/> No.</p>

17.	<p>Has <b>research</b> been carried out in your State in the past five years assessing post-adoption services?</p> <p><input checked="" type="checkbox"/> Yes. Please provide a link or attach a copy with your response:  <a href="#">The province of Québec has two ongoing studies involving post adoption services for adoptions completed in the province.</a></p> <p><input type="checkbox"/> No.</p>
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Receiving States only

18.	<p>Please specify any <b>challenges</b> your State encounters in ensuring that <b>adequate support</b> is in place for adoptees and the adoptive family following an intercountry adoption, including where parents have adopted a child with <b>special needs</b>. Please also share any <b>good practices</b> your State has developed to overcome such challenges.<sup>4</sup></p> <p><a href="#">The challenges encountered by Canadian jurisdictions include the following: families are often reluctant to reach out for support, feeling embarrassed that they need to ask for help; some adoptive families underestimated the needs the child may have; families may live in outlying areas that pose barriers to accessing specialized supports; ensuring the information exchange between the different public services involved in the provision of services to the adoption family and the Central Authority; and assessing and preparing PAPs who are adopting a child with special needs.</a></p> <p><a href="#">Some good practices include:</a></p> <p><a href="#">Refer to response to Question 15 for services available to all adoptive families, including families with children with special needs;</a></p> <p><a href="#">Referring families to private adoption experts for individualized counselling/services or to local children’s hospitals who served the needs of special needs children;</a></p> <p><a href="#">Providing more thorough preparation for PAPs, especially for PAPs adopting a child with special needs;</a></p> <p><a href="#">Investigating available supports for the particular needs of the child during the assessment period;</a></p> <p><a href="#">Pairing adoptive families: e.g. adoptive families who can share their experience and provide support to other adoptive parents who have recently adopted a child with special needs.</a></p> <p><a href="#">Creating support groups for families to seek advice and direction for supports;</a></p> <p><a href="#">Refining and testing PAPs evaluation practices.</a></p>
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### 1.3. Post-adoption reports

Receiving States only

19.	<p>Does the <b>preparation</b> of PAPs in your State include the provision of information on post-adoption report <b>requirements</b> of the State where the PAPs (would like to) adopt?</p> <p><input checked="" type="checkbox"/> Yes. Please explain your response:  <a href="#">All Canadian jurisdictions include information on post-adoption reporting requirements of the State of origin where PAPs plan to adopt as part of the adoption preparation and counseling. This information includes requirements, frequency, timeline, and format of</a></p>
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<sup>4</sup> If applicable, you may wish to refer to your State's response to Question 17 of "[Prel. Doc. No 2 of October 2014 - Questionnaire No 2 on the practical operation of the 1993 Hague Intercountry Adoption Convention](#)" (hereinafter "[2014 Questionnaire](#)").

	<p>reports. The contract between PAPs and the AAB also outlines post-adoption reporting requirements. Canadian AAB monitor the schedule of post-adoption reports.</p> <p><input type="checkbox"/> No. Please specify when and how PAPs are otherwise informed: Please insert text here</p>
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Both States of origin and receiving States

20.	<p>Has your State encountered situations where the <b>adopted child refused or objected to the obligation to comply with the post-adoption report requirements?</b></p> <p><input checked="" type="checkbox"/> Yes. Please specify the types of situations and what action your State has taken to address this type of situation:</p> <p>Most Canadian jurisdictions have not encountered situations where the adopted child refused to comply with post adoption requirements. For State of origin that require post adoption reports until the age of majority, this requirement may cause insecurity in some adoptees, in particular during adolescence. In one situation (reported by the Central Authority for Québec), the adoptee was not obligated to participate and the State of origin was informed of the adoptee's refusal to share personal information. The adoptee's privacy was respected.</p> <p><input type="checkbox"/> No.</p>
21.	<p>What has been your State's recent <b>experience</b> regarding post-adoption reports? Please provide details of any challenges and / or good practices in this regard.</p> <p>Some Canadian jurisdictions note that adoptive parents are less likely to follow through or to collaborate on post adoption reports if: the State of origin requires post adoption reports until the age of majority: where the State of origin only requires self-reporting: and where the adoption is an intra-family adoption. Other challenges include respecting deadlines set by the States of origin, especially in view of the requirements attached to them (frequency/production/translation/Apostille). Some Canadian Central Authority have experienced situation where adoptive parents have refused to comply with the requirements of the State of origin.</p> <p>It is important to note that most Canadian jurisdictions do not have the legislative authority to compel adoptive parents to complete post adoption reports. In terms of good practice, ensuring compliance is easier where the AABs include the cost to complete post adoption reports in the overall fees for adoption (held in trust and disbursed accordingly) and where the AABs maintain ongoing contact with adoptive parents post adoption and monitor compliance. Some Canadian jurisdictions require PAPs to sign a written acknowledgement/commitment to comply with post adoption reports in accordance with the requirements of the State of origin.</p>

**1.4. Adoption breakdowns**

Both States of origin and receiving States

22.	<p>If your State has had any experience regarding <b>intercountry adoptions which have broken down</b>, please specify:<sup>5</sup></p> <p>(a) what have been the main <b>causes</b> of the breakdowns;<sup>6</sup></p>
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<sup>5</sup> If the Central Authority in your State is not informed about this information because it relates to a child protection measure which is a different department / institution than the Central Authority, we would be grateful if you could request this information from the relevant authorities in your State.

<sup>6</sup> If applicable, you may wish to refer to your State's response to Question 18(a) of the [2014 Questionnaire](#).



We have three interrelated preliminary comments. First, we are unaware of an agreed upon definition of what constitutes an “adoption breakdown”. The GGP No1 deals with the breakdown or disruption of an adoption in reference to Art 21 of the Convention, which supposes that the situation no longer allows the child to remain with the PAPs and a new life project must be established. While we are not using such a restrictive view for the purposes of this question, we are limiting our responses to situations where the adoption has already been granted and that are akin to what is covered by Art 21 of the Convention. Our second comment is that the idea of a “breakdown” must be used with great caution. Many families go through very difficult times and often require professional assistance. This is also true for adoptive families. In addition, because adopted children present special needs at various levels, it is not uncommon that they and their families will require professional support, which may include the placement of the child in foster or institutional care. So while in some situations some form of physical and/or emotional distance may be needed to work through the child and the parents’ difficulties, such situations should not automatically be viewed as “adoption breakdowns”. Finally, our third comment is that there are cases where an adoptive family faces important difficulties despite very best efforts – on the part of the child and the parents, and on the part of the professionals working with the child (in both the State of origin and the receiving State) and the PAPs (e.g. where living in a family setting brings to light that the immediate daily needs of the child can better be met by specialised educators rather than by parents). In these cases, while there will be causes for the breakdown, it does not mean that these causes could reasonably have been anticipated and avoided.

The main causes may be psychosocial, medical or developmental and are usually interrelated; they may include: lack of sufficient preparation of the child and/or of the adoptive parents; incomplete assessment of the child’s needs and the child’s capacity to bond emotionally with adoptive parents (attachment disorder); incomplete assessment of the adoptive parents’ abilities to parent and bond with an adopted child presenting certain types of special needs; insufficient training for the PAPs; improper matching; insufficient resources to support the child and the adoptive parents or the decision of the latter not to access existing resources; and substantiated child protection concerns.

- (b) how your State **has addressed** these situations and whether your State has any good practices to share in this regard;<sup>7</sup>

In the event of an adoption breakdown, generally speaking and in accordance with child welfare legislation and practices, the child would be taken into care and an alternative life plan would be established for him or her in light of his or her best interests. In a few instances, children who were removed from their adoptive family have since been adopted domestically by another adoptive family. However, one situation involved a child who had not been properly prepared for the adoption and who was adamant about wanting to return to the orphanage. After extensive support and services were provided to the child and the adoptive parents in the province, and after discussions involving them, the provincial Central Authority, the accredited adoption body and the Central Authority of the State of origin, it was determined that returning the child to the orphanage and revoking the adoption (both of which were managed by the Central Authority for the State of origin) were in the child’s best interests.

- (c) what **support** is available for the adoptee and the adoptive family to prevent and / or respond to the breakdown of intercountry adoptions;

<sup>7</sup> If applicable, you may wish to refer to your State's response to Question 18(b) of the [2014 Questionnaire](#).

In addition to post adoption support, services and counselling available to children and families, provincial and territorial child welfare and prevention programs could be involved to support a child remaining safely in his or her home.

(d) whether your State has developed any good practices to ensure that **Recommendation No 19<sup>8</sup>** of the 2015 Special Commission is implemented:

Yes. Please specify any good practices developed in this regard:

To reduce the risk of an adoption breakdown, PAPs are evaluated by trained adoption practitioners applying high clinical standards through detailed home study assessments that are periodically updated. The home studies and updates are reviewed by the provincial and territorial Central Authorities, and any concerns regarding the PAPs suitability are discussed/addressed. PAPs must also complete pre-adoption training (in particular education on children who have resided in orphanage care, attachment, bonding and adopting older children with disabilities). The adoption practitioners, the accredited adoption bodies and in some jurisdictions other professionals (social welfare, school and health professionals) are also available to PAPs throughout the adoption process for support and counselling, including counselling during the presentation of the child proposal, and/or post adoption (e.g. emotional support, guidance with attachment, referrals to outside agencies if needed). In almost all provinces and territories, the Central Authority reviews the proposed match to ensure that it is in line with the recommendation contained in the homestudy prior to the child proposal being sent to the accredited adoption bodies to be presented to the PAPs. In the other jurisdictions, this proposal is reviewed by the accredited adoption body before it is presented to the PAPs. In one province (Québec), the family is visited by a professional of the provincial health care and social services network within 14 days of the child's arrival. During this visit, the needs of the family are examined. If priority issues and needs are identified, the family will be quickly directed to the appropriate resource. In two provinces (Québec and Alberta), there are two ultra-specialized medical clinics that offer medical and psychosocial services to adopted children. In another province (Manitoba), assistance with language translation, including attendance at medical or education appointments with adoptive parents and children to assist with translation is available.

No. Please specify any reasons:

Please insert text here

(e) whether your State has experienced breakdown cases in which it was determined that it was in the child's best interests to **return** to the State of origin, and if so, what the situations were and how they were handled;

See response to question b).

(f) **how many** cases of breakdown in intercountry adoptions have been reported in your State between 2015 and the present date;

Most of the Canadian Central Authorities do not collect this information. In Alberta, the number is less than 10 and in Manitoba, the number is 0.

(g) how many of these cases included a **new placement** (e.g., foster care, new adoption) for the child;

<sup>8</sup> C&R No 19 of the 2015 SC:

"The SC recognised that appropriate evaluations, preparation, reports, matching and post-adoption support, in relation to both the child and prospective adoptive parents, will reduce the risk of the breakdown of intercountry adoptions."

Canadian Central Authorities do not collect this information; see general response regarding child welfare legislation and practices in question 22 b).

- (h) how many cases of breakdowns were intercountry adoptions done (a) under the **1993 Adoption Convention** ; and (b) outside of the Convention (*i.e.*, prior to the entry into force of the Convention in your State or with non-State Party);

Canadian Central Authorities do not collect this information.

- (i) in line with **Recommendation No 20**<sup>9</sup> of the 2015 Special Commission, whether your State has applied the **1996 Child Protection Convention** to enhance cooperation between States of origin and receiving States in cases of breakdown, and if so, please explain.

Canada signed the 1996 Convention in May 2017 and is continuing to work on implementation.

Receiving States only

23. Is your State's **Central Authority** informed and involved / consulted when an intercountry adoption breaks down?

- Yes. Please explain your response:

In most Canadian jurisdictions, the Central Authorities would be informed either by the AAB (assuming the parents have notified the AAB) or by child welfare authorities if a child is taken into care. In at least one jurisdiction (British-Columbia), the Central Authority may be, but would not be consistently advised, especially if the break down occurs after the adoption is granted. In all other circumstances, however, Canadian Central Authorities would likely not be informed of an adoption breakdown. In one jurisdiction (Québec), if a breakdown occurs shortly after the child's arrival, the Central Authority is consulted and involved in discussions concerning a new life plan for the child.

- No. Please specify whether the staff of the child protection services include workers specialised in adoption:

Please insert text here

24. Do your State's authorities **consult** with the Central Authority of the child's **State of origin**:

- (a) if an adoption breaks down?

- Yes. Please describe the type of cooperation:

Some Canadian jurisdictions would consult with the Central Authority of the child's State of origin in a situation of breakdown, to assess their roles and responsibilities vis-à-vis the child's new life plan and in consideration of the child's best interest. The Central Authority for Québec has faced a situation where a child had arrived in the province, but the couple could not complete the adoption. It worked in collaboration with the Central Authority of the State of origin of the child, and both authorities agreed that the child could be placed with a Québec adoptive couple who were suitable and apt to meet the needs of the child.

- No.

- (b) before determining a new placement for the child?

<sup>9</sup> C&R No 20 of the 2015 SC:

"The SC encouraged States to consider ratification of, or accession to, the *Hague Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in Respect of Parental Responsibility and Measures for the Protection of Children* (hereinafter, "the 1996 Hague Convention") in view of its relevance in enhancing cooperation to protect children in many different situations, including following the breakdown of intercountry adoptions."

	<input type="checkbox"/> Yes. Please describe the type of cooperation: <p style="text-align: center;"><a href="#">See previous response.</a></p> <input type="checkbox"/> No.
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States of origin only

25.	<p>Is your State's <b>Central Authority</b> (or other competent authority) informed or involved / consulted by the competent authorities of the child's receiving State:</p> <p>(a) if an adoption breaks down?</p> <input type="checkbox"/> Yes. Please describe the type of cooperation: <p style="text-align: center;"><a href="#">Please insert text here</a></p> <input type="checkbox"/> No.
	<p>(b) before determining a new placement for the child?</p> <input type="checkbox"/> Yes. Please describe the type of cooperation: <p style="text-align: center;"><a href="#">Please insert text here</a></p> <input type="checkbox"/> No.

**1.5. Other post-adoption matters**

States of origin only

26.	<p>Are adoptees, who did not retain the <b>nationality</b> of their State of origin, permitted to <b>regain</b> it at a later stage?</p> <input type="checkbox"/> Yes. Please specify the conditions to regain nationality: <p style="text-align: center;"><a href="#">Please insert text here</a></p> <input type="checkbox"/> No. Please explain your response: <p style="text-align: center;"><a href="#">Please insert text here</a></p>
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Both States of origin and receiving States

27.	<p>Has your State encountered situations where adoptees have sought to regain the <b>nationality</b> of their State of origin?</p> <input checked="" type="checkbox"/> Yes. Please specify the situations and how they were handled: <p style="text-align: center;"><a href="#">Canadian jurisdictions have encountered these situations in small numbers. In one case involving a family residing in the province of Alberta, the family worked directly with authorities in the State of origin. In cases involving families residing in the province of Québec, the Central Authority for Québec communicates with the State of origin (Central Authority and/or embassy) to verify the applicable legislation and the process to follow. In cases involving the province of Ontario, an adoptee could obtain information from the Post Adoption Disclosure Unit of the Ministry of Children, Community and Social Services (MCCSS) to support their application to regain the nationality of their State of origin.</a></p> <input type="checkbox"/> No.
28.	<p>Please give the reasons, if any, why your State would or would not support the development of a <b>Guide to Good Practice</b> on post-adoption.</p> <p style="text-align: center;"><a href="#">Canada would support the development of a guide to good practice on cooperation between Contracting States on post-adoption issues and, in particular, on issues relating to the search for origins. Such a guide should be forward-looking and be aimed at proposing processes to</a></p>

facilitate cooperation, keeping in mind that the legislative frameworks and available resources vary from one Contracting State to another. Such a guide should not be aimed at setting clinical guidelines. Given the limited resources (for both States and the HCCH), the current work on illicit practices, which may require revisiting certain facets of the financial aspects of intercountry adoption, should be finalized before engaging in work on a new guide.

## 2. PREVENTING AND ADDRESSING ILLICIT PRACTICES

### Both States of origin and receiving States

29.	<p>Have <b>illicit practices</b> in intercountry adoption been <b>discovered</b> since 2015 in your State?</p> <p><input checked="" type="checkbox"/> Yes. Please specify:</p> <p>(a) the <b>type</b> of illicit practices which were discovered;</p> <p>We do not know if there is a shared understanding of what constitutes an “illicit practice” for the purpose of this question. There continue to be instances where the safeguards of the Convention are not applied even though they must be (e.g. a State of origin using domestic adoptions where the PAPs are citizens of their State, even though the PAPs habitually reside in Canada). There have also been instances where, in some States of origin, the principle of subsidiarity appears to be improperly applied (this may involve intra family or non-intra family situations). As for instances of illegal activity permeating the intercountry adoption process, we are aware of some instances regarding financial aspects (e.g. requests for financial support to birth mothers before the birth of the child; one instance where a staff member of the Central Authority for the State of origin seeking a financial benefit from the AAB linked to a proposed match).</p> <p>(b) <b>when</b> the illicit practices were discovered (<i>i.e.</i>, during or after the adoption procedure);</p> <p>Depending on the situation – during the adoption process or after the adoption</p> <p>(c) whether the illicit practices were done under or outside the <b>scope</b> of the 1993 Adoption Convention;</p> <p>both Hague and non-Hague</p> <p>(d) how your State <b>handled</b> these situations;</p> <p>depending on the situation: by raising our concerns with the concerned States of origin and, in individual cases, seeking additional information from the CA of the State of origin; in the specific instance of the staff member seeking a financial benefit, by suspending adoptions with the State of origin; conducting a thorough follow-up with the AAB (including reviewing their decisions); advising the Permanent Bureau and ISS; in the specific instances where the States of origin use their domestic adoption process, two provinces have approached the foreign Central Authority to propose steps to bring the adoption into compliance post facto, but with very limited success because most States of origin consider their domestic adoptions valid (<i>i.e.</i> that the Convention is non-applicable). Only one State of origin has agreed to take steps to heal an adoption, but this was an isolated situation and not a State where using domestic adoptions is an established and common practice.</p> <p><input type="checkbox"/> No.</p>
30.	<p>Please specify any <b>good practices</b> of your State to prevent and address illicit practices.</p> <p>For the Canadian provinces that have AABs, a rigorous accreditation process and standards and proper training for AABs; proper monitoring of the AABs;</p> <p>For all provinces and territories, scrutinizing individual adoption files; providing information to PAPs on risks of illicit practices (either directly by the Central Authority or the AABs, or as part of the training they receive). A province (Québec) has also instituted a formal complaint</p>

	<p>mechanism that adoptive parents can access, and also provides information on good practices to the population at large.</p>
31.	<p>Is it possible in your State to <b>annul</b> an intercountry adoption?</p> <p><input checked="" type="checkbox"/> Yes. Please specify:</p> <p>(a) the <b>authority</b> which has jurisdiction to do so;</p> <p>We need to preface this response with the following two important caveats. First, in almost all Canadian jurisdictions, all adoptions are meant to be irrevocable and final. There are only a few Canadian jurisdictions where the court could set aside an adoption (at the request of a party, not on its own motion) for reasons other than fraud, but only within a very limited timeframe and where certain conditions are met. Secondly, there is no procedure available in any of the Canadian provinces and territories to annul or revoke an intercountry adoption that was granted in the State of origin, which is almost always the case.</p> <p>That said, in some Canadian jurisdictions, adoption legislation allows the court to set aside or annul an adoption granted in their jurisdiction in case of fraud, where certain conditions are met. In some other jurisdictions, general rules of procedure may allow a party to present a motion to set aside, annul or revoke an order of the court (which could be an intercountry adoption order) if fraud has been discovered, again where certain conditions are met. All such instances would be deemed exceptional, and in assessing the situation and before setting aside, annulling or revoking an intercountry adoption, the court would always weigh the child's best interests.</p> <p>(b) <b>who</b> can request the annulment (<i>e.g.</i>, adoptee, adoptive parents, birth parents);</p> <p>In the Canadian jurisdictions that may allow for setting aside an intercountry adoption or an annulment or revocation, who can request same may vary from one jurisdiction to another; however, the adoptee, adoptive parents and birth parents would likely be deemed interested parties.</p> <p>(c) the <b>grounds</b> upon which this may be done;</p> <p>See response under question 30 a)</p> <p>(d) whether there is <b>an age limit</b> for the annulment of an adoption;</p> <p>In the Canadian jurisdictions that may allow for setting aside an intercountry adoption or an annulment or revocation, the conditions do not include a specific age limit (we are assuming you mean for the adoptee)</p> <p>(e) the <b>procedure</b> involved;</p> <p>In the Canadian jurisdictions that may allow for setting aside an intercountry adoption or an annulment or revocation, this would be an application to the court; the exact procedure may vary from one Canadian jurisdiction to another.</p> <p>(f) the <b>number of</b> intercountry adoptions which are on average annulled per year.</p> <p>In the Canadian jurisdictions that may allow for setting aside an intercountry adoption or an annulment or revocation, to our knowledge, no intercountry adoption has been set aside, annulled or revoked at the very least since 2015 (date of the last meeting of the Special Commission). We would have to do additional research to determine if there has ever been such a case in Canada.</p> <p><input type="checkbox"/> No.</p>
32.	<p>Is it possible in your State to <b>revoke</b> an intercountry adoption?</p> <p><input type="checkbox"/> Yes. Please specify:</p> <p>(a) the <b>authority</b> which has the jurisdiction to do so;</p>

	<p>See responses to question 31.</p> <p>(b) <b>who</b> can request the revocation (<i>e.g.</i>, adoptee, adoptive parents, birth parents); Please insert text here</p> <p>(c) the <b>grounds</b> upon which this is done; Please insert text here</p> <p>(d) whether there is an <b>age limit</b> for the revocation of the adoption; Please insert text here</p> <p>(e) the <b>procedure</b> involved; Please insert text here</p> <p>(f) the <b>number of</b> intercountry adoptions which are on average revoked per year. Please insert text here</p> <p><input type="checkbox"/> No.</p>
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### 3. INTRAFAMILY ADOPTIONS

In this Questionnaire, an “intrafamily adoption” is one in which the adoptive parent(s) are either **relatives** of the child (*e.g.*, an aunt, a grandparent, a cousin) or a **stepparent** of the child. These adoptions are respectively referred to as “relative adoptions” and “stepparent adoptions.” The Convention applies to all intrafamily adoptions.<sup>10</sup>

#### 3.1. General questions for intrafamily adoptions (*i.e.*, relative and stepparent adoptions)

Both States of origin and receiving States

33.	<p>In your State, which <b>authority</b> is in charge of intrafamily adoptions?</p> <p><input checked="" type="checkbox"/> The <b>Central Authority</b>.</p> <p><input type="checkbox"/> <b>Another competent authority</b>. Please specify which authority and the reasons for designating a different authority: Please insert text here</p>
34.	<p>Has your State developed any good practices to ensure that <b>Recommendation No 32</b><sup>11</sup> of the 2015 Special Commission is implemented?</p> <p><input checked="" type="checkbox"/> Yes. Please specify the good practices developed in that regard: Good practices developed by Canadian Central Authorities include ensuring that: motivation to adopt is assessed and further examined if there are concerns; non-Hague</p>

<sup>10</sup> See Permanent Bureau of the Hague Conference on Private International Law, [Guide to Good Practice No 1: The Implementation and Operation of the 1993 Hague Intercountry Adoption Convention](#), Bristol, Family Law (Jordan Publishing Limited), 2008 (hereinafter, “[Guide to Good Practice No 1](#)”), sections 8.6.4 and 8.6.5.

<sup>11</sup> C&R No 32 of the 2015 SC:

“In relation to in-family adoption, the SC:

- a. recalled that in-family adoptions **fall within the scope** of the Convention;
- b. recalled the need to respect the **safeguards** of the Convention, in particular to **counsel** and **prepare** the prospective adoptive parents;
- c. recognised that the **matching** process might be **adapted** to the specific features of infamily adoptions;
- d. recommended that the **motivations** of all parties should be **examined** to determine whether the child is genuinely **in need of adoption**;
- e. recognised that it is necessary to undertake an **individualised assessment of each child’s situation** and it should **not** be **automatically assumed** that either an in-country or infamily placement is in a child’s best interests” [emphasis added].

	<p>intrafamily adoptions are processed in compliance with the Hague Convention; and that PAPs complete an education component to their application.</p> <p><input type="checkbox"/> No. Please specify any reasons: Please insert text here</p>
35.	<p>Are there specific <b>guidelines</b> or <b>procedures</b> for intrafamily adoptions in your State?</p> <p><input checked="" type="checkbox"/> Yes. Please provide a link or attach a copy with your response: For example, Quebec has developed a specific analysis grid (risk factors, protection factors, factors associated with the socio-political context) that is applied to the situation of each child. In addition, an internal committee (within the Central Authority) meets to discuss the admissibility of the adoption application. See attachments.</p> <p><input type="checkbox"/> No.</p>
36.	<p>Has your State encountered any particular <b>difficulties with adoptability</b> decisions in the context of <b>intrafamily</b> adoptions?</p> <p><input checked="" type="checkbox"/> Yes. Please specify the situations and how they were handled:<sup>12</sup> Some Canadian jurisdictions have encountered such difficulties. They have handled them by engaging with the authorities in the States of origin, which in some cases has also proven to be difficult.</p> <p><input type="checkbox"/> No.</p>
37.	<p>In your State, does the <b>termination</b> of the <b>pre-existing legal relationship</b> affect only the child and his or her mother and father, or does it also affect the other members of the family (see Art. 26(1)(c) of the Convention)?</p> <p><input type="checkbox"/> It only affects the child and his or her mother and father.</p> <p><input checked="" type="checkbox"/> It affects the child and his or her mother and father, but also the other members of the family.</p> <p><input type="checkbox"/> Other. Please explain your response: Please insert text here</p>
38.	<p>Has your State encountered cases of <b>breakdown</b> in intrafamily intercountry adoptions?</p> <p><input checked="" type="checkbox"/> Yes. Please provide information on (a) the number of breakdowns; (b) the causes of the breakdowns; and (c) the ways your State addresses(ed) them: See preliminary comments in response to question 22 a). Canada has not encountered many cases of breakdown in intrafamily intercountry adoptions. While information on the causes of breakdown is not systematically collected, we can say that one case in recent years involved abuse by the adoptive parents and another involved a situation where the adoptive parent did not bond with the child. In the first example, the child was taken into foster care and later became a permanent ward of the province. In the second, upon consultations with the child, adoption agency, OCA, adoption authorities of the State of origin and the child's biological family in the State of origin, it was determined that it was in the best interest of the child to return to the biological parents in their State of origin.</p> <p><input type="checkbox"/> No.</p>

<sup>12</sup> If applicable, you may wish to refer to your State's response to Question 3(b) of the [2014 Questionnaire](#).



39.	<p>In the context of intrafamily intercountry adoptions, does your State <b>cooperate with States</b> with which it normally <b>does not</b> cooperate?</p> <p><input checked="" type="checkbox"/> Yes. Please specify any challenges your State encounters and share any good practices your State may have developed in this regard:</p> <p style="color: #0070C0;">Most Canadian jurisdictions cooperate with States that they would normally not cooperate with for intrafamily intercountry adoptions. Some of the biggest challenges include unresponsive Central authorities, identifying the right authority to work with in the State of origin or the processes implemented by that State. Cooperation with these States requires a more complex analysis of the documents constituting the child's file. The lack of experience with these States sometimes raises questions about the reliability of the processes on the ground. Good practice developed by some provincial authorities include contacting the Central Authority of the State of origin before accepting an application to determine if there is a system in place to facilitate the adoption in a manner that is consistent with the Hague Convention.</p> <p><input type="checkbox"/> No.</p>
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States of origin only

40.	<p>In your State, is the <b>subsidiarity principle</b> applied in the same manner to intrafamily intercountry adoptions?</p> <p><input type="checkbox"/> Yes.</p> <p><input type="checkbox"/> No. Please describe any <b>different procedures</b> used and explain the reasons for these different procedures:<sup>13</sup></p> <p style="color: #0070C0;">Please insert text here</p>
41.	<p>Is intrafamily adoption used frequently to <b>protect children</b> within the extended family and / or are there other child protection measures (<i>e.g.</i>, kinship care, foster care) that your State applies to protect children within the extended family?</p> <p><input type="checkbox"/> Intrafamily adoption is used frequently. Please explain your response:</p> <p style="color: #0070C0;">Please insert text here</p> <p><input type="checkbox"/> Other child protection measures are applied. Please specify:</p> <p>(a) which <b>other child protection measures</b> are applied to protect children within the extended family:</p> <p style="color: #0070C0;">Please insert text here</p> <p>(b) if your State is a Party to the <b>1996 Child Protection Convention</b>, whether your State applies that Convention to give effect to these other child protection measures in other Contracting States:</p> <p style="color: #0070C0;">Please insert text here</p>

### 3.2. Stepparent adoptions

Both States of origin and receiving States

42.	<p>Does your State apply the <b>1993 Adoption Convention</b> to stepparent intercountry adoptions?</p> <p><input checked="" type="checkbox"/> Yes.</p>
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<sup>13</sup> If applicable, you may wish to refer to your State's response to Question 33(i) of the [2014 Questionnaire](#).

	<input type="checkbox"/> No. Please specify any reasons: <a href="#">Please insert text here</a>
43.	<p>What is the <b>profile</b> of children who are adopted intercountry by a stepparent, either in your State or in the State with which your State cooperates?</p> <p><a href="#">Canada does not have sufficient experience with intercountry stepparent adoptions to answer this question.</a></p>
44.	<p>(a) Please specify any <b>challenges</b> your State encounters with stepparent intercountry adoptions:</p> <p><a href="#">Considering most Canadian jurisdictions do not process many stepparent intercountry adoptions, Canada is unable to provide a fulsome response to this question. However, some of the challenges that have been noted include unresponsive Central Authorities and difficulties when conducting homestudies and providing training when the PAPs do not both habitually reside in the jurisdiction.</a></p> <p>(b) Please specify any <b>good practices</b> of your State for stepparent intercountry adoptions, including those for overcoming any challenges:</p> <p><a href="#">Considering most Canadian jurisdictions do not process many stepparent intercountry adoptions, Canada is unable to provide a fulsome response to this question. However, as a good practice, when one of the PAPs resides in a foreign State, one jurisdiction has conducted homestudies and training using video technologies.</a></p>

### 3.3. Intrafamily adoptions and circumvention of immigration laws

#### Both States of origin and receiving States

45.	<p>Has your State encountered situations where intrafamily adoptions were sought / used to <b>circumvent</b> immigration laws?</p> <p><input checked="" type="checkbox"/> Yes. Please specify what the situations were and how your State addressed these situations:</p> <p><a href="#">Some jurisdictions in Canada have encountered situations where an intra-family adoption was contemplated mainly for immigration purposes. In these situations, the child resides with his or her parent(s) and siblings in the State of origin, or is present in Canada to visit extended family (e.g. aunt or uncle) on a temporary visitor's permit or visa. Where the aunt and uncle approach the provincial Central Authority seeking to adopt the child, the Central Authority assesses their project in light of clear criteria relating to the child's particular needs, including whether he or she is truly in need of parents or a family.</a></p> <p><input type="checkbox"/> No.</p>
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## 4. DETERMINING THE CHILD'S HABITUAL RESIDENCE WHEN THE MOTHER MOVES TO ANOTHER STATE SHORTLY BEFORE GIVING BIRTH

*Scenario: A pregnant woman, habitually resident in one State (State A), travels to another State (State B) where she gives birth to her child and relinquishes her newborn child for adoption in that other State (i.e., State B).*

#### Both States of origin and receiving States

46.	<p>If your State has been involved in situation(s) similar to the above-described scenario:</p> <p>(a) was your State the <b>State of habitual residence</b> of the <b>mother</b> (State A), the State of <b>birth of the child</b> (State B), or another State?</p> <p><a href="#">Some Canadian jurisdictions have encountered this basic fact scenario - with a few different permutations. In all cases, they were the state of the child's birth.</a></p>
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(b) how was the **child's habitual residence** determined? Which **factors** were considered?

(i) In one case, the birth mother had been going back and forth between states and had resided in the Canadian province periodically. The particular facts led the provincial Central Authority to determine that the child was habitually resident in the province.

(ii) In two other cases (involving different Canadian provinces), the birth mothers had come to Canada planning to give their child up for adoption to pre-identified PAPs (via the Internet) immediately after the child's birth. In both cases, in light of these circumstances and the fact that the mothers did not intend to habitually reside in Canada after the birth, the provincial Central Authorities each determined that the child was habitually resident in the State of the mother's habitual residence, regardless of the fact that the children acquired Canadian citizenship at birth. In one of these cases, the mother's habitual residence was a Hague State and the Central Authority in that State determined that the child was habitually resident in the province because the child had resided there since her birth. (iii) There is another case involving yet another Canadian province where the provincial Central Authority determined the child was habitually resident in the province because the birth mother had come to the province only to give birth and give up the child for adoption.

(c) if adoption was considered the best option for the child, did your State determine it as being a **domestic adoption** or an **intercountry adoption**?

In the first cases described in question b) [(i)], the adoption proceeded as a domestic adoption. In the following two cases [(ii)], the outcomes were quite different. In one case [case (ii) a)], while the PAPs and their adoption agency attempted to proceed through a domestic adoption, given the opposition of the Central Authority, they were unable to follow through with this project. In the case where the mother's State of habitual residence determined the child was habitually resident in the Canadian province [case (ii) b)], the child was taken into the care of the Director of Youth Protection and the court was seized of her situation. Despite many communications, the Central Authority of the mother's habitual residence refused to consider repatriating the child, or alternatively, proceeding with an intercountry adoption with other PAPs. Consequently, a life plan was decided for the child in accordance with domestic child protection legislation. In the last situation referred to in question b) [(iii)], the provincial Central Authority lost track of the child after the birth mother and the intended PAPs stopped communicating with them.

(d) what **challenges** did your State face in dealing with such situation(s)?

For situation (ii) a), the challenges included the fact that the provincial adoption licensee initially counselled both the birth parent and the potential PAPs that the proposed adoption would be a domestic adoption, and did not consult the provincial Central Authority, until the birth mother was in the province to give birth. By the time the provincial Central Authority became involved, the birth mother and the PAPs had become invested in their plan for the adoption of this child. For the situation (ii) b), the challenges included the fact that the two Central Authorities could not come to an understanding about the child's habitual residence. Another challenge was the fact that the birth mother had been in contact through the internet with potential PAPs in two other countries about the adoption of her child (with financial aspects attached) and that this factor was not considered by the Central Authority of the mother's State of habitual residence. For the provincial Central Authorities involved in both of these cases, the financial considerations (established or suspected) and the ease with which the internet was used to facilitate the cross-border placement of the children were also of great concern.

(e) if your State was the State where the child was born, was **contact** sought with the State of habitual residence of the mother? Was there any **cooperation** between the concerned States?

	See above responses for situation (ii) b). For situation (ii) b), contacting the authorities of the mother's state of habitual residence was not considered appropriate in the specific circumstances.
47.	<p>If there is a <b>risk</b> that the situation described above involves a case of <b>human trafficking</b>, would this be considered by your State when determining the child's habitual residence?</p> <p><input checked="" type="checkbox"/> Yes. Please explain your response:  The risk of human trafficking is a factor concerning the child that would be considered in determining his or her habitual residence.</p> <p><input type="checkbox"/> No. Please explain your response:  Please insert text here</p>
48.	<p>Which <b>actions</b> would your State take to address the case where both your State and the other State:</p> <p>(a) would determine the child's habitual residence to be in <b>their</b> State?  Actions would include communications between the Central Authorities in an attempt to come to a common understanding and find a solution that is in the child's best interests. During these discussions and if there is no agreement, the state where the child is present would need to ensure that proper measures are in place to protect the child.</p> <p>(b) would determine the child's habitual residence <b>not to be</b> in their State?  We are not aware of any such situation arising involving a Canadian Central Authority. That said, the same actions as above.</p>

## 5. SIMPLE AND OPEN ADOPTIONS

Both States of origin and receiving States

### 5.1. Simple adoptions

*A simple adoption is one in which the parent-child relationship which existed before the adoption is not terminated but a new legal parent-child relationship between the child and his or her adoptive parents is established, and these adoptive parents have parental responsibility for the child.<sup>14</sup>*

49.	<p>Has your State <b>changed its legislation, rules or practices</b> in recent years regarding simple intercountry adoption?</p> <p><input type="checkbox"/> Yes. Please specify the changes made and the reasons for these changes:  Please insert text here</p> <p><input checked="" type="checkbox"/> No.</p>
50.	<p>What is the <b>profile</b> of children for whom a simple intercountry adoption is made, either in your State or in the State(s) with which your State cooperates?  N/A</p>
51.	<p>If your State permits both full and simple adoption, are <b>simple adoptions encouraged / promoted</b>?</p> <p><input type="checkbox"/> Yes. Please explain your response:  Please insert text here</p>

<sup>14</sup> See [Guide to Good Practice No 1](#), Glossary.

	<input checked="" type="checkbox"/> No. Please explain your response: Adoption legislation in Canadian provinces and territories does not provide for simple adoptions.
52.	<p>Has your State faced any problems regarding seeking the birth mother / family's <b>consent to a conversion</b> in the State of origin (Art. 27 of the Convention)?</p> <input type="checkbox"/> Yes. Please specify the situations which have arisen and how your State has dealt with these situations: ***Response is NO - with the following additional comment that we could not fit below In at least one Canadian jurisdiction, PAPs pursuing intercountry adoption from a country that recognizes simple and full adoptions are advised to proceed with a full adoption. In another jurisdiction, adoptions with countries that only allow for simple adoptions are not permitted. In the Canadian provinces and territories whose legislation allows for conversion and where conversions have been sought, the Central Authorities are not aware of instances where the consents required under Article 27 of the Convention have posed problems.
	<input checked="" type="checkbox"/> No.
53.	<p>(a) Please specify any <b>challenges</b> your State encounters with simple adoptions:  N/A</p> <p>(b) Please specify any <b>good practices</b> of your State for simple adoptions, including those for overcoming any challenges:  N/A</p>

## 5.2. Open adoptions / openness in adoption

54.	<p>Does the terms "open adoption", "openness in adoption" or similar concepts <b>exist</b> in your State?<sup>15</sup></p> <input checked="" type="checkbox"/> Yes. Please specify: (a) how it is defined; (b) whether it is provided by law, regulation or only in practice; and (c) whether it is promoted in your State: While some Canadian jurisdictions provide for "openness in adoption" (or a similar concept) in their legislation, the definition and the applicable conditions may vary from one jurisdiction to another. In the limited number of Canadian jurisdictions that have experience with openness in adoption for intercountry adoptions, these types of agreements are only promoted where the State of origin also recognizes the concept.
	<input type="checkbox"/> No. Please explain what is understood in your State by the terms "open adoption", "openness in adoption" or similar concepts: Please insert text here
55.	<p>Has your State <b>changed its legislation, rules or practices</b> in recent years regarding open or openness in intercountry adoption?</p> <input type="checkbox"/> Yes. Please specify the changes made and the reasons for these changes: Please insert text here
	<input checked="" type="checkbox"/> No.

<sup>15</sup> If applicable, you may wish to refer to your State's response to Questions 19 and 20 of the [2014 Questionnaire](#).

56.	<p>Has your State developed any good practices to ensure that <b>Recommendation No 31</b><sup>16</sup> of the 2015 Special Commission is implemented?</p> <p><input checked="" type="checkbox"/> Yes. Please specify the good practices developed in that regard:</p> <p>Canada’s experience with openness in intercountry adoption generally is very limited and so is the development of good practice in this area. Regarding the practice itself, however, we can offer the following examples. One province (Manitoba) has an accredited adoption agency that offers an adoption program in the United States. For this program, the accredited adoption agency in the State of origin facilitates signing openness agreements with the adoptive family and birth family. The agreements usually consist of the adoptive family providing periodic updates in the first year and once per year after that. Most adoptive families send information directly to the agency to forward to the birth parents. However, there are some adoptive families that have direct contact with the birth parents. Two other provinces (New-Brunswick and Alberta) have had a similar experience with a US agency. Another province (Ontario) allows the parties to adoption to sign an openness agreement if openness is promoted by the foreign jurisdiction. An openness agreement may be made at any time before or after an adoption order is made and must take into account the child’s views and wishes in accordance with their age and maturity. Adoption practitioner and adoption agency provide support and assistance to the family, when needed, and may supervise contact.</p> <p><input checked="" type="checkbox"/> No. Please specify any reasons:</p> <p>In most Canadian jurisdictions, while “openness in adoption” is promoted for domestic adoptions, this practice is not developed for intercountry adoptions.</p>
57.	<p>(a) What is the <b>profile</b> of children for whom an open intercountry adoption is made, either in your State or in the State(s) with which your State cooperates?</p> <p>No specific profile. For the province of Manitoba, openness agreements are only made for adoption cases of infants under 6 months of age adopted from the United States. In the province of Ontario, these agreements are most often made in cases of intrafamily intercountry adoptions.</p> <p>(b) Does your State have a <b>specific approach</b> depending on the profile of these children?</p> <p><input type="checkbox"/> Yes. Please specify these different approaches:</p> <p>Please insert text here</p> <p><input checked="" type="checkbox"/> No.</p>
58.	<p>Does your State provide professional <b>support or services</b> to birth families (in the case of States of origin) or adoptive families (in the case of receiving States) and adoptees in open adoptions (e.g., support for contact agreements, supervising contact after adoption)?</p> <p><input checked="" type="checkbox"/> Yes. Please specify the support / services provided and any challenges and / or good practices in this regard:</p> <p>See examples mentioned in response to question 56, where support to openness agreements is provided by the accredited adoption agencies.</p> <p><input type="checkbox"/> No. Please explain your response:</p>

<sup>16</sup> C&R No 31 of the 2015 SC:

“The SC noted that, where not prohibited by domestic legislation, and after professional matching, **contact between the adoptee and biological family** in intercountry adoption may be **beneficial** in some cases. In order to maximise the benefits and minimise the risks of such contact, professional support should be offered to prepare the parties, as well as to assist them during and after contact. The adopted child’s best interests should guide the nature of this contact, considering his or her wishes” [emphasis added].

	Please insert text here
59.	<p>Has your State encountered situations where adoptees, adoptive parents and / or birth parents wanted to change the frequency or the method of <b>contact</b> between them after the adoption?</p> <p><input type="checkbox"/> Yes. Please specify what action was taken in response: Please insert text here</p> <p><input checked="" type="checkbox"/> No.</p>
60.	<p>(a) Please specify any other <b>challenges</b> your State encounters regarding open adoptions: For the Canadian jurisdictions that have no experience with openness agreements regarding intercountry adoptions: N/A. For the few jurisdictions that have some experience: none.</p> <p>(b) Please specify any <b>good practices</b> of your State with regard to open adoptions, including those for overcoming any challenges: N/A</p>

## 6. NON-CONSENSUAL ADOPTIONS

*In this Questionnaire, non-consensual adoption refers to the adoption of children whose birth parents have lost parental responsibility but nonetheless disagree with the adoption. It does not intend to cover adoption where consent of the birth parents is required but not sought (such adoptions would fall under the category of illegal adoption), or where consent of the birth parents cannot be sought (e.g., they are deceased or unknown).*

### States of origin only

61.	<p>What are the <b>circumstances</b> in your State in which a parent can lose his or her parental responsibility?</p> <p>Please insert text here</p>
62.	<p>Does your State <b>permit</b> the adoption of children whose birth parents have been deprived of parental responsibility?</p> <p><input type="checkbox"/> Yes. Please specify:</p> <p>(a) whether the <b>consent</b> of the birth parents who have lost their parental responsibility is <b>still</b> required?</p> <p><input type="checkbox"/> Yes. Please explain your response: Please insert text here</p> <p><input type="checkbox"/> No. Please explain your response: Please insert text here</p> <p>(b) how your State ensure that the <b>principle of subsidiarity</b> is respected. Please also specify whether measures to support the birth family's reunification and alternative care options (e.g., long-term foster care, kinship care) are considered prior to making the decision of non-consensual adoption. Please insert text here</p> <p>(c) what is the <b>procedure</b> applicable to such non-consensual adoptions (e.g.: how the child is declared adoptable; if the birth parents are given notice of the procedure; if the birth parents can contest). Please insert text here</p> <p><input type="checkbox"/> No. Please explain your response:</p>

	Please insert text here
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Receiving States only

63.	<p>Has your State encountered situations in which the birth parents in the State of origin <b>contested</b> a non-consensual intercountry adoption when the child was already in the receiving State?</p> <p><input type="checkbox"/> Yes. Please specify what actions, if any, your State has taken to deal with these situations: Please insert text here</p> <p><input checked="" type="checkbox"/> No.</p>
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Both States of origin and receiving States

64.	<p>What is the <b>profile of children</b> for whom a non-consensual intercountry adoption is made, either in your State or in the State(s) with which your State cooperates?</p> <p>N/A</p>
65.	<p>(a) Please specify any <b>challenges</b> your State encounters with non-consensual adoptions: N/A</p> <p>(b) Please specify any <b>good practices</b> of your State regarding non-consensual adoptions, including those for overcoming any challenges: N/A</p>

## 7. CONTACT BETWEEN THE PAPs AND THE CHILD BEFORE MATCHING

Both States of origin and receiving States

### 7.1. General questions

66.	<p>Does your State prohibit any <b>contact</b> between the child and the PAPs before matching?</p> <p><input checked="" type="checkbox"/> Yes. Please explain your response: For all Canadian Central Authorities, allowing contact prior to matching is inconsistent with their established best practices, except for intra family adoptions. We are aware, however, that the adoption process in a few states of origin allows for such contacts.</p> <p><input type="checkbox"/> No. Please specify:</p> <p>(a) in which <b>circumstances</b> such contact is permitted; Please insert text here</p> <p>(b) the <b>experience</b> of your State with regard to such contact. Please insert text here</p>
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### 7.2. Summer camps / hosting programmes

*In this Questionnaire, the “summer camps” practice is when adoptable children and PAPs attend an event in the PAPs’ State of residence (i.e., receiving State) or in the State of origin, usually for a period of several weeks. The hope is that the PAPs will want to apply to adopt one or more of the children they have spent time with during this event.*



*“Hosting programmes” (including “respite care” programmes for children who go abroad to improve their physical and medical well-being) are when adoptable children are hosted by families living abroad, usually for a period of several weeks, sometimes with the hope that the families will wish to adopt them after the hosting.*

67.	<p>Is your State involved in summer camps / hosting programmes for children?<sup>17</sup></p> <p><input type="checkbox"/> Yes. Please specify:</p> <p>(a) whether such programmes specifically aim to be a <b>precursor to adoption</b> for some children (e.g., for children with special needs):</p> <p><input type="checkbox"/> Yes. Please explain your response:</p> <p style="padding-left: 40px;">***Response is NO - with the following additional comment that we could not fit below: But a few Central Authorities are aware that some residents of Canada have hosted children through a US program and who have subsequently come forward to be assessed for an intercountry adoption.</p> <p><input type="checkbox"/> No.</p> <p>(b) whether such programmes have, in fact, <b>resulted in the adoption</b> of children:</p> <p><input type="checkbox"/> Yes. Please specify the percentage of children involved in the programmes that are adopted:</p> <p style="padding-left: 40px;"><a href="#">Please insert text here</a></p> <p><input type="checkbox"/> No.</p> <p>(c) where a child is adopted following such a programme, how is it ensured that the <b>safeguards</b> of the <b>1993 Adoption Convention</b> have been respected (bearing in mind that it is likely that the child remains “habitually resident” in his or her State of origin and thus the adoption would fall within the scope of the Convention under Art. 2)?</p> <p style="padding-left: 40px;"><a href="#">Please insert text here</a></p> <p><input checked="" type="checkbox"/> No.</p>
68.	<p>If your State is involved in summer camps / hosting programmes specifically aimed at the adoption of some children, please specify:</p> <p>(a) whether the children benefiting from these programmes must have been <b>declared adoptable before</b> they can be part of such programmes;</p> <p style="padding-left: 40px;"><a href="#">Please insert text here</a></p> <p>(b) whether the PAPs participating in such programmes must have been <b>declared eligible and suitable</b> to adopt to be allowed to take part in such programmes;</p> <p style="padding-left: 40px;"><a href="#">Please insert text here</a></p> <p>(c) how the PAPs and children are <b>selected</b> to participate in such programmes, and whether a selection is made in cooperation with the other State;</p> <p style="padding-left: 40px;"><a href="#">Please insert text here</a></p> <p>(d) how the children are <b>prepared</b> for such programmes;</p> <p style="padding-left: 40px;"><a href="#">Please insert text here</a></p> <p>(e) what are the <b>effects on</b> and the <b>feedback from</b> the <b>children</b> who participated in such programmes but were not adopted;</p> <p style="padding-left: 40px;"><a href="#">Please insert text here</a></p>

<sup>17</sup> Regarding respite care, if applicable, you may wish to refer to your State's response to Question 54 of the [2014 Questionnaire](#).

	<p>(f) whether there have been situations where the adoption <b>broke down</b> after the child was adopted following participation in such programmes; Please insert text here</p> <p>(g) if the PAPs wish to adopt the child, whether it is possible for the child to remain in the receiving State or whether he or she must <b>return</b> to the State of origin before the adoption procedure can be initiated; Please insert text here</p> <p>(h) who <b>finances</b> such programmes; Please insert text here</p> <p>(i) what is the <b>experience</b> of your State with these practices (<i>i.e.</i>, <b>challenges</b> and any potential <b>benefits</b>). Please insert text here</p>
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### 7.3. Voluntourism

*In this Questionnaire, "voluntourism" refers to the practice of an individual travelling to another State to volunteer in that State. One common practice is to travel to volunteer in a children's institution. In these situations, some volunteers may subsequently wish to adopt one or more children from the child institution in which they were volunteering.*

69.	<p>Has your State <b>experienced</b> situations where "voluntourists" commenced an <b>adoption</b> procedure to adopt a child from the children's institution in which they volunteered?</p> <p><input checked="" type="checkbox"/> Yes. Please specify how your State handled these situations and any <b>difficulties</b> these situations may have caused:</p> <p>Canadian Central Authorities do not support voluntourism and discourage it. Some Canadian jurisdiction, however, have experienced situations where voluntourists have come forward to adopt a child they were in contact with in the institution or the country where they were volunteering. Some Central Authorities have also experienced situations where the voluntourists were able to adopt domestically in the country of origin, without their knowledge, and who then wanted to return to Canada with the child.</p> <p>Depending on their legislative and regulatory frameworks on intercountry adoption, Canadian Central Authorities may handle such situations differently. The Central Authority in one province (Québec) may refuse to be involved if the situation does not fall within the limited exceptions allowing their PAPs to adopt without using an accredited body (which is usually the case). If the adoption has already been completed in the State of origin, the Central Authority will refuse to recognize it, which usually means that the adoptive parents will not be able to return with the child. Other jurisdictions advise the PAPs that they will need to go through the regular intercountry adoption process, and that the decision regarding matching will be made by the authorities of the State of origin.</p> <p><input type="checkbox"/> No.</p>
70.	<p>Has your State taken any <b>action</b> to prohibit, regulate or to otherwise add safeguards to the practice of "voluntourism"?</p> <p><input checked="" type="checkbox"/> Yes. Please explain your response:</p> <p>In all Canadian jurisdiction, the legislative and regulatory frameworks regarding intercountry adoptions provide safeguards that, at the very least, allows for some control over the intercountry adoption process that follows. There are no provisions, however, dealing specifically with the practice of voluntourism.</p> <p><input type="checkbox"/> No. Please explain your response:</p>

Please insert text here

#### 7.4. Adoption of children already under the care of PAPs

71. If your State is aware of situations where PAPs have adopted or wished to adopt a child who was already under their care in the State of origin (*e.g.*, as part of a foster care placement, kinship care, “*niño puesto*”,<sup>18</sup> or a more informal arrangement such as temporary care by neighbours or within a community), please specify:<sup>19</sup>
- (a) whether the child had already **been declared adoptable** before the PAPs’ adoption application was submitted;
- We are excluding situations of foreign domestic adoptions.
- Some Canadian Central Authorities have been involved with such situations. In some cases, the children had already been declared adoptable when the Central Authorities became involved and in other cases, not. One province’s legal framework (Québec), would not allow the Central Authority to support any situation where the adoption has already been granted when it is asked to become involved.
- (b) at what stage in the process the PAPs were **declared eligible and suitable** to adopt;
- In one situation, the child was being cared for in the State of origin, by the employers of the child’s mother, all residents in that State, under an informal arrangement. When the couple moved permanently to Canada, they contacted an accredited adoption agency in their province of residence. They were assessed and approved as eligible and suitable to adopt before undertaking an adoption process in the child’s State of origin. The accredited adoption agency worked closely with the Central Authority of the State of origin to ensure the child was legally available for adoption and compliance with the Hague process.
- Another province (Nova Scotia) has two similar situations involving the same State of origin but different families. The couples immigrated to Canada having had to leave children that they had cared for in their home country with family or caregivers. The couples were assessed and found to be eligible and suitable to adopt before the country of origin undertook to determine if the children were available for adoption.
- (c) what the **profile** of these children was;
- Generally, children of all ages, and often intra family situations. In the first example (not intra family), the child had been living with the couple in their home since birth, and the child was 5 or 6 years old. In the second examples, also not intra family, the children had come to the couples when their birth parents had determined they could not provide care and sought out private arrangements.
- (d) what was done to ensure that the **safeguards and procedures** of the 1993 Adoption Convention had been respected;
- In the first example, the provincial accredited agency worked with the Central Authority of the State of origin to ensure the child was available for intercountry adoption, and the couple met all the requirements of the province for an intercountry adoption. In the second examples, the authorities in the country of origin did an excellent job locating the birth parents, providing counselling, confirming their circumstances and obtaining consents to adoption.

<sup>18</sup> “*Niño puesto*” refers to a practice in some Latin American States where persons who already have care of a child request to adopt even if the child has not yet been declared adoptable nor have the persons been declared eligible and suitable to adopt.

<sup>19</sup> Regarding foster care, if applicable, you may wish to refer to your State’s response to Question 55 of the [2014 Questionnaire](#).

(e) your State's **experience** with such adoptions.

The number of such cases is limited. Hague process, requirements and safeguards must be followed. Where this is the case, the experiences have been positive for the children.

## 8. USE OF NEW TECHNOLOGIES

Both States of origin and receiving States

72.	<p>Has your State changed its practices recently to <b>integrate new technologies</b> into work processes (e.g., blockchain to facilitate transmission and access to data)?</p> <p><input checked="" type="checkbox"/> Yes. Please specify (a) what the <b>experiences</b> of your State are in this regard (i.e., benefits and challenges) and (b) how your State take into account <b>data protection</b> in this context:</p> <p>The province of Ontario has been developing an online database to keep track of all adoption-related data, including data on intercountry adoptions. Ontario has also established an online platform to allow for the electronic submission of adoption documentation from adoption agencies. The province of Quebec has developed a similar electronic system to manage adoption case files and facilitate search for origins. Quebec is taking into account data protection by ensuring that all electronic resources are subject to strong authentication and security protocols (e.g. firewalls, individual employee profiles, securing email exchanges, etc.).</p> <p><input type="checkbox"/> No.</p>
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## 9. STATISTICS

Both States of origin and receiving States

73.	<p>Please specify the <b>number</b> of intercountry adoptions per year (between 2015 and the present date) involving your State that are:</p> <p>(a) <b>relative</b> adoptions (i.e., excluding stepparent adoptions);<sup>20</sup> Reporting varies in each province. Most provinces collect general statistics and do not track the categories listed below.</p> <p>(b) <b>stepparent</b> adoptions; Please insert text here</p> <p>(c) <b>simple</b> adoptions; Please insert text here</p> <p>(d) <b>open</b> adoptions or adoptions that involve a certain <b>degree of openness</b>; and Please insert text here</p> <p>(e) <b>non-consensual</b> adoptions. Please insert text here</p>
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## 10. OTHER MATTERS

74.	<p>Please specify <b>any other comments</b> your State wishes to make concerning the implementation and / or operation of the 1993 Adoption Convention.</p> <p>No further comments</p>
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<sup>20</sup> For receiving States, you may wish to refer to your State's response to the HCCH [Annual Adoption Statistics Form](#).

