

COUNTRY PROFILE

1993 HAGUE INTERCOUNTRY ADOPTION CONVENTION¹

RECEIVING STATE

COUNTRY NAME: Canada - Province of Newfoundland and Labrador

PROFILE UPDATED ON: July 2021

PART I: CENTRAL AUTHORITY

1. Contact details ²	
Name of office:	Department of Children, Seniors and Social Development
Acronyms used:	CSSD
Address:	P.O Box 8700, St. John's, NL, A1B 4J6
Telephone:	(709) 729-3527
Fax:	(709) 729-1853
E-mail:	JenniferSullivan@gov.nl.ca
Website:	http://www.cssd.gov.nl.ca
Contact person(s) and direct contact details (please indicate language(s) of communication):	Jennifer Sullivan, Provincial Director of Adoptions, English
<p><i>If your State has designated more than one Central Authority, please provide contact details for the further Central Authorities below and specify the territorial extent of their functions.</i></p> <p>Canada is a federal State made up of 10 provinces and 3 territories. A federal Central Authority and a Central Authority for each of the territorial units have been designated. The contact information for all Canadian Central Authorities appears in Part 1 of Canada's main Country Profile. The contact information for the Central Authority for the province of Newfoundland and Labrador and the specific information on the operation of the Convention in this province appear in this Annex.</p>	

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

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

PART II: RELEVANT LEGISLATION

2. The 1993 Hague Intercountry Adoption Convention and domestic legislation	
<p>a) When did the 1993 Hague Intercountry Adoption Convention enter into force in your State?</p> <p><i>This information is available on the Status Table for the 1993 Hague Intercountry Adoption Convention (accessible via the Intercountry Adoption Section of the Hague Conference website < www.hcch.net >).</i></p>	<p>See Canada's main Country profile.</p>
<p>b) Please identify the legislation / regulations / procedural rules which implement or assist with the effective operation of the 1993 Convention in your State. Please also provide the date of their entry into force.</p> <p><i>Please remember to indicate how the legislation / regulations / rules may be accessed: e.g., provide a link to a website or attach a copy. Where applicable, please also provide a translation into English or French if possible.</i></p>	<p>Adoption Act, 2013, SNL 2013, c A-3.1 http://canlii.ca/t/528xm</p> <p>Adoption Act Regulations, 2014, NLR 48/14 http://canlii.ca/t/528xl</p> <p>Adoption Agency Fees Regulations, 2014, NLR 49/14 http://canlii.ca/t/528xn</p>

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

PART III: THE ROLE OF AUTHORITIES AND BODIES

4. Central Authority(ies)	
<p>Please briefly describe the functions of the Central Authority(ies) designated under the 1993 Convention in your State.</p> <p><i>See Arts 6-9 and Arts 14-21 if accredited bodies are not used.</i></p>	<p>The Provincial Director of Adoptions, Department of Children, Seniors and Social Development is the designated Central Authority for the Province of Newfoundland and Labrador for the purpose of the Hague Convention. The responsibilities of the Provincial Director include:</p> <p>- determining that prospective adoptive parents are eligible to adopt;</p>

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

	<ul style="list-style-type: none">- ensuring that prospective adoptive parents have received training on preparation for adoption;- approving prospective adoptive parents to adopt;- approving placement of a child from another country with an approved prospective adoptive applicant;- ensuring that prospective adoptive parents are provided with available social and medical histories, where available;- obtaining required consents;- providing required documentation to Immigration, Refugees and Citizenship Canada;- developing provincial adoption policy and procedures for intercountry adoption;- sharing any concerns with the Federal Central Authority and/or with federal officials responsible for immigration and citizenship, where necessary;- preserving information for the child in relation to an intercountry adoption; and- cooperating with other provincial and territorial Central Authorities, the Federal Central Authority and the Central Authorities in other countries, responsible for adoptions.
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5. Public and competent authorities	
<p>Please briefly describe the role of any public and / or competent authorities, including courts, in the intercountry adoption procedure in your State.</p> <p><i>See Arts 4, 5, 8, 9, 12, 22, 23 and 30.</i></p>	<p>Although the Department of Children, Seniors and Social Development has the ability to license adoption agencies within the province, there are no licensed adoption agencies operating at this time.</p> <p>The Department of Children, Seniors and Social Development employs social workers, clinical program supervisors and managers who are responsible for adoption work. The Provincial Director is also an employee of the department and is designated as the Central Authority responsible for adoptions in the province.</p> <p>The Provincial Court of Newfoundland and Labrador and the Supreme Court of Newfoundland and Labrador Trial Division (Family) is responsible for the granting of an adoption order.</p>

6. National accredited bodies⁴	
<p>a) Has your State accredited its own adoption bodies?</p> <p><i>See Arts 10-11.</i></p> <p>N.B. <i>the name(s) and address(es) of any national accredited bodies should be communicated by your State to the Permanent Bureau of the Hague Conference (see Art. 13).⁵</i></p>	<p><input type="checkbox"/> Yes</p> <p><input checked="" type="checkbox"/> No – go to Question 8</p>
<p>b) Please indicate the number of national accredited bodies in your State, including whether this number is limited and, if so, on what basis.⁶</p>	
<p>c) Please briefly describe the role of national accredited bodies in your State.</p>	
6.1 The accreditation procedure (Arts 10-11)	
<p>a) Which authority / body is responsible for the accreditation of national adoption bodies in your State?</p>	
<p>b) Please briefly describe the <i>procedure</i> for granting accreditation and the most important accreditation <i>criteria</i>.</p>	

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

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

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

c) For how long is accreditation granted in your State?	
d) Please briefly describe the criteria and the procedure used to determine whether the accreditation of a national adoption body will be <i>renewed</i> .	
6.2 Monitoring of national accredited bodies⁷	
a) Which authority is competent to monitor / supervise national accredited bodies in your State? <i>See Art. 11 c).</i>	

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

7. Authorisation of national accredited bodies to work in other Contracting States (Art. 12)⁸	
7.1 The authorisation procedure	
a) Which authority / body in your State is responsible for the authorisation of national accredited bodies to work with, or in, other Contracting States?	
b) Is authorisation granted as part of the accreditation procedure or is a separate authorisation procedure undertaken?	<input type="checkbox"/> Authorisation is granted as part of the accreditation procedure. <input type="checkbox"/> A separate procedure is undertaken for authorisation.
c) Is authorisation granted to national accredited bodies to work in <i>all</i> States of origin or must national accredited bodies apply for authorisation to work in specific, pre-identified State(s) of origin?	<input type="checkbox"/> Authorisation is granted generally: once authorised, national accredited bodies are able to work in <i>all</i> States of origin. <input type="checkbox"/> Authorisation is granted specifically: national accredited bodies must apply for authorisation to work in one or more pre-identified State(s) of origin.
d) Please briefly describe the <i>procedure</i> for granting authorisation and the most important authorisation <i>criteria</i> . ⁹	

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

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

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

<p>If your State does not have authorisation criteria, please explain on what basis decisions concerning authorisation are made.</p> <p>Please also explain whether your State has any criteria concerning how the national accredited body must establish itself in the State(s) of origin or whether this is left entirely to the requirements of the State of origin (e.g., requirements that the body must have a local representative in the State of origin, or must establish a local office).</p>	
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e) For how long is authorisation granted?	
f) Please briefly describe the criteria and procedure used to determine whether authorisation will be <i>renewed</i> .	

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

a) Please briefly describe how your State ensures that authorised national accredited bodies (including their representatives, co-workers and any other staff ¹⁰ in the State of origin) are monitored / supervised by your State in relation to their work / activities <i>in the State of origin</i> .	
b) Please briefly describe the circumstances in which the authorisation of national accredited bodies can be revoked (<i>i.e.</i> , withdrawn).	

8. Approved (non-accredited) persons (Art. 22(2))¹¹

<p>Is the involvement of approved (non-accredited) persons permitted in intercountry adoption procedures in your State?</p> <p>N.B. see Art. 22(2) and check whether your State has made a declaration according to this provision. You can verify this on the Status Table for the 1993 Convention, available on the Intercountry Adoption Section of the Hague Conference website.</p> <p>If your State has made a declaration according to Art. 22(2), the Permanent Bureau of the Hague Conference should be informed of the</p>	<p><input type="checkbox"/> Yes, our State has made a declaration under Article 22(2) and the involvement of approved (non-accredited) persons is possible. Please specify their role:</p> <p><input checked="" type="checkbox"/> No</p>
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¹⁰ For an explanation of the terminology used concerning the staff of the national accredited body working in the State of origin, see the GGP No 2, *supra*, note 4, Chapters 6.3 and 6.4.

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

names and addresses of these bodies and persons (Art. 22(3)).¹²

PART IV: THE CHILDREN PROPOSED FOR INTERCOUNTRY ADOPTION

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

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

- Yes – please specify: Where a child will be adopted in this province, requirements of the Adoption Act, 2013 must be met.
- No, there are no additional criteria concerning adoptability – the requirements of the State of origin are determinative.

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

Does your State request information / evidence from the State of origin to satisfy itself that the State of origin has respected the principle of subsidiarity (i.e., proof that family reunification was attempted, or that the possibility of in-country permanent family placements has been explored)?

- Yes – please specify:
- No

11. Children with special needs

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

- Yes – please provide the definition used in your State: Refers to those children with medical, physical, emotional or any other developmental needs. Special needs may also refer to children who are older or who are part of a larger sibling group.
- No – the definition used in the State(s) of origin is determinative.

12. The nationality of children who are adopted intercountry¹³

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

- Yes, always. Please specify:
- (i) At what stage nationality is acquired by the child: _____ ; and
- (ii) The procedure which must be undertaken (or whether acquisition of nationality is *automatic* upon the occurrence of a particular event, e.g., the making of the final adoption decision):
- It depends – please specify which factors are taken into consideration (e.g., the nationality of the prospective adoptive parents (“PAPs”), whether the child loses

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

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

	his / her nationality of the State of origin): See Canada's main Country Profile. <input type="checkbox"/> No, the child will never acquire this nationality.
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PART V: PROSPECTIVE ADOPTIVE PARENTS ("PAPs")

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

14. Determination of the eligibility and suitability of PAPs wishing to undertake an intercountry adoption¹⁴ (Art. 5 a))	
14.1 Eligibility criteria	
a) Do PAPs wishing to undertake an intercountry adoption have to fulfil any criteria in your State concerning their relationship status(es)? <i>Please tick any / all boxes which apply and indicate in the space provided whether any further conditions are imposed (e.g., duration of marriage / partnership / relationship, cohabitation).</i>	<input type="checkbox"/> Yes, the following person(s) may apply in our State for an intercountry adoption: <input type="checkbox"/> Married, heterosexual couples: <input type="checkbox"/> Married, same-sex couples: <input type="checkbox"/> Heterosexual couples in a legally registered partnership: <input type="checkbox"/> Same-sex couples in a legally registered partnership: <input type="checkbox"/> Heterosexual couples that have not legally formalised their relationship: <input type="checkbox"/> Same-sex couples that have not legally formalised their relationship: <input type="checkbox"/> Single men: <input type="checkbox"/> Single women: <input type="checkbox"/> Other (please specify): <input checked="" type="checkbox"/> No, there are no relationship status criteria for PAPs.
b) Are there any age requirements in your State for PAPs wishing to undertake an intercountry adoption?	<input checked="" type="checkbox"/> Yes, please specify: <input checked="" type="checkbox"/> Minimum age requirements: 19 <input type="checkbox"/> Maximum age requirements: <input type="checkbox"/> Difference in years required between the PAPs and the child: <input type="checkbox"/> Other (please specify): <input type="checkbox"/> No

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

<p>c) Are there any <i>other</i> eligibility criteria which your State requires PAPs to fulfil?</p>	<p><input checked="" type="checkbox"/> Yes, please specify:</p> <p><input type="checkbox"/> Additional / differing criteria must be met for PAPs wishing to adopt a child with special needs (please specify):</p> <p><input type="checkbox"/> Couples must supply evidence of infertility:</p> <p><input type="checkbox"/> For persons with children already (biological or adopted), there are additional criteria (please specify):</p> <p><input checked="" type="checkbox"/> Other (please specify): PAPs must be permanent residents or Canadian citizens.</p> <p><input type="checkbox"/> No</p>
<p>14.2 Suitability assessment¹⁵</p>	
<p>a) Which body(ies) / expert(s) perform the assessment of whether the PAPs are suitable persons to undertake an intercountry adoption?</p>	<p>Social workers within the Department of Children, Seniors and Social Development (CSSD) or an adoption agency licensed by CSSD. Where a licensed adoption agency completes a home assessment, the final approval of the prospective adoptive parents is the responsibility of CSSD.</p>
<p>b) Please briefly describe the procedure which is used to assess the PAPs and determine their suitability to undertake an intercountry adoption.</p>	<p>Prospective adoptive parents require Parent Resources for Information, Development and Education (PRIDE) training and a PRIDE home assessment. PRIDE provides a standardized, structured framework for preparing and selecting adoptive parents. PRIDE is a competency-based approach to educating and assessing adoptive parents. The home assessment process involves criminal records checks, child welfare checks, personal references, medical checks and financial assessments. Individual, couple and family interviews occur as a part of the assessment process.</p>
<p>14.3 Final approval</p>	
<p>Which body / person gives the final approval that the PAPs are eligible and suited to undertake an intercountry adoption?</p>	<p>The Central Authority for the Province of Newfoundland and Labrador, which is the Provincial Director of Adoptions, Department of Children, Seniors and Social Development.</p>

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

15. Preparation and counselling of PAPs (Art. 5 b))	
<p>a) In your State, are courses provided to prepare PAPs for intercountry adoption?</p>	<p><input checked="" type="checkbox"/> Yes, please specify the following:</p> <ul style="list-style-type: none"> - Whether the courses are mandatory: PRIDE pre-service sessions are mandated. - At what stage of the adoption procedure they are offered: PRIDE sessions are offered prior to beginning the adoption home assessment process. - Who provides the courses: The Department of Children, Seniors and Social Development (CSSD). Adoption agencies licensed by CSSD are also able to provide this training. - Whether they are provided to PAPs individually or collectively (<i>i.e.</i>, in a group): Generally in a group setting - Whether they are provided "in person" or electronically: Sessions are provided in person. - How many hours the courses last: 24 hours - The content of the courses: PRIDE covers topics such as attachment; grief and loss; child development; foster care and adoption legislation and policy; discipline; adoption options and procedures; cultural and racial identity; importance of permanence; continuity and connections; openness and parenting issues. - Whether there are specific courses for PAPs wishing to adopt a child with special needs: This issue is involved in discussions in the PRIDE sessions. - Whether the courses are (or can be) targeted at preparing PAPs for the adoption of a child from specific States of origin: No, PRIDE sessions are not targeted at preparing PAPs for the adoption of a child from specific States of origin. <p><input type="checkbox"/> No</p>
<p>b) Aside from any courses provided, what, if any, (other) counselling or preparation is provided to individual PAPs (<i>e.g.</i>, meeting with adoptive parents, language and culture courses)?</p> <p>Please specify, in each case:</p> <p>(i) If it is mandatory for PAPs to use the service;</p> <p>(ii) Who provides the service; and</p> <p>(iii) At what stage in the adoption procedure the service is provided.</p>	<p>A social worker with CSSD, or a social worker with an adoption agency licensed by CSSD, works with the family throughout the entire adoption process.</p>

PART VI: THE INTERCOUNTRY ADOPTION PROCEDURE

16. Applications	
a) To which authority / body should PAs apply for an intercountry adoption?	The Provincial Director of Adoptions, Department of Children, Seniors and Social Development as the designated Central Authority for the Province of Newfoundland and Labrador.

<p>b) Please indicate which documents your State requires to be included within the PAPs' file for transmission to the State of origin:¹⁶</p> <p><i>Please tick all which apply.</i></p>	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> An application form for adoption completed by the PAPs <input checked="" type="checkbox"/> A statement of "approval to adopt" issued by a competent authority <input checked="" type="checkbox"/> A report on the PAPs including the "home study" and other personal assessments (see Art. 15) <input checked="" type="checkbox"/> Copies of the PAPs' passports or other personal identification documents <input checked="" type="checkbox"/> Copies of the PAPs' birth certificates <input checked="" type="checkbox"/> Copies of the birth certificates of any children living with the PAPs <input checked="" type="checkbox"/> Copies of marriage, divorce or death certificates, as applicable (please specify in which circumstances): If required by the child's country of origin <input checked="" type="checkbox"/> Information concerning the health of the PAPs (please specify in which circumstances and what type of information is required): Medical checks completed <input checked="" type="checkbox"/> Evidence of the financial circumstances of the family (please specify in which circumstances and what type of information is required): Financial budget analysis completed on all prospective adoptive parents. <input checked="" type="checkbox"/> Information concerning the employment status of the PAPs (please specify in which circumstances and what type of information is required): Verification of employment <input checked="" type="checkbox"/> Proof of no criminal record <input checked="" type="checkbox"/> Other(s): please explain Outcome of child welfare checks; confirmation of involvement with an accredited adoption agency in Canada where required that is licensed to facilitate adoptions with the child's country of origin.
<p>c) Is it compulsory in your State for an accredited body to be involved in an intercountry adoption procedure?¹⁷</p>	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> Yes, please specify at which stage(s) of the procedure an accredited body must be involved (<i>e.g.</i>, for the preparation of the home study, for the submission of the adoption file to the State of origin, for all stages of the procedure): The Department of Children, Seniors and Social Development (CSSD) is involved right from the beginning of an adoption process. An adoption agency, licensed by CSSD, can complete a home study or a home study can be completed by a social worker within CSSD. Approval remains the responsibility of the Department. Prospective adoptive parents use the services of a licensed

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

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

	<p>Canadian adoption agency to facilitate adoption in the child's country of origin.</p> <p><input type="checkbox"/> No. Please specify who assists PAPs if no accredited body is involved in the adoption procedure:</p>
<p>d) Are any <i>additional</i> documents required if PAPs apply through an accredited body?</p> <p><i>Please tick all which apply.</i></p>	<p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> A power of attorney issued by the PAPs to the accredited body (<i>i.e.</i>, a written document provided by the PAPs to the accredited body in which the PAPs formally appoint the accredited body to act on their behalf in relation to the intercountry adoption):</p> <p><input type="checkbox"/> A contract signed by the accredited body and the PAPs:</p> <p><input checked="" type="checkbox"/> A document issued by a competent authority of the receiving State certifying that the accredited body may undertake intercountry adoptions:</p> <p><input type="checkbox"/> Other (please specify):</p> <p><input type="checkbox"/> No</p>

17. The report on the PAPs (Arts 5 a) and 15(1))

<p>a) Which body(ies) / expert(s) prepare the report on the PAPs?</p> <p>Please include all those involved with the preparation of any of the documents which are included within such a report.</p>	<p>A social worker with the Department of Children, Seniors and Social Development (CSSD)(or a social worker with an adoption agency licensed by CSSD) completes a home study and obtains all required supporting documentation for the home study. The social worker makes a recommendation regarding approval to the supervisor, the supervisor makes a recommendation for approval to the Provincial Director of Adoptions. The Provincial Director of Adoptions is responsible for the decision regarding final approval as the designated Central Authority.</p>
<p>b) Is a "standard form" used for the report on the PAPs in your State?</p>	<p><input checked="" type="checkbox"/> Yes, please provide a link to the form or attach a copy: PRIDE Adoption Assessment-Final Approval Report</p> <p><input type="checkbox"/> No. Please indicate whether your State has any requirements concerning the information which must be included in the report on the PAPs and / or the documentation which must be attached to it:</p>
<p>c) For how long is the report on the PAPs valid in your State?</p>	<p>2 years</p>
<p>d) Who is responsible in your State for renewing the report on the PAPs if the period of validity expires before the intercountry adoption is completed and what is the procedure for renewal?</p>	<p>A social worker with CSSD or a social worker with an adoption agency licensed by CSSD. Approvals are the responsibility of the Provincial Director for Adoptions as the designated Central Authority.</p>

18. Transmission of the PAPs' file to the State of origin	
a) Who sends the finalised application file of the PAPs to the State of origin?	The Provincial Director of Adoptions, Department of Children, Seniors and Social Development, as Central Authority.
b) If no accredited body is involved with the intercountry adoption application (see Question 16 c) above), who assists the PAPs with compiling and transmitting their application file?	<p>The Provincial Director of Adoptions, Department of Children, Seniors and Social Development, Central Authority, is involved in all intercountry adoptions. The services of a Canadian licensed adoption agency are usually involved.</p> <p><input type="checkbox"/> Not applicable – an accredited body will always be involved (see response to Question 16 c) above).</p>

19. Receipt of the report on the child (Art. 16(2)) and acceptance of the match (Art. 17 a) and b))	
19.1 Receipt of the report on the child (Art. 16(2))	
Which authority / body in your State receives the report on the child from the State of origin?	The child's country of origin is requested to send the child's information to the Provincial Director of Adoptions, Department of Children, Seniors and Social Development, as Central Authority.
19.2 Acceptance of the match	
a) Does your State require that the matching be accepted by a competent authority in your State?	<p><input checked="" type="checkbox"/> Yes, please provide the following details:</p> <ul style="list-style-type: none"> - Which authority determines whether to accept the match (e.g., the Central Authority or another competent authority): Central Authority and - The procedure which is followed (e.g., the report on the child is transmitted <u>first</u> to the competent authority to determine whether the match is accepted and only if this authority accepts the match is the report sent to the PAPs): The Central Authority reviews the child's information and the information on the approved prospective adoptive parents. If the match is accepted, the child's information is sent to the family's social worker at the Department of Children, Seniors and Social Development for presentation to the prospective adoptive parents. <p><u>Go to Question 19.2 b)</u></p> <p><input type="checkbox"/> No. Please explain the procedure which is followed once the authority / body referred to in Question 19.1 has received the report on the child from the State of origin:</p> <p><u>Go to Question 19.2 c)</u></p>

b) Which criteria must be fulfilled for the relevant authority in your State to accept the match?	The prospective adoptive parents must have an approved home study. The child is designated as available for adoption and the child's criteria must match the criteria that the prospective adoptive parents were approved to adopt. The prospective adoptive parents must formally accept the child.
c) Does your State impose any requirements on PAPs concerning the length of time they are given to decide whether to accept a match?	<input type="checkbox"/> Yes, in addition to any requirements of the State of origin, our State has a time-limit – please specify: <input checked="" type="checkbox"/> No, the requirements of the State of origin are determinative in this regard.
d) Do PAPs receive any kind of assistance from your State when deciding whether to accept a match?	<input checked="" type="checkbox"/> Yes – please specify what type of assistance is provided (e.g., counselling): Prospective adoptive parents receive the child's information through a meeting with a social worker, who is available to assist in answering questions or obtaining further information. The prospective adoptive parents are encouraged to discuss the child's information with a qualified health practitioner, or other professionals as necessary. The prospective adoptive parents may also discuss the child's information with family members or other significant persons. <input type="checkbox"/> No

20. Agreement under Article 17 c)

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

21. Travel of the PAPs to the State of origin¹⁸

a) Does your State impose any travel requirements / restrictions on PAPs in addition to those imposed by the State of origin?	<input type="checkbox"/> Yes, please specify the additional requirements / restrictions: <input checked="" type="checkbox"/> No
b) Does your State permit an escort to be used to bring the child to the adoptive parents in your State in any circumstances?	<input checked="" type="checkbox"/> Yes, please specify in which circumstances: This would only be approved in very exceptional circumstances, such as medical circumstances. The reasons why this would be necessary would be carefully assessed, the approval of the child's country of origin would be required. <input type="checkbox"/> No

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

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

23. Final adoption decision and the Article 23 certificate	
a) If the final adoption decision is made in your State, which competent authority: (i) Makes the final adoption decision; and (ii) Issues the certificate under Article 23? <i>N.B. According to Art. 23(2), the authority responsible for issuing the Art. 23 certificate should be formally designated at the time of ratification of / accession to the 1993 Convention. The designation (or any modification to a designation) should be notified to the depositary of the Convention. The answer to (ii) above should therefore be available on the Status Table for the 1993 Convention (under "Authorities"), available on the Intercountry Adoption Section of the Hague Conference website.</i>	(i) The Provincial Court of Newfoundland and Labrador or the Supreme Court of Newfoundland and Labrador Trial Division (Family) is responsible for the granting of an adoption order. (ii) The Provincial Director of Adoptions, Department of Children, Seniors and Social Development, as the designated Central Authority, would issue this certificate.
b) Does your State use the "Recommended model form – Certificate of conformity of intercountry adoption"? See GGP No 1 – Annex 7.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

<p>c) Please briefly describe the procedure for issuing the Article 23 certificate. <i>E.g.</i>, how long does it take to issue the certificate? Is a copy of the certificate always given to the PAs? Is a copy sent to the Central Authority in the State of origin?</p>	<p>Where a Certificate of Conformity is issued, it would be sent to the Central Authority in the State of origin.</p>
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d) In cases in which the Article 23 certificate is issued in the State of origin, which authority or body in your State should receive a copy of this certificate?	The Provincial Director of Adoptions, Department of Children, Seniors and Social Development as the Central Authority.
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PART VII: INTRA-FAMILY INTERCOUNTRY ADOPTIONS

24. Procedure for the intercountry adoption of a child who is a relative of the PAPs ("intra-family intercountry adoption")	
a) Please explain the circumstances in which an intercountry adoption will be classified as an " <i>intra-family intercountry adoption</i> " in your State. Please include an explanation of the degree of relationship which a child must have with PAPs to be considered a "relative" of those PAPs.	A relative as defined in the Adoption Act, 2013. A relative is defined as a parent, grandparent, sibling, aunt, uncle, or first cousin of a birth parent or a child by birth or adoption. The prospective adoptive applicant must meet requirements as outlined in legislation for intercountry adoptions.
b) Does your State apply the procedures of the 1993 Convention to intra-family intercountry adoptions? <i>N.B. If the child and PAPs are habitually resident in different Contracting States to the 1993 Convention, the Convention is applicable, irrespective of the fact that the child and PAPs are related: see further GGP No 1 at para. 8.6.4.</i>	<input checked="" type="checkbox"/> Yes – go to Question 25 <input type="checkbox"/> Yes, in general, although there are some differences in the procedures for intra-family intercountry adoptions – please specify: Go to Question 25 <input type="checkbox"/> No – go to Question 24 c)
c) If your State does not apply the Convention procedures to intra-family intercountry adoptions, please explain the laws / rules / procedures which are used in relation to: (i) The counselling and preparations which PAPs must undergo in your State; (ii) The preparation of the child for the adoption; (iii) The report on the PAPs; and (iv) The report on the child.	(i) (ii) (iii) (iv)

PART VIII: SIMPLE AND FULL ADOPTION¹⁹

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

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

<p>b) Is "simple" adoption permitted in your State?</p> <p><i>See GGP No 1 at Chapter 8.8.8 and note 19 below.</i></p>	<p><input type="checkbox"/> Yes</p> <p><input checked="" type="checkbox"/> No</p> <p><input type="checkbox"/> In certain circumstances only (e.g., for intra-family adoptions only) – please specify:</p> <p><input type="checkbox"/> Other (please explain):</p>
<p>c) Does the law in your State permit "simple" adoptions to be converted into "full" adoptions in accordance with Article 27 of the 1993 Convention?</p> <p><i>See Art. 27(1) a).</i></p>	<p><input checked="" type="checkbox"/> Yes – please provide details of how this is undertaken and please specify whether this is done on a regular basis when a State of origin grants a "simple" adoption or only in specific cases: A family would have to apply to Court and the court would have to be satisfied that the requirements in Article 27 were met. There are no records at the Department of Children, Seniors and Social Development indicating that such an application has ever been made.</p> <p><input type="checkbox"/> No – go to Question 26</p>
<p>d) If conversion of a "simple" adoption into a "full" adoption is sought in your State following an intercountry adoption, how does your State ensure that the consents referred to in Article 4 c) and d) of the 1993 Convention have been given in the State of origin to a "full" adoption (as required by Art. 27(1) b))?</p> <p><i>See Art. 27(1) b) and Art. 4 c) and d).</i></p>	<p>The Provincial Director of Adoptions, Central Authority, Department of Children, Seniors and Social Development, would work with the Canadian intercountry adoption agency who is licensed to facilitate an adoption in the child's country of origin, and/or the Central Authority in the child's country of origin, to obtain required consents and to satisfy requirements as referenced in the Convention.</p>
<p>e) Following a conversion in your State, please explain which authority is responsible for issuing the Article 23 certificate in relation to the conversion decision. Please also explain the procedure which is followed.</p>	<p><input checked="" type="checkbox"/> The competent authority and the procedure is the same as stated in response to Question 23 above.</p> <p><input type="checkbox"/> Other (please specify):</p>

PART IX: POST-ADOPTION MATTERS

26. Preservation of, and access to, information concerning the child's origins (Art. 30) and the adoption of the child	
<p>a) Which authority in your State is responsible for preserving information concerning the child's origins, as required by Article 30?</p>	<p>The Department of Children, Seniors and Social Development, as the Central Authority.</p>
<p>b) For how long is the information concerning the child's origins preserved?</p>	<p>Ongoing</p>
<p>c) Does your State permit the following persons to have access to information concerning the child's origins and / or information concerning the adoption of the child:</p> <p>(i) the adoptee and / or his / her representative(s);</p> <p>(ii) the adoptive parent(s);</p> <p>(iii) the birth family; and / or</p>	<p>(i) <input checked="" type="checkbox"/> Yes – please explain any criteria: For adoptions finalized in the province, the adopted person may apply to access preserved information related to their adoption. There may be an exception made in compelling circumstances, such as a medical priority request.</p> <p><input type="checkbox"/> No</p>

<p>(iv) any other person(s)?</p> <p>If so, are there any criteria which must be met for access to be granted (<i>e.g.</i>, age of the adopted child, consent of the birth family to the release of information concerning the child's origins, consent of the adoptive parents to the release of information concerning the adoption)?</p> <p><i>See Art. 9 a) and c) and Art. 30.</i></p>	<p>(ii) <input checked="" type="checkbox"/> Yes – please explain any criteria: The adopted person must be at least 19 years of age, and adoption finalized in the province. May apply for copies of information that they would have received in the adoption process.</p> <p><input type="checkbox"/> No</p> <p>(iii) <input checked="" type="checkbox"/> Yes – please explain any criteria: The birth parent may apply for information where an adoption was finalized in Newfoundland and Labrador. The adopted person must be at least 19 years of age. Birth family may also register for contact with the adopted person.</p> <p><input type="checkbox"/> No</p> <p>(iv) <input type="checkbox"/> Yes – please explain any criteria:</p> <p><input checked="" type="checkbox"/> No</p>
<p>d) Where access to such information is provided, is any counselling or other guidance / support given in your State?</p>	<p><input checked="" type="checkbox"/> Yes – please specify: The Department of Children, Seniors and Social Development has a social worker who provides services related to the post adoption program. The service would be the provision of a non-identifying summary to adopted persons, as per the above.</p> <p><input type="checkbox"/> No</p>
<p>e) Once access to such information has been provided, is any <i>further</i> assistance offered to the adoptee and / or others (<i>e.g.</i>, regarding making contact with his / her biological family, tracing extended family)?</p>	<p><input checked="" type="checkbox"/> Yes – please specify: Where an adoption was finalized in this province and a person is determined to be eligible for services, the social worker may assist with search and reunion services where possible.</p> <p><input type="checkbox"/> No</p>

27. Post-adoption reports

<p>a) Absent specific requirements of the State of origin in this regard, who is responsible in your State for <i>writing</i> post-adoption reports and <i>sending</i> such reports to the State of origin?</p>	<p>Where an adoption is to be finalized in the province of Newfoundland and Labrador, a social worker with the Department of Children, Seniors and Social Development (CSSD) or a social worker with an adoption agency licensed by CSSD will complete post placement reports required to finalize an adoption. Where an adoption was finalized in the child's country of origin, CSSD may assist with the completion of three reports (in exceptional cases, approval may be given for an additional report to be completed); however, the primary responsibility for ensuring these reports are completed, following the granting of an adoption order, rests with the adoptive parents.</p>
<p>b) Absent any specific requirements of the State of origin in this regard, is there a</p>	<p><input type="checkbox"/> Yes – please specify whether use of the form is mandatory and indicate where it</p>

<p>model form which is used by your State for post-adoption reports?</p>	<p>may be accessed (<i>e.g.</i>, provide a link or attach a copy):</p> <p><input checked="" type="checkbox"/> No – in which case, please specify the content expected by <i>your</i> State in a post-adoption report (<i>e.g.</i>, medical information, information about the child’s development, schooling): Where a social worker with the Department of Children, Seniors and Social Development (CSSD) or a social worker with an adoption agency licensed by CSSD, completes these reports, they will follow policy guidelines for the completion of these reports. These reports would include information related to the adjustment of the child in the home; any concerns or issues; child's progress; interviews with the child, adoptive parents, other persons residing in the home; comment on the adoptive parents' continued ability to meet competencies assessed in the home study process.</p>
<p>c) How does your State ensure that the requirements of the State of origin in relation to post-adoption reporting are fulfilled?</p>	<p>The prospective adoptive parents usually work with a Canadian adoption agency licensed to facilitate adoption in the child's country of origin. The prospective adoptive parents and their agency assume responsibility for ensuring the post placement reports are completed. There is no legislative ability to enforce the completion of reports following the granting of an adoption order.</p>

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

<p>Apart from the matters raised in Question 26 above, what, if any, post-adoption services and support is / are provided by your State to the child and / or PAPs following completion of an intercountry adoption (<i>e.g.</i>, counselling, support to preserve cultural links)?</p> <p>In particular, please state whether any specific post-adoption services or support are provided in your State in the case of special needs children.</p>	<p>N/A</p>
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PART X: THE FINANCIAL ASPECTS OF INTERCOUNTRY ADOPTION²⁰

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

29. The costs²¹ of intercountry adoption	
<p>a) Are the costs of intercountry adoption regulated by law in your State?</p>	<p><input type="checkbox"/> Yes – please specify any relevant legislation / regulations / rules and indicate how they may be accessed (e.g., link to a website or attach a copy). Please also briefly explain the legal framework:</p> <p><input checked="" type="checkbox"/> No</p>
<p>b) Does your State monitor the payment of the costs of intercountry adoption?</p>	<p><input type="checkbox"/> Yes – please briefly describe how this monitoring is undertaken:</p> <p><input checked="" type="checkbox"/> No</p>
<p>c) Are the costs of intercountry adoption which must be paid in your State paid through the accredited body involved in the particular intercountry adoption (if applicable – see Question 16 c) above) or directly by the PAPs themselves?</p> <p><i>See the "Note on the financial aspects of intercountry adoption" at para. 86.</i></p>	<p><input checked="" type="checkbox"/> Through the accredited body:</p> <p><input checked="" type="checkbox"/> Directly by the PAPs: there may be fees for supporting documentation needed for the adoption assessment such as police checks and medicals which are charged by the service provider, and that the PAP's pay directly</p> <p><input type="checkbox"/> Other (please explain):</p>
<p>d) Are the costs of intercountry adoption which must be paid in your State paid in cash or only by bank transfer?</p> <p><i>See the "Note on the financial aspects of intercountry adoption" at para. 85.</i></p>	<p><input type="checkbox"/> Only by bank transfer:</p> <p><input type="checkbox"/> In cash:</p> <p><input checked="" type="checkbox"/> Other (please explain): There is no specific requirement as to the method of payment.</p>
<p>e) Which body / authority in your State receives the payments?</p>	<p>N/A</p>
<p>f) Does your State provide PAPs (and other interested persons) with information about the costs of intercountry adoption (e.g., in a brochure or on a website)?</p> <p>N.B. Please also ensure that your State has completed the "Tables on the costs associated with intercountry adoption" (see above).</p>	<p><input checked="" type="checkbox"/> Yes – please indicate how this information may be accessed: Prospective adoptive parents are told that there will be costs involved in an intercountry adoption. The Department of Children, Seniors and Social Development (CSSD) does not charge fees; however, if the prospective adoptive parents are using an adoption agency licenced by CSSD, or a licensed Canadian adoption agency, there will be costs. Prospective adoptive parents are encouraged to do research on the country they are considering applying to adopt from and to have conversations with a Canadian agency related to costs, which would include travel costs and any other financial requirements of the country.</p> <p><input type="checkbox"/> No</p>

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

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

30. Contributions, co-operation projects and donations²²	
<p>a) Does your State permit contributions²³ to be paid (either through your State's Central Authority or a national accredited body) to a State of origin in order to engage in intercountry adoption with that State?</p> <p><i>For good practices relating to contributions, see the "Note on the financial aspects of intercountry adoption" at Chapter 6.</i></p>	<p><input checked="" type="checkbox"/> Yes – please explain:</p> <ul style="list-style-type: none"> - What type of contribution is permitted by your State: Newfoundland and Labrador does not have accredited adoption agencies. Our families work with agencies accredited in other Canadian provinces. The contributions permitted are those listed in the agencies' service agreements. - Who is permitted to pay it (<i>i.e.</i>, the Central Authority or a national accredited body): The accredited adoption body that is working with the PAP's. - How it is ensured that contributions do not influence or otherwise compromise the integrity of the intercountry adoption process: Before an adoption agency is accredited, it must demonstrate that the contribution is required by the State of origin, and that the amount of the contribution is fixed and well-documented. <p><input type="checkbox"/> No</p>
<p>b) Does your State undertake (either through the Central Authority or national accredited bodies) co-operation projects in any States of origin?</p>	<p><input type="checkbox"/> Yes - please explain:</p> <ul style="list-style-type: none"> - What type of co-operation projects are permitted by your State: - Who undertakes such projects (<i>i.e.</i>, the Central Authority and / or national accredited bodies): - Whether such projects are mandatory according to the law of your State: - Whether such projects are monitored by an authority / body in your State: - How it is ensured that co-operation projects do not influence or otherwise compromise the integrity of the intercountry adoption process: <p><input checked="" type="checkbox"/> No</p>
<p>c) If permitted in the State of origin, does your State permit PAPs or accredited bodies to make donations to orphanages, institutions or birth families in the State of origin?</p>	<p><input checked="" type="checkbox"/> Yes – please explain:</p> <ul style="list-style-type: none"> - To whom donations may be made (<i>e.g.</i>, to orphanages, other institutions and / or birth families): The Newfoundland and Labrador Central

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

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

<p>N.B. This is <u>not</u> recommended as a good practice: see further the "Note on the financial aspects of intercountry adoption" at Chapter 6 (in particular, Chapter 6.4).</p>	<p>Authority does not have a policy regarding donations and would defer to the criteria of the country of origin's Central Authority.</p> <ul style="list-style-type: none"> - What donations are intended to be used for: - Who is permitted to pay donations (e.g., only accredited bodies or also PAPs): - At what stage of the intercountry adoption procedure donations are permitted to be paid: - How it is ensured that donations do not influence or otherwise compromise the integrity of the intercountry adoption procedure: <p><input type="checkbox"/> No</p>
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31. Improper financial or other gain (Arts 8 and 32)	
a) Which authority is responsible for preventing improper financial or other gain in your State as required by the Convention?	The Central Authority
b) What measures have been taken in your State to prevent improper financial or other gain?	The Adoption Act, 2013 provides that a person shall not give or receive payment or reward either directly or indirectly (1) to procure or assist in procuring a child for the purpose of adoption in or outside the province or (2) to place or arrange the placement of a child for the purpose of adoption in or outside the province.
c) Please explain the sanctions which may be applied if Articles 8 and / or 32 are breached.	The Adoption Act, 2013 provides that a person who fails to comply with or otherwise contravenes a provision of the Act or Regulations is guilty of an offense and is liable on summary conviction to a fine or term of imprisonment.

PART XI: ILLICIT PRACTICES²⁴

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

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

²⁵ *Ibid.*

33. The abduction, sale of and traffic in children	
<p>a) Please indicate which laws in your State seek to prevent the abduction, sale of and traffic in children in the context of your intercountry adoption programmes.</p> <p>Please also specify which bodies / persons the laws target (<i>e.g.</i>, accredited bodies (national or foreign), PAPs, directors of children's institutions).</p>	<p>Adoption Act, 2013 (sections 79, 80, and 81) See also Canada's main Country Profile for additional information.</p>
<p>b) Please explain how your State monitors respect for the above laws.</p>	<p>The Central Authority is responsible for ensuring that Convention standards are met. It works with accredited agencies and other Central Authorities. See also Canada's main Country profile.</p>
<p>c) If these laws are breached, what sanctions may be applied? (<i>e.g.</i>, imprisonment, fine, withdrawal of accreditation.)</p>	<p>The Adoption Act, 2013 provides that a person who fails to comply with or otherwise contravenes a provision of the Act or Regulations is guilty of an offense and is liable on summary conviction to a fine or term of imprisonment. See also Canada's main Country profile.</p>

34. Private and / or independent adoptions

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

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

Please tick all which apply.

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

PART XII: INTERNATIONAL MOBILITY

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

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

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

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

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

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

- Yes – please explain whether this would be treated as an *intercountry* or *domestic* adoption in your State²⁷ and please briefly explain the procedure which would be followed, as well as any specific criteria / conditions which would apply: This would be considered a domestic adoption as the prospective adoptive parents would be considered residents of the province.
- No

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

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

Newfoundland and Labrador would require that the process for an intercountry adoption be followed.

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

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

PART XIII: SELECTION OF PARTNERS FOR INTERCOUNTRY ADOPTION²⁸

36. Selection of partners	
a) With which States of origin does your State currently partner on intercountry adoption?	This is determined by a point in time when a family applies to adopt from a country. Current intercountry adoptions include: Lithuania, Haiti, Philippines, Bulgaria, India, Thailand, Kazakhstan, Albania and China.
b) How does your State determine with which States of origin it will partner? In particular, please specify whether your State only partners with other <i>Contracting States</i> to the 1993 Convention. <i>To see which States are Contracting States to the 1993 Convention, please refer to the Status Table for the 1993 Convention (accessible via the Intercountry Adoption Section of the Hague Conference website < www.hcch.net >).</i>	Residents of Newfoundland and Labrador can adopt from any country of origin if the legal requirements for intercountry adoptions are met and adoptions in that country have not been suspended.
c) If your State also partners with <i>non-Contracting States</i> , please explain how it is ensured that the safeguards of the 1993 Convention are complied with in these cases. ²⁹	Newfoundland and Labrador has allowed adoptions from non-Contracting states. Essentially, the same principles/criteria regarding the PAPs' suitability and eligibility to adopt, and the child's availability for adoption are applied as if the country of origin was a Contracting State. The Canadian agency licensed to facilitate adoptions in the country of origin would be involved in ensuring requirements are met. <input type="checkbox"/> Not applicable: our State only partners with other <i>Contracting States</i> to the 1993 Convention.
d) Are any formalities required in order to commence intercountry adoptions with a particular State of origin (e.g., the conclusion of a formal agreement ³⁰ with that State of origin)?	<input type="checkbox"/> Yes – please explain the content of any agreements or other formalities: ³¹ <input checked="" type="checkbox"/> No

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

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

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

³¹ *Ibid.*