

COUNTRY PROFILE

1993 HAGUE INTERCOUNTRY ADOPTION CONVENTION¹

RECEIVING STATE

COUNTRY NAME: CANADA - Province of Manitoba

PROFILE UPDATED ON: February 2021

PART I: CENTRAL AUTHORITY

1. Contact details ²	
Name of office:	Department of Families Child Protection Branch
Acronyms used:	
Address:	777 Portage Ave., Winnipeg, MB. R3G 0N3
Telephone:	+1 204 945-6964
Fax:	+1 204 948-2949
E-mail:	www.manitoba.ca
Website:	http://www.gov.mb.ca/index.html
Contact person(s) and direct contact details (please indicate language(s) of communication):	Lorna Hanson, Acting Executive Director, Child Protection Branch (English) Telephone: +1 (204) 945-7274 Email: lorna.hanson@gov.mb.ca Heather Hilo, Intercountry Adoption Specialist / Central Adoption Registrar (English) Telephone: +1 (204) 945-5514 Email: heather.hilo@gov.mb.ca
<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>	

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 >.



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 Manitoba and the specific information on the operation of the Convention in this province appear in this Annex.

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 response in 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>THE INTERCOUNTRY ADOPTION (HAGUE CONVENTION) ACT, C.C.S.M. c. A3 http://web2.gov.mb.ca/laws/statutes/ccsm/a003e.php Intercountry Adoption (Hague Convention) Regulation http://web2.gov.mb.ca/laws/regs/current/_pdf-regs.php?reg=23/99 The Adoption Act, C.C.S.M. c. A2 http://web2.gov.mb.ca/laws/statutes/ccsm/a002e.php The Adoption Regulation http://web2.gov.mb.ca/laws/regs/current/_pdf-regs.php?reg=19/99 The Adoption Agencies Licensing Regulation http://web2.gov.mb.ca/laws/regs/current/_pdf-regs.php?reg=20/99</p>

3. Other international agreements on intercountry adoption ³	
<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>Manitoba's Central Authority executes the functions of Articles 6-9 of The Hague Convention. Manitoba, a province in Canada,</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).

<p><i>See Arts 6-9 and Arts 14-21 if accredited bodies are not used.</i></p>	<p>works closely with our other provincial/territorial/federal peers who have been designated as Central Authorities. In Canada, we work together to cooperate in meeting the articles and objectives of The Hague Convention and in particular Articles 7, 8 & 9.</p>
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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>Public authorities and competent authorities can be involved in the intercountry process in Manitoba. If a child enters Manitoba, for the purposes of adoption, our Family Courts can process the adoption and render a Court Order of Adoption if all the legal procedures have been followed/met. For example, Manitoba, in general, will finalize the adoption placements of children from the Philippines. We work closely with the Central Authority in processing the matter, after our competent authority, usually a child and family services agency, has supervised the placement. Upon a recommendation to the Central Authority in the Philippines to finalize the adoption, and formal receipt of their consent to proceed, the adoption order is made in Manitoba.</p> <p>As well, Manitoba's courts are able to recognize certified consents executed in other countries of origin, as well as making an order to convert a "simple" adoption (Article 27 of the Convention) into a full legal adoption order, recognized in Manitoba.</p> <p>Manitoba's child and family services agencies are mandated agencies that provide a wide variety of services to families and children in our province, ranging from child protection to voluntary family service assistance. There are 25 child and family services agencies in Manitoba.</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><i>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</p>	<p><input checked="" type="checkbox"/> Yes</p> <p><input 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>3</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) Please briefly describe the role of national accredited bodies in your State.	Manitoba has accredited 2 private licensed adoption agencies in our province to be delegated the duties of Articles 15-21. Duties under article 14 of the Convention have not been delegated and therefore all PAPs are required to notify the director as the Central Authority regarding their application to adopt in another country.
6.1 The accreditation procedure (Arts 10-11)	
a) Which authority / body is responsible for the accreditation of national adoption bodies in your State?	The body responsible is the Central Authority. Accreditation is based on compliance with provisions of The Adoption Act in Manitoba, The Hague Convention as well as Manitoba's Adoption Regulations, Adoption Licensing Regulations, Standards, policies and best practices.
b) Please briefly describe the <i>procedure</i> for granting accreditation and the most important accreditation <i>criteria</i> .	<p>Manitoba has a specific regulation that addresses the stringent requirements for the licensing of our private adoption agencies in order to be accredited. The most important criteria are that the agencies be licensed as:</p> <ul style="list-style-type: none"> • non-profit • have qualified professional trained staff who have passed regular criminal and child abuse registry checks • provide full fee and financial disclosure of their activities to the Central Authority • maintain proper storage and maintenance of adoption files and records • access proper insurance coverage <p>The Adoption Agencies Licensing Regulation can be found at the following link: http://www.canlii.org/en/mb/laws/regu/man-reg-20-99/64644/man-reg-20-99.html</p>
c) For how long is accreditation granted in your State?	A licence is valid for 2 years when first issued. When a licence is renewed, it is valid for 3 years from the date of expiry of the previous licence.
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> .	Private adoption agencies must apply to renew their licence 90 days prior to the expiry date. Agencies must submit a statement confirming that the information and documentation provided at the time of application has not changed, or a statement setting out how it has changed. Information required at the time of application is available in s. 2(2) of the Adoption Agencies Licensing Regulation: http://www.canlii.org/en/mb/laws/regu/man-reg-20-99/64644/man-reg-20-99.html When making a decision respecting the renewal of the licence, the Director considers the information provided under s. 2 (1) and (2) of the Adoption Agencies Licensing Regulation; whether the adoption agency has complied with the requirements of s. 4 and 5 of the Adoption Agencies Licensing Regulation; the grounds under section 8 of the Adoption Agencies Licensing Regulation that apply to the suspension or cancellation of a licence; whether the licence was suspended or

	cancelled and whether the licence was suspended or conditions placed on it during its term. Once a licence is renewed it is valid for 3 years.
6.2 Monitoring of national accredited bodies⁷	
a) Which authority is competent to monitor / supervise national accredited bodies in your State? See Art. 11 c).	The Central Authority.

b) Please briefly describe how national accredited bodies are monitored / supervised in your State (e.g., if inspections are undertaken, how frequently).	Adoption agencies must comply with The Adoption Act, Adoption Regulations Standards, policies and best practices. Agencies must submit annual financial statements with a review engagement report prepared by the agency's external accountant to the Central Authority. They must also submit quarterly reports and an annual report to the Central Authority regarding their services provided.
c) Please briefly describe the circumstances in which the accreditation of bodies can be revoked (i.e., withdrawn).	The Central Authority may suspend a licence, with or without imposing conditions, or may cancel a licence on any of the following grounds: (a) the adoption agency is not, in the opinion of the Central Authority (i) giving paramount consideration to the best interests of the children who are being placed for adoption, (ii) operating in a manner that is in the best interest of the persons who are receiving the adoption services, or (iii) operating in accordance with the requirements of the Act, the conditions of its licence or the requirements of the regulations under the Act; (b) the corporation has made a material false statement in an application for a licence or a renewal of a licence; (c) a change has occurred in the board of directors of the corporation, or the employees or contractors of the adoption agency that would be grounds for refusing to issue a licence if the corporation were to apply for a licence for the first time; (d) a member of the board of directors of the corporation or an employee or contractor of the adoption agency has contravened the Act or the regulations, the constitution or bylaws of the corporation, or a condition of the licence issued to the corporation; (e) any other circumstance that, in the opinion of the Central Authority, is a cause for concern respecting the operation of the adoption agency.
d) If national accredited bodies do not comply with the 1993 Convention, is it possible for sanctions to be applied?	<input checked="" type="checkbox"/> Yes, please specify possible sanctions (e.g., fine, withdrawal of accreditation): The Central Authority may designate an adoption agency as an accredited body

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

	<p>under the Convention to perform such functions as are specified by the Central Authority for the purposes of the Convention. However, the Central Authority may revoke or amend a designation.</p> <p><input type="checkbox"/> No</p>
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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?	The Central Authority.
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 checked="" 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 checked="" type="checkbox"/> Authorisation is granted specifically: national accredited bodies must apply for authorisation to work in one or more pre-identified State(s) of origin. Authorization is granted to work in specific states of origin, based on a demonstrated knowledge/ability to meet the country of origin's ongoing requirements.
d) Please briefly describe the <i>procedure</i> for granting authorisation and the most important authorisation <i>criteria</i> . ⁹ 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 (<i>e.g.</i> , requirements that the body must have a local representative in the State of origin, or must establish a local office).	<p>The Manitoba Central Authority requires the following information be submitted when private licensed adoption agencies seek approval to start a new adoption program in a State of origin.</p> <ol style="list-style-type: none"> 1. A full itemized account of all fees and disbursements charged by the private licensed adoption agency relating to the provision of adoption services, both in the sending country and in Canada. The itemized account will include a full disclosure of all monies paid in country, including any monies paid to orphanages, institutions, donations, humanitarian aid, etc. 2. The sending country's adoption legislation, program description and a detailed breakdown of the adoption process and timeframes involved. 3. The following information must be submitted for all employees and volunteers (including all staff, facilitators, contractors and any other service

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>providers) used in the sending country's adoption program:</p> <ol style="list-style-type: none"> a. Name b. Role c. Photocopy of all professional qualifications d. Photocopy of all references (there must be a minimum of 2 references) e. Photocopy of a criminal record check f. Photocopy of the employment contract, including documentation of the salary, fees and/or disbursements paid g. Photocopy of the license to operate a program in the sending country, if applicable <ol style="list-style-type: none"> 4. Documentation of the adoption agency's license and/or their accreditation granted by the sending country in order to operate the adoption program. 5. Any other documentation that the Central Authority of Manitoba may require.
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e) For how long is authorisation granted?	It is typically granted for a 6 month probationary period and then granted on an on-going basis.
f) Please briefly describe the criteria and procedure used to determine whether authorisation will be <i>renewed</i> .	The renewal process is part of the agency's licence renewal process.

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> .	<p>We look into any areas of concern that come to our attention either directly or through other sources such as the Canadian Federal Central Authority or the State of origin.</p> <p>Also see response to question 7.1 d).</p>
b) Please briefly describe the circumstances in which the authorisation of national accredited bodies can be revoked (<i>i.e.</i> , withdrawn).	They must meet the criteria of demonstrating knowledge, including legislative requirements, fee disclosure, qualified staff and appropriate reference documents concerning personnel involved in the country of origin.

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

Is the involvement of approved (non-accredited) persons permitted in intercountry adoption procedures in your State?	<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: <input checked="" type="checkbox"/> No
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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.

<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 names and addresses of these bodies and persons (Art. 22(3)).¹²</p>	
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PART IV: THE CHILDREN PROPOSED FOR INTERCOUNTRY ADOPTION

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

<p>Does your State have its own criteria concerning the adoptability of a child (e.g., maximum age) which must be applied <i>in addition to</i> the requirements of the State of origin?</p>	<p><input checked="" type="checkbox"/> Yes – please specify: Children must be under 18 years old.</p> <p><input type="checkbox"/> No, there are no additional criteria concerning adoptability – the requirements of the State of origin are determinative.</p>
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10. The best interests of the child and subsidiarity (Art. 4 b))

<p>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)?</p>	<p><input checked="" type="checkbox"/> Yes – please specify: The Manitoba Central Authority requests detailed information on the child, including social/medical history and court reports stating the child was deemed legally available for adoption. However, there are circumstances when this information is not provided due to lack of procedures in the State of origin.</p> <p><input type="checkbox"/> No</p>
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11. Children with special needs

<p>Does your State have its own definition of the term “special needs children” which is applied in intercountry adoption cases?</p>	<p><input type="checkbox"/> Yes – please provide the definition used in your State:</p> <p><input checked="" type="checkbox"/> No – the definition used in the State(s) of origin is determinative.</p>
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12. The nationality of children who are adopted intercountry¹³

<p>Do children who are adopted intercountry to your State acquire the nationality of your State?</p>	<p><input type="checkbox"/> Yes, always. Please specify:</p> <p>(i) At what stage nationality is acquired by the child: ; and</p> <p>(ii) The procedure which must be undertaken (or whether acquisition of nationality is <i>automatic</i> upon the occurrence of a particular event, e.g., the making of the final adoption decision):</p>
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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](#) of the Hague Conference website < www.hcch.net >, at Chapter 8.4.5.

	<input checked="" type="checkbox"/> It depends – please specify which factors are taken into consideration (e.g., the nationality of the prospective adoptive parents (“PAPs”), whether the child loses his / her nationality of the State of origin): See response in Canada's main Country Profile <input type="checkbox"/> No, the child will never acquire this nationality.
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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 checked="" type="checkbox"/> Yes, please specify the limit applied and the basis on which it is determined: PAP's can only apply for intercountry adoption for one country at a time. <input 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 checked="" type="checkbox"/> Yes, the following person(s) may apply in our State for an intercountry adoption: <input checked="" type="checkbox"/> Married, heterosexual couples: <input checked="" type="checkbox"/> Married, same-sex couples: <input checked="" type="checkbox"/> Heterosexual couples in a legally registered partnership: <input checked="" type="checkbox"/> Same-sex couples in a legally registered partnership: <input checked="" type="checkbox"/> Heterosexual couples that have not legally formalised their relationship: <input checked="" type="checkbox"/> Same-sex couples that have not legally formalised their relationship: <input checked="" type="checkbox"/> Single men: <input checked="" type="checkbox"/> Single women: <input type="checkbox"/> Other (please specify): <input 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: Age 18 <input type="checkbox"/> Maximum age requirements:

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.

	<input type="checkbox"/> Difference in years required between the PAPs and the child: <input type="checkbox"/> Other (please specify): <input type="checkbox"/> No
c) Are there any <i>other</i> eligibility criteria which your State requires PAPs to fulfil?	<input checked="" type="checkbox"/> Yes, please specify: <input checked="" type="checkbox"/> Additional / differing criteria must be met for PAPs wishing to adopt a child with special needs (please specify): They are required to complete additional education and counselling regarding adopting special needs and/or older children. <input type="checkbox"/> Couples must supply evidence of infertility: <input checked="" type="checkbox"/> For persons with children already (biological or adopted), there are additional criteria (please specify): Best practice is not to disrupt birth order. <input type="checkbox"/> Other (please specify): <input type="checkbox"/> No
14.2 Suitability assessment¹⁵	
a) Which body(ies) / expert(s) perform the assessment of whether the PAPs are suitable persons to undertake an intercountry adoption?	The accredited agency professional social work staff.
b) Please briefly describe the procedure which is used to assess the PAPs and determine their suitability to undertake an intercountry adoption.	The evaluation procedure is heavily regulated and includes a thorough social work homestudy assessment, medical, financial, police/abuse checks and references.
14.3 Final approval	
Which body / person gives the final approval that the PAPs are eligible and suited to undertake an intercountry adoption?	The Manitoba Central Authority

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: Yes - At what stage of the adoption procedure they are offered: At the beginning of the process. - Who provides the courses: The accredited agency professional social work staff. - Whether they are provided to PAPs individually or collectively (<i>i.e.</i>, in a group): Collectively and individually. - Whether they are provided "in person" or electronically: In person. - How many hours the courses last: Typically 20 hours. - The content of the courses: Covers the life long issues related to adoption. - Whether there are specific courses for PAPs wishing to adopt a child with special needs: Yes, they must attend specialized education to adopt a child with special needs. - Whether the courses are (or can be) targeted at preparing PAPs for the adoption of a child from specific States of origin: Yes <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>Mandatory advice and counselling is provided by professional agency social work staff and is provided throughout the adoption process.</p>

PART VI: THE INTERCOUNTRY ADOPTION PROCEDURE

16. Applications	
<p>a) To which authority / body should PAPs apply for an intercountry adoption?</p>	<p>PAPs apply to accredited adoption agencies.</p>

<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>	<p><input checked="" 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 checked="" type="checkbox"/> Copies of the PAPs' passports or other personal identification documents</p> <p><input checked="" type="checkbox"/> Copies of the PAPs' birth certificates</p> <p><input checked="" type="checkbox"/> Copies of the birth certificates of any children living with the PAPs</p> <p><input checked="" type="checkbox"/> Copies of marriage, divorce or death certificates, as applicable (please specify in which circumstances): Divorce certificates if one party is divorced and death certificates if one partner is deceased.</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): Full medical report</p> <p><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 declarations</p> <p><input checked="" type="checkbox"/> Information concerning the employment status of the PAPs (please specify in which circumstances and what type of information is required): Letter from employer</p> <p><input checked="" type="checkbox"/> Proof of no criminal record</p> <p><input checked="" type="checkbox"/> Other(s): please explain Four references that attest to the PAP's ability to protect, nurture and care for a child.</p>
<p>c) Is it compulsory in your State for an accredited body to be involved in an intercountry adoption procedure?¹⁷</p>	<p><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): For all stages of the procedure.</p> <p><input type="checkbox"/> No. Please specify who assists PAPs if no accredited body is involved in the adoption procedure:</p>
<p>d) Are any <i>additional</i> documents required if PAPs apply through an accredited body?</p> <p><i>Please tick all which apply.</i></p>	<p><input checked="" type="checkbox"/> Yes</p> <p><input checked="" type="checkbox"/> A power of attorney issued by the PAPs to the accredited body (<i>i.e.</i>, a written document provided by the PAPs to the accredited body in which the PAPs formally appoint the accredited body to act on their behalf in relation to the intercountry adoption):</p>

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.

	<input checked="" type="checkbox"/> A contract signed by the accredited body and the PAPs: <input checked="" type="checkbox"/> A document issued by a competent authority of the receiving State certifying that the accredited body may undertake intercountry adoptions: Agency licence <input type="checkbox"/> Other (please specify): <input type="checkbox"/> No
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17. The report on the PAPs (Arts 5 a) and 15(1))

a) Which body(ies) / expert(s) prepare the report on the PAPs? Please include all those involved with the preparation of any of the documents which are included within such a report.	Accredited bodies prepare the homestudy and approve the adoptive family. The Central Authority then provides approval that the family and agency have complied with legislation.
b) Is a "standard form" used for the report on the PAPs in your State?	<input checked="" type="checkbox"/> Yes, please provide a link to the form or attach a copy: Manitoba uses two different forms for intercountry homestudies, please see attached. <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:
c) For how long is the report on the PAPs valid in your State?	One year
d) Who is responsible in your State for renewing the report on the PAPs if the period of validity expires before the intercountry adoption is completed and what is the procedure for renewal?	The accredited adoption agency social work staff complete a homestudy update. PAPs are required to renew their police and abuse registry checks, references, medicals and undergo a homestudy update with the accredited adoption agency.

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

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

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

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

Which authority / body in your State receives the report on the child from the State of origin?	The Child and Family Services Division as the Central Authority.
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19.2 Acceptance of the match	
a) Does your State require that the matching be accepted by a competent authority in your State?	<input checked="" type="checkbox"/> Yes, please provide the following details: <ul style="list-style-type: none"> - Which authority determines whether to accept the match (<i>e.g.</i>, the Central Authority or another competent authority): The Central Authority and - The procedure which is followed (<i>e.g.</i>, 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 child proposal is first sent to the Central Authority for approval. If approved, it is sent to the PAP's Manitoba adoption agency to share with the PAP's. <p style="text-align: center;"><u>Go to Question 19.2 b)</u></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 style="text-align: center;"><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 child proposal must match what the PAP's have been approved for.
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 (<i>e.g.</i> , counselling): Counselling and/or education and medical advice based on a review of the child proposal. <input type="checkbox"/> No

20. Agreement under Article 17 c)	
a) Which competent authority / body agrees that the adoption may proceed in accordance with Article 17 c)?	The Central Authority
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

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

a) Does your State impose any travel requirements / restrictions on PAPs in addition to those imposed by the State of origin?	<input checked="" type="checkbox"/> Yes, please specify the additional requirements / restrictions: We require that PAP's not travel to the USA until the birth parent's timeframe to withdraw their consents has expired. <input type="checkbox"/> No
b) Does your State permit an escort to be used to bring the child to the adoptive parents in your State in any circumstances?	<input type="checkbox"/> Yes, please specify in which circumstances: This would only occur in exceptional circumstances, due to a medical condition or family crisis. It is expected both parents travel to the state of origin, or at a minimum, one adoptive parent travel to the state of origin. <input checked="" type="checkbox"/> No

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 response in Canada's main Country Profile
c) Which of the documents listed in response to Question 0 b) above must be issued by your State? Please indicate which public / competent authority is responsible for issuing each document.	See response in Canada's main Country Profile
d) Once the child has arrived in your State, what is the procedure, if any, to notify the Central Authority or accredited body of his / her arrival?	See response in Canada's main Country Profile

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 Manitoba Family court (ii) The Manitoba Central Authority
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
c) Please briefly describe the procedure for issuing the Article 23 certificate.	The Certificate is issued shortly after the Adoption Order is granted. Copies are

<p><i>E.g.</i>, how long does it take to issue the certificate? Is a copy of the certificate always given to the PAPs? Is a copy sent to the Central Authority in the State of origin?</p>	<p>provided to the PAPs and 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 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 "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.	Manitoba defines what relationships are considered "relative" in our legislation and defines a child as under 18 years old. Family is defined as a child's parents, step-parents, siblings, grandparents, aunts, uncles, cousins, any person in loco parentis to the child and the spouse or common-law partner of any of those persons.
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 checked="" type="checkbox"/> Yes</p> <p><input 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: The Manitoba Adoption Act has the ability to convert a simple adoption to a full adoption. However, in practice, there has not been a case of converting a simple to a full adoption in Manitoba.</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>When reviewing the case, the Manitoba court must comply with the Manitoba Adoption Act that requires the following:</p> <p>69 The Intercountry Adoption (Hague Convention) Act applies to an adoption to which the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption applies.</p> <p>Conversion of adoption</p> <p>70(1) On application by a person resident in Manitoba, a judge may make an order converting an adoption referred to in Article 27 of the Convention to have the effect of an adoption under this Act.</p> <p>Documents in support of application</p> <p>70(2) An application for an order under this section shall be supported by</p> <p>(a) the consent or certification that the consent required under Article 27 of the Convention has been given; and</p> <p>(b) certification of conformity required under Article 23 of 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</p>	<p>The accredited agencies and the Central Authority for Manitoba are responsible.</p>

concerning the child's origins, as required by Article 30?	
b) For how long is the information concerning the child's origins preserved?	The legislation in Manitoba requires that adoption records not be destroyed.
<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 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>(i) <input checked="" type="checkbox"/> Yes – please explain any criteria: An adoptee must be 18 years old, or have their adoptive parents register on their behalf if under 18 years old. Depending on where the adoption was finalized and consents of the parties involved.</p> <p><input type="checkbox"/> No</p> <p>(ii) <input checked="" type="checkbox"/> Yes – please explain any criteria: Depending on where the adoption was finalized and consents of the parties involved.</p> <p><input type="checkbox"/> No</p> <p>(iii) <input checked="" type="checkbox"/> Yes – please explain any criteria: Depending on where the adoption was finalized and consents of the parties involved.</p> <p><input type="checkbox"/> No</p> <p>(iv) <input checked="" type="checkbox"/> Yes – please explain any criteria:</p> <p>(a) an adult adoptive sibling of an adoptee if the adoptee is deceased; Depending on where the adoption was finalized and consents of the parties involved.</p> <p>(b) an adult birth sibling of an adoptee. Depending on where the adoption was finalized and consents of the parties involved.</p> <p>Please refer to the following link for further information regarding Manitoba's legislation on Disclosure and Contact Vetoes: http://web2.gov.mb.ca/laws/statutes/ccsm/a002e.php</p> <p><input type="checkbox"/> No</p>
d) Where access to such information is provided, is any counselling or other guidance / support given in your State?	<p><input checked="" type="checkbox"/> Yes – please specify: The Post-Adoption Registry and Child and Family Services agencies will provide assistance to those parties involved in Manitoba Adoption Orders, which includes intercountry adoption cases from the Philippines where the child arrives in Manitoba under a guardianship order and the Adoption Order is granted in a Manitoba court. This service is not offered to parties involved in Adoption Orders granted in foreign States of origin.</p> <p><input type="checkbox"/> No</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><input checked="" type="checkbox"/> Yes – please specify: The Post-Adoption Registry offers search and reunion services for Manitoba Adoption Orders, which includes intercountry adoption cases from the Philippines where the child arrives in Manitoba under a guardianship order and the Adoption Order is granted in a Manitoba court. This service is not offered to parties involved in Adoption Orders granted in foreign States of origin.</p> <p><input type="checkbox"/> No</p>

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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>Accredited adoption agencies and Child and Family Services agencies are responsible for writing post-adoption reports. The Child and Family Services Division, as the Central Authority, is responsible for sending the reports to the State of origin.</p>
<p>b) Absent any specific requirements of the State of origin in this regard, is there a model form which is used by your State for post-adoption reports?</p>	<p><input type="checkbox"/> Yes – please specify whether use of the form is mandatory and indicate where it may be accessed (<i>e.g.</i>, provide a link or attach a copy):</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): It is expected that the post-adoption report provide an assessment of the child's progress, attachment and acceptance by the adoptive family and their immediate and extended families. As well the mental and emotional development, medical information, school progress and sibling relationships.</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 Central Authority does not monitor the forwarding of post-adoption reports as we do not have a legal mandate once the adoption is finalized. However, accredited adoption agencies and adoptive families are encouraged and expected to comply with the country of origin's ongoing requests.</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 PAPA 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>Families can access post-adoption services, including counselling, through Child and Family Services. Accredited adoption agencies also provide post-adoption services, including support/counselling and support to maintain cultural links.</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 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: Please see the The Adoption Regulation, Schedule A on page 37: http://web2.gov.mb.ca/laws/regs/current/_pdf-regs.php?reg=19/99</p> <p><input type="checkbox"/> No</p>
<p>b) Does your State monitor the payment of the costs of intercountry adoption?</p>	<p><input checked="" type="checkbox"/> Yes – please briefly describe how this monitoring is undertaken: The Central Authority examines all documents and ensures fees in our jurisdiction are regulated and reported to the Central Authority.</p> <p><input type="checkbox"/> No</p>
<p>c) Are the costs of intercountry adoption which must be paid in your State paid through the accredited body involved in the particular intercountry adoption (if applicable – see Question 16 c) above) or directly by the PAPs themselves?</p> <p><i>See the "Note on the financial aspects of intercountry adoption" at para. 86.</i></p>	<p><input checked="" type="checkbox"/> Through the accredited body: For all costs paid in the State of origin,</p> <p><input checked="" type="checkbox"/> Directly by the PAPs: for all costs related to travel, accomodation and meals required in the State of origin</p> <p><input checked="" type="checkbox"/> Other (please explain): costs for the home study and post adoption reports are paid by the PAPs but through the accredited body.</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 checked="" type="checkbox"/> Only by bank transfer: The Manitoba accredited adoption agency pays for all costs paid in the State of origin through bank transfer, aside from meals, accomodation and travel costs (which are paid for by the PAPs)</p> <p><input checked="" type="checkbox"/> In cash: For all costs related to travel, accomodation and meals required in the State of origin: PAPs pay these fees directly in the State of origin using cash.</p> <p><input type="checkbox"/> Other (please explain):</p>
<p>e) Which body / authority in your State receives the payments?</p>	<p>Accredited adoption agencies</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</p>	<p><input checked="" type="checkbox"/> Yes – please indicate how this information may be accessed: All Manitoba fees are available online in Schedule A at the website link above. In some cases, PAP's must also work with an accredited agency from another Canadian province where the Manitoba accredited agencies do not provide adoption services in the State of origin they wish to adopt from. PAP's</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*.

<p><i>the costs associated with intercountry adoption" (see above).</i></p>	<p>can access information regarding the in-country fees and facilitation services fees directly from this other accredited agency. The Manitoba accredited adoption agency is also responsible for advising PAP's of the in-country fees.</p> <p><input type="checkbox"/> No</p>
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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: Manitoba works with States of origin that require the payment of a contribution in order to engage in intercountry adoptions. As a Receiving State, we notably require transparency - i.e. that the amount of the contribution is fixed and well-documented in the fees of the country of origin, and that this amount is identified separately from adoption costs. - Who is permitted to pay it (i.e., the Central Authority or a national accredited body): Accredited adoption agencies - 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. Adoption agencies must provide the Manitoba Central Authority with annual financial statements and a review engagement report. <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.e., 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:

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.

	<input checked="" type="checkbox"/> No
<p>c) If permitted in the State of origin, does your State permit PAPs or accredited bodies to make donations to orphanages, institutions or birth families in the State of origin?</p> <p><i>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).</i></p>	<p><input checked="" type="checkbox"/> Yes – please explain:</p> <ul style="list-style-type: none"> - To whom donations may be made (e.g., to orphanages, other institutions and / or birth families): - 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: The Manitoba Central Authority defers to the criteria of the country of origin's Central Authority. <p><input type="checkbox"/> No</p>

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 and accredited adoption agencies.
b) What measures have been taken in your State to prevent improper financial or other gain?	<p>The Central Authority scrutinizes all documents and ensure fees in our jurisdiction are regulated and reported to it.</p> <p>Adoption Act: Section 120(1) A person shall not give or receive, offer to give or receive, or agree to give or receive any payment or reward, whether directly or indirectly, (a) to procure or assist in procuring a child for the purposes of adoption in or outside of Manitoba; or (b) to place or arrange the placement of a child for the purposes of adoption in or outside of Manitoba.</p>
c) Please explain the sanctions which may be applied if Articles 8 and / or 32 are breached.	<p>Accredited adoption agencies can have their licences immediately suspended and cancelled if improper financial activities are documented. http://web2.gov.mb.ca/laws/regs/current/_pdf-regs.php?reg=20/99</p> <p>Adoption Act: Section 126(1) A person who contravenes a provision of this Part is guilty of an offence and liable on summary conviction to a fine of not more than \$20,000.</p> <p>Continuing offence 126(2) Where a contravention referred to in section 122 or 124 continues for more than one</p>

	<p>day, the person is guilty of a separate offence for each day the contravention continues.</p> <p>Offence by an officer, etc. of corporation</p> <p>126(3) When a corporation is guilty of an offence under subsection (1), an officer, director or agent of the corporation who directed, authorized, participated in, or acquiesced in the offence, is also guilty of an offence and is liable on summary conviction to a fine of not more than \$20,000.</p> <p>Limitation period</p> <p>126(4) No proceeding for an offence under this Act may be commenced more than six months after the facts on which the proceeding is based first came to the director's knowledge.</p>
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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

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 (e.g., accredited bodies (national or foreign), PAPs, directors of children's institutions).</p>	<p>Advertising</p> <p>125(1) A person shall not publish or cause to be published in any form or by any means an advertisement dealing with the placement or adoption of a child.</p> <p>Exception</p> <p>125(2) Subsection (1) does not apply to any of the following:</p> <p>(a) the publication of a notice under a court order;</p> <p>(b) the publication of a notice authorized by the director;</p> <p>(c) an advertisement by an adoption agency advertising its services only, without referring to specific children;</p> <p>(d) an announcement of an adoption placement or an adoption;</p> <p>(e) other forms of advertisement specified by regulation.</p> <p>In addition, the Adoption Regulation provides further clarification:</p>

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.*

	<p>Approval of advertisement from an individual</p> <p>51 The director may approve an advertisement dealing with the placement or adoption of a child, prior to the publication of the advertisement, on the following basis:</p> <p>(a) the advertisement is submitted for publication by a prospective adoptive parent or a birth parent but not by an agency, individual or organization on behalf of a prospective adoptive parent or birth parent;</p> <p>(b) the advertisement includes only a general description of the family of the prospective adoptive parent;</p> <p>(c) the advertisement includes only the age, sex and health of the child to be placed or the age and health of the birth parents of a child for whom adoption is planned;</p> <p>(d) the advertisement does not include any mention of</p> <p>(i) a payment or inducement to the birth parent,</p> <p>(ii) the economic status of the prospective adoptive parent, or</p> <p>(iii) the involvement of or support from a third party.</p> <p>Contents of advertising</p> <p>52(3) The advertising or promotional material referred to in subsection (2) shall not</p> <p>(a) identify any parties to an adoption or a proposed adoption;</p> <p>(b) claim that a particular agency can guarantee an adoption placement of a child with a prospective adoptive parent;</p> <p>(c) claim that an agency can assure an expeditious placement; or</p> <p>(d) make any comparison with the adoption services offered by another agency;</p> <p>.</p> <p>Advertising for an adoptive parent</p> <p>53(1) An agency may, in exceptional situations, request approval to advertise in an attempt to secure a suitable adoptive parent for a specific child.</p> <p>Obtaining approval</p>
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	<p>53(2) An adoption agency must obtain the director's approval to advertise under subsection (1), and a child and family services agency must obtain its mandating authority's approval.</p> <p>See also response in Canada's main Country Profile</p>
<p>b) Please explain how your State monitors respect for the above laws.</p>	<p>See response in Canada's main Country Profile</p>
<p>c) If these laws are breached, what sanctions may be applied? (e.g., imprisonment, fine, withdrawal of accreditation.)</p>	<p>Adoption Act Penalty</p> <p>126(1) A person who contravenes a provision of this Part is guilty of an offence and liable on summary conviction to a fine of not more than \$20,000.</p> <p>Continuing offence</p> <p>126(2) Where a contravention referred to in section 122 or 124 continues for more than one day, the person is guilty of a separate offence for each day the contravention continues.</p> <p>Offence by an officer, etc. of corporation</p> <p>126(3) When a corporation is guilty of an offence under subsection (1), an officer, director or agent of the corporation who directed, authorized, participated in, or acquiesced in the offence, is also guilty of an offence and is liable on summary conviction to a fine of not more than \$20,000.</p> <p>Limitation period</p> <p>126(4) No proceeding for an offence under this Act may be commenced more than six months after the facts on which the proceeding is based first came to the director's knowledge.</p> <p>See also response in 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 processed as an intercountry adoption.

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 processed as a domestic adoption.

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.

We would require the adoption to be brought into compliance with The Hague Convention, prior to the child entering Manitoba.

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	
<p>a) With which States of origin does your State currently partner on intercountry adoption?</p>	<p>Manitoba residents can apply to adopt from any State of origin. However, PAP's must work with a facilitator adoption agency that offers an adoption program in the State of origin. If a Manitoba accredited adoption agency does not offer an adoption program in the State of origin they wish to adopt from, PAP's must work with a Canadian or American facilitator accredited adoption agency that offers a program in the State of origin they wish to adopt from. They must also work with a Manitoba accredited adoption agency to complete all Manitoba adoption requirements.</p>
<p>b) How does your State determine with which States of origin it will partner?</p> <p>In particular, please specify whether your State only partners with other <i>Contracting States</i> to the 1993 Convention.</p> <p><i>To see which States are Contracting States to the 1993 Convention, please refer to the Status Table for the 1993 Convention (accessible via the Intercountry Adoption Section of the Hague Conference website < www.hcch.net >).</i></p>	<p>Authorization is granted to work in specific States of origin, based on a demonstrated knowledge/ability to meet the country of origin's ongoing requirements. Manitoba allows PAP's to adopt from non-Hague Convention States. However, as a best practice, we process non-Hague Convention state adoptions as if they are under The Hague Convention.</p>
<p>c) If your State also partners with <i>non-Contracting States</i>, please explain how it is ensured that the safeguards of the 1993 Convention are complied with in these cases.²⁹</p>	<p>We process non-Hague Convention State adoptions as if they are under The Hague Convention.</p> <p><input type="checkbox"/> Not applicable: our State only partners with other <i>Contracting States</i> to the 1993 Convention.</p>
<p>d) Are any formalities required in order to commence intercountry adoptions with a particular State of origin (e.g., the conclusion of a formal agreement³⁰ with that State of origin)?</p>	<p><input checked="" type="checkbox"/> Yes – please explain the content of any agreements or other formalities:³¹ The Manitoba Central Authority requires the following information be submitted when private licensed adoption agencies seek approval to start a new adoption program in a State of origin.</p> <p>1. A full itemized account of all fees and disbursements charged by the private licensed adoption agency relating to the provision of adoption services, both in the sending country and in Canada. The itemized account will include a full disclosure of all monies paid in country, including any monies paid to orphanages,</p>

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.*

	<p>institutions, donations, humanitarian aid, etc.</p> <ol style="list-style-type: none">2. The sending country's adoption legislation, program description and a detailed breakdown of the adoption process and timeframes involved.3. The following information must be submitted for all employees and volunteers (including all staff, facilitators, contractors and any other service providers) used in the sending country's adoption program:<ol style="list-style-type: none">a. Nameb. Rolec. Photocopy of all professional qualificationsd. Photocopy of all references (there must be a minimum of 2 references)e. Photocopy of a criminal record checkf. Photocopy of the employment contract, including documentation of the salary, fees and/or disbursements paidg. Photocopy of the license to operate a program in the sending country, if applicable4. Documentation of the adoption agency's license and/or their accreditation granted by the sending country in order to operate the adoption program.5. Any other documentation that the Central Authority of Manitoba may require. <p><input type="checkbox"/> No</p>
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