

## COUNTRY PROFILE

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

#### RECEIVING STATE

**COUNTRY NAME:** Canada - Province of British Columbia

**PROFILE UPDATED ON:** July 2021

#### PART I: CENTRAL AUTHORITY

1. Contact details <sup>2</sup>	
Name of office:	Ministry of Children and Family Development
Acronyms used:	MCFD
Address:	PO Box 9705 STN PROV GOVT Victoria, British Columbia, V8W 9S1
Telephone:	(250) 387-1317
Fax:	(250) 356-1864
E-mail:	MCF.AdoptionsBranch@gov.bc.ca
Website:	<a href="http://www.mcf.gov.bc.ca/adoption/index.htm">http://www.mcf.gov.bc.ca/adoption/index.htm</a>
Contact person(s) and direct contact details (please indicate language(s) of communication):	Renaa Bacy, Provincial Director of Adoption English
<p><i>If your State has designated more than one Central Authority, please provide contact details for the further Central Authorities below and specify the territorial extent of their functions.</i></p> <p>Canada is a federal State made up of 10 provinces and 3 territories. A federal Central Authority and a Central Authority for each of the territorial units have been designated. The contact information for all Canadian Central Authorities appears in Part 1 of Canada's main Country Profile. The contact information for the Central Authority for the province of British Columbia and specific information on the operation of the Convention in this province 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.</p>
<p>b) Please identify the legislation / regulations / procedural rules which implement or assist with the effective operation of the 1993 Convention in your State. Please also provide the date of their entry into force.</p> <p><i>Please remember to indicate how the legislation / regulations / rules may be accessed: e.g., provide a link to a website or attach a copy. Where applicable, please also provide a translation into English or French if possible.</i></p>	<p>Adoption Act (1996), amended 2017            Adoption Agency Regulation (1996)            Adoption Fees Regulation (1996)            Adoption Regulation (1996)  <a href="http://www.mcf.gov.bc.ca/adoption/legislation.htm">http://www.mcf.gov.bc.ca/adoption/legislation.htm</a>  <a href="http://www.bclaws.ca/">http://www.bclaws.ca/</a></p>

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

## PART III: THE ROLE OF AUTHORITIES AND BODIES

<b>4. Central Authority(ies)</b>	
<p>Please briefly describe the functions of the Central Authority(ies) designated under the 1993 Convention in your State.</p> <p><i>See Arts 6-9 and Arts 14-21 if accredited bodies are not used.</i></p>	<p>The provisions of Article 7 and Articles 15 to 21 of the Convention are the responsibilities of the Provincial Director of Adoption in BC as the Central Authority. The Ministry of Children and Family Development - Adoption and</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).

	<p>Permanency Branch is the government office responsible for developing provincial adoption standards for children in care, licensing and monitoring BC licensed adoption agencies, and putting forth recommendations for legislative amendments to the Adoption Act and Regulation.</p> <p>The involvement of either a delegated Director in the Ministry of Children and Family Development or a licensed adoption agency is required for adoptions completed in BC. The only exception is in the case of adoption by a stepparent or relative when the legal requirements can be handled by a lawyer.</p>
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<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>Competent authorities in BC are the accredited BC licensed adoption agencies. These agencies are licensed by the BC Central Authority to undertake the duties of determining that prospective adoptive parents are eligible and suited to adopt. They are also responsible for ensuring that the prospective adoptive parents have been counselled to the possible effects of adoption.</p> <p>The Supreme Court of British Columbia can issue an adoption order in situations where an adoption order is not granted in the foreign jurisdiction. If an adoption order has been granted in the child's country of origin, the Adoption Act of BC recognizes the validity of the 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 checked="" type="checkbox"/> Yes</p> <p><input 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>There are 2 adoption agencies in BC who are licensed by the Provincial Director of Adoption pursuant to the BC Adoption Act and Regulation and accredited pursuant to the Hague Convention to provide intercountry adoption services.</p>
<p>c) Please briefly describe the role of national accredited bodies in your State.</p>	<p>The Provincial Director of Adoption has issued licenses to two non-profit agencies in British Columbia. The Provincial Director, as Central Authority for the Hague Convention, monitors the agency activities, transmits information to the agencies, and accredits them with the authority to act under specific articles of the Convention. The licensed adoption agencies must follow the same regulations as ministry adoptions. They must ensure that all the pre-placement requirements of the legislation have been met.</p> <p>Agencies must provide a full range of adoption services. These include the following: a homestudy to assess the suitability of people</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.

	<p>applying to adopt; completion of legal requirements; and post adoption support services.</p> <p>The licensed agency must inform the Provincial Director of Adoption that all the requirements for an adoption have been met.</p>
<b>6.1 The accreditation procedure (Arts 10-11)</b>	
a) Which authority / body is responsible for the accreditation of national adoption bodies in your State?	The Provincial Director of Adoption within the Ministry of Children and Family Development is responsible for accrediting adoption bodies within British Columbia's provincial jurisdiction.
b) Please briefly describe the <i>procedure</i> for granting accreditation and the most important accreditation <i>criteria</i> .	<p>The accreditation process is accomplished through licensing of adoption agencies. The license process is embedded in the Adoption Agency Regulation:</p> <p><a href="http://www.mcf.gov.bc.ca/adoption/legislation.htm">http://www.mcf.gov.bc.ca/adoption/legislation.htm</a>  <a href="http://www.bclaws.ca/C_laws">http://www.bclaws.ca/C_laws</a>  <a href="http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/292_96">http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/292_96</a></p>
c) For how long is accreditation granted in your State?	3 years
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>The granting and renewing of a license are embedded in the Adoption Agency Regulation:</p> <p><a href="http://www.mcf.gov.bc.ca/adoption/legislation.htm">http://www.mcf.gov.bc.ca/adoption/legislation.htm</a>  <a href="http://www.bclaws.ca/C_laws">http://www.bclaws.ca/C_laws</a>  <a href="http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/292_96">http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/292_96</a></p>
<b>6.2 Monitoring of national accredited bodies<sup>7</sup></b>	
a) Which authority is competent to monitor / supervise national accredited bodies in your State?  <i>See Art. 11 c).</i>	The Provincial Director of Adoption in British Columbia, as 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).	The Provincial Director of Adoption provides quality assurance oversight on the activities of licensed adoption agencies to ensure that adoption agencies comply with domestic and international adoption laws. This includes consulting on complex cases, reviewing closed files, investigating complaints brought forward by the public and a re-licensing procedure conducted every three years.
c) Please briefly describe the circumstances in which the accreditation of bodies can be revoked (i.e., withdrawn).	<p>The Adoption Agency Regulation refers to the circumstances under which an adoption agency's license would be cancelled or suspended as follows:</p> <p>“(a) the adoption agency is not, in the opinion of the Provincial director,  (i) giving paramount consideration to the best interests of the children who are being</p>

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

	<p>placed for adoption by the adoption agency,</p> <p>(ii) operating in a manner that is in the best interests of the persons who are receiving the adoption services, or</p> <p>(iii) operating in accordance with the requirements of the Act, the conditions of its licence, or the standards of operation for adoption agencies under this regulation;</p> <p>(b) the society has made a material false statement in an application for a licence or the renewal of a licence;</p> <p>(c) a change has occurred in the board of directors of the society or the employees or contractors of the adoption agency that would be grounds for refusing to issue a licence if the society were applying for a licence for the first time;</p> <p>(d) a member of the board of directors of the society or an employee or contractor of the adoption agency has contravened the Act or the regulations, the constitution or bylaws of the society, or a condition of the licence issued to the society;</p> <p>(e) any other circumstance that, in the opinion of the Provincial director, is a cause for concern respecting the operation of the adoption agency."</p>
<p>d) If national accredited bodies do not comply with the 1993 Convention, is it possible for sanctions to be applied?</p>	<p><input checked="" type="checkbox"/> Yes, please specify possible sanctions (e.g., fine, withdrawal of accreditation): See above.</p> <p><input type="checkbox"/> No</p>

## 7. Authorisation of national accredited bodies to work in other Contracting States (Art. 12)<sup>8</sup>

### 7.1 The authorisation procedure

<p>a) Which authority / body in your State is responsible for the authorisation of national accredited bodies to work with, or in, other Contracting States?</p>	<p>The Provincial Director of Adoption, as the Central Authority, may authorize a body accredited in British Columbia to act in a contracting State.</p>
<p>b) Is authorisation granted as part of the accreditation procedure or is a separate authorisation procedure undertaken?</p>	<p><input type="checkbox"/> Authorisation is granted as part of the accreditation procedure.</p> <p><input checked="" type="checkbox"/> A separate procedure is undertaken for authorisation.</p>
<p>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?</p>	<p><input checked="" type="checkbox"/> Authorisation is granted generally: once authorised, national accredited bodies are able to work in <i>all</i> States of origin. This is dependent upon the requirement of States of origin. If a State of origin requires a separate accreditation procedure for BC's licensed adoption agencies, then the Provincial Director of Adoption (as the Central Authority) may provide additional</p>

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

	<p>statements of recommendation to act in a Contracting State upon request.</p> <p><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.</p>
<p>d) Please briefly describe the <i>procedure</i> for granting authorisation and the most important authorisation <i>criteria</i>.<sup>9</sup></p> <p>If your State does not have authorisation criteria, please explain on what basis decisions concerning authorisation are made.</p> <p>Please also explain whether your State has any criteria concerning how the national accredited body must establish itself in the State(s) of origin or whether this is left entirely to the requirements of the State of origin (e.g., requirements that the body must have a local representative in the State of origin, or must establish a local office).</p>	<p>Authorization of a BC licensed adoption agency to work in a Contracting State is dependent upon the laws governing adoption in States of origin.</p>

<p>e) For how long is authorisation granted?</p>	<p>3 years as per the licensing requirements of BC's adoption agencies.</p>
<p>f) Please briefly describe the criteria and procedure used to determine whether authorisation will be <i>renewed</i>.</p>	<p>Authorization of a BC licensed adoption agency to work in a Contracting State is dependent upon the laws governing adoption in States of origin.</p>

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

<p>a) Please briefly describe how your State ensures that authorised national accredited bodies (including their representatives, co-workers and any other staff<sup>10</sup> in the State of origin) are monitored / supervised by your State in relation to their work / activities <i>in the State of origin</i>.</p>	<p>The BC Central Authority requires that its accredited agencies establish formal working agreements or Memoranda of Understanding with any facilitator in the State of origin. The BC Central Authority reviews these agreements to ensure that they are consistent with legal requirements in BC and the Hague Convention.</p>
<p>b) Please briefly describe the circumstances in which the authorisation of national accredited bodies can be revoked (<i>i.e.</i>, withdrawn).</p>	<p>The BC Central Authority may revoke authorization of accredited bodies to work in certain countries if: there are concerns around the legality of the adoption process, country instability/political upheaval, which causes the infrastructure for adoption to be compromised e.g. earthquake, civil war, etc.</p>

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

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

<sup>10</sup> For an explanation of the terminology used concerning the staff of the national accredited body working in the State of origin, see the GGP No 2, *supra*, note 4, Chapters 6.3 and 6.4.

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

<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))

<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: A "child" means an unmarried person under 19 years of age.</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: It varies by 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 checked="" type="checkbox"/> Yes – please provide the definition used in your State: Special needs in adoption refers to a diagnosed physical disability or mental disability or both; a diagnosed emotional or behavioural disturbance or both; a recognized high risk of developing a physical or mental disability or both; a recognized high risk of developing an emotional disturbance or behavioural disturbance, or both, due to pre-natal history.</p> <p><input type="checkbox"/> No – the definition used in the State(s) of origin is determinative.</p>
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<sup>12</sup> See GGP No 2, *supra*, note 4, Chapter 13.2.2.5.



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

<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, <i>e.g.</i>, the making of the final adoption decision):</p> <p><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 the main Country Profile for Canada.</p> <p><input type="checkbox"/> No, the child will never acquire this nationality.</p>
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## PART V: PROSPECTIVE ADOPTIVE PARENTS (“PAPs”)

### 13. Limits on the acceptance of files

<p>a) Does your State place any limit on the total number of applications for intercountry adoption which are accepted at any one time?</p>	<p><input checked="" type="checkbox"/> Yes, please specify the limit applied and the basis on which it is determined: If States of origin limit the number of approved adoptive families that they will accept, then the BC Central Authority expects BC licensed adoption agencies to respect State of origin requirements.</p> <p><input type="checkbox"/> No</p>
<p>b) Does your State allow PAPs to apply to adopt from more than one State of origin at the same time?</p>	<p><input checked="" type="checkbox"/> Yes, please specify whether any limits are applied: BC families are not permitted to apply to more than 2 States of origin at any one time.</p> <p><input type="checkbox"/> No – PAPs may only apply to adopt from one State of origin at any one time.</p>

### 14. Determination of the eligibility and suitability of PAPs wishing to undertake an intercountry adoption<sup>14</sup> (Art. 5 a))

#### 14.1 Eligibility criteria

<p>a) Do PAPs 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>
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<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.

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

	<input type="checkbox"/> Same-sex couples in a legally registered partnership: <input type="checkbox"/> Heterosexual couples that have not legally formalised their relationship:  <input type="checkbox"/> Same-sex couples that have not legally formalised their relationship:  <input type="checkbox"/> Single men: <input type="checkbox"/> Single women: <input type="checkbox"/> Other (please specify): <input checked="" type="checkbox"/> No, there are no relationship status criteria for PAPs.
b) Are there any age requirements in your State for PAPs wishing to undertake an intercountry adoption?	<input type="checkbox"/> Yes, please specify: <input type="checkbox"/> Minimum age requirements: <input type="checkbox"/> Maximum age requirements: <input type="checkbox"/> Difference in years required between the PAPs and the child: <input type="checkbox"/> Other (please specify): <input checked="" type="checkbox"/> No
c) Are there any <i>other</i> eligibility criteria which your State requires PAPs to fulfil?	<input type="checkbox"/> Yes, please specify: <input type="checkbox"/> Additional / differing criteria must be met for PAPs wishing to adopt a child with special needs (please specify):  <input type="checkbox"/> Couples must supply evidence of infertility: <input type="checkbox"/> For persons with children already (biological or adopted), there are additional criteria (please specify):  <input type="checkbox"/> Other (please specify): <input checked="" type="checkbox"/> No
<b>14.2 Suitability assessment<sup>15</sup></b>	
a) Which body(ies) / expert(s) perform the assessment of whether the PAPs are suitable persons to undertake an intercountry adoption?	BC's licensed adoption agencies
b) Please briefly describe the procedure which is used to assess the PAPs and determine their suitability to undertake an intercountry adoption.	The Adoption Regulation describes the procedures for a homestudy assessment on the prospective adoptive parents respecting their ability to provide for the physical and emotional needs of a child. The homestudy must be prepared by a registered social worker and must consider several factors outlined in detail in the legislation.
<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?	A licensed adoption agency administrator approves eligibility and suitability of prospective adoptive parents.

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

<b>15. Preparation and counselling of PAPs (Art. 5 b))</b>	
<p>a) In your State, are courses provided to prepare PAPs for intercountry adoption?</p>	<p><input checked="" type="checkbox"/> Yes, please specify the following:</p> <ul style="list-style-type: none"> <li>- Whether the courses are mandatory: Yes</li> <li>- At what stage of the adoption procedure they are offered: Before approval</li> <li>- Who provides the courses: Licensed adoption agencies</li> <li>- Whether they are provided to PAPs individually or collectively (<i>i.e.</i>, in a group): Both</li> <li>- Whether they are provided "in person" or electronically: Both</li> <li>- How many hours the courses last: 20-30 hours</li> <li>- The content of the courses: The educational component must prepare the prospective adoptive parents for all of the following: separation and loss issues respecting the pre-adoption parents, the prospective adoptive parents and the child to be adopted; the difference between adoptive and non-adoptive parenting; adoption as a life-long process and how it affects child and adult development; the impact of the child's life experiences; if applicable, inter-racial and cross-cultural adoption.</li> <li>- Whether there are specific courses for PAPs wishing to adopt a child with special needs: If the prospective adoptive parents have applied to adopt a child with special needs, the educational component must address the specific issues related to the special needs of the child.</li> <li>- Whether the courses are (or can be) targeted at preparing PAPs for the adoption of a child from specific States of origin: N/A</li> </ul> <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>N/A</p>

**PART VI: THE INTERCOUNTRY ADOPTION PROCEDURE**

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

<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 type="checkbox"/> A statement of "approval to adopt" issued by a competent authority</p> <p><input 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 type="checkbox"/> Information concerning the health of the PAPs (please specify in which circumstances and what type of information is required):</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 type="checkbox"/> Proof of no criminal record</p> <p><input checked="" type="checkbox"/> Other(s): please explain The documents provided in an adoption dossier depends on the State of origin's requirements; they may include all of the above where applicable.</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 (<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): At all stages of an intercountry adoption including preparation of the homestudy, submission of the file, etc.</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>

<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.

	<input type="checkbox"/> A contract signed by the accredited body and the PAPs: <input type="checkbox"/> A document issued by a competent authority of the receiving State certifying that the accredited body may undertake intercountry adoptions:  <input type="checkbox"/> Other (please specify): <input checked="" 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.	Licensed adoption agencies
b) Is a "standard form" used for the report on the PAPs in your State?	<input type="checkbox"/> Yes, please provide a link to the form or attach a copy: <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: The format and content of the report on the PAPs is dictated by the requirements of the child's country of origin.
c) For how long is the report on the PAPs valid in your State?	12 months
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?	Licensed adoption agency administrator Procedure for renewal is outlined in the BC Adoption Act and Regulation.

### 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?	Licensed adoption agencies and/or BC Central Authority (where applicable)
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?	Licensed adoption agencies and/or BC Central Authority (where applicable)
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<b>19.2 Acceptance of the match</b>	
a) Does your State require that the matching be accepted by a competent authority in your State?	<p><input checked="" type="checkbox"/> Yes, please provide the following details:</p> <ul style="list-style-type: none"> <li>- Which authority determines whether to accept the match (e.g., the Central Authority or another competent authority): Licensed adoption agency and</li> <li>- The procedure which is followed (e.g., the report on the child is transmitted <u>first</u> to the competent authority to determine whether the match is accepted and only if this authority accepts the match is the report sent to the PAs): The country of origin sends the proposed match to the PAs' agency, who reviews it with the family. Once the proposal has been accepted by the family, a request is made to the BC Central Authority for an Article 17 letter, which states that conditions have been satisfied (e.g. adoption counselling, PAs have been deemed suitable to adopt, homestudy, Article 4 consents, proposal sent and accepted by PAs). A separate letter is then sent to Immigration, Refugees and Citizenship Canada (IRCC) for a determination as to whether the child is or will be authorised to enter and permanently reside in Canada.</li> </ul> <p style="text-align: center;"><b><u>Go to Question 19.2 b)</u></b></p> <p><input type="checkbox"/> No. Please explain the procedure which is followed once the authority / body referred to in Question 19.1 has received the report on the child from the State of origin:</p> <p style="text-align: center;"><b><u>Go to Question 19.2 c)</u></b></p>
b) Which criteria must be fulfilled for the relevant authority in your State to accept the match?	The child proposal information must match the homestudy recommendation.
c) Does your State impose any requirements on PAs concerning the length of time they are given to decide whether to accept a match?	<p><input type="checkbox"/> Yes, in addition to any requirements of the State of origin, our State has a time-limit – please specify:</p> <p><input checked="" type="checkbox"/> No, the requirements of the State of origin are determinative in this regard.</p>
d) Do PAs receive any kind of assistance from your State when deciding whether to accept a match?	<p><input checked="" type="checkbox"/> Yes – please specify what type of assistance is provided (e.g., counselling): Licensed adoption agency social work staff may counsel prospective adoptive parents; prospective adoptive parents are also encouraged to seek advice from their physician respecting the health care needs of a child they intend to adopt.</p> <p><input type="checkbox"/> No</p>

## 20. Agreement under Article 17 c)

a) Which competent authority / body agrees that the adoption may proceed in accordance with Article 17 c)?	BC Central Authority provides written confirmation of agreement to entrustment of child with PAPs based on the recommendation of the licensed adoption agency administrator that the match is suitable.
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.	An adopted child who has been granted citizenship through a direct grant (see response to question 12 of Canada's main Country Profile) may enter and reside permanently in Canada. Otherwise, an adopted child may be authorized to enter and reside permanently if they are granted permanent residency under the federal Immigration and Protection of Refugees Act and the Immigration and Refugee Protection Regulations. See response to question 22 in Canada's main Country Profile.
b) Which documents are necessary for a child to be able to enter and reside permanently in your State (e.g., passport, visa)?	See Canada's main Country Profile.
c) Which of the documents listed in response to Question 0 b) above must be issued by your State? Please indicate which public / competent authority is responsible for issuing each document.	See Canada's main Country Profile.
d) Once the child has arrived in your State, what is the procedure, if any, to notify the Central Authority or accredited body of his / her arrival?	The BC Central Authority is rarely notified when an adopted child has been granted final admissibility into our provincial jurisdiction as the decision concerning granting of Canadian citizenship or permanent residency rests with the federal government.

<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) Supreme Court of BC (ii) BC 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

<p>c) Please briefly describe the procedure for issuing the Article 23 certificate. <i>E.g.</i>, how long does it take to issue the certificate? Is a copy of the certificate always given to the PAs? Is a copy sent to the Central Authority in the State of origin?</p>	<p>An Article 23 Letter of Conformity is issued once a BC adoption order is granted and provided to the Central Authority in the child's State of origin. This is issued at the request of BC's licensed adoption agencies.</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?	BC Central Authority Licensed adoption agency
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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 " <i>intra-family intercountry adoption</i> " in your State. Please include an explanation of the degree of relationship which a child must have with PAPs to be considered a "relative" of those PAPs.	A "relative" is defined in the BC Adoption Act and means a person related to another by birth or adoption; the degree of relationship is not defined.
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 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 Adoption Act speaks to conversion of adoptions: On application by a person resident in British Columbia, the court may make an order converting an adoption referred to in Article 27 of the Convention to have the effect of an adoption under the Adoption Act.</p> <p><input 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>The Adoption Act states: "An application for an order under this section must be accompanied by proof that the consents required under Article 27 of the Convention have been given."</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

<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 Provincial Director of Adoption, Central Authority, Ministry of Children and Family Development, BC Government.</p>
<p>b) For how long is the information concerning the child's origins preserved?</p>	<p>Completed adoption records from the licensed adoption agencies are kept until the adoption is closed and completed and then they are kept in the office for 1 more year then they are sent to storage for 99 more 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 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: The BC Adoption Act, Part 5, sets out provisions for information sharing pertaining to preservation of and access to a child's origins and adoption information for adoptions:  <a href="http://www.bclaws.ca/civix/document/id/complete/statreg/96005_01">http://www.bclaws.ca/civix/document/id/complete/statreg/96005_01</a> The Adoption Order must have been granted in BC and the original registration of birth is required.  <input type="checkbox"/> No</p> <p>(ii) <input checked="" type="checkbox"/> Yes – please explain any criteria: As above  <input type="checkbox"/> No</p> <p>(iii) <input checked="" type="checkbox"/> Yes – please explain any criteria: As above  <input type="checkbox"/> No</p> <p>(iv) <input checked="" type="checkbox"/> Yes – please explain any criteria: As above  <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: Adoption reunion counselling may be available if the adoption was completed in British Columbia. For adoptions completed in foreign jurisdictions, then counselling and reunion services are not available.  <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 type="checkbox"/> Yes – please specify:  <input checked="" type="checkbox"/> No</p>

<b>27. Post-adoption reports</b>	
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?	Licensed adoption agencies
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?	<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): <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): The content and timing/frequency of post-adoption reports vary according to the requirements of the country of origin.
c) How does your State ensure that the requirements of the State of origin in relation to post-adoption reporting are fulfilled?	The Central Authority monitors BC's licensed adoption agencies' compliance regarding the submission of post-placement reports should a complaint arise.

<b>28. Post-adoption services and support (Art. 9 c)</b>	
<p>Apart from the matters raised in Question 26 above, what, if any, post-adoption services and support is / are provided by your State to the child and / or PAPs following completion of an intercountry adoption (<i>e.g.</i>, counselling, support to preserve cultural links)?</p> <p>In particular, please state whether any specific post-adoption services or support are provided in your State in the case of special needs children.</p>	<p>Families may access voluntary community-based support services through the Adoptive Families Association of BC:  <a href="https://www.bcadoption.com/">https://www.bcadoption.com/</a>.</p>

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

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

<b>29. The costs<sup>21</sup> of intercountry adoption</b>	
<p>a) Are the costs of intercountry adoption regulated by law in your State?</p>	<p><input 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 Adoption Act provides a legal framework for fees.</p> <p>Adoption Act (1996), amended 2017 Adoption Agency Regulation (1996) Adoption Fees Regulation (1996) Adoption Regulation (1996) <a href="http://www.mcf.gov.bc.ca/adoption/legislation.htm">http://www.mcf.gov.bc.ca/adoption/legislation.htm</a> <a href="http://www.bclaws.ca/">http://www.bclaws.ca/</a></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 fees relative to the adoption process are monitored by the BC Central Authority who has responsibility for preventing improper financial gain. However, the monitoring of fees is limited to what the adoptive parents pay to BC licensed adoption agencies, and do not necessarily take into account the fees paid to facilitators in foreign jurisdictions.</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 type="checkbox"/> Through the accredited body: <input type="checkbox"/> Directly by the PAPs: <input checked="" type="checkbox"/> Other (please explain): Costs are paid by PAPs through the BC accredited adoption agencies with the exception of US adoptions where PAPs often request to pay the fees directly to the US accredited body. In these cases the BC accredited adoption agency is invoiced and provided with a copy of the transaction and receipt.</p> <p>If a BC accredited adoption agency is working with a PAP from another Canadian province or territory then the PAP would be responsible to pay for the services provided by the BC accredited adoption agency either directly to the BC accredited adoption agency or through the accredited agency in PAP's home province or territory.</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><input checked="" type="checkbox"/> Only by bank transfer: if cash is used to pay for BC accredited adoption agency fees (client does not have a chequing account) the currency is photocopied, recorded into the file and then</p>

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

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

<p><i>See the "Note on the financial aspects of intercountry adoption" at para. 85.</i></p>	<p>deposited into the accredited adoption agency's bank account.</p> <p><input type="checkbox"/> In cash:</p> <p><input type="checkbox"/> Other (please explain):</p>
<p>e) Which body / authority in your State receives the payments?</p>	<p>BC licensed 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><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 checked="" type="checkbox"/> Yes – please indicate how this information may be accessed: BC accredited adoption agencies have their own websites and promotional material.</p> <p><input 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: British Columbia 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.</li> <li>- Who is permitted to pay it (i.e., the Central Authority or a national accredited body): The accredited adoption body</li> <li>- How it is ensured that contributions do not influence or otherwise compromise the integrity of the intercountry adoption process: Before an 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.e., the Central Authority and / or national accredited bodies):</li> <li>- Whether such projects are mandatory according to the law of your State:</li> <li>- Whether such projects are monitored by an authority / body in your State:</li> <li>- How it is ensured that co-operation projects do not influence or otherwise compromise the integrity of the intercountry adoption process:</li> </ul> <p><input checked="" type="checkbox"/> No</p>
<p>c) If permitted in the State of origin, does your State permit PAPs or accredited bodies to make donations to</p>	<p><input type="checkbox"/> Yes – please explain:</p>

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

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

<p>orphanages, institutions or birth families in the State of origin?</p> <p><b>N.B. This is <u>not</u> recommended as a good practice:</b> see further the "Note on the financial aspects of intercountry adoption" at Chapter 6 (in particular, Chapter 6.4).</p>	<ul style="list-style-type: none"> <li>- To whom donations may be made (e.g., to orphanages, other institutions and / or birth families): BC does not allow donations as part of the intercountry adoption process. BC accredited adoption agencies can make charitable donations to Canadian Charities who provide support to developing countries as part of their activities.</li> <li>- What donations are intended to be used for:</li> <li>- Who is permitted to pay donations (e.g., only accredited bodies or also PAPs):</li> <li>- At what stage of the intercountry adoption procedure donations are permitted to be paid:</li> <li>- How it is ensured that donations do not influence or otherwise compromise the integrity of the intercountry adoption procedure:</li> </ul> <p><input checked="" type="checkbox"/> No</p>
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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>The Central Authority</p>
<p>b) What measures have been taken in your State to prevent improper financial or other gain?</p>	<p>BC prohibits a person from giving, receiving or agreeing 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 British Columbia, or (b) to place or arrange the placement of a child for the purposes of adoption in or outside British Columbia.</p>
<p>c) Please explain the sanctions which may be applied if Articles 8 and / or 32 are breached.</p>	<p>A person who contravenes this section commits an offence and is liable to a fine of up to \$10,000 or to imprisonment for up to 6 months, or to both.</p>

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

### 32. Response to illicit practices in general

<p>Please explain how your Central Authority and / or other competent authorities</p>	<p>See Canada's main Country Profile.</p>
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<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) >).

respond to intercountry adoption cases involving alleged or actual illicit practices. <sup>25</sup>	
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### 33. The abduction, sale of and traffic in children

<p>a) Please indicate which laws in your State seek to prevent the abduction, sale of and traffic in children in the context of your intercountry adoption programmes.</p> <p>Please also specify which bodies / persons the laws target (<i>e.g.</i>, accredited bodies (national or foreign), PAPs, directors of children's institutions).</p>	See Canada's main Country Profile.
<p>b) Please explain how your State monitors respect for the above laws.</p>	See Canada's main Country Profile.
<p>c) If these laws are breached, what sanctions may be applied? (<i>e.g.</i>, imprisonment, fine, withdrawal of accreditation.)</p>	See Canada's main Country Profile.

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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: This would be treated as an intercountry adoption and the procedures associated with the BC Adoption Act and Hague Convention would apply.
- No

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

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

- Yes – please explain whether this would be treated as an *intercountry* or *domestic* adoption in your State<sup>27</sup> and please briefly explain the procedure which would be followed, as well as any specific criteria / conditions which would apply: A domestic adoption. The Adoption Regulation defines residency to mean "to have a place that is a permanent place of abode to which, whenever absent, the person intends to return. A person is a resident of British Columbia if (a) the person has continuously resided in British Columbia for at least 6 months immediately preceding the placement of the child, or (b) the person has continuously resided in British Columbia for less than 6 months immediately preceding the placement of the child but has been approved as a prospective adoptive parent under the laws of another jurisdiction in Canada."
- 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

BC requires BC PAPs to be found eligible and suited to adopt under the Adoption Act and recommends that PAPs work with a licensed adoption agency to determine if the adoption can be brought into compliance with the Hague Convention. Once a PAP begins to work with a licensed adoption agency, then the BC

<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.

<p>Convention, how does your State deal with this situation?</p> <p><i>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.</i></p>	<p>Central Authority will contact the Central Authority of the child's State of origin to determine if both CAs agree to work collaboratively in the spirit of cooperation under the Hague Convention to bring the adoption into compliance as well.</p>
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## PART XIII: SELECTION OF PARTNERS FOR INTERCOUNTRY ADOPTION<sup>28</sup>

36. Selection of partners	
<p>a) With which States of origin does your State currently partner on intercountry adoption?</p>	<p>British Columbia licensed adoption agencies have partnered with several countries including, but not limited to: the United States of America, India, the Republic of Korea, the Philippines, China, Vietnam, the Russian Federation, Taiwan, Zambia, Lesotho, Ethiopia, Democratic Republic of the Congo, Ukraine.</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 <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></p>	<p>N/A</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.<sup>29</sup></p>	<p>At present, BC's licensed adoption agencies are actively working in countries which have not signed on to the Convention. It is expected that BC's licensed adoption agencies apply the principles of the Convention in determining the eligibility and suitability of the adoptive parents and the legal adoptability of the child in their State of origin nonetheless.</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 agreement<sup>30</sup> with that State of origin)?</p>	<p><input type="checkbox"/> Yes – please explain the content of any agreements or other formalities:<sup>31</sup></p> <p><input checked="" type="checkbox"/> No</p>

<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.*

