

## COUNTRY PROFILE

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

#### RECEIVING STATE

**COUNTRY NAME:** CANADA - The Northwest Territories

**PROFILE UPDATED ON:** July 2021

#### PART I: CENTRAL AUTHORITY

1. Contact details <sup>2</sup>	
Name of office:	Department of Health and Social Services, Territorial Social Programs
Acronyms used:	n/a
Address:	Government of the Northwest Territories, P.O. Box 1320, 6 <sup>th</sup> Floor, NGB, 5015-49 <sup>TH</sup> Street, Yellowknife, NT X1A 2L9
Telephone:	867-767-9061 ext 49866
Fax:	867-873-7706
E-mail:	Colette_Prevost@gov.nt.ca
Website:	www.hss.gov.nt.ca
Contact person(s) and direct contact details (please indicate language(s) of communication):	Colette Prevost, Territorial Executive Director of Child and Family Services
<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 Northwest Territories and the specific information on the operation of the Convention in the NWT appear in this Annex.</p>	

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

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

## PART II: RELEVANT LEGISLATION

<b>2. The 1993 Hague Intercountry Adoption Convention and domestic legislation</b>	
<p>a) When did the 1993 Hague Intercountry Adoption Convention enter into force in your State?</p> <p><i>This information is available on the <a href="#">Status Table</a> for the 1993 Hague Intercountry Adoption Convention (accessible via the <a href="#">Intercountry Adoption Section</a> of the Hague Conference website &lt; <a href="http://www.hcch.net">www.hcch.net</a> &gt;).</i></p>	<p>See Canada's main Country Profile Form.</p>
<p>b) Please identify the legislation / regulations / procedural rules which implement or assist with the effective operation of the 1993 Convention in your State. Please also provide the date of their entry into force.</p> <p><i>Please remember to indicate how the legislation / regulations / rules may be accessed: e.g., provide a link to a website or attach a copy. Where applicable, please also provide a translation into English or French if possible.</i></p>	<p>Intercountry Adoption (Hague Convention) Act S.N.W.T.1998,c.19, In force June 1, 1999;SI-009-99</p> <p>Adoption Act, S.N.W.T.1998, c.9 In force November 1, 1998; SI-016-98</p>

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

## PART III: THE ROLE OF AUTHORITIES AND BODIES

<b>4. Central Authority(ies)</b>	
<p>Please briefly describe the functions of the Central Authority(ies) designated under the 1993 Convention in your State.</p> <p><i>See Arts 6-9 and Arts 14-21 if accredited bodies are not used.</i></p>	<p>The Department of Health and Social Services, Territorial Social Programs is the Central Authority for the Northwest Territories and is responsible for all the duties listed in the Convention</p>

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

<b>5. Public and competent authorities</b>	
<p>Please briefly describe the role of any public and / or competent authorities, including courts, in the intercountry adoption procedure in your State.</p> <p><i>See Arts 4, 5, 8, 9, 12, 22, 23 and 30.</i></p>	<p>Seven Territorial Health &amp; Social Services Authorities are responsible for working with adoptive families, supervising the child's placement and for completion of post-placement reports. The Supreme Court of the NWT would make the intercountry adoption order.</p>

<b>6. National accredited bodies<sup>4</sup></b>	
<p>a) Has your State accredited its own adoption bodies?</p> <p><i>See Arts 10-11.</i></p> <p><b>N.B.</b> the name(s) and address(es) of any national accredited bodies should be communicated by your State to the Permanent Bureau of the Hague Conference (see Art. 13).<sup>5</sup></p>	<p><input type="checkbox"/> Yes</p> <p><input checked="" type="checkbox"/> No – <b>go to Question 8</b></p>
<p>b) Please indicate the number of national accredited bodies in your State, including whether this number is limited and, if so, on what basis.<sup>6</sup></p>	
<p>c) Please briefly describe the role of national accredited bodies in your State.</p>	
<b>6.1 The accreditation procedure (Arts 10-11)</b>	
<p>a) Which authority / body is responsible for the accreditation of national adoption bodies in your State?</p>	
<p>b) Please briefly describe the <i>procedure</i> for granting accreditation and the most important accreditation <i>criteria</i>.</p>	
<p>c) For how long is accreditation granted in your State?</p>	
<p>d) Please briefly describe the criteria and the procedure used to determine whether the accreditation of a national adoption body will be <i>renewed</i>.</p>	
<b>6.2 Monitoring of national accredited bodies<sup>7</sup></b>	
<p>a) Which authority is competent to monitor / supervise national accredited bodies in your State?</p>	

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

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

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

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

See Art. 11 c).	
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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

<b>7. Authorisation of national accredited bodies to work in other Contracting States (Art. 12)<sup>8</sup></b>	
<b>7.1 The authorisation procedure</b>	
a) Which authority / body in your State is responsible for the authorisation of national accredited bodies to work with, or in, other Contracting States?	
b) Is authorisation granted as part of the accreditation procedure or is a separate authorisation procedure undertaken?	<input type="checkbox"/> Authorisation is granted as part of the accreditation procedure. <input type="checkbox"/> A separate procedure is undertaken for authorisation.
c) Is authorisation granted to national accredited bodies to work in <i>all</i> States of origin or must national accredited bodies apply for authorisation to work in specific, pre-identified State(s) of origin?	<input type="checkbox"/> Authorisation is granted generally: once authorised, national accredited bodies are able to work in <i>all</i> States of origin. <input type="checkbox"/> Authorisation is granted specifically: national accredited bodies must apply for authorisation to work in one or more pre-identified State(s) of origin.
d) Please briefly describe the <i>procedure</i> for granting authorisation and the most important authorisation <i>criteria</i> . <sup>9</sup>  If your State does not have authorisation criteria, please explain on what basis decisions concerning authorisation are made.  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	

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

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

of origin, or must establish a local office).	
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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 <sup>10</sup> in the State of origin) are monitored / supervised by your State in relation to their work / activities <i>in the State of origin</i> .	
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))<sup>11</sup>

<p>Is the involvement of approved (non-accredited) persons permitted in intercountry adoption procedures in your State?</p> <p><b>N.B.</b> see Art. 22(2) and check whether your State has made a declaration according to this provision. You can verify this on the <a href="#">Status Table for the 1993 Convention</a>, available on the <a href="#">Intercountry Adoption Section</a> of the Hague Conference website.</p> <p>If your State has made a declaration according to Art. 22(2), the Permanent Bureau of the Hague Conference should be informed of the names and addresses of these bodies and persons (Art. 22(3)).<sup>12</sup></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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## 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 <i>in</i>	<input checked="" type="checkbox"/> Yes – please specify: child needs to be under the age of majority (19 years of age is age of majority in NWT)
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<sup>10</sup> For an explanation of the terminology used concerning the staff of the national accredited body working in the State of origin, see the GGP No 2, *supra*, note 4, Chapters 6.3 and 6.4.

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

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

<i>addition to the requirements of the State of origin?</i>	<input type="checkbox"/> No, there are no additional criteria concerning adoptability – the requirements of the State of origin are determinative.
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### 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>i.e.</i> , proof that family reunification was attempted, or that the possibility of in-country permanent family placements has been explored)?	<input type="checkbox"/> Yes – please specify: <input checked="" type="checkbox"/> No
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### 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?	<input type="checkbox"/> Yes – please provide the definition used in your State: <input checked="" type="checkbox"/> No – the definition used in the State(s) of origin is determinative.
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### 12. The nationality of children who are adopted intercountry<sup>13</sup>

Do children who are adopted intercountry to your State acquire the nationality of your State?	<input type="checkbox"/> 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 <i>automatic</i> upon the occurrence of a particular event, <i>e.g.</i> , the making of the final adoption decision): <input checked="" type="checkbox"/> It depends – please specify which factors are taken into consideration ( <i>e.g.</i> , the nationality of the prospective adoptive parents (“PAPs”), whether the child loses his / her nationality of the State of origin): See resonance in Canada's main 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:

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

	<input checked="" type="checkbox"/> No – PAs may only apply to adopt from one State of origin at any one time.
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## 14. Determination of the eligibility and suitability of PAs wishing to undertake an intercountry adoption<sup>14</sup> (Art. 5 a))

### 14.1 Eligibility criteria

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

<sup>14</sup> I.e., this section refers to the eligibility criteria applied, and suitability assessment undertaken, in relation to PAs 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.

<b>14.2 Suitability assessment<sup>15</sup></b>	
a) Which body(ies) / expert(s) perform the assessment of whether the PAPs are suitable persons to undertake an intercountry adoption?	Adoption workers employed by one of seven Territorial Health and Social Services Authorities
b) Please briefly describe the procedure which is used to assess the PAPs and determine their suitability to undertake an intercountry adoption.	Pre-assessment consists of documentation application, criminal and child protection record checks, medicals, references. Applicant is not assessed until all documentation is received; There are nine categories of the assessment; an appointed Adoption Worker performs the assessment; Interviews are conducted by the adoption worker; they may consist of individual as well as joint interviews with the applicants; interviews may be extended to the applicant's children, references, or other adult persons living in the home. The assessor evaluates the data collected and makes a recommendation of the suitability of the PAP to the Director of Adoption.
<b>14.3 Final approval</b>	
Which body / person gives the final approval that the PAPs are eligible and suited to undertake an intercountry adoption?	The Central Authority gives final approval; the Director of Adoptions

<b>15. Preparation and counselling of PAPs (Art. 5 b))</b>	
a) In your State, are courses provided to prepare PAPs for intercountry adoption?	<input type="checkbox"/> Yes, please specify the following: <ul style="list-style-type: none"> <li>- Whether the courses are mandatory:</li> <li>- At what stage of the adoption procedure they are offered:</li> <li>- Who provides the courses:</li> <li>- Whether they are provided to PAPs individually or collectively (<i>i.e.</i>, in a group):</li> <li>- Whether they are provided "in person" or electronically:</li> <li>- How many hours the courses last:</li> <li>- The content of the courses:</li> <li>- Whether there are specific courses for PAPs wishing to adopt a child with special needs:</li> <li>- Whether the courses are (or can be) targeted at preparing PAPs for the adoption of a child from specific States of origin:</li> </ul> <input checked="" type="checkbox"/> No
b) Aside from any courses provided, what, if any, (other) counselling or preparation is provided to individual	During the application to adopt process, an Adoption Worker will meet with the PAPs to explain risks associated with an

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

<p>PAPs (<i>e.g.</i>, meeting with adoptive parents, language and culture courses)?</p> <p>Please specify, in each case:</p> <ul style="list-style-type: none"> <li>(i) If it is mandatory for PAPs to use the service;</li> <li>(ii) Who provides the service; and</li> <li>(iii) At what stage in the adoption procedure the service is provided.</li> </ul>	<p>intercountry adoption and encourage contact with an accredited intercountry adoption agency in southern Canada that has experience working with a particular country.</p> <p>There is no mandatory training for PAP's.</p>
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## **PART VI: THE INTERCOUNTRY ADOPTION PROCEDURE**

<b>16. Applications</b>	
<p>a) To which authority / body should PAPs apply for an intercountry adoption?</p>	<p>Their local Territorial Health and Social Services Authority. An Adoption Worker at the Authority will advise the PAPS to contact an intercountry adoption agency in Canada (there are no such agencies in NWT) to assist them in facilitating the adoption</p>

<p>b) Please indicate which documents your State requires to be included within the PAPs' file for transmission to the State of origin:<sup>16</sup></p> <p><i>Please tick all which apply.</i></p>	<p><input type="checkbox"/> An application form for adoption completed by the PAPs</p> <p><input checked="" type="checkbox"/> A statement of "approval to adopt" issued by a competent authority</p> <p><input checked="" type="checkbox"/> A report on the PAPs including the "home study" and other personal assessments (see Art. 15)</p> <p><input type="checkbox"/> Copies of the PAPs' passports or other personal identification documents</p> <p><input type="checkbox"/> Copies of the PAPs' birth certificates</p> <p><input type="checkbox"/> Copies of the birth certificates of any children living with the PAPs</p> <p><input type="checkbox"/> Copies of marriage, divorce or death certificates, as applicable (please specify in which circumstances):</p> <p><input checked="" type="checkbox"/> Information concerning the health of the PAPs (please specify in which circumstances and what type of information is required): All adoptive applicants are required to complete a medical examination report signed by a physician. The medical exam report includes, whether or not there is history of cardiovascular, respiratory, GI, metabolic or skeletal disease. The report requires the disclosure of any psychiatric illness, history of addiction, and medications presently being taken.</p> <p><input type="checkbox"/> Evidence of the financial circumstances of the family (please specify in which circumstances and what type of information is required):</p> <p><input type="checkbox"/> Information concerning the employment status of the PAPs (please specify in which circumstances and what type of information is required):</p> <p><input checked="" type="checkbox"/> Proof of no criminal record</p> <p><input checked="" type="checkbox"/> Other(s): please explain The accredited adoption agency the family have chosen to work with determines the content of the dossier</p>
<p>c) Is it compulsory in your State for an accredited body to be involved in an intercountry adoption procedure?<sup>17</sup></p>	<p><input checked="" type="checkbox"/> Yes, please specify at which stage(s) of the procedure an accredited body must be involved (e.g., for the preparation of the home study, for the submission of the adoption file to the State of origin, for all stages of the procedure): The PAP's must enter into contract with an accredited intercountry adoption agency in one of the provinces to facilitate the adoption placement.</p> <p>The public authority completes the homestudy.</p>

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

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

	<p>The Central Authority approves the family suitable to adopt and approves the matching of the child</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 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 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 checked="" 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>	Adoption worker employed by a Territorial Health and Social Services Authority
<p>b) Is a "standard form" used for the report on the PAPs in your State?</p>	<p><input type="checkbox"/> Yes, please provide a link to the form or attach a copy:</p> <p><input checked="" type="checkbox"/> No. Please indicate whether your State has any requirements concerning the information which must be included in the report on the PAPs and / or the documentation which must be attached to it: NWT uses the same report template used for domestic adoptions, modified according to the requirements of the sending country</p>
<p>c) For how long is the report on the PAPs valid in your State?</p>	One year or until there is a significant change in circumstances of the PAP's, such as birth or adoption of a child
<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>	The applicants are responsible for contacting their Adoption Worker to update their information;

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

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

## 19. Receipt of the report on the child (Art. 16(2)) and acceptance of the match (Art. 17 a) and b))

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

Which authority / body in your State receives the report on the child from the State of origin?

Central Authority - Director of Adoptions

### 19.2 Acceptance of the match

a) Does your State require that the matching be accepted by a competent authority in your State?

- Yes, please provide the following details:
- 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 first to the competent authority to determine whether the match is accepted and only if this authority accepts the match is the report sent to the PAPs): The Central Authority presents the child proposal to the PAPs
- Go to Question 19.2 b)**
- 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:

**Go to Question 19.2 c)**

b) Which criteria must be fulfilled for the relevant authority in your State to accept the match?

The Central Authority reviews the report to ensure the PAP's are qualified to care for the specific characteristics or needs described in the child proposal from the State of origin

c) Does your State impose any requirements on PAPs concerning the length of time they are given to decide whether to accept a match?

- Yes, in addition to any requirements of the State of origin, our State has a time-limit – please specify:
- 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?

- Yes – please specify what type of assistance is provided (e.g., counselling): The PAP meet with their adoption worker; they may also discuss the proposal with their family doctor
- No

## 20. Agreement under Article 17 c)

a) Which competent authority / body agrees that the adoption may proceed in accordance with Article 17 c)?	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 <b>OR</b> <input checked="" type="checkbox"/> Our State sends its agreement to the State of origin with a notice that the match has been accepted <b>OR</b> <input type="checkbox"/> Other (please specify):

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

a) Does your State impose any travel requirements / restrictions on PAPs in addition to those imposed by the State of origin?	<input type="checkbox"/> Yes, please specify the additional requirements / restrictions: <input checked="" type="checkbox"/> No
b) Does your State permit an escort to be used to bring the child to the adoptive parents in your State in any circumstances?	<input type="checkbox"/> Yes, please specify in which circumstances: <input checked="" type="checkbox"/> No

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

<b>22. Authorisation for the child to enter and reside permanently (Arts 5 c) and 18)</b>	
a) Please specify the procedure to obtain authorisation for the child to enter and reside permanently in your State.	See 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.	As above
d) Once the child has arrived in your State, what is the procedure, if any, to notify the Central Authority or accredited body of his / her arrival?	There is no procedure in place to notify the Central Authority

<b>23. Final adoption decision and the Article 23 certificate</b>	
a) If the final adoption decision is made in your State, which competent authority: (i) Makes the final adoption decision; and (ii) Issues the certificate under Article 23?  <i><b>N.B.</b> According to Art. 23(2), the authority responsible for issuing the Art. 23 certificate should be formally designated at the time of ratification of / accession to the 1993 Convention. The designation (or any modification to a designation) should be notified to the depositary of the Convention. The answer to (ii) above should therefore be available on the <a href="#">Status Table</a> for the 1993 Convention (under "Authorities"), available on the <a href="#">Intercountry Adoption Section</a> of the Hague Conference website.</i>	(i) the Northwest Territories Supreme Court (ii) the Central Authority
b) Does your State use the "Recommended model form – Certificate of conformity of intercountry adoption"?  <i>See GGP No 1 – Annex 7.</i>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
c) Please briefly describe the procedure for issuing the Article 23 certificate. <i>E.g., how long does it take to issue the certificate? Is a copy of the certificate always given to the PAPs? Is a copy sent to the Central Authority in the State of origin?</i>	The Central Authority issues the certificate of conformity and sends it to the adoptive parents, and a copy is sent to the State of origin.

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 NWT Central Authority
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## PART VII: INTRA-FAMILY INTERCOUNTRY ADOPTIONS

<b>24. Procedure for the intercountry adoption of a child who is a relative of the PAPs ("intra-family intercountry adoption")</b>	
a) Please explain the circumstances in which an intercountry adoption will be classified as an "intra-family intercountry adoption" in your State. Please include an explanation of the degree of relationship which a child must have with PAPs to be considered a "relative" of those PAPs.	A relative child is any child related by some degree of consanguinity and may include nephews, nieces, cousins etc. The type of relationship must be approved or shown by the originating country/family
b) Does your State apply the procedures of the 1993 Convention to intra-family intercountry adoptions?  <i><b>N.B.</b> If the child and PAPs are habitually resident in different Contracting States to the 1993 Convention, <b>the Convention is applicable</b>, irrespective of the fact that the child and PAPs are related: see further GGP No 1 at para. 8.6.4.</i>	<input checked="" type="checkbox"/> Yes – <b>go to Question 25</b> <input type="checkbox"/> Yes, in general, although there are some differences in the procedures for intra-family intercountry adoptions – please specify: <b>Go to Question 25</b> <input type="checkbox"/> No – <b>go to Question 24 c)</b>
c) If your State does not apply the Convention procedures to intra-family intercountry adoptions, please explain the laws / rules / procedures which are used in relation to:  (i) The counselling and preparations which PAPs must undergo in your State; (ii) The preparation of the child for the adoption; (iii) The report on the PAPs; and (iv) The report on the child.	(i) (ii) (iii) (iv)

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

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

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

<p>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 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:</p> <p><input checked="" type="checkbox"/> No – <b>go to Question 26</b></p>
<p>d) If conversion of a "simple" adoption into a "full" adoption is sought in your State following an intercountry adoption, how does your State ensure that the consents referred to in Article 4 c) and d) of the 1993 Convention have been given in the State of origin to a "full" adoption (as required by Art. 27(1) b))?</p> <p><i>See Art. 27(1) b) and Art. 4 c) and d).</i></p>	
<p>e) Following a conversion in your State, please explain which authority is responsible for issuing the Article 23 certificate in relation to the conversion decision. Please also explain the procedure which is followed.</p>	<p><input 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): N/A</p>

## PART IX: POST-ADOPTION MATTERS

<b>26. Preservation of, and access to, information concerning the child's origins (Art. 30) and the adoption of the child</b>	
<p>a) Which authority in your State is responsible for preserving information concerning the child's origins, as required by Article 30?</p>	<p>The NWT Central Authority</p>
<p>b) For how long is the information concerning the child's origins preserved?</p>	<p>119 years</p>
<p>c) Does your State permit the following persons to have access to information concerning the child's origins and / or information concerning the adoption of the child:</p> <p>(i) the adoptee and / or his / her representative(s);</p> <p>(ii) the adoptive parent(s);</p> <p>(iii) the birth family; and / or</p> <p>(iv) any other person(s)?</p> <p>If so, are there any criteria which must be met for access to be granted (e.g., age of the adopted child, consent of the birth family to the release of information concerning the child's origins, consent of</p>	<p>(i) <input checked="" type="checkbox"/> Yes – please explain any criteria: the adopted person may have access to information when he/she reaches the age of majority (19 years)</p> <p><input type="checkbox"/> No</p> <p>(ii) <input checked="" type="checkbox"/> Yes – please explain any criteria: the adopted person must reach the age of majority before the adoptive parents have access to any information</p> <p><input type="checkbox"/> No</p> <p>(iii) <input checked="" type="checkbox"/> Yes – please explain any criteria: when the adopted person reaches the age of majority.</p>

<p>the adoptive parents to the release of information concerning the adoption)?</p> <p>See Art. 9 a) and c) and Art. 30.</p>	<p><input type="checkbox"/> No</p> <p>(iv) <input type="checkbox"/> Yes – please explain any criteria: Any person, including (i, ii and iii) above may receive information when the Central Authority considers that disclosure is required to protect the health, welfare or safety of the adopted person or any other person.</p> <p><input type="checkbox"/> No</p>
<p>d) Where access to such information is provided, is any counselling or other guidance / support given in your State?</p>	<p><input checked="" type="checkbox"/> Yes – please specify: Central Authority offers counselling to the person, and if accepted, the Central Authority makes counselling available.</p> <p><input type="checkbox"/> No</p>
<p>e) Once access to such information has been provided, is any <i>further</i> assistance offered to the adoptee and / or others (e.g., regarding making contact with his / her biological family, tracing extended family)?</p>	<p><input checked="" type="checkbox"/> Yes – please specify: If the person requests contact with his/her biological family, the Central Authority conducts a search.</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>An appointed adoption worker employed by a Territorial Health and Social Services Authority writes the post-adoption report; the Central Authority endorses the report and sends the report to the State of origin</p>
<p>b) Absent any specific requirements of the State of origin in this regard, is there a model form which is used by your State for post-adoption reports?</p>	<p><input type="checkbox"/> Yes – please specify whether use of the form is mandatory and indicate where it may be accessed (e.g., provide a link or attach a copy):</p> <p><input type="checkbox"/> No – in which case, please specify the content expected by <i>your</i> State in a post-adoption report (e.g., medical information, information about the child’s development, schooling): Post-placement reports completed by Adoption Workers follow the template used for progress reports in a domestic adoption, unless the Agency has a set format.</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>Central Authority will notify the Adoption Worker and/or adoptive parents of the requirement</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 PAs following completion of an intercountry adoption (e.g., counselling, support to preserve cultural links)?</p>	<p>Post-adoption supports/services are provided by an NGO in Yellowknife, NWT</p> <p>Adoptive parents are encouraged to preserve cultural links by teaching children about their culture, exposing the children to cultural</p>
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<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>activities available locally, preparing cultural foods, etc.</p> <p>There are no provisions for special needs apart from what is available to any child residing in NWT.</p>
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## PART X: THE FINANCIAL ASPECTS OF INTERCOUNTRY ADOPTION<sup>20</sup>

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

<b>29. The costs<sup>21</sup> of intercountry adoption</b>	
a) Are the costs of intercountry adoption regulated by law in your State?	<input checked="" type="checkbox"/> Yes – please specify any relevant legislation / regulations / rules and indicate how they may be accessed (e.g., link to a website or attach a copy). Please also briefly explain the legal framework: The costs of intercountry adoption that are paid in our State are regulated by law in our State, but the costs that are paid in the State of Origin are not regulated by law in our State. The costs of the pre-placement/post-placement reports are set out at Schedule "A" of the Regs to the Adoption Act. The PAP's must issue a cheque or money order payable to the Government of the Northwest Territories in the amount of \$536 Cdn for preparation of a Pre-Placement report and \$108 for each post-adoption report required by the country of origin  <input type="checkbox"/> No
b) Does your State monitor the payment of the costs of intercountry adoption?	<input checked="" type="checkbox"/> Yes – please briefly describe how this monitoring is undertaken: We monitor the costs of the pre-placement/post-placement reports and these costs are set out at Schedule "A" of the Regs to the Adoption Act. The PAP's must issue a cheque or money order payable to the Government of the Northwest Territories in the amount of \$536 Cdn for preparation of a Pre-Placement report and \$108 for each post-adoption report required by the country of origin  <input type="checkbox"/> No
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?  <i>See the "Note on the financial aspects of intercountry adoption" at para. 86.</i>	<input checked="" type="checkbox"/> Through the accredited body: for any costs paid in the State of Origin. <input checked="" type="checkbox"/> Directly by the PAPs: For costs paid in the NWT. The PAP's must issue a cheque or money order payable to the Government of the Northwest Territories in the amount of \$536 Cdn for preparation of a Pre-Placement report and \$108 for each post-adoption report required by the country of origin  <input type="checkbox"/> Other (please explain):
d) Are the costs of intercountry adoption which must be paid in your State paid in cash or only by bank transfer?	<input type="checkbox"/> Only by bank transfer: <input type="checkbox"/> In cash:

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

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

<p><i>See the "Note on the financial aspects of intercountry adoption" at para. 85.</i></p>	<input checked="" type="checkbox"/> Other (please explain): by cheque or money order
<p>e) Which body / authority in your State receives the payments?</p>	<p>The Government of the Northwest Territories, Central Authority (Department of Health and Social Services)</p>
<p>f) Does your State provide PAPs (and other interested persons) with information about the costs of intercountry adoption (e.g., in a brochure or on a website)?</p> <p><b>N.B.</b> Please also ensure that your State has completed the "Tables on the costs associated with intercountry adoption" (see above).</p>	<p><input type="checkbox"/> Yes – please indicate how this information may be accessed: The information is provided by the accredited body working with the PAP's. The Department of Health and Social Services informs the PAP of the cost associated with the completion of adoption report as stated in the Adoption Act Regulations (Pre Placement Report and Family Union Report)</p> <p><input checked="" type="checkbox"/> No</p>

<b>30. Contributions, co-operation projects and donations<sup>22</sup></b>	
<p>a) Does your State permit contributions<sup>23</sup> to be paid (either through your State's Central Authority or a national accredited body) to a State of origin in order to engage in intercountry adoption with that State?</p> <p><i>For good practices relating to contributions, see the "Note on the financial aspects of intercountry adoption" at Chapter 6.</i></p>	<p><input checked="" type="checkbox"/> Yes – please explain:</p> <ul style="list-style-type: none"> <li>- What type of contribution is permitted by your State: contributions that are fixed and well-documented in the fees of the country of origin, and which amounts are identified separately from adoption costs</li> <li>- Who is permitted to pay it (<i>i.e.</i>, the Central Authority or a national accredited body): the accredited adoption body</li> <li>- How it is ensured that contributions do not influence or otherwise compromise the integrity of the intercountry adoption process: before an 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</li> </ul> <p><input type="checkbox"/> No</p>
<p>b) Does your State undertake (either through the Central Authority or national accredited bodies) co-operation projects in any States of origin?</p>	<p><input type="checkbox"/> Yes - please explain:</p> <ul style="list-style-type: none"> <li>- What type of co-operation projects are permitted by your State:</li> <li>- Who undertakes such projects (<i>i.e.</i>, the Central Authority and / or national accredited bodies):</li> <li>- Whether such projects are mandatory according to the law of your State:</li> <li>- Whether such projects are monitored by an authority / body in your State:</li> <li>- How it is ensured that co-operation projects do not influence or otherwise compromise the integrity of the intercountry adoption process:</li> </ul> <p><input checked="" type="checkbox"/> No</p>
<p>c) If permitted in the State of origin, does your State permit PAPs or accredited bodies to make donations to orphanages, institutions or birth families in the State of origin?</p> <p><b><i>N.B. This is <u>not</u> recommended as a good practice: see further the "Note on the</i></b></p>	<p><input type="checkbox"/> Yes – please explain:</p> <ul style="list-style-type: none"> <li>- To whom donations may be made (<i>e.g.</i>, to orphanages, other institutions and / or birth families):</li> <li>- What donations are intended to be used for:</li> </ul>

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

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

<p><i>financial aspects of intercountry adoption” at Chapter 6 (in particular, Chapter 6.4).</i></p>	<ul style="list-style-type: none"> <li>- Who is permitted to pay donations (e.g., only accredited bodies or also PAPs):</li> <li>- At what stage of the intercountry adoption procedure donations are permitted to be paid:</li> <li>- How it is ensured that donations do not influence or otherwise compromise the integrity of the intercountry adoption procedure:</li> </ul> <p><input checked="" type="checkbox"/> No</p>
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### 31. Improper financial or other gain (Arts 8 and 32)

<p>a) Which authority is responsible for preventing improper financial or other gain in your State as required by the Convention?</p>	<p>Central Authority</p>
<p>b) What measures have been taken in your State to prevent improper financial or other gain?</p>	<p>legislative measures: Section 75(1) of the Adoption states:</p> <p>Every person, other than the Director, who gives or receives or agrees to give or receive any payment or reward, either directly or indirectly, to procure or assist in procuring a child for the purpose of adoption, is guilty of an offence and liable on summary conviction to a fine not exceeding \$10,000, to imprisonment for a term not exceeding one year or to both.</p> <p>(2) Subsection (1) does not apply to the payment of (a) fees payable or costs, charges and expenses incurred in respect of services under this Act or the regulations; (b) proper fees, expenses and disbursements to a lawyer in respect of legal services provided in respect of an adoption of a child; or (c) proper fees and expenses to a medical practitioner or nurse in respect of a medical examination conducted and report of the medical examination prepared in respect of an adoption of a child</p>
<p>c) Please explain the sanctions which may be applied if Articles 8 and / or 32 are breached.</p>	<p>75(1) of the Adoption Act, 1998; \$10,000 fine or imprisonment up to one year or both.</p>

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

### 32. Response to illicit practices in general

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

Please explain how your Central Authority and / or other competent authorities respond to intercountry adoption cases involving alleged or actual illicit practices. <sup>25</sup>	See Canada's Main Profile
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<b>33. The abduction, sale of and traffic in children</b>	
<p>a) Please indicate which laws in your State seek to prevent the abduction, sale of and traffic in children in the context of your intercountry adoption programmes.</p> <p>Please also specify which bodies / persons the laws target (<i>e.g.</i>, accredited bodies (national or foreign), PAPs, directors of children's institutions).</p>	<p>Section 75(1) of the NWT Adoption Act; \$10,000 fine or imprisonment up to one year or both.</p> <p>See also Canada's main Country Profile</p>
<p>b) Please explain how your State monitors respect for the above laws.</p>	<p>The Central Authority (CA) in NWT is responsible for ensuring that Convention standards are met; the CA will only consider adoptions with Hague countries or countries that follow Convention principles.</p> <p>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>Section 75(1) of the Adoption Act; \$10,000 fine or imprisonment up to one year or both.</p> <p>See also Canada's main Country Profile</p>

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

### 34. Private and / or independent adoptions

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

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

Please tick all which apply.

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

## PART XII: INTERNATIONAL MOBILITY

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

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

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

- Yes – please explain whether this would be treated as an *intercountry* or *domestic* adoption in your State<sup>26</sup> and please briefly explain the procedure which would be followed, as well as any specific criteria / conditions which would apply: The PAP would need to have permanent residency status in Canada and be a habitual resident of the NWT
- No

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

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

- Yes – please explain whether this would be treated as an *intercountry* or *domestic* adoption in your State<sup>27</sup> and please briefly explain the procedure which would be followed, as well as any specific criteria / conditions which would apply: Yes. They are required to have citizenship or permanent resident status to do so.
- 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.*

The NWT Central Authority would cease involvement with the process.

The Letter of Agreement/No Objection required by Citizenship and Immigration Canada for the purposes of immigration/citizenship would not be issued.

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

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

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

<b>36. Selection of partners</b>	
a) With which States of origin does your State currently partner on intercountry adoption?	The NWT do only a very small number of intercountry adoptions, and is not currently working with any State of origin.
b) How does your State determine with which States of origin it will partner?  In particular, please specify whether your State only partners with other <i>Contracting States</i> to the 1993 Convention.  <i>To see which States are Contracting States to the 1993 Convention, please refer to the <a href="#">Status Table</a> for the 1993 Convention (accessible via the <a href="#">Intercountry Adoption Section</a> of the Hague Conference website &lt; <a href="http://www.hcch.net">www.hcch.net</a> &gt;).</i>	The NWT will partner with Hague countries and non-Hague countries that have an adoption authority with which the NWT Central Authority could work.
c) If your State also partners with <i>non-Contracting States</i> , please explain how it is ensured that the safeguards of the 1993 Convention are complied with in these cases. <sup>29</sup>	The State must follow a Hague process and must have adoption law <input type="checkbox"/> Not applicable: our State only partners with other <i>Contracting States</i> to the 1993 Convention.
d) Are any formalities required in order to commence intercountry adoptions with a particular State of origin (e.g., the conclusion of a formal agreement <sup>30</sup> with that State of origin)?	<input checked="" type="checkbox"/> Yes – please explain the content of any agreements or other formalities: <sup>31</sup> It would need to be determined that the State follows a Hague process, the State has adoption law and there is an agency or Central Authority the NWT Central Authority could work with <input type="checkbox"/> No

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

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

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

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