



Adoption

Policy and Procedures Manual

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Child, Youth and Family Services

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INTRODUCTION

The provincial legislation governing adoptions in Newfoundland and Labrador is the *Adoption Act, 2013* and the legislative responsibility associated with the *Act* is the mandate of the Department..

Adoption is the social and legal process by which a person is no longer the child of the birth parents and legally becomes the child of the adoptive parents. Through an adoption process:

- the child becomes the child of the adoptive parent;
- the adoptive parent becomes the parent of the child;
- a birth parent ceases to have parental rights and obligations in respect of that child, except a birth parent who remains as a parent jointly with the adoptive parent; and,
- any person having custody of the child ceases to have that custody.

TYPES OF ADOPTION

Adoption services are available to children and youth in care, birth parents, prospective adoptive parents, adoptive parents and adopted adults. All persons interested in applying to adopt in this province must submit an application and be assessed for approval by the Department. The only exception to this process is relative, step-parent, and persons with custody of a child adoption.

There are several types of adoption that may occur in this province:

- A. **Domestic Adoption:** Children become available for domestic adoption in two ways:
 - 1) a child is removed by a court order from their birth parent(s) or guardian(s) care and the court has ordered continuous custody of the child to a manager of the Department, which means the child will not return to their birth parent(s) or guardian(s);
 - 2) a birth parent(s) voluntarily places a child in the custody of a manager of the Department for the purpose of adoption.
- B. **Direct Placement:** A birth parent identifies a person(s) known to them to adopt their child. The prospective adoptive parent must meet the same requirements as an applicant applying for a domestic adoption in order to be approved. An interim assessment may be considered in some circumstances where time does not allow for a complete PRIDE assessment prior to the birth of the child.
- C. **Interprovincial Adoption:** Children may be in the care of another province/territory or a birth parent in another province/territory may have identified a family in Newfoundland and Labrador to adopt their child. The prospective adoptive parent must meet the same requirements as an applicant applying for a domestic adoption. There are also situations where a child in the custody of a manager of the Department may be placed for adoption in another province/territory. Usually, the child is related to or has a significant relationship with a prospective adoptive parent in another province/territory.

- D. **Intercountry Adoption:** Both the *Adoption Act, 2013* and the requirements of the *Hague Convention on Protection of Children and Corporation in Respect of Intercountry Adoption (Hague Convention)* govern adoptions of children from other countries by an approved adoptive applicant in this province.
- E. **Step-parent, relative or persons having permanent custody of a child adoption:** Adoptions of a child by his/her relative or step-parent or person with permanent custody are completed using a Self-Help Kit, which is available online and at departmental offices. The relative, step-parent or person having permanent custody of the child, applies directly to the court for the adoption of a child. In considering the application to adopt a child, the court may request the involvement of the Department.

The overriding and paramount consideration in decisions made under the *Adoptions Act, 2013* is the best interest of the child.

BEST INTEREST PRINCIPLES

The *Adoption Act, 2013* outlines the relevant factors that shall be considered in determining a child's best interest. These factors include:

- child's safety, health and well-being;
- child's physical, emotional and developmental needs;
- the quality of the relationship the child has with a birth parent or other person significant to the child and the effect of maintaining that relationship;
- the child's identity and cultural and community connections;
- the child's views and wishes regarding his or her adoption, where possible;
- the importance of stability and permanency in the context of the child's care;
- the importance to the child's development of having a positive relationship with a parent and a secure place as a member of a family; and
- the effect on the child where there is delay in the making of a decision with respect to the child.

ADOPTION PROGRAM

The following services are available through the adoption program:

- Services to Birth Parents
- Applicant Approval
- Direct Placement
- Children Available for Adoption
- Placement of Children for Adoption
- Foster Parent Adoption
- Finalization

- Intercountry Adoption
- Interprovincial Adoption
- Adoption Subsidy
- Adoption Agencies
- Openness
- Post Adoption Services
- Step Parent, Relative and Persons with permanent custody Adoptions
- Disclosure

WHO CAN ADOPT

One adult alone or two adults jointly can apply to adopt a child. One person can also apply to jointly become a parent with the parent of the child (step-parent adoptions); and a relative of a child, as defined in the *Adoption Act, 2013*, may also apply to adopt a child. The *Act* defines “relative” as a parent, grandparent, sibling, aunt, uncle or first cousin of a birth parent or a child by birth or adoption.

All adoptive applicants, with the exception of relative, step-parent or persons with permanent custody adoptions, must be approved by the Department. This approval involves completion of a home assessment, personal interviews, references, medical checks, criminal records and Child, Protection Clearance checks, and completion of educational sessions related to issues of adoption. A Self-Help Kit is available at departmental offices or through the department’s website to assist with relative, step-parent or persons with permanent custody adoptions.

Before an adoption order is made, the child must reside with the prospective adoptive parent(s) for at least a six-month period. This requirement also applies to relative, step-parent or persons with custody adoptions.

WHO CAN PLACE THEIR CHILD FOR ADOPTION

Birth parent(s) or other persons having custody of the child identified for adoption placement must seek the services of the Department if they wish to plan adoption for their child. A child cannot be placed for the purpose of adoption in Newfoundland and Labrador if a manager of the Department has not approved this plan. The only exception would be the case of a relative, step parent or persons with permanent custody adoption.

CHILD AVAILABILITY

The wait times for an applicant applying to adopt are impacted by various factors including:

- the type of adoption (i.e. Domestic infant, older or Direct Placement Adoption, Intercountry Adoption, or Interprovincial Adoption) that the prospective adoptive parent is applying for;
- the availability of children, including the age and type of developmental needs a prospective adoptive applicant has expressed an interest in accepting.

Applicants willing to accept older children, sibling groups or children with higher level complex needs in the continuous custody of a manager may have significantly shorter wait times.

PLACEMENT CONSIDERATIONS

Adoption is the process of finding permanent parent(s) for a child. In keeping with the best interest principle, a child is matched with an adoption placement that can:

- protect and nurture them;
- support connections to those significant to them;
- respect and cultivate cultural heritage, spiritual beliefs and identity; and
- meet their emotional, developmental and service needs.

The Department has the responsibility for the assessment of applicants and maintaining information related to approved adoptive applicant(s) interested in adopting infants (under 24 months of age), older children (over 24 months of age), sibling groups, and children from other provinces or countries.

FURTHER CONSIDERATIONS

Many of the children available for adoption in this province have special needs. Special needs generally refers to children who may be considered more difficult to place for adoption because they are older, are part of a larger sibling group, or have a particular physical, mental, emotional, or developmental need. There is a need for applicants who are willing to accept children with Autism, Fetal Alcohol Syndrome (FAS), Partial Fetal Alcohol Syndrome (pFAS), a developmental delay, and other developmental issues.

The Department seeks applicants who possess the skills necessary in meeting the needs of children who are available for adoption. An adoption assessment assists applicants to clarify their motivation and expectations about adoption and to assess their ability to provide care to an adopted child. A home assessment considers an applicant's understanding of adoption issues including child development, the impact of early life experiences on development, loss and grief, attachment, and openness, etc. The adoption process will focus on the best interests of children.

Parent Resources for Information, Development and Education (*PRIDE*) is the educational and assessment tool used by the Department for the approval of all adoptive applicants. The core competencies identified through *PRIDE* present basic competencies that are expected from any applicant for children being placed for adoption.

It is the responsibility of the provincial director to match a child for placement with an approved prospective adoptive applicant. In the case of a Direct Placement Adoption, a manager may approve a direct placement plan whereby a birth parent identifies someone known to them to adopt their child.

Prior to accepting a child for placement, an approved adoptive applicant shall be provided information on the medical and social history of the child and child's birth family. It is

important that the social worker prepare and support the child and the adoptive applicant(s) through the adoption process. Pre-placement visiting should be facilitated and the social worker shall provide the child and the adoptive applicant(s) with relevant information about one another prior to placement where possible.

It is important for adoptive applicants to understand that many children who are available for adoption may have been removed from their family and have often experienced trauma and inconsistencies in their lives which can make it difficult for them to understand or accept rules and expectations. This, coupled with behaviors associated with maltreatment, feelings of loss, and other factors can make adoption both rewarding and challenging.

The social worker is responsible for monitoring placements of children for a minimum **six month** period. This is completed through a minimum of one in-home visit per month. Contact with the adoptive family includes observing the interaction between a child and their prospective adoptive parent(s) and private individual and family interviews with the child (where developmentally appropriate) and adoptive parent(s). This period of post placement monitoring is an important component of ensuring that children live in environments where they are accepted, protected and nurtured, are having their developmental needs met, and are connected with people who are significant in their lives.

Adoption is a permanent placement for a child. At times it may be necessary for the Department to provide services that support adoptive parents and children following the granting of an adoption order. Adoption subsidy services are **ONLY** available to children in the continuous custody of a manager and the child and adoptive applicants must be deemed eligible for services.

The concept of openness is one that promotes the continuation of relationships deemed important to a child. Where openness has been assessed to be in the best interests of a child, *Openness Agreements* may be approved to allow ongoing contact between interested parties after the granting of an adoption order. Once an adopted person turns 19 years of age, they may seek the support of Post Adoption Services to locate birth parents, birth relatives, or others significant to them. Birth parents and relatives may also seek information and/or contact with an adopted person.

GLOSSARY OF TERMS

Adoptive Parent's Acknowledgement of Information Provided	a form completed by a prospective adoptive parent(s) outlining their decision to accept the child's profile. The form will outline information shared with the family and provide acknowledgement by the prospective adoptive parent that the developmental needs of the child may change over time.
Adopted Child:	a child adopted under the <i>Adoption Act, 2013</i> or a former Act.
Adopted Person:	with the exception of Sections 56 and 57 of the <i>Adoption Act, 2013</i> , means a person who is 19 years of age or older who was, as a child, adopted under the <i>Adoption Act, 2013</i> or a former Act.
Adoption Agency:	an adoption agency licensed under section 7 of the <i>Adoption Act, 2013</i> .
Adoption Order:	a written order of a court granting an adoption which transfers the parental rights and obligations from the birth parent(s), other person having custody of the child, or a manager of the Department to the adoptive parent(s). The adoptive parent(s) become the legal parent(s) of the child.
Adoptive Parent:	a person who has adopted a child under the <i>Adoptions Act, 2013</i> or a former Act.
Adoption Subsidy:	supports available to eligible families who have adopted children in continuous custody who are assessed as having medical, physical, developmental, emotional, cultural or placement needs.
Affidavit:	a written statement that a person swears or affirms is true. The person must swear or affirm in front of an official authorized to administer oaths.
Affidavit Regarding Paternity:	a written statement that a birth mother swears or affirms is true acknowledging the circumstances related to the consent and paternity of her child.
Attachment to Notification of Agreement:	an attachment which is prepared by the provincial director and forwarded to Citizen and Immigration Canada with the Notice of Agreement.
Birth Parents:	a birth or biological mother or father of the child being placed for adoption.

Birth Registration:	the registration of a child's birth in Newfoundland and Labrador with Vital Statistics.
Central Authority:	the provincial body designated to regulate requests for intercountry adoptions and accredit adoption agencies as specified in the <i>Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption</i> . In Newfoundland and Labrador, the provincial director of adoptions is the central authority for Intercountry adoptions.
Certificate of Conformity:	where an adoption is finalized in the child's country of origin, that country is responsible for issuing a Certificate of Conformity verifying that the adoption was completed in accordance with the <i>Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption</i> .
Child:	an unmarried person under the age of 19 years.
Child's Birth Family:	a family to whom a child is born.
Child Profile:	comprehensive information about a child available for adoption, including family history; medical, psychological and educational assessments; history of previous placements; and daily routines that is provided to a prospective adoptive parent(s).
Child's Guardian Jurisdiction:	the province/territory, including the appropriate local authority, having legal responsibility of a child.
Citizenship and Immigration Canada:	a department of the Government of Canada responsible for issues dealing with immigration and citizenship.
Client File:	an electronic or hard copy of all client documentation and interventions.
Contracting States:	refers to all countries which are signatories to the <i>Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption</i> .
Continuous Custody:	a custodial arrangement in which a manager becomes the sole custodian of the child/youth and has the right to make all decisions regarding the child/youth including medical decisions. The manager or a social worker may consent to the provision of medical treatment for the child/youth, and the manager may

consent to the adoption of the child/youth under the *Adoption Act, 2013*.

Country of Origin:	the United Nations <i>Convention on the Rights of the Child</i> defines country of origin as the child's country of nationality or, in the case of a stateless child, the country of habitual residence.
Court:	the Supreme Court of Newfoundland and Labrador Trial Division (Family) or the Provincial Court.
Custody:	the rights and responsibilities of a parent with respect to a child/youth.
Deferred Adoption Subsidy	ability to provide support to eligible families who adopt children in continuous custody who are at risk of having medical, physical, developmental, emotional, cultural or placement needs but did not require services prior to the granting of an adoption order.
Direct Placement:	the selection, before a consent to adoption is irrevocable, of a prospective adoptive parent by a birth parent or other person having custody of the child and the approval of the placement of the child by a manager.
Director's Certificate:	for intercountry and interprovincial adoptions, a certificate issued by the provincial director certifying that the adoptive applicants are residents of the province and the child has lived with the applicants for at least six months immediately before the date of the application for an adoption order and that, during that time, the conditions under which a child has lived justify the making of the order; or (2) to the knowledge of the provincial director, the person applying to adopt is an appropriate person and stating the reasons why the applicant may be exempted from the requirement that the child must have resided with the applicant for at least six months.
Disclosure Veto:	a document filed with Vital Statistics under the <i>Adoption Act, 2013</i> or a former Act or an Act of another province which prohibits the release of birth registration or adoption order information identifying the person who filed the veto.
Dispensing With Consent:	a legal procedure where an application is made to a court requesting that the necessary consent to adoption by a birth mother, father, person having custody of a child, or child (where

the child is 12 years of age or older) should not be required prior to the granting of an adoption order.

Domestic Adoption:	adoption of a child residing in this province by an applicant who also resides in this province.
Exchange of Information:	the facilitation of information sharing, through Post Adoption Services, between an adopted person, birth parent, adoptive parent, relative, or person significant to the child. Information may include letters, pictures, small parcels, etc. Identifying information is only shared with a person's consent.
Family Self-Assessment:	a form contained in the Self-Help Kit. It is a self-assessment completed by a relative, step-parent, or person who has permanent custody of a child and has had custody of that child under a temporary or permanent custody order for at least 2 years who are applying directly to the court to adopt the child.
Finalization:	the final legal step in the adoption process where, at a court hearing, an adoptive parent(s) becomes a child's legal parent through the granting of an adoption order.
Former Act:	as the context requires, includes the <i>Adoption Act</i> , the <i>Adoption of Children Act</i> , the <i>Adoption of Children Act, 1964</i> and Part V of the <i>Child Welfare Act, 1952</i> .
Foster Parent:	a person with whom a child/youth (who is in the care or custody of a manager) is placed for care with the approval of a manager and who, by agreement with a manager, has assumed responsibility for the care of the child/youth. A foster parent may include a family member or a person significant to the child/youth but does not include the parent of the child/youth (Subsection 2(1) (h) of the <i>CYCP Act</i>).
Full Adoption:	where a child is adopted in his/her country of origin and the pre-existing legal parent-child relationship is terminated.
Hague Convention on Protection of Children And Co-operation in Respect of Intercountry Adoptions:	an international treaty setting the framework for co-operation between adoption authorities in the child's country of origin and the corresponding authority in the country where the child will be adopted. While each country which is signatory to the Hague Convention may have different laws governing adoption, the Convention establishes a system amongst participating countries to ensure that intercountry adoptions take place in the best interest of

children. The Convention prevents abuses such as abduction of, sale of or trafficking in children. The Convention standardizes procedures between countries that have implemented the Convention. Each country that has ratified the Convention designates a central authority to regulate requests for intercountry adoption and accredit adoption agencies. In Canada each province has its own central authority: the provincial director is the central authority responsible for intercountry adoption in this province.

Home Assessment:	the assessment of an adoptive applicant's suitability to adopt. The assessment considers the applicant's life experiences, education, employment, medical history, marital history, reasons for wanting to adopt and other key components using an education program to determine their strength and skill to parent a child.
Identifying Information:	information that reveals a person's identity, such as, name, address, phone number, etc.
Information:	personal information obtained under the <i>Adoption Act, 2013</i> or a former Act that is held in government records by, or is in the custody of or under the control of the Department, and includes information that is written, photographed, recorded or stored in any manner.
In-care Progress Reports (IPR):	a comprehensive written report developed for each child/youth in care/custody by the social worker in consultation with the child/youth's planning team. The IPR will document the child/youth's progress on a number of developmental dimensions, outline the supports and services the child/youth requires, identify who will be responsible for linking the child/youth to identified supports and services, and monitor the goals and outcomes for the child/youth. The IPR will also monitor and document the implementation of the child/youth's contact with their parent(s), siblings, extended family, significant others, their community and culture as outlined in the Plan for the Child filed with the court.
Intercountry Adoption Agency:	a licensed intercountry adoption agency authorized to facilitate adoptions of children from outside Canada. There are no such agencies currently operating in this province. Where required applicants must use the services of an intercountry adoption agency licensed in another Canadian province.

Intercountry Adoption:	adoption of a child residing outside of Canada. There are 2 types of intercountry adoptions: 1) the child's country is a member of the <i>Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoptions</i> (Hague Country); 2) the child's country is not a member of the Hague Convention (a non-Hague country).
Interprovincial Adoption:	where a child's originating province approves the placement of the child for adoption and where the receiving province approves the adoptive applicant and finalizes the adoption. (The originating province is the province in which the child resided prior to the adoption placement or the province that has permanent custody of the child). The receiving province is the province in which the adoption will be finalized.
Interim Assessment:	an assessment completed to enable the temporary approval of a prospective adoptive applicant in some direct or interprovincial adoptions when time does not allow for the completion of the full PRIDE assessment prior to the birth of the child. The full PRIDE approval process must be completed within 6 months of approval as outlined in policy.
Judge:	a judge of the court.
Letter of Acceptance:	after an approved prospective adoptive parent accepts the profile of a child from another country, a Letter of Acceptance is sent by the provincial director to the child's country of origin.
Letter of No Objection:	issued by the provincial director to Citizenship and Immigration Canada where the proposed adoption is occurring in a country which is not a signatory to the Hague Convention (a Non-Hague country). This letter states that the provincial director has no objection to the selected child being brought to this province.
Manager:	a person appointed by the Minister of the Department who exercises the powers and performs the duties that are conferred or imposed upon them by the <i>Children and Youth Care and Protection Act</i> .
Manager's Certificate:	for domestic adoptions, a certificate issued by a manager certifying that the adoptive applicants are residents of the province and; (1) the child has lived with the applicant(s) for at least six months before the date of the application for an adoption order and that,

during that time, the conditions under which a child has lived justify the making of the order; or (2) to the knowledge of the manager, the person applying to adopt is an appropriate person and stating the reasons why the applicant may be exempted from the requirement that the child must have resided with the applicant for at least six months.

Matching: the process of finding a prospective adoptive family suited to the needs of the identified child.

Medical and Social History: a comprehensive report developed for each child in continuous or voluntary custody who is being profiled for adoption. It will document birth parent information related to family history, health, education, life experiences, development, etc. as well as information related to the child's progress on a number of developmental dimensions. The information will outline any supports and services provided to the child and considerations for placing the child.

Necessary Health Care: health care that is recommended by a qualified health practitioner. The treatment is such that, in the opinion of the qualified health practitioner, it should be provided without delay.

Necessary Medical Treatment: medical treatment that is recommended by a qualified health practitioner. The treatment is such that, in the opinion of the qualified health practitioner, treatment should be provided without delay.

Net Pay: The remaining earnings after deductions from gross earnings are made.

No Contact Declaration: a document filed under the *Adoptions Act, 2013*, a former Act or an Act of another province which prohibits a person seeking access to birth registration or adoption order information from contact with the person who filed the declaration.

Non-identifying Summary: a narrative report that may be completed on behalf of an adopted person or birth parent that contains non-identifying information related to the adoption placement and the person's social and medical history.

Notarize: the authentication of a document by a lawyer or other public official who is licensed by the province to do so.

Notification of Agreement:	where adoptive applicants accept the profile of a child from a country which is a signatory to the Hague Convention, a Notification of Agreement is prepared by the provincial director and is forwarded to Citizenship and Immigration Canada.
Notification of Intent to Sign Consent	the process whereby a manager provides written notification to a person who has been permitted contact with a child under subsection 31(3) of the <i>Children and Youth Care and Protection Act</i> of their intent to sign consent to adoption on behalf of a child in continuous custody.
Openness:	recognizes the importance of facilitating communication or maintaining personal relationships after an adoption order is granted. It involves contact between adopted persons, adoptive parents, birth parents, or other persons deemed significant to a child. Contact can include the exchange of letters and photos (either directly or indirectly), phone calls, email, or face-to-face visitation, etc.
Openness Agreement:	an agreement made under Section 51 or 52 to facilitate communication or to maintain personal relationships after an adoption order is granted. Openness agreements are good faith agreements between parties and are not legally enforceable.
Post Adoption Registry:	a registry of applicants who do not want or do not qualify for search services, but who wish to exchange identifying information or to be contacted when an adopted person or birth parent registers.
Placement:	the act of placing a child in the home of an approved adoptive parent.
Placement Date:	the date in which a child was placed for adoption in an approved adoptive home. For foster parent adoptions the placement date is the date that the foster parent signs <i>Adoptive Parent's Acknowledgement of Information Provided</i> .
Plan for the Child:	the plan for the child(ren) (in accordance with Section 29 of the <i>CYCP Act</i>) that is filed with the court after a social worker has filed an Application for Protective Intervention Hearing requesting a supervision or custody order. The Plan for the Child outlines prior involvement with the child(ren) and family, the child protection concerns, and the recommended services and interventions to address these concerns. In cases where the

child(ren) has been removed and is in care, the Plan for the Child outlines the efforts planned to maintain the child(ren)'s contact with the parent, family or other person significant to the child(ren) and a description of the arrangements made or being made to recognize the importance of the child(ren)'s identity and cultural and community connections.

- Post Adoption Services:** services provided to adopted persons, adoptive parents and birth families after the granting of an adoption order and includes search and reunion, contact in compelling circumstance (for example, medical priority search), and openness.
- Post Placement Period:** the period of time after the date of placement where a child is placed with prospective adoptive parents and before the adoption is finalized in court. For children in continuous or voluntary custody, visitation by a social worker occurs monthly until the adoption is finalized.
- Post Placement Report:** a comprehensive follow-up report detailing how the child is adjusting to their adoption placement. The report addresses the child's developmental progress and the prospective adoptive parents' ability to meet the needs of the child. A report is completed at the end of the 1st, 3rd and 6th month of placement. A 4th report may be completed where an extension to the post placement period is recommended. In the case of intercountry or interprovincial adoptions, the provincial director may approve an alternate schedule.
- PRIDE:** Parent Resources for Information, Development and Education (PRIDE). A standardized competency-based model for recruiting, preparing, and assessing foster and adoptive parents. It also refers to ongoing training components for approved foster families.
- Province:** means the Province of Newfoundland and Labrador except when used in reference to a part of Canada other than the Province of Newfoundland and Labrador in which case "province" includes the Yukon Territory, the Northwest Territories, and Nunavut.
- Provincial Director:** the provincial director appointed under subsection 5 of the *Adoption Act, 2013*.

Provincial/Territorial Protocol on Children, Youth and Families Moving Between Provinces and Territories:	a framework for the provision of consistent, quality services to children and families moving between provinces and territories.
Receiving Jurisdiction:	the province, including the appropriate local authority, which agrees to provide child welfare services at the request of another province (i.e. originating jurisdiction).
Relative:	a parent, grandparent, sibling, aunt, uncle or first cousin of a birth parent or a child by birth or adoption.
Return of Birth:	a Vital Statistics document that states the details of a birth registration in this province, i.e. name, date of birth, place of birth, birth parent(s).
Registrar:	means the Registrar General appointed under section 3 of the <i>Vital Statistics Act, 2009</i> .
Revocation of Consent:	a document that is completed by the person who signed the <i>Consent to Adoption</i> for the purpose of revoking consent.
Routine Health Care:	medical treatment that is not considered urgent. Following placement, a prospective adoptive parent may authorize a health care provider to examine the child where, in the opinion of the health care provider, the health care should be provided.
Sealed Records:	adoption records that are sealed and maintained in the adoptions vault. The sealed packet contains information including the adoption order, application, documents filed and record of proceedings in relation to an application for adoption. The sealed records shall be kept by the provincial director and court and may only be opened by order of the court or the direction of the provincial director.
Search & Reunion:	a process whereby a person, as defined in Section 62 of the <i>Adoption Act, 2013</i> , requests Post Adoption Services assistance in locating those persons as outlined in Section 62 of the <i>Adoption Act, 2013</i> .
Self-Help Kit:	an information package available online through the Department's website and is distributed through Government Service Centers and all departmental offices. The Self-Help Kit assists persons

completing an adoption where the person applying to adopt is a relative, step-parent or who has permanent custody of a child and has had custody of that child under a temporary or permanent court order for at least 2 years. The kit provides court forms and general instructions necessary for the completion of the adoption.

Services to Birth Parents: process for assisting a birth parent(s) or person who has custody of a child with the placement of their child for adoption.

Sibling: one of at least two individuals having one common parent.

Simple Adoption: where a child is adopted in his/her country of origin and the pre-existing parent-child relationship has not been fully terminated.

Step-Parent Adoption: where a person becomes a parent jointly with the parent of the child.

Social Worker: a person registered under the *Social Workers Association Act* and employed by the Department.

Undertaking: a document signed by a person seeking access to birth registration or adoption order information under the *Adoption Act, 2013*, a former Act or an Act of another province in which he or she agrees to not contact the person who filed a no-contact declaration while the no-contact declaration is in effect.

Vaulting: the process of sealing records related to an adoption. See *sealed records*.

Vital Statistics: a division of Service NL responsible for registering and certifying adoptions, births, deaths and marriages. It also registers legal name changes.

Voluntary Custody Agreement: a written agreement made under the *Adoption Act, 2013* that a parent signs to transfer custody of a child to a manager of the Department for adoption.

OVERVIEW: SERVICES TO BIRTH PARENTS

The *Adoption Act, 2013* allows for birth parents or other persons having custody of a child to plan adoption for their child. This section does not apply to children who are in the continuous custody of a manager.

The decision to place a child for adoption can be very difficult. This decision has lifelong impacts for both the birth parents and child and may involve feelings of loss and grief. This decision must be voluntary and one that is the result of being fully informed of what adoption means for both the birth parents and adopted child.

The Department may assist a birth parent in one of the following three ways:

- a birth parent can choose approved prospective adoptive parents for his/her child from up to three non-identifying profiles provided by the provincial director;
- the provincial director chooses the prospective adoptive parents from the list of approved applicants and matches the child with an approved family; or
- the birth parent(s) identifies the prospective adoptive parents whom they wish to adopt their child. This option involves a manager approving the birth parent's plan for this identified person(s) and approving the prospective adoptive parent(s) before a child can be placed.

Birth parents or persons having custody of the child identified for adoption must seek the services of the Department if they wish to plan adoption for their child. A child cannot be placed for adoption in the province of Newfoundland and Labrador if this plan has not been approved by a manager. The only exception would be the case of an adoption by a relative, step parent, or person with permanent custody of the child. In such cases, the applicant may proceed directly to court using the *Self-Help Kit*. See policies and procedures outlined in ***Adoption by Step Parent, Relatives and Persons having Permanent Custody of a Child*** for additional information.

The *Adoption Act, 2013* requires that birth parents or persons with custody of the child be given information regarding adoption and alternatives to adoption. Prior to accepting an *Application for Services to Birth Parent(s)*, the birth parents or persons having custody must be advised of the implications of adoption and an Adoption Order. As per s. 38(1) of the *Adoption Act, 2013*, where an adoption order is granted:

- (a) the child becomes the child of the adoptive parent;
- (b) the adoptive parent becomes the parent of the child;
- (c) a birth parent ceases to have parental rights and obligations in respect of that child, except a birth parent who remains as a parent jointly with the adoptive parent;
- (d) a person having custody of the child ceases to have that custody; and
- (e) a person whose consent is required under section 19 ceases to have a right or obligation with respect to that child.

Alternatives to Adoption:

Providing information about the alternatives to adoption is essential to the birth parents or persons having custody making a fully-informed decision. The social worker should confirm that the birth parents or persons having custody have had the opportunity to explore a variety of options and help them think through and understand the implication of each option as it pertains to their individual situations and the needs of the child.

The alternatives to adoption may include:

- a) retaining custody of the child and assuming responsibility for the child's care and support. Formal or informal supports may be available to birth parents such as, community health nursing programs, Advanced Education and Skills programs, and services through the Youth Services Program with the Department;
- b) living at home with parents, grandparents or relatives who may act as primary or secondary caregivers to the child;
- c) placing the child temporarily with his/her parents or relatives to allow the birth parent(s) time to complete activities/education that will prepare them to eventually support themselves and their child;
- d) birth parent(s) under the age of 16 years, who are in need of protective intervention under the *Children and Youth Care and Protection Act*, living in a foster home, with a relative or in a significant other placement with their child;
- e) birth parent(s) and child being supported to live independently in the community under the Youth Services Program if assessed as eligible by the Department .
- f) the social worker could refer a birth parent to an appropriate service if they are considering terminating a pregnancy.

This may not be an inclusive list. Other alternatives should be discussed by the social worker with a program supervisor or manager.

Birth parents or persons having custody **must** be advised of their right to seek legal counsel regarding their legal options.

Birth Parents and Child's Medical and Social History

The birth parent's and child's medical and social history are used by the provincial director to assist in the matching of a child with prospective adoptive parents. The provincial director will forward the child's social and medical information and the child's family history to the social worker for review with the prospective adoptive parent(s). This information will assist the prospective adoptive parents to make a more informed decision on the placement of the proposed child in their home. The information provided to the family **MUST** be non-identifying in nature prior to sharing it with the prospective adoptive family.

The medical and social history contains information related to an adopted person's health and identity. It is imperative for adopted persons to have as much information as possible about the

medical and social history of their birth parents and families. Birth parents should be advised of the importance of providing as much detail as possible. Adopted persons and/or adoptive parents often request this information if the adopted person has medical problems or when the adopted person, as an adult, is deciding on whether to have children.

Required Information

A child cannot be placed for adoption until all required information has been obtained and the child has been matched with an approved adoptive applicant. Except in the case of a relative, step-parent, or persons having custody adoption, the following documentation must be obtained:

- a) *Application for Services to Birth Parent(s);*
- b) *Child's Medical and Social History;*
- c) *Birth Parent Medical and Social History;*
- d) *Voluntary Custody Agreement;*
- e) *Consent of Parent/Person with Custody to Adoption*
- f) *Affidavit of Paternity* (where applicable); and/or
- g) *Notice of Proposed Adoption to Named Birth Father* and *Reply Letter from Name Birth Father* (where applicable); and/or
- h) *Order to Dispense with Consent* (where applicable).

Openness

A birth parent or person having custody must be advised of his/her right to request an adoptive placement for his/her child where some contact may be maintained following the granting of an *Adoption Order*. The birth parents would need to consider the effect of such an arrangement on him/herself and also on the life of the child that is being placed. Birth parents must also understand that any negotiated *Openness Agreements* are good faith agreements and cannot be legally enforced. See ***Openness*** policy and procedures for more information.

SERVICES TO BIRTH PARENTS

Policy no.: 1.2

Effective Date: June 30, 2014

Date Revised:

Policy Cross References: Children Available for Adoption; Placement of Children for Adoption; Applicant Approval

Legislative References: s.9(1) Transfer of custody to manager; s.11 Placement of child; s.12(1) Child's eligibility for placement; s.19 Consents

PURPOSE:

To outline the requirements and process for assisting birth parents or a person(s) who has custody of a child with the placement of their child for adoption.

POLICY:

1. All birth parents or persons having custody of a child that are requesting placement of their child for adoption must complete an *Application for Services to Birth Parent(s)*.
2. Birth parents or persons having custody must be advised of their right to seek legal counsel regarding their legal options.
3. Birth parents or persons having custody must be advised of the alternatives to adoption.
4. All children being placed for adoption under the *Adoptions Act, 2013* must be in the custody of a manager prior to being placed with prospective adoptive parents and up to the granting of an adoption order or consent is revoked.

PROCEDURES:

Application:

1. All birth parents or persons having custody of a child interested in pursuing an adoption plan shall complete and submit an *Application for Services to Birth Parent(s)*. Birth parents may apply individually or as a couple.
2. The social worker shall have, at minimum, one face-to-face interview with any person requesting placement of a child for the purpose of adoption. The purpose of the interview is to provide information regarding adoption and/or alternatives to adoption. During this initial meeting the social worker shall discuss the following:

- a) the birth parent(s) right to seek legal counsel regarding their legal options;
 - b) the alternatives to adoption which include:
 - i. birth parent(s) or person(s) having custody can retain custody of the child and assume responsibility for the child's care and support. Formal or informal supports may be available to birth parents such as, community health nursing programs, Advanced Education and Skills programs, and support services through the Youth Services Program with the Department ;
 - ii. birth parent(s) and their child may be able to live at home with parents, grandparents or relatives who may act as primary or secondary caregivers;
 - iii. birth parent(s) could place the child temporarily with his/her parents or relatives to allow the birth parent(s) time to complete activities/education that will prepare them to eventually support themselves and their child;
 - iv. birth parent(s) under the age of 16 years, who are in need of protective intervention under the *Children and Youth Care and Protection Act* could live in a foster home, with a relative or in a significant other placement with their child;
 - v. birth parent(s) and their child could be supported to live independently in the community under the Youth Services Program if assessed as eligible by the Department ;
 - vi. the social worker could refer a birth parent to an appropriate service if they are considering terminating a pregnancy.
 - c) The impacts of the granting of an adoption order as outlined in s. 38 of the *Adoptions Act, 2013* which include:
 - i. the child becomes the child of the adoptive parent;
 - ii. the adoptive parent becomes the parent of the child;
 - iii. a birth parent ceases to have parental rights and obligations in respect of that child, except a birth parent who remains as a parent jointly with the adoptive parent;
 - iv. a person having custody of the child ceases to have that custody;
 - v. a person whose consent is required under s. 19 ceases to have a right or obligation with respect to that child;
 - d) The birth parent's right to request an adoptive placement for his/her child where some contact may be maintained following the granting of an adoption order. They would need to consider the effects of such an arrangement on him/herself and also on the child who is being placed.
 - e) Information on openness agreements ranging from exchange of information only to in-person contact as outlined in ***Openness***. The birth parent(s) must also understand that openness agreements are good faith agreements and cannot be legally enforced.
 - f) Option of seeking supportive counselling to assist in the decision to place their child for adoption.
 - g) The adopted person's and birth parent's right to identifying information when the adopted child reaches 19 years of age as part of post adoption services.
3. The social worker shall obtain the following information as part of the information necessary to place a child for adoption.

Birth Parent Medical and Social History

4. Where a birth parent or person having custody of a child contacts the Department and requests the placement of their child for adoption, the social worker **must** ensure that the *Birth Parent Medical and Social History*, is completed on both birth parents. This form shall be completed immediately upon being advised of the birth parent's (or person having custody) decision to choose adoption as a plan for their child. The social worker must educate the birth parent(s) on the importance of this information for their child and assist them in the completion of the required documentation. Birth parent(s) should be advised of the importance of providing as much detail as possible as adopted persons and/or adoptive parents often request this information if the adopted person has medical issues or when the adopted person, as an adult, is deciding on whether or not to have children. This information shall be collected as soon as the birth parent(s) choose adoption as the plan for their child or when a child enters the *Voluntary Custody* of a manager. This information will ensure the child is placed with an adoptive family as quickly as possible and will also assist in the matching of the adopted child's needs with the abilities of the adoptive parent(s).
5. Where the child is aboriginal, the social worker shall assist the birth parent(s) or person having custody of the child with the registration of the child with the appropriate aboriginal organization.
6. Where a person having custody of a child is seeking adoption and the birth parent is unavailable to assist in the completion of the *Birth Parent Medical and Social History*, the person with custody may complete the form to the degree possible.
7. If the child is in the continuous custody of a manager, refer to *Children Available for Adoption* for additional policies and procedures.

Child's Medical and Social History

8. A *Child's Medical and Social History*, Part I, II, and III is to be completed on the child being proposed for adoption. The social worker shall complete Part I, and the appropriate physician or nurse shall complete Part II. Part III is to be completed by a physician or nurse practitioner.

Voluntary Custody Agreement

9. Where the birth parent(s) or person having custody of a child have decided to place their child for adoption and prior to accepting a child for the purpose of adoption, a social worker **must** obtain a *Voluntary Custody Agreement*, from the birth parent(s) or persons having custody. Prior to completing the agreement, the worker must ensure the birth parent(s) or person having custody of the child have been provided the alternatives to adoption. A *Voluntary Custody Agreement* may be signed at any time after the birth of a child.

10. If the *Voluntary Custody Agreement* is only signed by the birth mother, then the named birth father must be contacted by the social worker. If the birth father acknowledges paternity he has a right to:
- a) sign *Consent of Parent/Person with Custody to Adoption* on behalf of the child; or
 - b) propose an alternate plan of care for the child. This proposed plan must be assessed by the social worker and a recommendation made to a supervisor to determine if it is in the best interests of the child. The alternate plan must be discussed with the birth mother and the social worker shall advise of her right to seek legal counsel where she is not in agreement with the proposed plan. The child shall not be placed for adoption until the matter is resolved legally;
 - c) where the birth father acknowledges paternity but is not consenting to an adoption, the social worker must review his plan for the child. If the alternate plan proposed by the birth father is not acceptable to a manager, a *Manager's Application to Dispense with Consent* can be made to the court. Consideration may also be given as to whether services will be required under the *Protective Intervention* program, *Children and Youth Care and Protection (CYCP) Act*;
 - d) seek legal counsel regarding his plan for the child.
11. Once a child is placed in the custody of a manager, the manager shall place the child in a foster home until the legal time frames for the consent have lapsed. The child can then be matched by the provincial director and placed with prospective adoptive parents.

Consent(s) to Adoption

12. The social worker must obtain the necessary consent to adoption forms prior to a child being placed for adoption. Consent to adoption must be obtained from:
- a) the birth mother;
 - b) the father;
 - c) where applicable, a person having custody of the child;
 - d) the child, where the child is 12 years of age or older;
 - e) where the child is in continuous custody of a manager, the only consents required are the manager's consent **and** the child's consent, where the child is 12 years of age or older.
13. The social worker must make reasonable efforts including phone calls, registered mail, and home visits to obtain all required consents immediately upon a child being placed in the voluntary custody of a manager for adoption.
14. A birth mother may sign a *Consent of Parent/Person with Custody to Adoption* when her child is at least **8 days** old. A birth father can sign a *Consent of Parent/Person with Custody to Adoption* at any time following the child's birth.

15. Both the birth mother and the birth father have a right to the care and custody of a child. Where the birth father has been named by the birth mother but has not been involved in the development of an adoption plan, reasonable efforts must be made to notify the birth father of the proposed adoption. Where possible, a social worker shall meet in person with the birth father. If the birth father proposes an alternate plan for the child, the social worker shall assess the suitability of the plan.
16. If the named birth father resides in a different community/region than the birth mother, the social worker can request assistance from another region where the birth father resides. If the named birth father resides outside the province, the social worker may contact the Child Welfare agency where the birth father resides to request assistance in having him notified regarding the adoption plan.
17. The social worker shall ensure a birth father is notified of the birth mother's intent to plan adoption on behalf of the child. If the birth father does not wish to be part of the adoption plan, a social worker shall ensure he completes a *Notice of Proposed Adoption to Named Birth Father*. Where the social worker cannot meet with the birth father in person, the *Notice of Proposed Adoption to Named Birth Father* shall be forwarded via registered mail to the identified birth father as soon as he is named by the birth mother. An expected return/response time of 2 weeks is outlined in the letter.
18. A *Reply Letter from Named Birth Father* must also be included with the notice to expedite the process if the named birth father is denying paternity. If a named birth father denies paternity and signs the reply letter, his consent is not required.
19. Where a birth father acknowledges paternity and agrees to the adoption plan, his consent to adoption is required. The birth father must be advised of his right to seek legal counsel to complete the *Consent of Parent/Person with Custody to Adoption* form or to seek advice regarding the adoption. The social worker must document in the file and CRMS the time and place of the discussion with the birth father.
20. Where the birth father acknowledges paternity, he must complete the *Birth Parent Medical and Social History*.
21. Where the birth father is not consenting to an adoption, the social worker must review his plan for the child. The alternate plan proposed by the birth father shall be shared with the birth mother. Where the birth parents disagree on the plan, parties shall be advised of their right to seek legal counsel. The child shall not be placed for adoption until the matter is resolved legally.
22. A *Manager's Application to Dispense with Consent* can also be made to the court where reasonable efforts have been made to obtain the necessary consents to adoption and no response from the named birth parent has been made. All efforts must be outlined to the court in an affidavit.

23. Where a *Manager's Application to Dispense with Consent* has been filed with the court, the manager shall notify the respondent in writing of the application by forwarding the *Notice to Respondent* form to the birth parent.
24. In cases where the birth mother has not or cannot identify a birth father, an *Affidavit Regarding Paternity* shall be completed.
25. In cases where a birth father is attempting to acknowledge paternity and the birth mother has not identified him as the birth father, he may make application to the court to establish paternity. The child shall not be placed for adoption until the matter is resolved legally. Where paternity has been established through a court order, the birth parent may be involved in the adoption planning for their child.
26. A social worker must obtain a *Consent of Child* to adoption for all children over the age of 12 years prior to proceeding to finalization.

Revocation of Consent

27. A birth parent or person having custody of a child, who had signed a *Consent of Parent/Person with Custody to Adoption*, may revoke that consent in writing within **21 days** of signing the consent. The social worker shall meet with the person who signed consent and have them sign the *Revocation of Consent by Parent/Person with Custody*.
28. If a birth parent or person having custody of a child is revoking their consent to adoption, a social worker shall ensure they also complete the *Termination of Voluntary Custody Agreement* prior to the child returning to their care.
29. If the child **has been** placed in a home for the purpose of adoption, consent may only be revoked by a court order. The person(s) who gave consent must make an application to the court to request that his/her consent be revoked.
30. If the child **has not been** placed in a home for the purpose of adoption, the person(s) giving the consent may request to a manager that the consent be revoked even after the 21 day period has lapsed. The final decision to revoke consent rests with the manager and the primary consideration will be the best interests of the child.
31. A child who has consented to his/her adoption may revoke his/her consent **at any time** before the granting of an adoption order by notifying the social worker verbally or in writing. Once notified, the social worker shall complete the *Child's Revocation of Consent to Adoption* with the child. A copy shall be provided to the manager and provincial director.

Openness Agreements

32. A birth parent or person having custody of the child proposed for adoption may make a request for openness with their child's adoptive parents by completing an *Expression of*

Interest to Enter Into an Openness Agreement form. Those registering must be advised that openness agreements are good faith agreements and assistance can only be provided if the adoptive parent(s) are interested and also register. Refer to ***Openness*** policy for more information on Openness agreements.

33. A birth parent or person having custody of a child proposed for adoption may register with Post Adoptions Services to indicate his/her interest in obtaining information related to this/her child placed for adoption once the child reaches 19 years of age. Registration shall be completed using the *Post Adoption Application* form. This registration will assist with a search once the child reaches maturity and also registers with Post Adoptions Services. The birth parent shall be advised it is their responsibility to ensure contact information remains updated.
34. Birth parents may also file a written document or small keepsake with Post Adoption Services that will be given to the adopted person once they have reached **19 years of age or older** and have registered for post adoption services. The birth parent should consider if they will include identifying information as the document and/or keepsake will not be opened or screened for identifying information by post adoption services.
35. A birth parent shall be advised that when planning adoption for their child, they may review up to three non-identifying profiles of approved applicants prior to the matching of their child. This allows a birth parent to have input into the selection of an adoptive family for their child. They may identify specific criteria they wish an adoptive family to possess. Examples may include religious affiliation, family composition, educational requirements, willingness to consider openness, etc.
36. Once the required documentation has been obtained, a social worker shall make a written recommendation regarding the birth parent plan to a supervisor.
37. All birth parent's plan must be approved by a manager. In cases where the child is being profiled to an approved adoptive applicant from the provincial adoption list, the manager shall forward the child's original information to the provincial director for matching.
38. In the case of a direct placement, the manager shall notify the provincial director of the approval of the plan and shall forward a copy of the information. See ***Direct Placement*** policy for additional information.
39. ***CHECKLIST: Services To Birth Parent(s)*** outlining the documents required must be completed.

EXCEPTIONS TO POLICY: None

RELEVANT DOCUMENTS:

- *Application for Services to Birth Parent(s)*
- *Birth Parent Medical and Social History*
- *Child's Medical and Social History*
- *Voluntary Custody Agreement*
- *Termination of Voluntary Custody Agreement*
- *Consent of Parent/Person with Custody to Adoption*
- *Consent of Child*
- *Revocation of Consent by Parent/Person with Custody*
- *Child's Revocation of Consent to Adoption*
- *Affidavit Regarding Paternity*
- *Notice of Proposed Adoption to a Named Birth Father*
- *Reply Letter from Named Birth Father*
- *Manager's Application to Dispense with Consent*
- *Expression of Interest to Enter Into an Openness Agreement*
- *Post Adoption Application*
- *CHECKLIST: Services to Birth Parent(s)*

OVERVIEW: APPLICANT APPROVAL

The overriding and paramount consideration in the placement of children for adoption is the best interest of the child. Under the *Adoption Act, 2013*, adoptive applicants must receive the approval of a manager prior to the placement of a child in their home for adoption. In the case of Intercountry or Interprovincial adoptions, adoptive applicants must receive the approval of the provincial director. Where the applicant is a relative, step-parent, or person having permanent custody of a child, the Department is not involved in the approval process unless requested by the court.

The *Adoption Act, 2013* enables one prospective adoptive parent or two prospective adoptive parents jointly, who are resident of the province, to adopt. Applicants must complete an *Application for Assessment to Adopt* and *Adoption Questionnaire* as part of the application process. Applicants must indicate their preferred child's age, gender, and developmental preferences in their adoption questionnaire. Applications are accepted based on interest in an infant adoption (0-24 months), and/or an older child adoption (24 months and older), and both may be accepted at the same time. Applicants may be approved for both an infant and older child adoption but only one placement may occur in a **twelve month** period allowing the family time to adjust to their new family composition.

The provincial director has the responsibility for maintaining all applicants expressing an interest in adopting children in the continuous or voluntary custody of a manager. The exception to this would be the case of a direct placement. See ***Direct Placement*** policy and procedures for further detail.

Before an applicant can be approved as a prospective adoptive parent, a home assessment must be completed. The home assessment process includes:

- completion of the *PRIDE* program involving 24 hours of adoption information sessions aimed to help prepare prospective applicants for adoption;
- a home assessment to determine the applicant's suitability as a prospective adoptive parent and their ability to meet the developmental needs of a child. This process involves the submission of supporting documentation by way of criminal records checks; *Child Protection Clearance Checks*; references; medicals; financial assessment; and any other information deemed necessary to make a determination related to suitability.

The results of the applicant's home assessment are summarized in a written report that includes a recommendation on whether an approval is warranted. Once an applicant receives approval, the approval is forwarded to the provincial director in order to assist in the matching of the applicants to a child waiting placement. The provincial director may require additional

information from the manager prior to making a match between an approved applicant and a child.

Applicants may remain on the approved adoption list for up to **two years**. Where no match has been made following a two year period, an update on behalf of the applicants is required. This must involve a written assessment and updated supporting documentation. An updated home assessment, once approved, is valid for **two years**. The updated assessment is again forwarded to the provincial director for consideration in the matching process. A child cannot be placed with an applicant where the approval has expired.

APPLICANT APPROVAL

Policy no.: 2.2

Effective Date: June 30, 2014

Date Revised: March 22, 2018

Policy Cross References: Placement of Children for Adoption

Legislative References: s.11 Placement of child; s.13 Approval of prospective adoptive parent; s.14 Matching by provincial director.

PURPOSE: To outline the requirements and process for assessing and approving prospective adoptive applicants.

POLICY:

- 1 All applicants must be a resident of the province before an *Application for Assessment to Adopt* and *Adoption Questionnaire* will be accepted.
2. One applicant or two applicants jointly may apply to become adoptive parents, providing they meet the following criteria:
 - a) are willing to participate in the *Parent Resources for Information, Development and Education (PRIDE)* assessment process including the pre-service education sessions; and
 - b) if a couple, have been in an established family-unit relationship for a minimum of **one year**.
3. An applicant may apply for more than **one type** of adoption.

PROCEDURES:

Application and Screening

1. All persons interested in becoming approved adoptive applicants shall complete and submit an *Application for Assessment to Adopt* and *Adoption Questionnaire* form.
2. During the initial intake call, or when an application has been submitted, the social worker shall discuss the following with the prospective adoptive applicants:
 - a) the application process including the anticipated wait times for processing their application(s). For applicants interested in domestic infant adoption (age 0-24 months), the anticipated waiting time on the reserve list is approximately 7 years. Applications for placement of older children (24 months-5 years) with minimum

- or no known developmental issues may take approximately 4 years. Applicant(s) willing to accept children with special needs or children over the age of 5 years may have a significantly less waitlist time depending on the needs they are willing to consider. The provincial director determines when all applications are requested for processing;
- b) the adoption process, including *PRIDE* and the supporting documentation required for assessment. Any questions the applicant(s) may have regarding the adoption process and/or adoption issues should be addressed;
 - c) motivation for applying and understanding of the various types of adoption. Explanation should be provided on infant, older, and intercountry adoption;
 - d) applicants' willingness to adopt a sibling group and/or child with special needs and their understanding of this. Explore in detail the type of special needs a family is willing to consider. The social worker shall clearly document their willingness to accept a child who has a history of pre-natal alcohol/drug exposure, a diagnosis of pFAS, FAS, FASD, given it may be several years before these issues arise;
 - e) applicant's views regarding their interest in being considered for an adoption with an openness agreement; and
 - f) applicant's views regarding accepting a child of a different racial/cultural background.
3. Applications must be screened for criminal activity, physical or mental illness, and/or prior family issues. The social worker shall explore with the applicant(s) the identified issues of concern and shall advise that this will be thoroughly assessed and may impact on the outcome of the adoption assessment. Any information on the application that presents questions about whether or not the applicant(s) would be suitable to have a child placed with them must be addressed.
 4. The social worker shall meet with the applicant(s) to review their application, witness their signature(s), and ensure the applicant understands the legalities of signing the affidavit at the end of the application. The date the affidavit is signed and witnessed by the social worker shall become recognized as the applicant's date of application.
 5. If the applicants are applying for more than one type of adoption, they must complete one application for each type. A separate file number must be assigned for each application and a copy of each of the applications is forwarded to the provincial director. The applicant(s) and each application must be registered on the ISM System. For domestic infant and older adoption applications, the social worker will complete the *Adoption Questionnaire Summary* in the ISM system when the application is received and again at the time of approval. This document will provide an update to the applicant(s) original *Adoption Questionnaire* and will assist in the matching process.
 6. Applications will not be accepted from individuals who have an active protective intervention file; been charged with or convicted of a child-related criminal offence; stated that physical discipline will be used with a child; or had a child removed from their care.

7. Applications may be accepted from applicants who have experienced a significant event in their lives in the past year, but processing will be deferred for **one year** from the occurrence of the event. A significant event may include, but is not limited to, a major illness; death of a child, spouse or close relative; recent separation and/or divorce; commencement of relationship/marriage/family unit; birth or placement of a child; miscarriage etc. The purpose of this deferment is to allow the family time to cope with and adjust to their new situation.
8. Where a social worker recommends accepting an application but deferring the processing of an application, the reasons for the deferral must be outlined and a written recommendation made to a supervisor.
9. All deferrals must be approved by a supervisor and written confirmation provided to the applicant. A copy of the application, recommendation and approval shall be forwarded to the manager and provincial director.
10. Following assessment of the application information, the social worker shall make a recommendation to a supervisor regarding acceptance of an application. The final decision regarding acceptance shall be made by a supervisor.
11. The prospective adoptive applicant(s) shall be advised in writing by a supervisor in a timely manner. If accepted, a copy of the application and acceptance letter to the applicant(s) is forwarded to the manager and provincial director.
12. If the application is not accepted, the social worker shall meet with the family in a timely manner to discuss the reasons for the decision. The applicant(s) should also be advised of the decision, in writing, as soon as possible after the meeting with the social worker. Following this, the file shall be closed by a supervisor.
13. Following receipt of an accepted application by the provincial director, the application is placed on a reserve waiting list until the provincial director advises the region that the application can be processed.
14. Once processing has been requested by the provincial director, an applicant or social worker may request deferring processing of their application for up to **one year**. Reasons for deferring the processing of an application may include but are not limited to major illness; death of a child, spouse or close relative; recent separation and/or divorce; commencement of relationship/marriage/family unit; birth or placement of a child; miscarriage etc.
15. Where a deferral in processing is requested, the social worker shall make a written recommendation to a supervisor outlining the reasons for the delay.
16. All deferrals in processing must be approved by a supervisor. A copy of the recommendation and approval shall be forwarded to the manager and provincial director.

17. During the **one year** deferral period, a prospective adoptive applicant(s) may withdraw their application upon request. If the applicant(s) is not ready to proceed with the processing of the application after the one year deferral, a recommendation for closure shall be made to a supervisor. An applicant may re-apply at a later time.
18. The manager and provincial director must be notified of all closures. If the applicant(s) proceeds with processing after the one year deferral the impact of the significant life event must be considered during the assessment process.

Assessment Process

19. Adoptive applicants are required to complete the *PRIDE* pre-service sessions and be assessed by a social worker using the *PRIDE* assessment model. The *PRIDE* model is a mutual assessment process of an applicant's suitability as an adoptive parent. *PRIDE* is a competency-based approach and is of the belief that adoptive applicants require specific skill and knowledge to successfully parent a child. There are five competencies which include: protecting and nurturing children; meeting children's developmental needs and addressing developmental delays; supporting relationships between children and their families; connecting children to safe, nurturing relationships intended to last a lifetime; and working as a member of a professional team.
20. For any subsequent adoptions, applicants will not be required to repeat *PRIDE* pre-service again unless recommended. A comprehensive assessment must be completed using the *Home Assessment for Applicants Who Have Previously Adopted*. All supporting documentation must accompany the assessment. See *Subsequent Applications and Approvals* for additional information.
21. Family consultation meetings must occur during the *PRIDE* assessment. Applicants must be interviewed individually and privately, as well as jointly. There must be at least one interview in the home. There must be one or more interviews alone with any children living in the home, as is age appropriate, and with any other person residing in the home. All adult children of the applicants who no longer live in the home must be interviewed.
22. Applicants who have been involved in domestic violence or violent behavior as an adult, have been charged with or convicted of a violent offence; have been (or any member of their household has been) involved in protective intervention services; or have been investigated for physical, emotional or sexual abuse or maltreatment of a child in this province or any other jurisdiction must be assessed in relation to these issues.
23. At any point during an assessment, where it has been determined that the applicants do not meet one or more of the five competencies of *PRIDE*, a social worker may make a recommendation to a supervisor to discontinue the assessment process and close the applicant's file.
24. All discontinuations of the assessment process must be approved by a manager. The social worker shall meet with the applicant(s) in person to advise them of the reasons for the decision. Following the meeting, a manager shall notify the applicant(s) in writing of

the decision in a timely manner and the file shall be closed. A copy of the assessment and letter shall be forwarded to the provincial director.

25. In addition to compiling the home assessment information, the social worker shall obtain supporting documentation to identify strengths or concerns that may influence the ability of the applicant(s) to provide quality care to a child, and which will help inform the assessment process. Supporting documentation such as medicals, references, and collateral contacts provide insight into how friends, co-workers, and other professionals in the community view the applicant's ability to become an adoptive parent.
26. Prospective adoptive parents applying to adopt an infant may also write a letter to a birth parent(s), which includes non-identifying information related to themselves and their reason for adopting. In addition, a *Non-Identifying Family Profile* may also be completed which outlines the prospective adoptive parents occupation, age, hobbies, neighborhood, etc. This information would be presented to the birth parent(s) who wishes to choose prospective adoptive parents for his/her child. A sample *Non-Identifying Family Profile* is located in ISM.
27. The social worker shall ensure all the supporting documentation and forms identified in the following sections are obtained as part of the approval process.

Child Protection Clearance Check

28. The social worker shall ensure that a *Child Protection Clearance Check* is completed for all persons residing in the home age 16 years and older including record checks from all areas of the province and other jurisdictions in which they may have previously resided since birth. If there has been previous, or if there is current departmental involvement, the social worker shall explore the circumstances and nature of the involvement, review all relevant file information and shall consult with a supervisor before a decision is made whether to continue with the approval process. Applicants shall not be approved if there are unresolved child protection concerns.

Criminal Record Checks

29. All persons residing in the home age 12 years and older shall provide completed criminal records check including the following:
 - a) those age 12 years and older must make application to the police jurisdiction where they currently reside and give permission to have a criminal records check completed in all jurisdictions where they previously resided;
 - b) those age 18 years and older must select to have the Vulnerable Sector Check on the Royal Newfoundland Constabulary (RNC) Criminal Records Check form, or complete a Request for a Vulnerable Sector Check form if residing in a Royal Canadian Mounted Police (RCMP) jurisdiction. The Vulnerable Sector Check will identify if an individual has been pardoned for a sexual offence;
 - c) those residing in an RCMP jurisdiction are required to make an application to the provincial court to have a provincial court check completed prior to submitting

the request for a criminal record check and/or Vulnerable Sector check to the RCMP. Applications are available at RCMP detachments or the Provincial Court; and

- d) those residing in a RNC jurisdiction shall make application to the Provincial Court to have a check completed in case an applicant has a record prior to 1980.
30. If a prospective adoptive applicant(s), or other individual residing in the home, has a current criminal charge(s), or a previous criminal conviction(s), the social worker must carefully assess the relationship of any criminal activity to the safety of a child that may be placed in the home using the following criteria:
- a) time elapsed since past criminal activity;
 - b) number and type of charges/convictions;
 - c) conduct and circumstance of the individual since the offence;
 - d) relevance of criminal record activity to the provision of care for a child; and
 - e) age and circumstances of the individual at the time of the offence.
31. If a criminal record check identifies a current criminal charge(s) or previous criminal conviction(s) for a child or youth, the social worker shall stamp the criminal record check documentation with the non-disclosure date. Please refer to the ***Youth Corrections Records Management*** policy for additional information.
32. Applicants shall not be approved if there is a previous conviction of a child-related crime.

Medical Reports

33. *Physician's Report on Adoptive Applicant* form shall be completed on the applicant(s). All children and other adults living in the home must be examined by the family physician and a letter provided outlining their general health and any significant findings or concerns. If concerns are documented by the physician, the social worker shall contact the physician directly to discuss how this may impact the ability of the applicant(s) to provide care to a child.
34. If the applicant indicates that they have, or have had a psychiatric and/or psychological illness, are undergoing or have undergone treatment for substance abuse and/or are or have been involved in counselling, the social worker shall carefully assess this to determine if their current circumstances would prohibit them from being able to parent a child.

If the applicant(s) is currently involved or has had prior involvement with a therapist/counsellor or other mental health professional, the social worker shall obtain, with the consent of the applicant(s), a professional opinion from the therapist/counsellor as to the progress of the counselling and whether or not the identified issues would affect the ability of the applicant(s) to parent a child. If this information is not available, the social worker must clearly outline attempts to obtain the information. Where it cannot be

obtained, consultation with a program supervisor to discuss the impact of that on the assessment process is required.

References

35. Four *Reference Letter* forms are to be obtained from individuals who have known the applicant(s) a minimum of **three years**. References must include one from a relative of the applicant(s); one collateral who has knowledge of the applicant(s) through community contact (i.e. clergy, community leader, teacher, neighbor, etc.); and two non-relative. If the applicant(s) has school age children, a teacher is the preferred collateral reference.

Financial Assessment

36. The social worker shall review with the applicant(s) their current financial circumstances using the *Adoptive Parent(s) Budget Analysis* form. The purpose of this is to ensure that the applicant(s) is not under financial stress and/or that they can manage the costs associated with raising a child. Applicants shall not be approved if there are financial mismanagement concerns. Where adoptive applicants indicate an interest in a sibling group, the social worker shall discuss with the applicant, their ability to provide care to more than one child. An applicant's current financial situation may impact on the number of children a social worker recommends for adoption.

Home Safety Check

37. A thorough check of the home of the applicant(s) shall be completed by the social worker to determine that they have the physical space to accommodate a child and there are no safety concerns. The *Foster Home Safety Checklist* may be used as a guide. The social worker shall consult the local Government Services Center, Department of Government Services and/or appropriate community resources if questions are raised about the safety of the home.

Birth Certificates

38. The social worker shall obtain certified copies of birth certificates for all persons living in the home. The birth dates shall be cross-referenced with the dates given on the Criminal Record Check/Vulnerable Sector Check form(s) and the *Child Protection Clearance Check* form.

Approval

39. All applicants must demonstrate in the assessment process that they can meet the five *PRIDE* competencies.
40. A social worker must complete the *Applicant(s) Profile* form to include with the supporting documents as this will assist in the matching process.

41. When the social worker has completed the assessment process, the social worker shall submit the *PRIDE Adoption Assessment – Final Approval* or *Home Assessment for Applicants Who Have Previously Adopted* form and the supporting documentation to the supervisor with their recommendation about whether the applicant(s) should be approved.
42. The final decision regarding approval shall be made by the manager. The applicant(s) should only be approved when all documentation submitted is no more than **one year** old from the date of approval. Approval **shall not** be granted if any person residing in the home has been charged with or convicted of a crime against children/youth, or if the family is currently involved in a *Protective Intervention Program*.
43. If approval is granted, the adoptive applicant(s) shall be notified in writing by the manager. Once approved and signed by a manager, the social worker may provide the applicant with a copy of the home assessment.
44. A copy of the approval letter, *PRIDE* assessment and supporting documentation must be forwarded to the provincial director.
45. Matching of a child with an approved applicant rests with the provincial director. Where questions arise in relation to an approved applicant, the provincial director may seek further information related to the applicant's assessment prior to matching the applicant with an available child.
46. If the applicant(s) is not approved, the social worker shall meet with the family in a timely manner to discuss the reasons for the decision. The applicants should be advised, in writing, of the decision, by a manager as soon as possible following the meeting with the social worker. A copy shall be forwarded to the provincial director.
47. *CHECKLIST: Applicant Approval (Domestic)* outlining the documents required must be completed.

EXCEPTIONS TO POLICY: None

RELEVANT DOCUMENTS:

- *Application for Assessment to Adopt*
- *Adoption Questionnaire*
- *Adoption Questionnaire Summary*
- *Reference Letter*
- *Application for a Child Protection Clearance Check*
- *Checklist for a Child Protection Clearance Check*
- *Physician's Report on Adoptive Applicant*
- *Adoptive Parent(s) Budget Analysis*
- *Home Assessment for Applicants Who Have Previously Adopted*
- *CHECKLIST: Applicant Approval (Domestic)*
- *PRIDE Adoption Assessment – Final Approval*

UPDATES FOR APPROVED APPLICANTS

Policy no.: 2.3

Effective Date: June 30, 2014

Date Revised: March 22, 2018

Policy Cross References: Applicant Approval

Legislative References: s.13 Approval of prospective adoptive parent

PURPOSE: To outline the requirements for continued approval of an adoption application.

POLICY:

1. The approval of prospective adoptive applicants shall be reviewed **two years** following the date of approval.
2. All updates shall be requested by the provincial director.
3. A social worker shall obtain updated medicals, references, *Child Protection Clearance* checks and criminal records checks as part of an update. Additional supporting documentation may also be requested.

PROCEDURES:

1. The social worker shall interview all persons residing in the applicant's home as part of the continued approval update. A home visit and home safety check may be completed as part of the update process where deemed appropriate.
2. The social worker must complete the *PRIDE Adoption Assessment – Update/Subsequent Approval* form with a recommendation advising of any changes or significant events within the family since completion of their previous assessment. This shall include the following:
 - a) names and relationship of individuals residing in the home;
 - b) any change to family composition;
 - c) any change of residence and/or employment;
 - d) continued financial ability to provide care to a child;
 - e) the applicant's continued ability to meet the five competencies of *PRIDE*;
 - f) any concerns with the applicant's ability to provide care to a child and how these concerns have been resolved; and
 - g) a recommendation regarding the continued approval of the applicant(s).

3. Where an approved applicant(s) has experienced a significant event during the past **year**, a recommendation to defer placement of a child for **one year** from the date of the event may occur. A significant event may include, but is not limited to a major illness; death of a child, spouse or close relative; recent separation and/or divorce; commencement of relationship/marriage/family unit; birth or placement of a child; miscarriage etc. The purpose of this deferment is to allow the family time to cope with and adjust to their new situation. An applicant(s) may also request to defer their update to a maximum of **one year**. Following the **one year** deferral a decision must be made to process the update or close the file.
4. Where a social worker makes a recommendation to defer an update, the reasons for the deferral must be outlined and a written recommendation made to a supervisor.
5. All deferrals must be approved by a manager and a written confirmation provided to the applicant(s). A copy of the recommendation and approval shall be forwarded to the provincial director.
6. The social worker shall ensure the following documentation is obtained in accordance with the policy and procedures outlined in ***Applicant Approval*** when completing an update to an approved adoption assessment;
 - a) *Child Protection Clearance Check*;
 - b) Criminal Record Checks;
 - c) *Physician's Report on Adoptive Applicant*;
 - d) Four *Letter of Reference* forms;
7. If concerns arise during the update, the social worker may request that any supporting documentation outlined in ***Applicant Approval*** be updated. Additional documentation may be necessary to assist the social worker in compiling a thorough review of the applicant's strengths and needs and may help to identify issues impacting on their continued ability to provide care to a child.
8. The social worker shall submit the update and the supporting documentation to a supervisor with a recommendation about whether the prospective applicant(s) should receive continued approval.
9. The final decision regarding approval shall be made by the manager. Approval **shall not** be granted if any person residing in the home has been charged with or convicted of a crime against children/youth, or if the family is currently involved in a *Protective Intervention Program*.
10. If approval is granted, the adoptive applicant(s) shall be notified in writing by the manager. Once approved and signed by a manager, the social worker may provide the applicant with a copy of the written home assessment update.

11. A copy of the approval letter, written update and supporting documentation must be forwarded to the provincial director.
12. If the applicant(s) is **not** approved, the social worker shall meet with the family in a timely manner to discuss the reasons for the decision. The applicants shall be advised of the decision, in writing, by the manager as soon as possible following the meeting. A copy shall be forwarded to the provincial director.
13. *CHECKLIST: Updates for Approved Applicant(s)* outlining the documents required must be completed.

EXCEPTIONS TO POLICY: None

RELEVANT DOCUMENTS:

- *Letter of Reference*
- *Application for a Child Protection Clearance Check*
- *Checklist for a Child Protection Clearance Check*
- *Physician's Report on Adoptive Applicant*
- *CHECKLIST: Updates for Approved Applicant(s)*
- *PRIDE Adoption Assessment – Update/Subsequent Approval*

SUBSEQUENT APPLICATIONS AND APPROVALS

Policy no.: 2.4

Effective Date: June 30, 2014

Date Revised: March 22, 2018

Policy Cross References: s.13 Applicant Approval

Legislative References:

PURPOSE: To outline the process for approved applicants requested to be assessed in relation to a subsequent adoption application.

POLICY:

1. The provincial director makes the decision as to when an applicant will be requested for processing.
2. Approved adoptive applicants may be assessed for a subsequent approval where they have submitted more than one application.
3. The placement of a child for adoption is considered a significant life event; therefore a second placement cannot occur for a period of **twelve months** following the first placement.

PROCEDURES:

1. There may be instances when an approved applicant expresses an interest in pursuing a subsequent approval. For example, an applicant may wish to be approved to adopt both a domestic infant child and an intercountry child. In such instances, they may be approved on both adoption lists.
2. All persons interested in becoming approved adoptive applicants shall complete and submit an *Application for Assessment to Adopt* and *Adoption Questionnaire* form for each adoption type as per policies and procedures outlined in ***Applicant Approval***. Applications may be submitted at the same time or at different times. Each application will be assigned its own file number and will be added separately to the ISM System.
3. The provincial director makes the decision as to when an applicant on the adoption waitlist will be requested for processing.
4. In cases where the provincial director has requested the processing of a subsequent application, the social worker shall contact the applicant(s) to determine their interest in being approved for more than one type of adoption.

5. When the processing of a subsequent application is requested, the approved applicant(s) may choose to:
 - a) maintain their current approval and begin a subsequent approval process; or
 - b) close the currently approved application and begin a subsequent approval process; or
 - c) maintain their current approval and not proceed with the subsequent approval.
6. In cases where the applicant(s) does not wish to be approved for more than one type of adoption and prefer pursuing the subsequent application requested, the social worker shall submit a recommendation regarding closing the currently approved file to a supervisor.
7. All closures must be approved by a manager. A copy of the recommendation and approval shall be forwarded to the provincial director.
8. In cases where the applicant(s) wish to close their currently approved application and pursue the subsequent application, a social worker may use all original supporting documentation from their currently approved file for the subsequent application being processed providing the **documents** are less than **two years** old. The social worker shall place copies of the assessment and supporting documentation on the file being closed.

Documentation

9. In cases where the applicant(s) wishes to be approved for more than one type of adoption, the assessment and supporting documentation may be copied from the previously approved file providing the **documents** are less than **two years** old.
10. All original documentation will be used with the first application to proceed to finalization. New original documentation will be required for any other adoption application should it proceed to finalization.
11. In cases where the **documents** are more than **two years** old, updated documentation will be required as per policy and procedures outlined in *Updates for Approved Applicants*.

Assessment of the Subsequent Application

12. During the assessment of the subsequent application, the social worker shall interview all persons residing in the applicant's home as part of the assessment.
13. The social worker must complete the *PRIDE Adoption Assessment – Update/Subsequent Approval* form with a recommendation advising of any changes or significant events within the family since completion of their previous assessment. This review should include the following:
 - a) names and relationship of individuals residing in the home;
 - b) any change to family composition;
 - c) any change of residence and/or employment;

- d) continued financial ability to provide care to a child and the impact of caring for more than one child on the family's finances;
 - e) the applicant's continued ability to meet the five competencies of *PRIDE*;
 - f) any concerns with the applicant's ability to provide care to a child and how these concerns have been resolved;
 - g) age preference and developmental status of child being requested.
14. In addition, the social worker must also include information related to the applicant's understanding of the issues related to the type of adoption being explored. This may include their understanding of the effects of a continuous custody order, racial/cultural issues, multiple placements, loss, openness, pre-placement planning process, etc.
15. The placement of a child for adoption is considered a significant life event; therefore a second placement cannot occur for a period of **twelve months** following the first placement. An exception to this may be a foster parent adoption where the child is already residing in the home and has been for more than a **twelve month** period.
16. The social worker shall submit the *PRIDE Adoption Assessment – Update/Subsequent Approval* form and supporting documentation to a supervisor with a recommendation to approve the subsequent adoption application. In the case of an intercountry or interprovincial adoption, the supervisor shall forward all information to the provincial director for approval.
17. The final decision regarding approval of a subsequent infant, older child or direct placement adoption application shall be made by a manager. If approval is granted, the adoptive applicant(s) shall be notified in writing by the manager. Once approved and signed by a manager, the social worker may provide the applicant with a copy of the approved home assessment.
18. Approval **shall not** be granted if any person residing in the home has been charged or convicted of a crime against children/youth, or if the family is currently involved in a *Protective Intervention Program*.
19. A copy of the report, supporting documentation and approval letter shall be forwarded to the provincial director.
20. If the applicant(s) is **not** approved, the social worker shall meet with the applicant(s) in a timely manner to discuss the reasons for the decision. The applicants shall be advised in writing, of the decision, by a manager as soon as possible following the meeting with the social worker. A copy shall be forwarded to the provincial director.

EXCEPTIONS TO POLICY: None

RELEVANT DOCUMENTS:

- *Application for Assessment to Adopt*
- *Adoption Questionnaire*
- *PRIDE Adoption Assessment – Update/Subsequent Approval*

OVERVIEW: DIRECT PLACEMENT

The *Adoption Act, 2013* defines direct placement as “the selection, before consent to adoption is irrevocable, of a prospective adoptive parent by a birth parent or other person having custody of the child and the approval of the placement of the child by a manager”.

The *Adoption Act, 2013* outlines the best interest of the child as the overriding and paramount consideration in all decision making. Factors to consider must include:

- the child’s safety, health and well-being;
- the child’s physical, emotional and developmental needs;
- the quality of the relationship the child has with a birth parent or other person significant to the child and the effect of maintaining that relationship;
- the child’s identity and cultural and community connections;
- the child’s views and wishes regarding his or her adoption, where possible;
- the importance of stability and permanency in the context of the child’s care;
- the importance to the child’s development of having a positive relationship with a parent and a secure place as a member of a family; and
- the effect on the child where there is a delay in the making of a decision with respect to the child.

Where a birth parent or person having custody of a child requests a direct placement, they must submit a plan for approval to a manager. A direct placement may only occur where:

- the plan has been approved by a manager;
- the prospective adoptive applicant(s) identified by the birth parent(s) or person(s) having custody receives approval by a manager to have that child placed with them; and
- the prospective adoptive applicant(s) has received information relating to the proposed child’s social and medical history.

When considering the option of a direct placement, the social worker must consider the nature of the relationship between the birth parent(s) and the proposed adoptive applicant(s). Factors to be considered may include:

- the nature of the relationship including the length of time the birth parent(s) has known the adoptive applicant(s) and a detailed account of their current contact/communication
- whether any potential conflict issues exist such as whether the proposed applicant(s) was in a position of trust/authority with the birth parent, was there an exchange or promise of money, reward or coercion, etc.;
- the birth parent’s reasons for selecting the identified adoptive applicant(s) for placement;
- whether the proposed adoption plan enables the child to maintain birth family or significant other relationships.

All adoptive applicants must be approved as per the policies and procedures outlined in ***Applicant Approval***. Where time does not allow for the completion of a full *PRIDE* home assessment using the *PRIDE Adoption Assessment –Final Approval* or *Home Assessment for Applicants Who Have Previously Adopted*, a written interim assessment called the *Adoption Assessment – Interim Approval* of the prospective adoptive applicant may be completed. Where an interim assessment was approved, the adoptive applicant(s) will be required to complete the *PRIDE* Pre-Service and assessment process no later than six months following the placement of the child in their home.

The role of the social worker in a direct placement is as follows:

- to assess the birth parent plan and make a written recommendation regarding that plan;
- to ensure all policies and procedures related to ***Services to Birth Parents*** and ***Applicant Approval*** has been followed
- to assess the prospective adoptive applicant's skill and ability to meet the needs of the proposed child;
- once the prospective adoptive applicant(s) is approved, to provide the adoptive applicant(s) with, (i) *Birth Parent Medical and Social History* and (ii) *Child's Medical and Social History* prior to the placement of the child;
- to advise the adoptive applicant(s) of the legal time frames for consents and to ensure the family completes an *Acknowledgement by Prospective Adoptive Parents of the Legal Status of the Child* where consents are not yet valid;
- to ensure that the child (i) if 5 years of age or older, has been counselled on the effect of adoption, or (ii) if 12 years of age or older, has given his or her consent to the adoption.

DIRECT PLACEMENT

Policy no.: 3.2

Effective Date: June 30, 2014

Date Revised: March 22, 2018

Policy Cross References: Applicant Approval; Services to Birth Parents; Children Available for Adoption; Placement of Children for Adoption

Legislative References: s.12 Child's eligibility for placement; s.16 Direct placement; s.19 Consents

PURPOSE: To outline the direct placement requirements and process necessary to assist a birth parent(s) or person who has custody of a child and has identified a prospective adoptive parent(s) whom they wish to adopt their child.

POLICY:

1. All birth parents or persons having custody of a child that are requesting placement of their child by direct placement must adhere to the policy and procedures outlined in *Services to Birth Parents*.
2. All birth parents or persons having custody of a child that request placement of their child by direct placement must submit their plan in writing for approval by a manager.
3. All proposed adoptive applicants must be approved according to the policies and procedures outlined in *Applicant Approval*.
4. An interim assessment may be considered in situations where time does not allow for a full home assessment to be completed prior to the birth of the child.
5. Where an interim assessment has been completed, a full *PRIDE* assessment using the *PRIDE Adoption Assessment –Final Approval or Home Assessment for Applicants Who Have Previously Adopted* form must be completed within **six months**.

PROCEDURES:

Submission of the Plan

1. Where a birth parent or person having custody of a child is expressing an interest in placing their child by direct placement, the social worker in consultation with a supervisor must meet with the parent(s) to:

- a) provide an overview of the *Services to Birth Parents* policy and procedures necessary to place their child for adoption. The birth parent(s) must be advised of the alternatives to adoption;
 - b) assess the nature of the relationship between the birth parent(s) and the proposed adoptive applicant(s). Factors that require assessment must include but are not limited to: the nature of the relationship including the length of time the birth parent(s) has known the adoptive applicant(s) and a detailed account of their current contact/communication; ensuring there is no exchange or promise of reward, money or coercion; ensuring the applicant(s) are not in a position of trust or authority with the birth parent(s); the birth parent(s) reasons for selecting the identified applicant(s) for placement; whether the proposed adoption plan enables the child to maintain birth family or significant other relationships; ensuring there has been no advertisement to elicit the proposed adoption; and any other information deemed relevant.
 - c) inform the birth parent(s) that the adoption plan must be submitted in writing for approval by a manager.
2. Following receipt of the birth parent's written plan, the social worker must make a written recommendation to a supervisor regarding the direct placement plan.
 3. The final decision regarding approval of the plan shall be made by a manager. Once a decision is made, the manager must advise the birth parent(s) or person(s) having custody of the child and the proposed adoptive applicants in writing of the decision.
 4. If the plan is not approved, the social worker shall meet with the birth parent(s) or person(s) having custody as soon as possible to discuss the reasons for the decision.
 5. Where the plan is not approved, the social worker shall discuss other options regarding placement of the child with the birth parent(s) or person(s) having custody. This shall include the alternatives to adoption as outlined in *Services to Birth Parents* policy and adoption by approved adoptive applicants from the Provincial Adoption List. The birth parent(s) shall be informed that they may review non-identifying profiles related to already approved applicant's for consideration.
 6. Where the plan is approved by a manager, the social worker must ensure that all required information and documentation required under *Services to Birth Parents* and *Children Available for Adoption* is obtained. *CHECKLIST: Direct Placement-Applicant Approval* and *CHECKLIST: Children In Voluntary Custody – Child Profile* must be completed.

Interim Assessment

7. All proposed adoptive applicants must be approved according to the policies and procedures outlined in *Applicant Approval*.

8. A social worker, in consultation with a supervisor, may assess the suitability of the applicant(s) to be processed for an interim assessment. This is usually completed in cases when time does not allow for the completion of the full *PRIDE* assessment prior to the birth of the child. The social worker shall ensure the applicant(s) understands the requirements of both the interim assessment and the full *PRIDE* approval process before starting an interim assessment. Placement of a child must not occur until approval of the interim assessment is given by a manager.
9. When completing an interim assessment, the social worker shall ensure the following documentation is obtained in accordance with the policy and procedures outlined in ***Applicant Approval*** policy:
 - a) *Application for Assessment to Adopt and Adoption Questionnaire*;
 - b) completed criminal record check on all persons age 12 years and older residing in the home;
 - c) completed *Child Protection Clearance Check* on all persons age 16 years and older residing in the home;
 - d) *Physician's Report on Adoptive Applicant* for each applicant. All children or other adults living in the home should be examined by the family physician that should provide a letter outlining their general health and any significant findings or concerns;
 - e) four *Reference Letter* forms. These must include two non-relative, one relative, and one collateral reference who have known the applicant(s) a minimum of three years;
 - f) financial assessment using *Adoptive Parent(s) Budget Analysis*.
 - g) a thorough check of the home of the applicant(s) to determine that they have the physical space to accommodate a child and there is no safety concerns. The *Foster Home Safety Checklist* may be used as a guide.
10. The social worker shall interview the applicant(s) and any children or other persons residing in the home in accordance with the following:
 - a) minimum of three interviews must be held with applicants who apply jointly. this includes a private interview with each applicant and a joint interview;
 - b) minimum of two interviews must be held with single applicants;
 - c) minimum of one private interview with all other persons residing in the home; and
 - d) at least one of the interviews must occur in the home of the applicant(s) and must include observations between family members who currently reside in the home.
11. The social worker shall complete the *Adoption Assessment – Interim Approval* form that includes:
 - a) the prospective adoptive parent(s) reasons for adopting;

- b) personal aspects of the prospective adoptive parent(s);
 - c) information related to the children of the prospective adoptive parent(s), their children's views on adoption and information related to parenting style (i.e. discipline, family rules, family activities, relationships);
 - d) information on other members of the household;
 - e) the prospective adoptive parent(s) finances;
 - f) information on the child to be adopted;
 - g) any other factors deemed relevant by the social worker; and
 - h) social worker's assessment and recommendation.
12. The *Adoption Assessment – Interim Approval* form and supporting documentation with the social workers recommendation shall be forwarded to the supervisor.
13. The final decision regarding approval of an interim assessment shall be provided by a manager.
14. Approval shall not be granted if any person residing in the home has been charged with or convicted of a crime against children, if the family is currently involved in a *Protective Intervention Program*, has had a child removed from their care, or have stated that physical discipline will be used with a child.
15. Applicants who have been involved in domestic violence or violent behavior as an adult; been charged or convicted of a violent offence; have been (or any member of their household has been) involved in protective intervention services; or have been investigated for physical, emotional or sexual abuse or maltreatment of a child in this province or any other jurisdiction must be assessed in relation to these issues.
16. In situations where concerns arise during an interim assessment, a social worker in consultation with a supervisor and/or manager may make the decision that prior to placement a full home assessment is required in order to resolve the identified concerns.
17. At any point during an interim assessment, where it has been determined that the applicant(s) cannot meet the requirements for approval, a social worker may make a recommendation to a supervisor to discontinue the assessment process.
18. All discontinuations of the assessment process must be approved by a manager. The social worker shall meet with the applicant(s) in person to advise them of the decision. Following the meeting, a manager shall notify the applicant(s) in writing of the decision in a timely manner and the file will be closed. The manager shall also notify the provincial director of this decision.

Interim Approval

19. Where an interim assessment approval is granted, the adoptive applicants shall be notified in writing in a timely manner by a manager. The approval letter should outline the fact that a full *PRIDE* assessment using the *PRIDE Adoption Assessment – Final Approval* or *Home Assessment for Applicants Who Have Previously Adopted* form must be completed within **six months** of receiving interim approval as well as the remaining steps that have to be completed for a full *PRIDE* approval.
20. An adoption cannot be finalized until a full *PRIDE* assessment or *Home Assessment Guide for Applicants who have Previously Adopted* has been successfully completed as per **Applicant Approval** policy. In cases where the applicants have previously completed the *PRIDE* pre-service sessions, they will not be required to do them again unless requested by a social worker.
21. Where an interim assessment is not approved by a manager, the social worker shall advise the birth parent or person having custody and discuss other options regarding placement of the child. This shall include the alternatives to adoption as outlined in **Services to Birth Parents** policy, adoption by approved adoptive applicant(s) from the Provincial Adoption List or the option of proposing an alternate plan.

Placement

22. A child must not be placed for adoption until the direct placement plan is approved **and** the proposed adoptive applicant(s) are approved through an *Adoption Assessment – Interim Approval*, *PRIDE Adoption Assessment – Final Approval*, or *Home Assessment for Applicants Who Have Previously Adopted*.
23. In the case of a direct placement, where the child is placed prior to consents being legal, prospective adoptive parent(s) must sign *Acknowledgement by Prospective Adoptive Parents of the Legal Status of the Child* prior to placement.
24. Review **Placement of Children for Adoption** for additional procedures related to the placement of the child.

Final Approval

25. Where an interim assessment has been completed, all adoptive applicant(s) must complete a full home assessment according to the policies and procedures outlined in **Applicant Approval** prior to an adoption being finalized in court.
26. Where an interim assessment has been completed, an adoptive family must receive a full approval as outlined in **Applicant Approval** within **six months** of receiving an interim approval.

27. *CHECKLIST: Direct Placement – Applicant Approval* and *CHECKLIST: Children in Voluntary Custody – Child Profile* outlining the documents required must be completed.

EXCEPTIONS TO POLICY: None

RELEVANT DOCUMENTS:

- *Application for Assessment to Adopt*
- *Adoption Questionnaire*
- *Reference Letter*
- *Application for a Child Protection Clearance Check*
- *Checklist for a Child Protection Clearance Check*
- *Physician’s Report on Adoptive Applicant*
- *Acknowledgement by Prospective Adoptive Parents of the Legal Status of the Child*
- *PRIDE Adoption Assessment – Final Approval*
- *Adoption Assessment – Interim Approval*
- *Home Assessment for Applicants Who Have Previously Adopted*
- *Adoptive Parent(s) Budget Analysis*
- *CHECKLIST: Direct Placement – Applicant Approval*
- *CHECKLIST: Children in Voluntary Custody – Child Profile*

OVERVIEW: CHILDREN AVAILABLE FOR ADOPTION

In order for a child to be considered for an adoption placement, they must be legally free for adoption. A child can become available for adoption in one of two ways:

1. a birth parent or person having custody of a child expresses an interest in placing their child for adoption; or
2. a child is in the continuous custody of a manager and the permanent plan for the child is adoption.

Where a birth parent(s) or person having custody of a child expresses an interest in making an adoption plan, the policies and procedures outlined in *Services to Birth Parents* must be completed prior to placement. In cases of direct placement, the policies and procedures outlined in *Direct Placement* must also be completed. It is the responsibility of the social worker to notify a manager when a child becomes available for adoption through the signing of a *Voluntary Custody Agreement* under the *Adoption Act, 2013* or as the result of the granting of a *Continuous Custody Order* under the *Children and Youth Care and Protection Act*.

Planning adoption on behalf of a child shall be consistent with the best interest principles outlined in the *Adoption Act, 2013*. It is the responsibility of the social worker in consultation with their supervisor, to ensure that:

- a) the child is the primary focus of all adoption planning;
- b) adoption planning is based on the child's needs, age and developmental stage;
- c) there is recognition of the importance of the child's identity, culture, and community connections and there is a plan to maintain cultural and community connections where deemed appropriate;
- d) the child's views and wishes are considered, where possible;
- e) the effect on a child if there is a delay in making an adoption plan with respect to the child is considered; and
- f) identified supports and services are considered for a child in continuous custody and are outlined in a child's *Request to Approve a Child for an Adoption Subsidy* where appropriate.

When making a permanency plan for adoption on behalf of a child in the continuous custody of a manager, the social worker must have a thorough understanding of the child's needs to ensure that the best possible match with an approved adoptive applicant(s) can be made. This is critical to the success of an adoption placement. Part of this understanding involves obtaining the child's views and wishes regarding adoption (where applicable), preparing the child for adoption, and ensuring the necessary information and documentation is obtained and preserved on behalf of the child.

Before placing a child for adoption, a *Child's Medical and Social History* and *Birth Parent Medical and Social History* must be completed. It is imperative for adopted persons to have as much information as possible about the medical and social history of their birth parent(s) and birth families for their health and identity. Birth parent(s) should be advised of the importance of providing as much detail as possible as adopted persons and/or adoptive parents may often request this information in cases where the adopted person has medical issues or when the adopted person, as an adult, is deciding on whether or not to have children. The *Child's Medical and Social History* and *Birth Parent Medical and Social History* is also required to preserve important information on behalf of the child and to assist in the matching of the child's needs with the abilities of the adoptive parent(s).

A social worker must assess and make a recommendation regarding an adoption placement that is in the best interests of a child. These options may include:

- consideration for the placement of siblings together or individually. This option must involve consultation between the children's social workers, supervisors, and managers and any other professionals deemed necessary. Providing it is in the best interests of the children, the adoption plan for siblings should involve adoption together. Any decision to separate siblings must include detailed information on the factors considered in that decision including the children's relationship with one another, the degree of contact with one another if not residing together, current attachments, cultural connections, the children's special needs, the children's views and wishes, and a plan regarding openness. If siblings have become available for adoption at different times, consideration may be given to contacting the adoptive parent(s) who adopted one of the children to determine their interest in adopting the other sibling;
- adoption by a birth relative or someone significant to the child. This may allow for the child to maintain personal, cultural and community connections which may be very important for the child's ongoing psychological and emotional health and overall development and well-being;
- consideration of a foster parent adoption where significant relationships and attachments have formed and the foster parents have demonstrated an ability to meet the needs of the child, and a move for the child may not be in the child's best interests;

The *Adoption Act, 2013* recognizes the importance of facilitating communication or maintaining personal relationships after an *Adoption Order* is granted, where it is deemed to be in the best interest of a child. Openness may be explored as a consideration in determining the best placement option for a child. Refer to ***Openness*** policy and procedures for detailed information.

CHILDREN AVAILABLE FOR ADOPTION

Policy no.: 4.2

Effective Date: June 30, 2014

Date Revised: March 22, 2018

Policy Cross References: Services to birth parents; Placement of children for adoption

Legislative References: s.9 Transfer of custody to manager; s.12 Child's eligibility for placement; s.15 Child's history; s.19 Consents

PURPOSE: To outline the process and requirements to be completed on behalf of a child whose permanency plan is adoption.

POLICY:

1. Children being placed for adoption under the *Adoptions Act, 2013* must be in the continuous or voluntary custody of a manager prior to being placed with an adoptive parent(s) up to the time an adoption order is granted or consent is revoked.
2. All birth parents or persons having permanent custody of a child that are requesting placement of their child must adhere to the policy and procedures outlined in *Services to Birth Parents*.
3. Planning adoption for a child or youth in the continuous custody of a manager is the responsibility of the social worker, in consultation with the *In Care Planning Team* (as per the *Child Protection and In Care Policy Manual*) to ensure that:
 - a) the child is the primary focus of all adoption planning;
 - b) adoption planning is based on the child's needs, age and developmental stage;
 - c) there is recognition of the importance of the child's identity and there is a plan to maintain cultural and community connections where possible;
 - d) the child's views and wishes are considered where possible;
 - e) the effect on a child if there is a delay in making an adoption plan with respect to the child is considered; and
 - f) identified supports and services are considered for a child in continuous custody and are outlined in a child's *Request to Approve a Child for an Adoption Subsidy* where appropriate.

PROCEDURES:

1. A social worker must immediately notify their supervisor in writing that a child has been placed in *Voluntary Custody* for the purposes of adoption or a *Continuous Custody Order* has been granted and the recommended permanency plan for the child is adoption. A copy shall be provided to the manager.
2. A completed package of information on the child must be forwarded to a manager no later than **60 days** following the signing of the *Consent of Parent/Person with Custody to Adoption* or the granting of a *Continuous Custody Order*, where adoption is the plan.
3. The social worker shall ensure the following information and documentation is obtained as part of an adoption package necessary to profile ALL children for adoption. In the case of a foster parent adoption recommendation, the policies and procedures outlined in Section 6.2 *Foster Parent Adoption Recommendation* apply.

Birth Parent Medical and Social History

4. The social worker must ensure that a *Birth Parent Medical and Social History* is completed for both birth parents, on all children in voluntary or continuous custody of a manager where adoption is the permanency plan. The social worker must educate birth parents on the importance of this information for their child and assist them in the completion of the required documentation. Birth parents should be advised of the importance of providing as much detail as possible as adopted persons and/or adoptive parents often request this information when the adopted person has medical problems or when the adopted person, as an adult, is deciding on whether or not to have children. This information shall be collected as soon as the birth parents choose adoption as the plan for their child or when the permanency plan for a child in continuous custody is adoption.
5. For children in continuous custody, there may be times when engaging a birth family in the completion of a *Birth Parent Medical and Social History* is not possible (for example, the birth parent refuses to assist in the completion of the form or cannot be located). If the information is not able to be obtained from the birth parent, reasonable efforts must be made to obtain as much information as possible from other sources including extended family or significant others, file information, or other professionals involved with the child.
6. Where the birth family is unwilling to participate, unavailable, or unable to be located, the social worker must document the efforts that were made to obtain the information (including telephone calls, registered letters, attempted home visits, etc.) and the other sources of information that were used in completing the *Birth Parent Medical and Social History*.
7. There may be times that the self-reported information provided to a social worker from a birth parent may be different from information known to the social worker and/or

continuous custody, the birth parent shall be advised that information related to their involvement with the Department, that may assist in completing a more comprehensive and detailed social and medical history, will be included with the child's social/medical history. The social worker shall include in the child's package all information that may be helpful in profiling the child for adoption.

8. For children in voluntary custody, the social worker must obtain written consent from the birth parent(s) to make contact with extended family or significant others to obtain information for the completion of the medical and social history.
9. For children in voluntary custody, where a birth parent provides information and there is additional information available to the social worker (for example, as the result of a protective intervention file), the social worker shall discuss this with the birth parent. The social worker shall advise the birth parent of the importance of including ALL information related to the birth family for the child in the future. Where the birth parent does not wish the information to be included, the social worker shall discuss this with a supervisor to determine next steps given the impact this has on the ability to match the child appropriately. This information is essential to ensuring all available social and medical information is presented to an adoptive family to allow them to make a fully informed decision regarding the placement of a child.

Child's Medical and Social History

10. A *Childs' Medical and Social History*, Part I, II, and III must be completed on all children being proposed for adoption. The social worker should complete Part I, a physician or nurse should complete Part II, and Part III shall be completed by a physician or nurse practitioner.
11. The *Child's Medical and Social History* contains information related to the risk factors that resulted in the child entering the continuous custody of a manager. This information is important to provide to adoptive families as it will provide them with critical insight into the experience of the child prior to placement.

Plan for the Child (that was submitted to the court)

12. While the *Plan for the Child* is **not** provided to adoptive applicants, it is an important document to be reviewed by the social worker presenting any child in continuous custody to an approved applicant. Review of this document allows a social worker to gain a thorough and comprehensive understanding of the risk factors present in the child's birth family that resulted in them entering continuous custody. Given these factors may impact on the future development of a child, it is important to be considered when profiling the child for adoption.

In Care Progress Report (IPR)

13. The *IPR* monitors ongoing case planning, progress and outcomes for every child in the custody of a manager. It also provides a written history of a child's life in care, and contains crucial information about a child's past.
14. The social worker shall complete an *IPR* for all children in *continuous custody* as per Policy 3.9 of the *CYCP Act* to be included in their adoption package. This document is **not** provided to adoptive applicants but is an important document to be reviewed by the social worker presenting the child to an adoptive applicant.
15. An *IPR* shall also be completed on all children in custody as the result of a *Voluntary Custody Agreement* obtained under the *Adoption Act, 2013* where the child has been in voluntary custody more than **six months**.

Views and Wishes Report

16. Part of preparing a child for adoption involves counselling them on the implications of adoption. This can be done once adoption is identified as the permanency plan for a child or at any other point before pre-placement. The paramount consideration in determining when to counsel a child on adoption is the best interests of the child. The social worker must ensure that the child understands the effects of adoption and, where over the age of 12 years, consents to adoption. The child's views are imperative to ensuring the success of the adoption. **All** children 5 years of age or older must be counselled on the effects of adoption and his/her views must be considered before proceeding with an adoption plan. Taking into consideration a child's developmental level, a discussion can be held with a child younger than 5 years. The extent of the child's involvement in the adoption decision will be determined by his/her capacity to make and understand decisions that affect his/her day-to-day life according to his/her level of development and maturity.
17. A narrative views and wishes report **must** be completed on every child 5 years of age or older who is being adopted.
18. If the child is 5 years of age or older and has **NOT** been counselled on the effects of adoption, a report outlining the reasons for this must be completed and submitted in writing to a supervisor with the child's documentation. Reasons for not completing the child's views and wishes may include the potential that a match may be delayed due to the child's special needs and counselling the child may impact stability in their current placement.
19. The Views and Wishes Report submitted may include, but is not limited to, the following:
 - a) the dates on which the interviews with the child took place and the type of interview;
 - b) an indication that the child appears to have an age-appropriate understanding of adoption including: adoption is lifelong and intended to be permanent; adoption is

a legal process where the child becomes the adopted child of the adoptive parents; that adoption terminates the legal rights and responsibilities of the child's birth parents or person with custody; that contact may be maintained where an openness agreement exists; and termination of a manager's custody for a child in continuous custody;

- c) a statement of the child's expressed view on being adopted and what adoption means to him/her;
- d) the child's views on any proposed change of given or family name;
- e) the extent of the child's relationships with significant persons, birth relatives or foster parents;
- f) the child's understanding of why he/she is not living with his/her birth parent(s) or family members;
- g) the child's views on whether his/her racial, cultural, linguistic and spiritual identity is being respected;
- h) a clear statement from the social worker indicating:
 - i. That the child has been counselled on the effects of adoption; and
 - ii. Where the child is 12 years of age or older, that they are indicating their consent to being adopted.

Consents

- 20. For children in voluntary custody, a *Consent of Parent/Person with Custody to Adoption* must be obtained from the birth mother, the father, or person having custody of the child. Please see the policies and procedures related to consents as outlined in *Services to Birth Parents*.
- 21. Where the child is in continuous custody of a manager, the manager with custody of the child must complete the *Manager's Consent to Adoption*. Birth parent consent is not required.
- 22. **At least 30 days** prior to consenting to an adoption under the *Adoption Act, 2013*, the social worker or manager shall provide written notification to those who have been permitted to have contact/access with the child of the intention to consent to adoption as per Section 3.4: *Effect of a Continuous Custody Order* of the *Protection and in Care Policy and Procedures Manual*.

Other Documentation

- 23. In addition to the above required documentation, the following must be obtained before **any child can be placed for adoption**:
 - a) original or certified copy of the continuous custody order for children in the custody of a manager;
 - b) *Voluntary Custody Agreement* for a child being placed for adoption by a birth parent or person having custody of the child;

- c) child's original Birth Certificate from vital statistics. In situations where the child's birth has not been registered, the social worker must complete the birth registration form called the *Return of Birth* Form and the *Application for Verification of Birth* and forward it to Vital Statistics. When the birth is registered, the social worker must include the birth certificate, a certified copy of the birth certificate or an Application for Verification of Birth from the Vital Statistics Division;
 - d) *Request to Approve a Child for An Adoption Subsidy* where applicable. See ***Adoption Subsidy*** policies and procedures for additional information;
 - e) any professional reports that may assist in the profiling of a child to an adoptive applicant;
 - f) recent photos of the child which should include professional photos.
24. The social worker must complete the *Child Profile Summary* form as this document will provide an overview of the developmental needs of the child and assist in the matching process.

Recommendation

25. Once all information has been obtained, a social worker shall make a written recommendation regarding adoption to a supervisor. A recommendation may include adoption by an approved applicant from the provincial adoption list, adoption by a birth relative or significant other identified by the social worker as being the best placement option, or adoption by a foster parent.
26. Where a foster parent adoption is being recommended on behalf of a child in continuous custody, the policies and procedures related to foster parent adoption as outlined in ***Foster Parent Adoption*** shall apply. Only the child's current *IPR* and written recommendation are required at the time the foster parent adoption plan is recommended. All other information related to the child is required prior to profiling the child for adoption to the foster parents.
27. In the case of a direct placement or profiling a child to the provincial adoption list, the final decision regarding approval of the adoption plan must be made by a manager. The provincial director approves all foster parent adoption recommendations.
28. Where the plan for the child is adoption by an approved applicant from the provincial adoption list, after approving the plan, a manager must forward the child's original information to the provincial director for review for matching with prospective adoptive parents. Where no match has occurred within **six months**, the provincial director may request an update to the *Child's Medical and Social History*.
29. A ***CHECKLIST: Children in Continuous Custody - Child Profile*** and ***CHECKLIST: Children in Voluntary Custody - Child Profile*** outlining the required documentation for children in continuous custody being proposed for adoption and children being relinquished by their birth parent(s) or person having custody shall be completed.

EXCEPTIONS TO POLICY:

1. An *IPR* will not be required if a *Voluntary Custody Agreement* is signed and the child is placed for the purpose of adoption **within a six month period.**

RELEVANT DOCUMENTS:

- *In Care Progress Report*
- *Birth Parent Medical and Social History*
- *Child Profile Summary*
- *Child's Medical and Social History*
- *Voluntary Custody Agreement*
- *Continuous Custody Order*
- *Manager's Consent to Adoption*
- *Request to Approve a Child for Adoption Subsidy*
- *CHECKLIST: Children in Continuous Custody – Child Profile*
- *CHECKLIST: Children in Voluntary Custody – Child Profile*
- *CHECKLIST: Services to Birth Parent(s)*

OVERVIEW: PLACEMENT OF CHILDREN FOR ADOPTION

The role of a social worker in the placement of children for adoption is critical. Social workers are responsible for:

- Preparing the child for the adoption placement so that the transition is comfortable, where anxiety and disruption are minimized. A well-planned process of pre-placement familiarization is essential;
- Assisting the adoptive applicant(s) in preparing for the placement of a child;
- Supervising and assisting in the adjustment period both during pre-placement and after placement until an Adoption Order is granted.

The provincial director is responsible for the matching of adoptive families to children who are available for adoption. The provincial director will forward the child's information including the child's family social/medical history to the social worker to review with the prospective adoptive parent(s). This information will assist the prospective adoptive parent(s) to make a more informed decision on the placement of the child in their home.

Where a child's profile has been accepted by an adoptive parent, a period of pre-placement must occur prior to the placement of the child. The purpose of pre-placement familiarization is to ensure a child has an opportunity to begin the development of a relationship with the adoptive family and to allow them time to adjust to a new environment. In addition, the transition of a child to another placement may be difficult for the foster parents and other significant persons and this period allows them the opportunity to deal with the loss associated with a child leaving.

Pre-placement plans must be written and be developed based on the best interests and individual needs of the child. Factors to consider are the child's age, developmental issues, and child's views and wishes. The length of the pre-placement visitation plan will vary depending on the age and needs of each individual child. All pre-placement plans should include specifics around the degree of monitoring during the placement and who will be present during the visits.

The social worker is also responsible for monitoring the adoption placement until an Adoption Order is granted. Regular monitoring of the placement must include in home contact with the adoptive home, observations of the interactions between the child and the prospective adoptive parents and others residing in the home, and ongoing consultation with the child, where age and developmentally appropriate. Support to the adoptive parents and child during this time is a critical requirement of the post placement period.

While the majority of adoption placements are successful, there may be times when either the child or the prospective adoptive family experience difficulty with the placement. In some cases, the provision of supportive services may not be enough to maintain the placement resulting in an

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adoption disruption and the child leaving the home. The decision to move a child from an adoption placement must involve consultation with those involved with the child due to the significant short and long term implications of that decision on the child. A manager must notify the provincial director of any adoption disruption. Decisions regarding the permanency plan for the child and the continued approval of the adoptive parents will be required.

INFORMATION PROVIDED TO ADOPTIVE APPLICANTS

Policy no.: 5.2

Effective Date: June 30, 2014

Date Revised:

Policy Cross References: Services to Birth Parents; Children Available for Adoption; Applicant Approval

Legislative References: s.15 Child's history; s. 14 Matching by provincial director

PURPOSE: To outline the information to be provided to an approved adoptive applicant(s) that will assist the applicant(s) in making an informed decision on the placement of the child in their home.

POLICY:

1. The social worker shall ensure that an approved adoptive applicant is provided with information on the medical and social history of the child and the child's birth family prior to the placement of the child.
2. The social worker must ensure that all information is non-identifying.

PROCEDURES:

1. Prior to adoption placement, the social worker must provide the adoptive applicant(s) with information related to the medical and social history of the child and the child's birth family.
2. Information sharing regarding the child and his/her birth family serves three primary purposes. It will assist the adoptive parent(s) to:
 - a) be aware of the child's potential needs and to help them decide if they can parent a child with these needs;
 - b) understand the family history of the child and alert them to possible medical and social needs of the child; and
 - c) provide them with social and medical information which they can later share with the child.
3. The provincial director shall forward a copy of an adoption package on behalf of the child for presentation to the adoptive applicant(s). The information contained in the package shall include:
 - a) non-identifying information to be provided to the adoptive applicants; and

- b) identifying information to be reviewed by the social worker prior to meeting with the adoptive applicant(s). This may include additional information that cannot be released to the applicant but is necessary information for the social worker to review prior to meeting with the adoptive applicant(s).
- 4. The social worker shall review all the information prior to presenting the information to the prospective adoptive parent(s) in order to gain an understanding of the developmental needs of the child. Information provided includes but is not limited to, the *Birth Parent Medical and Social History*, *Child's Medical and Social History*, child's current *In Care Report (IPR)*, plan for the child that was submitted to the court, pictures of the child and any other reports received from other professionals involved with the child.
- 5. Prior to providing any information to the prospective adoptive parent(s), the social worker **MUST** review and ensure any information that might identify the child's name or location or any third party has been removed.
- 6. Prior to releasing any documentation, the social worker **MUST** ensure:
 - a) each applicant completes a *Confidentiality Agreement for Prospective Adoptive Parents* agreeing to ensure confidentiality of the information provided;
 - b) the applicant(s) is advised of the importance of ensuring all copies of information provided is kept in a safe place and only shared with those authorized as necessary to assist them in their decision related to acceptance of the child.
 - c) the applicant(s) is advised that all information provided on the child is immediately returned to the Department if the placement does not proceed or ends any time prior to the granting of an adoption order.
- 7. The social worker shall meet with the prospective adoptive parent(s) to review the information related to the child that has been forwarded by the provincial director. The prospective adoptive applicant(s) shall be provided with:
 - a) a non-identifying copy of the *Birth Parent Medical and Social History* for each birth parent (where available),
 - b) a non-identifying copy of the *Child's Medical and Social History* Part I, II, and III; and
 - c) non-identifying copies of any professional reports included in the profile package.
- 8. The social worker may **verbally** share information contained in the *In Care Progress Report, Plan for the Child*, (that was submitted to the court as part of the continuous custody hearing), or other information provided with the adoptive applicant(s) to ensure they are provided with all information related to the child. Information shared verbally **MUST** also be non-identifying.
- 9. Where the adoption profile package contains an approved *Request to Approve a Child for an Adoption Subsidy*, the social worker shall advise the prospective adoptive

parent(s) of the child's eligibility for an adoption subsidy and that an eligibility assessment on behalf of the adoptive applicant(s) will be required prior to the approval of an *Adoption Subsidy Agreement* or *Deferred Adoption Subsidy Agreement*. See *Adoption Subsidy* policies and procedures for further information.

10. The prospective adoptive parent(s) should be encouraged to take the child's social and medical information to review and consult with any professional they feel would assist in their decision making. Where appropriate, the social worker shall make arrangements with any other professional involved with the child to assist the applicants in their decision making.

ACCEPTANCE OF THE CHILD

11. Where the prospective adoptive applicant(s) make the decision to accept the child, they must sign *Adoptive Parents' Acknowledgement of Information Provided*. On the form, the social worker must clearly identify the information that was shared with the family and the identified needs or risk factors present in the information. A copy of this shall be forwarded to the provincial director.
12. Where the prospective adoptive parent(s) make the decision to accept the child, refer to *Pre-Placement Planning* for policies and procedures on the development of a pre-placement plan for the child.

NON-ACCEPTANCE OF THE CHILD

13. Where the prospective adoptive applicant(s) make the decision not to accept the child, **all** information including the non-identifying copy of the child's information **must** be returned to the social worker. The social worker shall return all information to the provincial director.
14. A social worker shall complete a written report outlining the reasons why the child was declined by the applicant(s) within **30 days** following presentation of the child. This report shall be forwarded to the provincial director, as it will assist with decisions related to any future matching of a child to the adoptive applicant(s). A non-identifying copy of this report must be placed on the adoptive applicant's file.
15. Where concerns present following the presentation of the child's profile information and the applicant's decision to not accept the child, the social worker shall outline these concerns in the written report and make a recommendation regarding their continued approval as adoptive applicants.

EXCEPTIONS TO POLICY: None

RELEVANT DOCUMENTS:

- *Birth Parent Medical and Social History*
- *Child's Medical and Social History*
- *Adoptive Parents' Acknowledgement of Information Provided*
- *In Care Progress Report (IPR)*
- *Confidentiality Agreement for Prospective Adoptive Parent*

PRE-PLACEMENT PLANNING

Policy no.: 5.3

Effective Date: June 30, 2014

Date Revised:

Policy Cross References: Child Placement; Post Placement Period

Legislative References:

PURPOSE: To outline the social worker's responsibility in facilitating pre-placement visitation between a child proposed for adoption and a prospective adoptive family.

POLICY:

1. The child's social worker shall determine the nature of the pre-placement visitation and complete a written pre-placement plan for all children being proposed for adoption.
2. A social worker shall facilitate the pre-placement visitation and **must** be present for the first in person contact, placement day and regular periods throughout the pre-placement period.

PROCEDURES:

1. The process of pre-placement is often associated with many different emotions being experienced by the child, adoptive parent(s), foster parent(s) and other children residing in both the foster home and adoptive home. It is for this reason that social workers must be sensitive to the range of emotions that may be displayed by each of the parties involved.
2. Where a child has been accepted by a prospective adoptive family, the social worker for the child must complete a written pre-placement plan on behalf of the child.
3. Any pre-placement plan between the adoptive parent(s) and the proposed child shall be made in consultation between the child's social worker(s) and the social worker for the adoptive family.
4. The social worker shall also consult with the foster parent(s) for the child to determine their ability to support the plan. Prior to the development of a pre-placement plan, the social worker may need to consider the foster parents' work schedule, the needs of other children who reside in the foster home, and the distance between the child's and adoptive parents' residence.

5. The social worker shall ensure that the foster parents are advised not to disclose identifying information to the adoptive applicant(s).
6. In determining the nature of the pre-placement visitation, the social worker in consultation with a supervisor, shall consider:
 - a) the best interest of the child;
 - b) the age and developmental stage of the child;
 - c) the views and wishes of the child;
 - d) the type and duration of contact;
 - e) who will be present at each of the visits and where the visits will occur; and
 - f) the role of the foster parent(s) in the pre-placement plan.
7. In developing a pre-placement plan, the following activities shall be considered for inclusion:
 - a) an introductory meeting that includes the social worker(s) for the child, foster parent(s), social worker for the adoptive applicant(s), adoptive applicant(s) and anyone else deemed significant to the child who could contribute to the development of a pre-placement plan;
 - b) the sharing of information (where age appropriate) such as videos and photo albums between the child and adoptive parent(s) prior to their first face-to-face meeting;
 - c) the location, date and duration of the first and second face-to-face visits. A social worker must be present for the first visit. In most circumstances, these visits should occur in the foster home;
 - d) a planned consultation with all parties following the preliminary visits to assess everyone's perception of the visits and to address any questions or concerns or to determine if any change needs to be made to the pre-placement plan;
 - e) the frequency and duration of visits. Consideration shall be given to: the child's age, developmental needs, attachments, location of child and adoptive family, child's views of the adoption placement, and ability of the foster parent(s) to support the child's transition;
 - f) an overview of all subsequent visits outlining the type, date, duration and activities planned for the visits. Visits should occur frequently and at different times of the day to allow the adoptive family an opportunity to become familiar with the child's routine. Visits in the adoptive home should as closely as possible resemble the adoptive applicant's day to day routines so as to provide the child with an accurate notion of what residing in that home is like. Regular observations by the social worker of the child's progress and adjustment should be clearly documented and reflected in the pre-placement planning;
 - g) specifics related to a goodbye activity with the foster family. This will assist in the transition and allow the child the opportunity to say their goodbyes to the foster family;
 - h) date of placement and a plan for moving/transition day. Where possible, the foster parent(s) and the adoptive family should participate in the final preparations

- associated with moving. A social worker must be present and feelings should be expressed and encouraged;
- i) where deemed appropriate, a plan for the foster parent(s) to visit the new adoptive home approximately 3 to 6 weeks following the transition;
 - j) where deemed appropriate, a plan for the adoptive family and the child to visit the foster home during the post placement period. Telephone, email and other forms of contact should be encouraged in between;
8. Prospective adoptive parents are expected to travel at their own expense, unless a social worker determines that the cost associated with travel would place undue financial stress on the adoptive family. In such cases, the cost associated with travel may be provided or cost shared with the approval of a manager.
9. All pre-placement plans must be approved by a program supervisor.
10. The social worker shall assess the progress of the pre-placement plan at various intervals during the plan. Where deemed in the best interests of the child, the pre-placement plan may be updated and/or changed to better address the needs of the child.
11. Placement of a child must not occur until the child's social worker has assessed that the child has had proper preparation and is comfortable with the placement plan.
12. A period of pre-placement is not a guarantee of an adoption placement. If at any time during the pre-placement stage it is determined that the placement of the child would not be in the child's best interest, the pre-placement phase may discontinue.
13. In cases where concerns exist during the pre-placement period, the social workers involved may revise the written pre-placement plan to address the concerns or issues. This revised plan shall be submitted and approved by a program supervisor.
14. In cases where concerns exist and the recommendation is to discontinue the pre- placement and ultimately placement of the child, a written report outlining the reasons shall be completed by a social worker and submitted to a program supervisor. A recommendation regarding the family's continued approval as adoptive applicants shall also be made.
15. Final approval to discontinue an adoption placement must be made by a manager. The final decision regarding a family's continued approval as adoptive applicants shall also be made by a manager. A copy of the reports and manager's approval shall be forwarded to the provincial director.
16. Where it is decided not to proceed with an adoption placement, the child's social worker must make every effort to assist the child in dealing with feelings associated with this decision. The child should be counseled on the reasons for the decision.

17. The social worker shall meet with the prospective adoptive parents to discuss the reasons for the decision to discontinue placement. The decision regarding the continued approval of their adoption file shall also be discussed with them.
18. Following the meeting, the manager shall notify the prospective adoptive parents in writing of the decision to discontinue the placement. The letter shall also advise the adoptive parents of the decision regarding continued approval of their file. A copy of this letter shall be forwarded to the provincial director of adoptions.
19. There may be times where the decision is made to discontinue the placement but maintain the adoptive applicant(s) approval where the family has demonstrated a continued ability to meet the five competencies of PRIDE. In these cases, the social worker for the adoptive applicant(s) shall complete a written recommendation to the supervisor related to the applicant's approval. The manager shall approve the continued approval. A copy of the recommendation and approval shall be provided to the provincial director and the applicants) may remain on the provincial approved list to await another match.

EXCEPTIONS TO POLICY: None

RELEVANT DOCUMENTS: None

CHILD PLACEMENT

Policy no.: 5.4

Effective Date: June 30, 2014

Date Revised: February 19, 2020

Policy Cross References: Pre-Placement Planning; Post Placement Period

Legislative References: s.11 Placement of child; s.12 Child's eligibility for placement

PURPOSE: To outline the procedures to be followed when placing a child in an adoptive home.

POLICY:

1. A social worker shall meet with the child **on the day** of placement and again **within seven days**.
2. The social worker for the child shall complete a *Notification of Adoption Placement* form **immediately** following placement and a copy shall be forwarded to the provincial director.

PROCEDURES:

1. A child may be placed with prospective adoptive parents only after the adoptive parents have received all necessary information concerning the child and a satisfactory process of pre-placement familiarization has taken place.
2. Prospective adoptive parents are expected to travel to the child's area of residence for the placement and a social worker **must** be present on the day of placement.
3. Until an adoption order is granted, all children in adoption placements remain in the care of a manager and are subject to the policies related to all children in care as per the *Protection and In Care Policy and Procedures Manual*. The social worker shall ensure that the prospective adoptive parent(s) have been advised and understand the requirements of the post placement period as outlined in *Placement of Children for Adoption* policy.
4. A social worker shall meet with and observe a child on the **day of placement** and again within **seven days** of placement. A social worker shall talk to the child where age and developmentally appropriate in private to assess the progress of the placement. Factors to consider are:
 - a) whether the child appears to be adjusting to the family;

- b) whether the adoptive parents and any children in the home appear to be adjusting to the placement;
 - c) whether an attachment between the child and adoptive parent(s) appears to be developing;
 - d) whether the family has managed dealing with any concerns or issues that may have occurred;
 - e) the child's adjustment to school or childcare, where applicable;
 - f) whether the family is maintaining the child's family and social relationships, where requested;
 - g) whether the family requires any additional supports to assist with the adjustment period.
5. The social worker for the child shall complete a *Notification of Adoption Placement* form immediately following the placement of the child. A copy shall be forwarded to the supervisor, manager, and provincial director and a copy retained in the child's in care file.
6. Immediately following placement, the social worker must advise the family that they are required to register the child with MCP in the child's anticipated adoptive name. A letter is provided to the adoptive parents and required in order for MCP to issue a new card in the child's new adoptive name. The standard MCP letter can be found in the Adoption Placement Case Forms listing in ISM. The social worker shall complete and forward to the Provincial Director a copy of the MCP letter identifying the child's anticipated new adoptive name along with the required *Notification of Adoption Placement* form.
- Where the child being placed is NOT changing their surname, the adoptive family are not required to register the child with MCP. The Provincial Director of Adoptions will notify the Center for Health and MCP of a change in demographic information only for a child. At the time of placement, the social worker must notify the Provincial Director of any and all changes to a child's given names, including changes to middle names, or confirmation of no name change.
7. Adoptive parent(s) **are not** to be provided with a copy of the child's original birth MCP card, the original birth MCP number, hospital cards, or any other identifying information related to the child. The social worker must collect the birth MCP and maintain it in the child's in care file. All other identifying information on the child must also be collected from the foster family prior to placement and returned to the child's in care file. The provincial director will request the termination of the birth MCP card associated with the child.
8. All children placed for adoption are entitled to health services as outlined in ***Health Services***. Prior to receiving health services following placement, the social worker shall make contact with any health care provider scheduled to see the child following placement to ensure they have the child's new adoptive name, new MCP number, and to ensure confidentiality of the child's birth name. The social worker shall request the clinic and/or service provider change the demographic information related to the child prior to the scheduled appointment.

9. The social worker shall refer all infants and pre-school children to the community health nurse using the child's new name in the area in which they were placed. Contact information for the Regional Health Authorities can be accessed online at http://www.health.gov.nl.ca/health/findhealthservices/in_your_community.html#contact
10. Following the placement of a child for adoption, the social worker shall notify the community health nurse where the child previously resided of the child's placement so that the services received in the child's birth name can be closed.
11. The social worker shall obtain a child's immunization record and ensure that it is updated and redacted copy accompanies the child to their adoption placement. A copy of the vetted copy shall be placed on the child's in care file.
12. A social worker shall arrange to have the child's foster care rate cancelled at the time of placement. In the case of foster parent adoptions, the in care rates may be maintained until the granting of an adoption order. Where an adoption subsidy has been approved, the subsidy program may be opened at the time of placement or any time prior to the adoption being finalized in court. The adoptive parents shall be advised they may apply for the *Child Tax Benefit*, *Progressive Family Growth Benefit* and/or *Child Disability Benefit* where eligible following placement.
13. In keeping with monitoring requirements for children in care, a social worker shall have, at minimum, **one private, in-person contact per month** with each child in an adoption placement. Please refer to *Post Placement Period* policy for information regarding monitoring an adoption placement.
14. *CHECKLIST: Placement of Children (Domestic)* outlining the documents required must be completed.

EXCEPTIONS TO POLICY: None

RELEVANT DOCUMENTS:

- *Notification of Adoption Placement*
- *CHECKLIST: Placement of Children (Domestic) (Appendix A)*
- *Sample MCP Letter*

POST PLACEMENT PERIOD

Policy no.: 5.5

Effective Date: June 30, 2014

Date Revised: March 22, 2018

Policy Cross References: Pre-Placement Planning; Child Placement

Legislative References: 27(3) Who May Apply to Court

PURPOSE: To outline the procedures to be followed during the post placement period for children in adoption placements.

POLICY:

1. A social worker must have, at minimum, one private in-person contact per month, where age and developmentally appropriate, with each child in an adoption placement until an adoption order is granted.
2. A social worker shall have, at minimum one in-person home visit per month with each adoptive parent during the post placement period.
3. A social worker must complete the *Post Placement Report* form at the end of the 1st, 3rd, and 6th month where a child or youth has been placed for adoption.
4. A child must have resided with the prospective adoptive applicants for six months prior to applying to court for an adoption order.

PROCEDURES:

1. A social worker shall have, at minimum, one private in-person contact per month with each child in an adoption placement. The social worker must observe the child during home visits and privately interview the child within the child's developmental level.
2. A social worker shall have, at minimum, one in person home visit per month with each adoptive parent during the post placement period.
3. A social worker shall observe the interactions of all adoptive parent(s) and the child each month during the post placement period. The type of contact, frequency, and who was present during the visits must be included in the *Post Placement Report*.
4. Where one of the adoptive parents are unable to attend a required monthly visit, the social worker must discuss the reasons for this with the supervisor and devise an alternate plan to address the missed visits. If necessary, an extension to the post placement period may be

required.

5. Where concerns arise in an adoption placement or there are significant adjustment issues, there will need to be more frequent visitation and ongoing assessment. Where significant issues are identified that may question the long term stability of the placement, the social worker shall assess the placement and develop a strategy for dealing with the issues. A plan shall be developed in consultation with a supervisor.
6. At the end of the 1st, 3rd, and 6th month, a social worker must complete the *Post Placement Report*. The report shall include the following:
 - a) dates of visits and who was present;
 - b) detailed information related to interviews with the child, prospective adoptive parent(s), and all other persons residing in the home;
 - c) whether the child appears to be adjusting to the family;
 - d) whether the adoptive parents and any children in the home appear to be adjusting to the placement;
 - e) whether an attachment between the child and adoptive parent(s) appears to be developing;
 - f) whether the family has managed dealing with any concerns or issues that may have occurred;
 - g) the child's progress in school or childcare, where applicable;
 - h) whether the family is maintaining the child's family and social relationships, where requested;
 - i) whether the family requires any additional supports to assist with the adjustment period.
 - j) the ability of the adoptive parent(s) to meet the five competencies of *PRIDE* during the adoption placement;
 - k) a recommendation as to the suitability of continued placement for that child. In making a recommendation, a social worker shall also assess the adoptive parents' ability to meet the developmental needs of the child and the child's interactions with the family.
7. In the case of a foster parent adoption, a manager may waive the post placement period, providing that the child has resided in the home for a minimum of six months and ongoing regular private interviews have occurred with the child. Refer to ***Waiving of Post Placement Period for Foster Parents*** policy for additional information.
8. The social worker shall forward the *Post Placement Report* to their supervisor for review.
9. Following review by the supervisor, the adoptive family shall sign the *Post Placement Report*.
10. Approval of the *Post Placement Report* is the responsibility of a manager. A manager shall forward a copy of the report and approval to the provincial director.
11. Following the six month post placement period, the social worker must complete in the report whether the placement should be finalized in court or a request for an extension

of the post placement period should occur. Please refer to ***Finalization*** policy for information regarding finalizing an adoption placement in court.

12. In cases where a social worker has concerns with the continuation of the adoption placement, an extension to the post placement period may be made. A post placement period may be extended for a maximum of **three additional months** and the recommendation may be included in the completion of the 3rd *Post Placement Report*. Following that time, a decision must be reached regarding the suitability of the placement. In cases where an extension is being recommended, the social worker shall complete a *Post Placement Report* and include in their recommendation:
 - a) an assessment of the issue(s);
 - b) a plan for resolving the issue(s); and
 - c) the child's views and wishes regarding the placement, where age and developmentally appropriate.
13. Where a **three month** extension has been granted by a manager, it is not always necessary to wait the full three months to make a recommendation regarding the placement and finalization.
14. In the case where a decision has been made to end the adoption placement, please refer to ***Adoption Disruption*** policy.
15. Following receipt of the 3rd *Post Placement Report* and recommendation, approval to proceed to finalization is the responsibility of the manager.
16. Where the decision is made to finalize the adoption, see ***Finalization*** policy for further information.
17. In cases where a child is in the continuous custody of a manager and has been approved for an adoption subsidy, any approved *Adoption Subsidy Agreement* or *Deferred Adoption Subsidy Agreement* shall accompany the final report. Refer to ***Adoption Subsidy*** for additional information.
18. Following approval to finalize the adoption, the social worker shall complete an *Application for Adoption Order* on behalf of the adoptive applicants. A copy of the final report and *Application for Adoption Order* shall be forwarded to the provincial director.

EXCEPTIONS TO POLICY: None

RELEVANT DOCUMENTS:

- *Notification of Adoption Placement*
- *Adoption Subsidy Agreement*
- *Deferred Adoption Subsidy Agreement*
- *Application for an Adoption Order*
- *Post Placement Report*

WAIVING THE POST PLACEMENT PERIOD FOR FOSTER PARENTS

Policy no.: 5.6

Effective Date: June 30, 2014

Date Revised: March 22, 2018

Policy Cross References: Foster Parent Adoption

Legislative References: s. 27(3) Who may apply to court; s.28 Required documents

PURPOSE: To outline the procedures to be followed when recommending the waiving of the post placement period for a child being adopted by a foster parent.

POLICY:

1. A recommendation to waive the post placement period must only occur where:
 - a) the child has resided in the home for **six months** on an **in care** status prior to the adoption plan; and
 - b) regular *In Care Progress Reports* have been completed and no concerns are noted regarding the care of the child; and
 - c) the social worker has had, at minimum, **one in person contact per month** for the previous **six months** with each of the foster parents.
 - d) the social worker has had, at minimum, **one in person private interview**, where age and developmentally appropriate, **per month** for the previous **six months** with the child; and
 - e) the foster home has an updated annual foster home review as per the *Protection and In Care Policy and Procedures Manual*.
2. Prior to making a recommendation to waive the post placement period for foster parents, the social worker must ensure the foster parents have formally accepted the child and an adoption placement has occurred.

PROCEDURES:

1. Foster parents must be approved in accordance with the *Applicant Approval* policy and procedures prior to making a recommendation to waive the post placement period.
2. The social worker can make a recommendation to a supervisor to waive the post placement requirement. This would apply to situations where the social worker, based on their clinical judgement assesses that this period of post placement review is not necessary. This may be considered where:

- a) the child has resided in the home for **six months** on an **in care** status prior to the adoption plan;
 - b) regular *In Care Progress Reports* have been completed and no concerns are noted regarding the care of the child;
 - c) the social worker has had, at minimum, **one in person contact per month** for the previous **six months** with each of the foster parents;
 - d) the social worker has had, at minimum, **one in person private interview**, where age and developmentally appropriate, **per month** for the previous **six months** with the child; and
 - e) the foster home has an updated annual foster home review as per the ***Protection and In Care Policy and Procedures Manual***.
3. The placement date for foster parents can occur anytime following the presentation of the child to the foster parents and their formal acceptance of the child through the completion of the *Adoptive Parents' Acknowledgement of Information Provided* form. A *Notification of Adoption Placement* form must also be completed on all children being placed for adoption with foster parents. Copies shall be forwarded to the provincial director. See ***Foster Parent Adoption*** policy for additional information.
4. Once a child has been placed, the social worker may consider recommending waiving the post placement period. In such cases, the social worker must complete the *Post Placement Report* form that includes:
- a) a follow-up private interview with the child following the placement date reflecting the child's current views and wishes and comfort with the adoption plan;
 - b) where the child is 12 years of age or older, confirmation of their continued consent to adoption. The social worker shall ensure the child completes or previously completed a *Consent of Child* form;
 - c) information related to the relationship between the child and all members of the family since the original recommendation for a foster parent adoption was completed;
 - d) any concerns and how they have been addressed;
 - e) date of placement and confirmation that the child has resided with the foster parent's for a minimum **six month** period;
 - f) the continued ability of the adoptive parent(s) to meet the five competencies of *PRIDE* since a recommendation for adoption had been made;
 - g) any other information deemed significant to the recommendation.

The completed *Post Placement Report* shall be forwarded to a supervisor.

5. All recommendations regarding the waiving of the Post Placement Period must be approved by a manager.

6. Where approval has been given to waive the post placement period, a social worker must continue to have, at minimum, **one private in person contact per month.** where age and developmentally appropriate, with each child in an adoption placement until an adoption order is granted.
7. Where approval has been given to waive the post placement period, a manager must notify the provincial director of this in writing. This letter of approval along with the *Post Placement Report* **must** be submitted to the court at the time of finalization. Please refer to ***Finalization*** policy and procedures for additional requirements to proceed to finalization.

EXCEPTIONS TO POLICY: None

RELEVANT DOCUMENTS:

- *Consent of Child*
- *Adoptive Parents' Acknowledgement of Information Provided*
- *Post Placement Report*

HEALTH SERVICES

Policy no.: 5.7

Effective Date: June 30, 2014

Date Revised:

Policy Cross References: Consents: Medical Consent

Legislative References: s.18 Child's Health Care

PURPOSE: To outline the social worker's role and the responsibility to adoptive parents in obtaining health services following the placement of a child.

POLICY:

1. Children in continuous or voluntary custody of a manager are entitled to complete medical, dental and vision care as per Policy 3.21 of the *Protection and In Care Policy and Procedures Manual*.
2. In cases where a child is covered by a prospective adoptive parent's private insurance, costs associated with medical, dental or vision care would be the responsibility of the adoptive parent(s).
3. Following the placement of a child in an adoptive home, the prospective adoptive parents must apply for a new MCP card in the child's anticipated new name.

PROCEDURES:

1. Children in the custody of a manager are entitled to complete medical, dental and vision coverage provided through:
 - a) Medical Care Plan (MCP);
 - b) NL Prescription Drug Program (NLPDP);
 - c) Regional Health Authority direct payment for service; and
 - d) The Department direct payment for service.
2. All forms associated with MCP and NLPDP can be accessed online at <http://www.health.gov.nl.ca/health/forms/index.html#3>
3. Adoptive parent(s) are not to be provided with a copy of the child's original birth MCP card, the original birth MCP number, hospital cards, or any other identifying information related to the child. At the time of placement, the social worker must collect the birth MCP and return it to the child's in care file. All identifying information on the child must

be collected from the foster family prior to placement and returned to the child's in care file.

4. Prior to receiving health services, the child must be registered with MCP in their anticipated adoptive name as outlined in *Child Placement*.
5. Prior to receiving health services following placement, the social worker shall make contact with any health care provider scheduled to see the child following placement to ensure they have the child's new adoptive name, new MCP number, and to ensure confidentiality of the child's birth name. The social worker shall request the clinic and/or service provider change the demographic information related to the child prior to the scheduled appointment.

IMMUNIZATIONS

6. The social worker shall refer to the *Consents: Medical Consent* policy for information on who can provide consent and when consent for medical treatment, including immunizations is required.

DENTAL CARE

7. A child in the custody of a manager is entitled to, at minimum, **annual** dental care as per Section 3.21 of the *Protection and In Care Policy and Procedures Manual*.
8. All adoptive parents, where eligible, shall add a child placed for adoption to their personal dental care plan. In cases where a child is not eligible under an adoptive parent's plan until the granting of an adoption order, dental services may be provided on their behalf.
9. Following the granting of an adoption order, dental care becomes the responsibility of an adoptive parent unless dental services have been previously approved on behalf of the child by way of an adoption subsidy. See *Adoption Subsidy* policies and procedures for additional information.

VISION CARE

10. A child in the custody of a manager is entitled to receive **annual** vision care as per Section 3.21 of the *Protection and In Care Policy and Procedures Manual*.
11. All adoptive parents, where eligible, shall add a child placed for adoption to their personal vision care plan. In cases where a child is not eligible under an adoptive parent's plan until the granting of an adoption order, vision services may be provided on behalf of the child.
12. Following the granting of an adoption order, vision care becomes the responsibility of an adoptive parent unless vision care has been previously approved on behalf of the child by

way of an adoption subsidy. See *Adoption Subsidy* policies and procedures for additional information.

OTHER HEALTH CARE SERVICES

13. Following placement, where the child has been in the continuous custody of a manager, the social worker may continue with already approved services not exceeding those available to all children in care. Exploration of the suitability of an adoption subsidy on behalf of the child may occur. Where possible, the child shall be referred to community services or those offered through the adoptive parent's private medical plan. See *Adoption Subsidy* policy and procedures for further information.

EXCEPTIONS TO POLICY: None

RELEVANT DOCUMENTS:

- *MCP and NLPDP* <http://www.health.gov.nl.ca/health/forms/index.html#3>
- *Regional Health Authorities*
http://www.health.gov.nl.ca/health/findhealthservices/in_your_community.html#contact

HEALTH SERVICES: HOSPITALIZATION

Policy no.: 5.8

Effective Date: June 30, 2014

Date Revised:

Policy Cross References: Consents: Medical Consent

Legislative References: s. 18 Child's Health Care

PURPOSE: To outline the social worker's responsibility where a child in the custody of a manager placed for adoption has been admitted to hospital.

POLICY:

1. Where a child in the continuous or voluntary custody of a manager who has been placed for adoption has been admitted to a hospital, the social worker shall actively monitor the child's progress.
2. The social worker shall advise the adoptive parent at the time of placement that all hospitalizations must be reported.

PROCEDURES:

1. The social worker shall advise the adoptive parent that they must be informed **immediately** when a child in the custody of a manager, who has been placed in their home for the purpose of adoption is taken via ambulance, medevac'd, or admitted to hospital.
2. The social worker shall notify hospital administration and/or the attending physician that the child is in the custody of a manager.
3. The social worker shall refer to ***Consents: Medical Consent*** policy for information related to providing consent for medical treatment for children in custody placed for adoption. The social worker shall discuss the provision of medical consent with hospital administration and/or attending physician and adoptive parent(s).
4. In cases where a birth parent has signed *Consent of Parent/Person with Custody to Adoption* and it is not valid or time to revoke consent has not expired, the social worker shall consult with a supervisor regarding notifying the child's birth parent(s) of the hospitalization.

5. The social worker shall maintain regular contact with the hospital to monitor the progress of the child. The frequency of contact would be dependent on the severity of the child's illness.
6. The social worker shall provide and receive on-going information to/from the adoptive parent to ensure they are aware of the child's progress and condition.
7. The social worker shall notify hospital administration if there are any restrictions with who may visit the child.
8. The social worker shall work with hospital staff to develop a discharge plan for the child that shall include provisions for who will assume care of the child upon discharge. The social worker shall consult with the adoptive parent to ensure they are equipped to respond to any on-going health needs for the child.

EXCEPTIONS TO POLICY: None

RELEVANT DOCUMENTS:

- *Consent of Parent/Person with Custody to Adoption*

CONSENTS: CONSENT TO TRAVEL

Policy no.: 5.9

Effective Date: June 30, 2014

Date Revised:

Policy Cross References:

Legislative References:

PURPOSE: To outline the process for providing consent for travel for a child who is in the continuous or voluntary custody of a manager and who has been placed for adoption.

POLICY:

1. Where a child is in the continuous or voluntary custody of a manager and placed for adoption:
 - a) an adoptive parent may travel within the province without the consent of a social worker;
 - b) a supervisor shall provide consent for a child to travel to another province or territory within Canada;
 - c) a manager shall provide consent for a child to travel internationally.
2. In order for a child in voluntary custody to travel, all necessary *Consent of Parent/Person with Custody to Adoption* forms must be valid and the time to revoke consents expired. A birth parent may provide written consent to a manager for travel where time to revoke consents has not expired.

PROCEDURES:

1. When a social worker receives an out of province or out of country travel request for a child that has been placed for adoption, they shall first consider the nature of the request (i.e. school trip, vacation/trip with adoptive parents) and the plans in place to ensure the safety of the child prior to providing consent.
2. When a request for a child who is in the voluntary or continuous custody of a manager to travel within Canada is received, a letter of permission to travel must be completed and signed by a supervisor.
3. When a request for a child who is the voluntary or continuous custody of a manager to travel internationally is received, a letter of permission to travel must be completed and signed by a manager.

4. A birth parent is required to signed content for travel where the time to revoke consent has not expired.
5. A letter of permission to travel shall be provided to the adoptive parent(s). The permission letter shall contain the following information:
 - a) child's new adoptive name;
 - b) child's date of birth;
 - c) child's current address;
 - d) date of travel;
 - e) name, date of birth and address of the persons with whom the child is authorized to travel;
 - f) name, address, telephone and fax numbers of the manager;
 - g) emergency contact numbers should consent for non-routine medical treatment be required.
6. Where a passport is required for a child in voluntary or continuous custody, the social worker shall work with the adoptive parent(s) with whom the child is placed to complete the application as required by Passport Canada. Information regarding applications and requirements related to passports for children in care and placed for adoption can be found online at <http://www.ppt.gc.ca/form/adoption.aspx?lang=eng>.

EXCEPTIONS TO POLICY: None

RELEVANT DOCUMENTS:

- *Passport Canada* <http://www.ppt.gc.ca/form/adoption.aspx?lang=eng>
- *Consent of Parent/Person with Custody to Adoption*

CONSENTS: MEDICAL CONSENT

Policy no.: 5.10

Effective Date: June 30, 2014

Date Revised:

Policy Cross References: Health Services; Health Services: Hospitalization

Legislative References: s.18 Child's Health Care

PURPOSE: To outline the process for providing medical consent for a child who is in the continuous or voluntary custody of a manager who has been placed for adoption.

POLICY:

1. Where a child is in the voluntary or continuous custody of a manager and placed for adoption, the adoptive parent(s) shall have authority to authorize routine health care for the child.
2. Where a child is in the voluntary or continuous custody of a manager and placed for adoption, the social worker may provide consent for medical treatment that would be considered non-routine.
3. In order for a social worker to provide medical consent for a child in voluntary custody, all necessary *Consent of Parent/Person with Custody to Adoption* forms must be valid and the time to revoke consents expired.
4. Where *Consent of Parent/Person with Custody to Adoption* has not been signed or time to revoke consent has not expired, all reasonable attempts shall be made to contact the birth parent(s) to obtain medical consent.

PROCEDURES:

1. Where it is the opinion of a qualified health care provider that medical treatment is required, the adoptive parent(s) must be informed they have the ability to provide consent for routine medical treatment following the placement of a child for adoption who is in voluntary or continuous custody. Routine health care would include but is not limited to:
 - a) examination by a medical physician or other health care professional;
 - b) immunizations; and
 - c) treatment for illness or injuries considered routine.

2. Where a child has been provided routine medical care, the social worker must be notified and made aware of the circumstances related to the treatment. This shall be documented in CRMS in both the child's in care file and the adoptive parent's file.
3. Medical consent may also be required that would not be considered routine. Where a child requires this, the social worker shall:
 - a) consult with the qualified medical practitioner to become fully informed of the medical situation, the prescribed course of treatment and the potential risks associated with receiving or not receiving the recommended treatment;
 - b) consult with a program supervisor prior to providing consent for medical treatment;
 - c) consult with a manager prior to providing consent for medical treatment that is potentially life threatening or may have long lasting or permanent impacts on the child (i.e., major surgery).
4. If age and developmentally appropriate, the child may be included in the decision making process as it relates to their medical treatment.
5. Where *Consent of Parent/Person with Custody to Adoption* has not been signed or time to revoke consent has not expired, all reasonable attempts shall be made to contact the birth parent(s) to obtain medical consent.
6. All efforts to contact the birth parent(s) to seek medical consent shall be documented in the Services to Birth Parents file and the child's In Care file.
7. If the social worker has been unable to contact the birth parent(s) and necessary medical treatment is recommended by a qualified health practitioner, they shall:
 - a) consult with the qualified health practitioner to become fully informed of the medical situation, the prescribed course of treatment and the potential risks associated with receiving or not receiving the recommended treatment; and
 - b) consult with a supervisor prior to providing consent for medical treatment.
8. When a social worker has consented to medical treatment for a child in an adoption placement and there is ongoing access or openness between the child and their birth parent(s), the social worker shall advise the birth parent(s) of the treatment **as soon as possible**.
9. The social worker shall advise the adoptive parent(s) that until the granting of an adoption order, an adoptive parent cannot consent to medical treatment not considered routine for a child placed in their home.

EXCEPTIONS TO POLICY: None

RELEVANT DOCUMENTS:

- *Consent of Parent/Person with Custody to Adoption*

ADOPTION DISRUPTION

Policy no.: 5.11

Effective Date: June 30, 2014

Date Revised:

Policy Cross References: Adoption Investigations;

Legislative References:

PURPOSE: To outline the process to be followed where consideration is being given to the termination of an adoption placement prior to the granting of an adoption order.

POLICY:

1. An adoption placement can be terminated at any time prior to the granting of an adoption order.
2. All allegations of maltreatment in an adoption placement shall be assessed in accordance with the policy and procedures outlined in *Adoption Investigation*.
3. The social worker shall immediately advise a program supervisor of any concerns that may result in an adoption disruption during an adoption placement.

PROCEDURES:

1. There may be times when an adoption disruption, where the decision that a child can no longer stay in an adoption placement, must be considered. This may occur as a result of:
 - a) the child's difficulty in adjusting to their new placement;
 - b) the child's decision to revoke their consent to adoption;
 - c) the prospective adoptive parents difficulty adjusting to the placement of a child in their home;
 - d) an allegation of maltreatment has been received in relation to the child in the placement.
2. The social worker shall immediately notify the program supervisor of any placement concerns during the post placement period.
3. A manager must be notified in all situations where a disruption is being considered.
4. In all cases where an adoption disruption is being considered, the social worker must interview the child in private, where age and developmentally appropriate, and the adoptive parents to determine:

- a) whether concerns exist that may warrant an adoption investigation;
 - b) the child's views and wishes regarding continuing in the placement;
 - c) whether the identified concerns of the child or adoptive parent(s) can be resolved through supportive services and intervention; or
 - d) whether it is in the child's best interest to continue in the adoption placement.
5. Where information arises that may warrant an adoption investigation, the social worker shall refer to the policies and procedures outlined in ***Adoption Investigation***.
6. The social worker, in consultation with the supervisor, shall complete a written report with a recommendation regarding the continued placement of a child in all cases where a disruption is being considered.
7. The completed report must also include but is not limited to:
 - a) description of the identified concern and any previous concerns;
 - b) summary of interviews completed, observations and findings;
 - c) summary of files/information reviewed to assess the concerns;
 - d) assessment of information gathered pertaining to the identified concerns;
 - e) an assessment of the ability of the prospective adoptive parent(s) to continue to meet the five ***PRIDE*** competencies;
 - f) supportive services offered to the prospective adoptive parent(s) to address the identified concerns;
 - g) assessment and recommendations regarding the placement and a plan for addressing the identified concerns or discontinuation of the placement of the child; and
 - h) outcome of any services offered in addressing the issue of concern.
8. The written report shall identify all interviews completed. This would include private interviews with the child and prospective adoptive parent(s) and interviews with other persons who may have information which will assist in assessing the concerns identified (such as other children, youth and adults living in the home, social workers who have been involved with the family in the past, and other professionals working with the child).
9. In cases where concerns present during the completion of the 3rd post placement report, a request to extend the post placement period may be made. Refer to the policy and procedures outlined in ***Post Placement Period*** for further information.
10. The completed report must be reviewed by a program supervisor.
11. A manager shall make the final decision regarding the continued placement of the child.
12. In cases where the decision is made to discontinue the placement, the social worker shall notify the prospective adoptive parent(s) and the child in person. The manager shall

provide written confirmation of the decision to the prospective adoptive parent(s) as soon as possible after the in person meeting.

13. In addition to a decision regarding the placement, a decision regarding continued approval of the prospective adoptive parents adoption file must also be made and approved by a manager.
14. A copy of all information related to the decision to discontinue an adoption placement must be forwarded to the provincial director.
15. In cases where the decision is made to continue with the placement, the social worker shall notify the prospective adoptive parent(s) in person of this decision. If the placement continues but there is a conditional approval, the prospective adoptive parent(s) shall agree to the conditions as part of the continued approval and the conditions shall be documented in the prospective adoptive parent(s) file and monitored as part of the ongoing work with the family and reflected in the post placement reports. The manager shall provide written confirmation of the decision outlining the conditions to the prospective adoptive parent(s) as soon as possible after the in person meeting.
16. In cases where conditions were outlined, the final post placement report must outline the specifics as to how the issues were resolved. This information shall be forwarded to the provincial director as per the policies and procedures outlined in *Post Placement* policy.
17. Where the child was placed as a result of a direct placement, the social worker shall notify the birth parent(s) **immediately** of the decision to end the adoption placement. The birth parent shall be given the opportunity to develop a new plan on behalf of their child. Refer to the policies and procedures outlined in *Services to Birth Parents* for additional information.

EXCEPTIONS TO POLICY: None

RELEVANT DOCUMENTS: None

ADOPTION INVESTIGATIONS

Policy no: 5.12

Effective Date: June 30, 2014

Date Revised: March 22, 2018

Policy Cross References: Adoption Disruption

Legislative References:

PURPOSE:

To outline the process for assessing and investigating allegations of maltreatment and/or quality of care concerns regarding a child in an adoption placement.

POLICY:

1. An adoption investigation can occur at any time prior to the granting of an *Adoption Order*.
2. All referrals regarding the quality of care or the maltreatment of a child in an adoption placement shall be assessed on the same day of receiving the information to determine what action is necessary to ensure the safety and well-being of the child and to determine whether an adoption investigation is required.
3. All referrals of physical and sexual abuse shall be referred to the local police on the same day of receiving and assessing the information.
4. When it is determined that an investigation is necessary, the prospective adoptive parent(s) shall be notified of the decision to investigate and whether the concerns are quality of care, maltreatment or both, as soon as possible. This notification shall occur the same day of determining that an investigation is required.
5. The safety of the child in the adoption placement shall be assessed on the same day that the investigation decision is made to determine if the child should be moved to an alternate placement while the investigation is being completed. This shall include face-to face contact with the child and the prospective adoptive parent(s).
6. A social worker and clinical program supervisor shall be assigned to complete the investigation. The persons assigned shall not be the worker responsible for monitoring the adoption placement.
7. The investigation, including the final decision regarding placement and the continued approval or closure of the prospective adoptive parent's home, shall be finalized with all required documentation completed within **45 days** of determining that an investigation is required.

DEFINITIONS:

Maltreatment in an adoption placement includes physical, sexual or emotional harm of a child that is non-accidental and is as a result of an action, inaction or lack of appropriate action by a prospective adoptive parent. Examples include, but are not limited to, the following:

- a) deliberately using force against a child in such a way that the child is injured or at risk of being injured;
- b) hitting, shaking, pushing, kicking;
- c) dangerous or harmful use of an approved restraint, (the use of a restraint in an adoption placement can only occur where such behavior management strategies has been requested by a Behavior Management Specialist and approved by a Regional Manager, as part of formal Behavior Support Plan). The prospective adoptive parent(s) must be trained in Non-Violent Crisis Intervention® prior to engaging in physical restraints.
- d) verbal threats, social isolation, intimidation, exploitation, and unreasonable demands;
- e) family violence;
- f) sexual assault including kissing, touching, intercourse, exposure to or involvement in pornography, etc.; and
- g) serious, ongoing or chronic quality of care issues.

Quality of Care in an adoption placement refers to the provision of a level of daily care which ensures that a child's basic and developmental needs are addressed by the prospective adoptive parent(s) in a safe and supportive environment. Examples of quality of care concerns include, but are not limited to, the following:

- a) lack of age and developmentally appropriate supervision;
- b) absence of an adequate and healthy diet (including nutritious meals, snacks and school lunches, etc.);
- c) lack of adequate and seasonally appropriate clothing;
- d) insufficient or unexplained delays in access to education, health and medical services;
- e) absence or lack of support for children to maintain family, community, social and cultural connections; and
- f) absence/lack of support for children to participate in age/developmentally appropriate activities.

PROCEDURES:

Assessing and Determining the Response to a Referral

1. When a referral is received that a child is or may be at risk of maltreatment or there are quality of care concerns in an adoption placement, the information shall be documented on the *Referral on a Placement Resource* form.
2. When there is an allegation of physical or sexual abuse a social worker shall refer the allegation to the local police immediately, using the *Referral on a Placement Resource* form, and, in consultation with the local police, make a joint decision regarding how to proceed with the investigation.

3. A clinical program supervisor shall screen the referral information on the same day the referral is received and make one of the following decisions:
- a) **No Action Required** - If no action is required the social worker responsible for the adoption placement shall document the decision in the case notes in the electronic adoption placement file and place a hard copy of the referral on the prospective adoptive parent's paper file. The prospective adoptive parent(s) shall be informed of the referral information as soon as possible following the decision that no action is required.
 - b) **Follow up by a Social Worker (No Investigation Required)** - Where it is determined that an investigation is not required, the social worker responsible for the adoption placement shall:
 - i. Document the decision in the adoption placement case notes and place a hard copy of the referral on the prospective adoptive parent's paper file;
 - ii. Meet with the prospective adoptive parent(s) within 7 days of the screening decision to discuss the referral information, provide an opportunity for the prospective adoptive parent(s) to respond to the referral and identify any outstanding issues or concerns that may require follow up. Where necessary, the social worker and prospective adoptive parent(s) shall identify ways to address any issues or concerns and/or supports that may be required and the social worker shall document any tasks or activities requiring follow up in the case file.
 - iii. Conduct a follow up private, in person interview with the child (where age and developmentally appropriate) within 7 days of making the decision that no investigation is required. The purpose of this contact is to determine if/how the referral information has impacted the child.
 - iv. If a child cannot be interviewed due to their age or developmental level, the social worker shall observe the child.
 - v. If the social worker responsible for the adoption placement receives additional information as a result of meeting with the prospective adoptive parent(s) or interviewing the child placed in the home, and the additional information indicates that an investigation may be necessary, the social worker shall discuss the additional information with the clinical program supervisor and, where necessary, complete a new referral form and screen the information received.
 - c) **Investigation Required** -Where it has been determined that an investigation is required, an investigating social worker and clinical program supervisor shall be assigned within 3 days of making the decision to investigate. The investigating social worker shall:
 - i. Conduct a thorough investigation with the clinical program supervisor monitoring and overseeing the investigative process. The persons assigned shall not be responsible for the adoption placement. The investigating social worker and clinical program supervisor shall also be trained in **Structured Decision Making (SDM)** and knowledgeable of the five PRIDE competencies.
 - ii. If the referral information alleges that a child of the parent(s) is or may be at risk of maltreatment, the information shall be assessed under s.12 (1) of the

required. If a protection intervention investigation is required, the standards set out in SDM shall be followed.

- iii. Where it is determined that both an adoption placement investigation and a protective intervention investigation is to occur at the same time, the two assigned social workers from the program areas shall collaborate to avoid any unnecessary duplication and to ensure the integrity of the investigation is not compromised.

Assessing the Immediate Safety of Children in an Adoption Placement

4. The social worker responsible for the adoption placement, in consultation with the clinical program supervisor, shall decide if the child can safely remain in the home while the investigation is being completed.
5. The social worker responsible for the adoption placement shall use the Alternate Care Provider Safety Assessment tool (ACPSA) to guide and document the safety decision and make a determination regarding whether the child should be moved to another placement location.
6. The social worker for the adoption placement shall familiarize themselves with the items included in the ACPSA tool in SDM and shall use their clinical social work skills to gather information to inform the ACPSA assessment. In making the decision of whether the child is safe, the social worker for the adoption placement shall have face-to-face contact with the child and the prospective adoptive parent(s). The social worker may also speak to other social workers who have been involved with the child and/or home, and other collateral contacts. On the same day the decision is made to investigate, the social worker for the adoption placement, in consultation with the clinical program supervisor, shall determine whether the child can safely remain in the home.
7. When it is determined that a child cannot safely remain in the adoption placement during the investigation, the social worker shall notify the prospective adoptive parent(s) of the decision immediately and shall ensure that an alternate placement arrangement is made for the child and that the child is supported during the transition.
8. The social worker shall complete the ACPSA form in ISM by the end of the next business day following the first face to face contact with the child and place a hard copy of the ACPSA on the prospective adoptive parents file.
9. Where a decision is made to not move a child during the investigation process and where additional information is received that indicates the child may be unsafe, a subsequent ACPSA shall be completed by the social worker for the placement and screened by their clinical program supervisor. A second ACPSA is not required if additional referral information is received and the child has already been moved to an alternate placement.

Providing Information and Support to the Child

10. The social worker for the child shall provide regular, ongoing support to the child throughout the investigation process. The nature of this support should be assessed on a case by case basis depending on the age and developmental level of the child. Support may also include

referring a child to counselling services, arranging medical appointments, etc. Where it is assessed to be in the child's best interest, the social worker shall arrange contact between the child and the prospective adoptive parent(s)/ family (e.g. telephone calls, supervised visit).

11. The social worker shall also provide the child with age and developmentally appropriate information about the status and progress of the investigation.

Providing Information to the Parent(s) of the Child

12. If the child or youth is in voluntary custody and placed as a result of a direct placement, the social worker shall **immediately** notify the parent(s) of the plan to investigate and the placement plan for their child, unless the integrity of the investigation could be jeopardized by this notification.
13. Where the child is in continuous custody, the parent(s) may be notified depending on their level of involvement with the child as a result of ongoing openness, unless the integrity of the investigation could be jeopardized by this notification.

Providing Information and Support to the Prospective Adoptive Parent(s)

14. The social worker for the placement shall meet with the prospective adoptive parent(s) on the same day the decision is made to investigate and inform them whether the concerns are quality of care, maltreatment or both, unless there are documented concerns that providing this information will interfere with the investigation process (e.g. interfere with the police investigation). Where possible, the prospective adoptive parent(s) shall also be provided with details of the nature of the concerns outlined in the referral. The timeframe for the provision of this information shall not exceed two days unless there are documented reasons why this information should not be provided.
15. The social worker for the adoption placement shall provide information and support to the prospective adoptive parent(s) throughout the investigation process. This shall include but is not limited to:
 - a) Explaining and clarifying the role of the social worker for the prospective adoptive parents and how that differs from the role of the investigating social worker;
 - b) Providing policy information regarding the investigation process including the Department's responsibility to investigate, how decisions are made, and when they can expect to receive updates regarding the progress of the investigation;
 - c) Maintaining regular contact with the prospective adoptive parent(s) and responding to questions raised by the prospective adoptive parent(s);
 - d) If a child has been moved during the investigation process, the social worker shall discuss the parameters around the prospective adoptive parent(s) continued contact with the child and where contact is determined to be in the child's best interest, develop a plan with the prospective adoptive parent(s);
 - e) Where a monthly financial care rate is being provided through the adoption subsidy program, informing the prospective adoptive parent(s) of the policy regarding the financial remuneration that will be received during the investigation process;
 - f) Acknowledging and respecting the prospective adoptive parent(s) feelings and concerns regarding the investigation process and remaining neutral while providing support, so as to not interfere with the outcome of the investigation process.

Conducting an Investigation in an Adoption Placement

16. The assigned investigating social worker, in consultation with the assigned clinical program supervisor, shall be responsible for conducting the adoption placement investigation. The clinical program supervisor is required to provide ongoing, regular, clinical direction and support to the investigating social worker.
17. The investigating social worker, in consultation with the clinical program supervisor shall develop a plan regarding the investigation process. The plan should include a clear focus on the nature of the concerns and what is being investigated, the role of the police, what information will be gathered and from whom, the approach regarding how information will be gathered, critical timelines for the investigation, information compilation process and other steps/information deemed to be relevant in the investigation process.
18. In determining who should be interviewed, the investigating social worker should include, but is not limited to, all children in care currently residing in the home (where age and developmentally appropriate), the prospective adoptive parent(s), other individual's residing in the home (where consent provided by the prospective adoptive parents), parents of the child (where deemed appropriate and regular openness is occurring between the applicants and the birth parents), and other collateral and/or professionals working with the child and/or adoptive family.
19. In situations where the referral information has been forwarded to the police and the police are also investigating, the investigating social worker shall talk with the police to determine how both parties can collaborate to conduct a joint investigation. Where the time frames of the police investigation do not correspond with the time frames required by the Department, the zone manager shall consult with the police to determine whether the Department can proceed with their investigation to ensure the investigation is concluded in a timely manner.
20. The outcome of an adoption placement investigation is not dependent or contingent on the outcome of a police investigation. The social worker, in consultation with the clinical program supervisor may make a recommendation to the zone manager to end the adoption placement and/or close the prospective adoptive parent's adoption file prior to the conclusion of the police investigation.
21. For domestic adoptions, the zone manager has the final decision regarding the continued approval of the home. For interprovincial and intercountry adoptions, the provincial director has the final decision.
22. If during the process of investigation new referral information is received, the investigating social worker shall consult with the clinical program supervisor and develop a plan to address the new referral information.
23. The investigating social worker, in consultation with the clinical program supervisor shall complete the investigation and document all information regarding the investigation, and the outcome, on the *Investigation on a Placement Resource* form.
24. This form shall contain all the information regarding the investigation, which shall include, but is not limited to:
 - a) summary of the referral information;
 - b) length of time in the adoption placement including pre-placement

- c) details related to the prospective adoptive parents history as foster parents (where appropriate);
 - d) any current or past children who have resided in the home on an in care status or an adoption placement;
 - e) children of the prospective adoptive applicant(s) (with signed consent);
 - f) training completed (PRIDE or other);
 - g) ability to meet the PRIDE competencies to date;
 - h) date and recommendations of any completed Post Placement Reports (if applicable);
 - i) list of person(s) interviewed;
 - j) summary of interviews completed;
 - k) summary of files reviewed;
 - l) nature of police involvement;
 - m) clinical assessment and analysis of the information gathered related to the referral information;
 - n) whether the referral was verified;
 - o) the prospective adoptive parent(s) ability to continue to meet the five PRIDE competencies; and
 - p) findings, conclusions and recommendations regarding continued approval (including any restrictions or conditions) of the placement and/or the prospective adoptive parents approval.
25. The social worker shall submit the completed *Investigation on a Placement Resource* form to the clinical program supervisor assigned to the investigation for review.
26. The clinical program supervisor shall review, recommend and forward the *Investigation on a Placement Resource* form to the zone manager responsible for the adoption placement.
27. The zone manager responsible for the adoption placement shall make the final determination regarding the continued placement and approval (including any restrictions/conditions) or closure of the home. In making this determination, the zone manager may request a meeting with the investigating social worker and clinical program supervisor to discuss the outcome of the investigation and the recommendations regarding the continued approval of the placement and home.
28. When the zone manager responsible for the adoption placement has made the final decision regarding the continued placement and/or approval or closure of the home, the investigating social worker shall notify the social worker(s) for the home, the child (where age and developmentally appropriate), and the parent(s) (where applicable and where the parents have ongoing openness with the prospective adoptive parent(s)), of the outcome of the investigation.
29. The zone manager responsible for the adoption placement shall also notify the manager with custody of the child (where applicable), where the decision is made to terminate the adoption placement.
30. The investigating social worker, the social worker for the placement and the clinical program supervisor responsible for the investigation, shall meet with the prospective adoptive parent(s), within 2 days of the conclusion of the investigation, to notify them of the outcome of the investigation and shall provide them with a letter regarding the outcome.

This letter shall contain the following information:

- a) Nature of the allegations;
 - b) Findings/outcome of the investigation;
 - c) Department's decision regarding the placement and the approval status of their adoption assessment;
 - d) Reasons for the Department's decision, including how this relates to the PRIDE competencies; and
 - e) Any conditions or restrictions (if applicable) on the placement.
31. If the continued approval includes conditions and/or restrictions, the conditions and/or restrictions shall be discussed with the prospective adoptive parent(s), as the prospective adoptive parents will need to agree to and comply with the conditions and/or restrictions as part of continued placement and/or approval of their home assessment. All restrictions and/or conditions shall be documented on the prospective adoptive parent's file and regularly monitored by the adoption placement social worker as part of the ongoing work with the family.
32. The child (where age and developmentally appropriate) shall be informed of the outcome of the investigation and shall be consulted regarding any continued placement decisions in the adoption home. Where the adoption applicants maintain their approval and their assessment remains approved as a result of an investigation it shall be determined if this placement is still in the child's best interest.
33. The child's parent(s) (if notified of the investigation and where deemed appropriate as a result of ongoing openness) shall be informed of the outcome of the investigation and any placement change as a result of same.
34. A hard copy of the *Investigation of a Placement Resource* form report shall be placed on the prospective adoptive parent's file. A redacted version of the investigation shall be placed on the child's in care file.
35. A case note shall be entered on the adoptive applicant(s) file documenting the outcome of the investigation.

EXCEPTIONS TO POLICY:

1. If there are extenuating circumstances that interfere with the completion of an investigation within the 45 day time frame an extension may be granted with the approval of a zone manager. This extension must outline the reason for the extension and the anticipated additional time frame required for completion, including the new anticipated completion date. The prospective adoptive parent(s) shall be immediately notified in writing, by the investigating social worker, of the extended time frame and the new anticipated completion date.

RELEVANT DOCUMENTS:

- *PRIDE Facilitators Manual & Competency Chart*
- *Structured Decision Model (SDM) Manual*
- *Memorandum of Understanding with RNC/RCMP*
- *Referral on a Placement Resource*
- *Investigation on a Placement Resource*
- *Alternate Care Provider Safety Assessment tool (ACPSA)*

OVERVIEW: FOSTER PARENT ADOPTION

Planning for a child in continuous custody must always be made using the best interests principles outlined in Section 4 of the *Adoption Act, 2013*. The decision to recommend a foster parent adoption must be completed in consultation with a supervisor and manager. Approval of all foster parent adoptions is the responsibility of the provincial director. Where a plan is approved, all foster parents must meet the requirements for adoption as outlined in *Applicant Approval*.

All options for permanency on behalf of children in continuous custody require the social worker to have a thorough understanding of the developmental needs of the child. Policy 3.4 of the *Protection and In Care Policy and Procedures Manual* indicate that the social worker in consultation with the child's planning team shall develop a plan that best addresses the needs of the child. This plan may include:

- adoption by a relative, significant other, foster parent or an individual or couple from the approved adoption list;
- transfer of custody to a relative, significant other or foster parent;
- continuation of existing placement; or
- transition to independent living.

Considerations for a foster parent adoption recommendation shall include:

- the child's age;
- the child's length of placement in the home;
- quality of the relationship between the foster parent(s)/foster family and the child or youth;
- sibling relationships;
- child's cultural and community connections;
- ability of the foster home to meet the future developmental needs of the child independent of Departmental monitoring and ongoing regular support; and
- foster parent's motivation for adoption.

It is the responsibility of the social worker to complete a written report supporting a foster parent adoption as the best plan for a child. The child must be the primary focus of the recommendation.

In cases where the foster parent adoption plan is approved, foster parents have received approval as adoptive applicants, and regular monitoring of the foster home has occurred, a social worker may recommend waiving the post placement period. See *Waiving of Post Placement Period for Foster Parents* and *Placement of Children for Adoption* for further information.

FOSTER PARENT ADOPTION RECOMMENDATION

Policy no.: 6.2

Effective Date: June 30, 2014

Date Revised: March 22, 2018

Policy Cross References: Applicant Approval; Children Available for Adoption; Placement of Children for Adoption.

Legislative References: **s.13** Approval of prospective adoptive parent; **s.14** Matching by provincial director

PURPOSE: To outline the process for recommending the adoption of a child in continuous custody by their foster parent(s).

POLICY:

1. All permanency plans where the recommendation is adoption by a child's foster parent(s) must be approved by the provincial director.
2. All proposed adoptive applicants must be approved according to the policies and procedures outlined in *Applicant Approval*.
3. Foster parents who have previously completed *PRIDE* are not required to complete it again as part of the adoption assessment unless recommended.

PROCEDURES:

1. When developing a plan for adoption on behalf of a child in continuous custody, the social worker shall consider all options including adoption by a relative or significant other, adoption by an approved applicant from the provincial adoption list, and adoption by the child's foster parent(s).
2. In determining the best permanency plan for the child, consideration must be given to:
 - a) the child's age;
 - b) length of current placement and placement history;
 - c) quality of the relationship between the foster parent(s)/foster family and the child;
 - d) sibling relationships;
 - e) the developmental needs of the child and the ability of the foster home to meet those needs independent of the Department monitoring and regular support;
 - f) child's cultural and community connections; and
 - g) the child's views and wishes, where possible.

3. The social worker shall submit a written assessment to a supervisor where the recommendation is adoption by the child's current foster parent(s). The assessment shall include information related to the above considerations and the following:
 - a) a summary of the foster parent's file and the child's in care file as it relates to the quality of care that has been provided since the child was placed in the home;
 - b) information related to any protective intervention involvement, foster home investigations and annual reviews. Copies of the most recent annual review and any foster home investigations must be included and forwarded with any recommendation;
 - c) demographic information related to the foster parent(s) such as age, employment, health issues, length of time fostering, etc.;
 - d) financial information related to the foster parent(s) ability to financially provide for the child in their home. The *Adoptive Parent(s) Budget Analysis* form may be used and submitted along with the recommendation;
 - e) detailed information related to the degree and type of contact between the social worker, the child, the foster parents, and other persons residing in the home. An overview of monthly visits in the home including who was present and the number of private interviews with the child must be included. Regular monthly visitation with each foster parent in the home and the child (in private) is required;
 - f) observations of the child in the home, their views on the current placement as it relates to their connections to the family, attachments, the child's view of their place in the family, level of comfort in the home, etc.;
 - g) foster parent's motivation for adoption and their understanding of the difference between the role of foster parent and adoptive parent; and
 - h) the social worker's assessment as to how the child's needs are being met in the foster home using the five competencies of *PRIDE*.
4. A copy of the child's current *In Care Progress Report (IPR)* must accompany all foster parent adoption recommendations. All other information related to the child as outlined in ***Children Available for Adoption*** policy and procedures will be required in order to profile the child to the foster parents. Profiling of all children for adoption is completed in accordance with Section 5.2 *Information Provided to Adoptive Applicants*. The child may only be profiled to their foster parent(s) where the foster parent(s) adoption plan has been approved, the foster parent(s) is/are approved adoptive applicants, and the provincial director has requested profiling of the child.
5. All recommendations for a foster parent adoption must be approved by the provincial director. The manager shall forward a copy of the social worker's written recommendation along with their support of the plan, the child's IPR, and any reviews or investigations to the provincial director.
6. A copy of the recommendation shall be placed on the foster home file and the child's in care file.
7. Where a foster parent adoption plan is approved by the provincial director, all foster parents must be assessed and approved to adopt in accordance with the policies and procedures outlined in ***Applicant Approval***.

8. Where a foster parent adoption is approved, the social worker shall complete all required documentation related to the child in accordance with the policies and procedures outlined in *Children Available for Adoption* policy. To ensure the child's documents do not expire, it is recommended completion of the child's documents coincide with the completion of the foster parents home assessment and supporting documentation.
9. Once the manager approves the foster parents as adoptive applicants, written notification of this approval, home assessment, and supporting documentation must be forwarded to the provincial director.
10. There may be times where the provincial director may request additional information related to the child and/or foster home prior to presenting the child's social and medical information to the foster parents.
11. Once all information has been received, the provincial director shall forward information related to the child's social and medical history to the manager for presentation to the foster parents. All foster parents must complete *Adoptive Parents' Acknowledgement of Information Provided* form as part of their acceptance. See policies and procedures related to ***Placement of Children for Adoption*** for additional information.
12. Once a foster parent is presented and accepts the child, the child may be considered placed for the purpose of adoption. The social worker must complete the *Notification of Adoption Placement* form and forward a copy to a manager and the provincial director.
13. A social worker may recommend waiving the post placement period in cases of a foster parent adoption. See policy ***Waiving of Post Placement Period for Foster Parent Adoption*** for further information.
14. Where the social worker does not recommend waiving the post placement period, the policies and procedures outlined in ***Post Placement Period*** shall apply.
15. In cases where a foster parent adoption plan is not supported or approved, the social worker shall share this decision in person with the foster parent in a timely manner. A new permanency plan must be developed on behalf of the child.
16. A ***CHECKLIST: Foster Parent - Applicant Approval*** outlining the required documentation for a foster parent adoption shall be completed.

EXCEPTIONS TO POLICY: None

RELEVANT DOCUMENTS:

- *Notification of Adoption Placement*
- *Adoptive Parents' Acknowledgement of Information Provided*

- ***CHECKLIST: Foster Parent - Applicant Approval***

OVERVIEW: FINALIZATION

The completion of the adoption process in this province is a critical component to securing permanency for children. Application to the court for the granting of an adoption order may occur where:

- a satisfactory period of post placement has occurred;
- the applicants are residents of the province and the child has resided with the applicants for at least **six months** prior to applying to the court;
- the social worker has completed a written recommendation regarding finalizing the adoption;
- all necessary court requirements to finalize the adoption have been met and the necessary documentation for court has been completed. Documents to be completed at the time of finalization include:

;

- *Application for Adoption Order;*
- *Affidavit Re: Counselling child Age 12 Years and Over on Change of Name and Effects of Adoption or Affidavit Re: Counselling Child Under Age 12 on Change of Name and Effects of Adoption;*
- *Manager's Certificate;*
- *Adoption Order;*
- *Adoption Subsidy Agreement or Deferred Adoption Subsidy Agreement (where applicable);*
- *Consent of Child (where applicable).*

After the completion of the post placement period and receipt of the approval of the manager to finalize an adoption, the provincial director shall forward any original documents to the manager for court. Once all the documentation has been obtained according to the *Court Finalization Checklist* the manager may make a request to the court to finalize the adoption.

An *Adoption Order* can only be granted by the court. It is the responsibility of the manager to ensure that the child's birth name and information related to the child's adoption are accurate.

Following granting of the order in court, a certified copy of the *Adoption Order* will be forwarded to the manager who completed the *Manager's Certificate* to provide a non-identifying certified copy to the adoptive parents for the child. A copy will also be provided to *Vital Statistics*.

FINALIZATION PROCESS

Policy no.: 7.2

Effective Date: June 30, 2014

Date Revised:

Policy Cross References:

Legislative References: s.27 Who may apply to court; s.28 Required documents; s.35 Adoption Order

PURPOSE: To outline the procedures to be followed at the end of the post placement period in order to finalize an adoption in court.

POLICY:

1. All applications to the court to finalize an adoption must be approved by a manager.
2. All applicants applying to court to adopt must be resident of the province.
3. The child must have resided with the applicant for at least **six months** prior to applying to the court for an *Adoption Order*.

PROCEDURES:

1. Following the post placement period, the social worker shall complete a written recommendation regarding whether the placement should be finalized. All recommendations may be included in the completion of the final post placement report and must be approved by a manager. A copy shall be forwarded to the provincial director.
2. Where the social worker is recommending finalization of the adoption, an *Application for Adoption Order* must be completed and accompany the final post placement report. The Adoption Order will reflect the child's new name and the adoptive parent's names as stated on the *Application for Adoption Order*. This information will be included on the child's new birth certificate, therefore it is important to ensure accurate information (i.e. spelling of names) on the application. The child's former surname should **not** appear on the *Application for Adoption Order*, unless the child is maintaining their surname following finalization. The adoptive mother's maiden name (if applicable) should also be stated on the application for birth registration procedures.
3. A Schedule to Adoption Order must also be included in the adoption package submitted to the court. This document will be completed by the court and forwarded to the Registrar of Vital Statistics.

4. The social worker must ensure that any *Adoption Subsidy Agreement* or *Deferred Adoption Subsidy Agreement* being completed on behalf of the child is also completed prior to submitting the documentation to court. An *Adoption Subsidy Agreement* or *Deferred Adoption Subsidy Agreement* cannot be completed once an *Adoption Order* has been granted. See ***Adoption Subsidy*** policy and procedures for additional information.
5. A social worker must obtain a *Consent of Child* to adoption for all children over the age of 12 years prior to proceeding to finalization.
6. A child 12 years of age or older who has consented to his/her adoption may revoke his/her consent at any time before an adoption order is granted by notifying the social worker verbally or in writing. A social worker must obtain a revocation of consent by having the child complete the *Child's Revocation of Consent to Adoption*. Following the revoking of consent, the social worker must notify a manager in writing of the child's decision. A copy shall be forwarded to the provincial director.
7. All children 12 years of age or over should also have been counselled on the effects of adoption as part of the Views and Wishes Report. Where the Views and Wishes Report was not previously completed at the time the child was profiled for adoption, the social worker must complete the narrative report prior to finalization. See ***Children Available for Adoption*** policy and procedures for additional information related to the report.
8. A social worker must complete an *Affidavit Re: Counselling Child Under Age 12 on Change of Name and Effects of Adoption* for all children over the age of 5 and under 12 being proposed for adoption.
9. A social worker must complete an *Affidavit Re: Counselling Child Age 12 and Over on Change of Name and Effects of Adoption* for all children 12 years of age and older being proposed for adoption.
10. Following notification by a manager that the adoption will proceed to finalization, the provincial director shall return any original documentation to the manager for completion of the *Manager's Certificate* necessary for court. A *Manager's Certificate* cannot be issued until all required documentation has been received by the manager.
11. The ***CHECKLIST: Court Finalization*** of all documents required for court finalization must be completed.
12. Once all required documentation has been obtained, the social worker shall ensure that the documents that support the adoption are filed with the court at minimum **two days** prior to the hearing. The social worker shall include a cover letter to the court outlining the necessity for confidentiality where adoptive parents and birth families are not known to one another. A copy of all documents submitted to the court must be retained for the file.

13. When a court date for finalization is obtained, the social worker must immediately advise the adoptive parent(s).
14. Following review of the information by the court, where a judge requests a manager or adoption agency to inquire into a matter related to the *Application for Adoption Order*, the report back to the court will be completed in a manner specified by the court.
15. Upon request by the court, a manager may provide a recommendation to the court on issues related to the adoption. This can be done through filing an affidavit with the court or through appearing in court to give evidence.
16. The social worker must be present for the court hearing along with the adoptive parent(s).
17. When an *Adoption Order* is granted, the court will forward a signed or certified copy to the manager and a certified copy to the Registrar of Vital Statistics. The Registrar of Vital Statistics will forward a copy of the *Adoption Order* to the Registrar of Vital Statistics in the province in which the child was born. The child's birth record will then be changed to reflect the information on the *Adoption Order*.
18. When an *Adoption Order* is granted, the adoptive parent(s) should be notified that the manager will provide them with two certified copies of the *Adoption Order* once received from the court. Prior to releasing the *Adoption Order*, the manager must remove the child's birth surname from the Order. When the family receives the order, they may apply to Vital Statistics for the child's new birth certificate in the province in which the child was born. The adoptive parent(s) shall be notified in writing that these documents should be kept in a secure location as they may be needed in the future for information purposes. Obtaining additional certified copies of the orders may be difficult as they are sealed with the court and vaulted with the provincial director.
19. The certified copy of the *Adoption Order* received by a manager must be retained in the adoption file which will be forwarded to the provincial director for vaulting.
20. Following the granting of an *Adoption Order*, the social worker must ensure that all records related to the adoption (i.e. the adoption file), including a copy of all of the documents that were prepared and presented to the court for finalization are forwarded to the provincial director for vaulting. The protective intervention file, in care/custody and services to birth parents files are maintained in the regional registry. These files should be examined to ensure they do not contain any adoption information identifying the adoptive family or where the child was placed. The exception to this may be in cases where family's identities are known to one another.

EXCEPTIONS TO POLICY: None

RELEVANT DOCUMENTS:

- *Manager's Certificate*
- *Application for Adoption Order*
- *Consent of Child*
- *Affidavit Re: Counselling Child Under Age 12 on Change of Name and Effects of Adoption*
- *Affidavit Re: Counselling Child Age 12 and Older on Change of Name and Effects of Adoption*
- *CHECKLIST: Court Finalization*

OVERVIEW: INTERCOUNTRY ADOPTION

Adoption of children from other countries is governed by both the *Adoption Act, 2013* and the requirements of the *Convention On The Protection Of Children And Co-operation In Respect Of Intercountry Adoption (Convention)*. Newfoundland and Labrador is a signatory to the *Convention*. The province has entrenched the *Convention* into legislation through Section 43 of the *Act* and as a Schedule to the *Act*.

Where the *Act* or another law of the province conflicts with the *Convention*, the *Convention* prevails, ensuring the protection and rights of the child. The *Convention* protects children and their families against the risks of illegal or ill-prepared adoptions abroad. The *Convention* also seeks to ensure that adoptions are completed in the best interest of the child while respecting his or her fundamental rights and prevent the abduction, sale or traffic of children.

The *Act* allows for persons to adopt a child from another country where:

1. the laws of the jurisdiction where the child resides have been complied with; and
2. the provincial director approves the proposed adoption.

In order for the provincial director to approve applicants to adopt Intercountry, the applicants must meet the screening requirements outlined in ***Intercountry: Applicant Approval*** policy and procedures. The child's country of origin may require additional documentation or assessment. Where required by the child's country of origin, applicants must also engage a Canadian licensed adoption agency to assist with facilitation of the adoption.

When applicants are approved to adopt Intercountry, the provincial director will notify the applicants in writing and forward all required documentation to the applicant's licensed adoption agency or country of choice. Applicants are responsible for submitting the required documents related to immigration to Citizenship and Immigration Canada. The final decision to place a child with approved applicants rests with the country of choice.

In order to maintain approval, updates may be required in accordance with ***Intercountry: Updates for Approved Applicant*** policy and procedures.

All child profiles must be forwarded to the provincial director. All decisions regarding presentation of the child profile to the prospective adoptive parent(s) is made by the provincial director.

Depending on the laws of the child's country of origin, finalization of an Intercountry adoption may occur in this province or in the child's country of origin. If finalization

occurred in the child's country of origin the adoptive parents must provide the social worker with a copy of the adoption order received. Post placement requirements shall be completed in accordance with ***Intercountry: Post Placement Period For Adoption Finalized in Child's Country of Origin*** policy and procedures.

If finalization occurs in this province a satisfactory period of post placement must occur. The adoptive parents must contact their social worker upon return to the province with their child to commence the post placement and finalization process. Post placement reports shall be completed in accordance with ***Intercountry: Post Placement Period For Adoption Finalized in Province*** policy and procedures. Finalization of the adoption shall occur in accordance with ***Intercountry: Finalization in Province*** policy and procedures.

INTERCOUNTRY: APPLICANT APPROVAL

Policy no.: 8.2

Effective Date: June 30, 2014

Date Revised: March 22, 2018

Policy Cross References: Applicant Approval

Legislative References: s. 11 Placement of child; s.13 Approval of prospective adoptive parent; s.42 Approval of provincial director

PURPOSE: To outline the requirements and process for assessing and approving Intercountry adoptive applicants.

POLICY:

1. All Intercountry applicants must meet the requirements outlined in *Applicant Approval* policy and procedures.
2. The provincial director is the Central Authority for Intercountry adoptions. All Intercountry adoptions must be approved by the provincial director.
3. All persons adopting Intercountry must meet the requirements of Citizenship and Immigration Canada.

PROCEDURES:

Application and Screening

1. All persons interested in adopting a child from another country must meet the application and screening requirements outlined in *Applicant Approval* policy and procedures.
2. Applications will not be accepted from individuals who have an active protective intervention file; have been charged with or convicted of a child-related criminal offence; have stated that physical discipline will be used with a child; or had a child removed from their care.
3. During the initial intake call, or when an *Application for Assessment to Adopt* has been submitted, the social worker shall discuss the following with the prospective adoptive applicant(s):

- a) the application process including the anticipated wait times for processing the application;
 - b) the adoption process including *PRIDE* and the supporting documentation required for the assessment. Any questions the applicant(s) may have regarding the adoption process and/or adoption issues should be addressed;
 - c) whether the applicant's country of choice is open for Intercountry adoption;
 - d) whether the applicant(s) meets the requirements of the country of choice;
 - e) that the selection of an Intercountry adoption agency is the sole responsibility of the adoptive applicant;
 - f) motivation for applying to adopt Intercountry;
 - g) applicant's views of adopting a child of a different racial/cultural background, a child with special needs and their understanding of this. Explore in detail the type of special needs a family is willing to consider. Clearly document their willingness to accept a child who has a history of pre-natal alcohol/drug exposure, a diagnosis of pFAS, FAS, FASD, given it may be several years before these issues arise;
 - h) applicant's understanding that there may be limited or no medical or social history available on a child from another country;
4. The applicant's country of choice must be identified on the *Adoption Questionnaire* form. Any request for a change of country of choice must be made, in writing, by the applicant(s) to the social worker.
5. Where required by the child's country of origin, applicants must engage an agency that is licensed to facilitate an Intercountry adoption from the country they have chosen. As there are no such agencies currently operating in this province, applicants must use the services of an Intercountry adoption agency that is licensed in Canada to facilitate adoptions from the applicant's country of choice. The selection of an Intercountry adoption agency and all associated costs is the sole responsibility of the adoptive applicant.
6. Adoptive applicants shall be advised by a social worker that they must complete a post placement period that meets the requirements of this province and those of the country from which the child is being adopted. The applicant shall be responsible for costs associated with the completion of post placement reports that are beyond the requirements of the Department.
7. Where Intercountry adoptions are finalized in the child's country of origin, the adoptive parent(s) shall be advised, by the social worker, that it is necessary to respect the post placement requirements of the child's country of origin. Failure to comply with the child's country of origin's post placement period procedures could result in the suspension of future adoptions from that country.

8. All Intercountry adoptive applicants must contact Citizenship and Immigration Canada regarding bringing a child into Canada. Information related to the immigration or citizenship process can only be provided by Citizenship and Immigration Canada. Adoptive applicants may be referred to <http://www.cic.gc.ca/english/immigrate/adoption/index.asp>
9. Following assessment of the application information, the social worker shall make a recommendation to a supervisor regarding acceptance of the application. Where accepted by the supervisor, the original application and a letter recommending processing of the application shall be forwarded to the provincial director by a supervisor with a copy to the manager.
10. The final decision regarding processing of an Intercountry adoption application rests with the provincial director. The provincial director shall make a written request for processing to the supervisor with a copy to the manager.
11. If the application is not accepted, the social worker shall meet with the family in a timely manner to discuss the reasons for the decision. The applicant(s) should also be advised of the decision, in writing, by the supervisor as soon as possible after the meeting with the social worker. Following this, the file shall be closed by a supervisor.
12. The final decision regarding the applicant's country of choice shall be made by the provincial director.
13. Processing of an application may be deferred for up to **one year** using criteria in ***Applicant Approval*** policy and procedures.
14. Only one application for one country will be accepted at any given time.

Assessment Process

1. All Intercountry adoptive applicants must be assessed in accordance with ***Applicant Approval*** policy and procedures and the following factors shall also be considered:
 - a) views regarding parenting a child from a different racial/cultural background;
 - b) knowledge of the child's country of origin and how the prospective adoptive parent(s) plans to meet the child's cultural needs and heritage;
 - c) understanding of possible lack of social and medical history of the child and potential risks;
 - d) plan regarding completion of required post placement reports;
 - e) identification of a guardian for the child in the event of incapacitation or death of the adoptive parent(s).

2. A social worker shall ensure the following documentation is obtained in ***Applicant Approval*** policy and procedures as part of the approval process:
 - a. *Child Protection Clearance Check*;
 - b. Criminal Record Check;
 - c. *Physician's Report on Adoptive Applicant*;
 - d. *Reference Letter*;
 - e. *Adoptive Parent(s) Budget Analysis*;
 - f. Home Safety Check (optional);
 - g. Birth Certificate;
 - h. written confirmation from a licensed Intercountry adoption agency indicating their commitment in representing the adoptive applicant(s) in the Intercountry adoption process;
3. The adoptive applicant(s) shall provide any other documentation required by their licensed Intercountry adoption agency or country of choice.

Approval

1. Intercountry adoptive applicants must meet the requirements for approval in ***Applicant Approval*** policy and procedures.
2. When the social worker has completed the assessment process, a copy of the home assessment shall be shared with the applicant(s) and be signed by the applicant(s) and the social worker.
3. The social worker shall submit the *PRIDE Adoption Assessment – Final Approval or Home Assessment Guide for Applicants Who Have Previously Adopted* form and the supporting documentation, with a recommendation regarding approval, to the supervisor.
4. ***CHECKLIST: Intercountry - Applicant Approval*** outlining the documents required must be completed.
5. The supervisor shall forward the documentation, with a recommendation regarding approval, to the provincial director with a copy to the manager.
6. The final decision regarding approval shall be made by the provincial director. The adoptive applicant(s) shall only be approved when all documentation submitted is no more than **one year** old from date of approval. Approval **shall not** be granted if any person residing in the home has been charged with or convicted of a crime against children/youth, or if the family is currently involved in a protective intervention program.
7. The provincial director shall advise the applicant(s), in writing, of the approval decision with a copy to the supervisor and manager.

8. If the applicant(s) is not approved, the social worker shall meet with the family in a timely manner to discuss the reasons for the decision. The provincial director shall notify the applicants, in writing, of the decision.

EXCEPTIONS TO POLICY: Dependent on country requirements

RELEVANT DOCUMENTS:

- *Application for Assessment to Adopt*
- *Adoption Questionnaire*
- *Reference Letter*
- *Application for a Child Protection Clearance Check*
- *Checklist for a Child Protection Clearance Check*
- *Physician's Report on Adoptive Applicants*
- *Adoptive Parent(s) Budget Analysis*
- *PRIDE Adoption Assessment – Final Approval*
- *Home Assessment for Applicants Who Have Previously Adopted*
- *CHECKLIST: Intercountry-Applicant Approval*

INTERCOUNTRY: APPROVED APPLICANTS WAITING PLACEMENT

Policy no.: 8.3

Effective Date: June 30, 2014

Date Revised:

Policy Cross References: Applicant Approval; Intercountry: Child Proposal and Placement

Legislative References: s.13 Approval of prospective adoptive parent; s.14 Matching by provincial director s.42, Approval of provincial director

PURPOSE: To outline the requirements following the approval of Intercountry adoptive applicants prior to the placement of a child.

POLICY:

1. Approved Intercountry adoptive applicants shall submit an application to, and meet the requirements of, Citizenship and Immigration Canada.
2. Once approved, the provincial director is responsible for forwarding Intercountry adoption assessments and supporting documents to the applicant's licensed Intercountry adoption agency or country of choice.

PROCEDURES:

1. Approved Intercountry adoptive applicants must submit an application to Citizenship and Immigration Canada in order to bring a child into Canada.
2. Citizenship and Immigration Canada requires that adoptive applicants consult directly with Citizenship and Immigration Canada officials.
3. Where adoptive applicants are using a licensed Intercountry adoption agency, the provincial director shall forward the adoption assessment, supporting documents and a Letter of Approval to Adopt to the agency.
4. The licensed Intercountry adoption agency shall prepare and notarize the adoption package in accordance with the country's requirements and return it to the provincial director.
5. When the notarized adoption assessment and supporting documents are returned to the provincial director, the notarized adoption package shall be forwarded to the adoptive applicant's country of choice.

6. Where the adoptive applicant's country of choice only deals with the provincial Central Authority, the adoptive applicant(s) shall arrange to have their approved adoption assessment notarized in the province of Newfoundland and Labrador and returned to the provincial director. Associated costs are the responsibility of the adoptive applicant.
7. When the notarized adoption assessment and supporting documents are returned to the provincial director, the notarized adoption package and a Letter of Approval to Adopt shall be forwarded to the adoptive applicant's country of choice by the provincial director.
8. The adoptive applicant's country of choice shall make the final decision regarding acceptance of the approved adoption assessment.
9. If the country of choice does not accept the approved applicant's adoption assessment, the provincial director shall notify the applicant(s) of the decision, in writing, with a copy to the supervisor and manager.
10. The country of choice shall make the decision to propose a child for adoption. The child's proposal shall be forwarded to the provincial director for consideration of presentation to the approved adoptive applicant(s).
11. The final decision regarding the presentation of a child proposal rests with the provincial director.

EXCEPTIONS TO POLICY: Dependent on country requirements.

RELEVANT DOCUMENTS: None

INTERCOUNTRY: UPDATES FOR APPROVED APPLICANTS

Policy no.: 8.4

Effective Date: June 30, 2014

Date Revised: March 22, 2018

Policy Cross References: Applicant Approval, Updates for Approved Applicants

Legislative References: s.13 Approval of prospective adoptive parents

PURPOSE: To outline the requirements for continued approval of an Intercountry adoption application.

POLICY:

1. The approval of Intercountry adoption applicants shall be reviewed **two years** following the date of approval.
2. All updates shall be requested by the provincial director.
3. A social worker shall request updated medicals, references, *Child Protection Clearance Checks*, and criminal record checks as part of an update. Additional supporting documentation may also be requested.
4. The continued approval of Intercountry adoptive applicants may be required at more frequent intervals depending on the country of choice.

PROCEDURES:

1. Updates for approved Intercountry applicants must be in accordance with ***Updates for Approved Applicants*** policy and procedures and requirements of the applicant's country of choice.
2. The social worker shall interview all persons residing in the applicant's home as part of the continued approval update. A home visit and home safety check may be completed as part of the update process, where deemed appropriate.
3. The social worker must complete the *PRIDE Adoption Assessment – Update/ Subsequent Approval* form with a recommendation advising of any changes or significant events within the family since completion of their previous assessment. This review shall include the following:
 - a) names and relationship of individuals residing in the home;
 - b) any change to family composition;
 - c) any change of residence and/or employment;

- d) continued financial ability to provide care to a child;
 - e) the applicant's continued ability to meet the five competencies of *PRIDE*;
 - f) any concerns with the applicant's ability to provide care to a child and how these concerns have been resolved; and
 - g) a recommendation regarding continued approval of the applicant(s)
4. Where an approved Intercountry applicant(s) has experienced a significant event during the past **one year** a recommendation to defer placement of a child for **one year** should occur. A significant event may include, but is not limited to, a major illness; death of a child, spouse or close relative; recent separation and/or divorce; commencement of a relationship/marriage/family unit; birth or placement of a child, miscarriage, etc. The purpose of deferment is to allow the family time to cope with and adjust to their new situation. An applicant(s) may also request to defer their update to a maximum of **one year**. Following the **one year** deferral a decision shall be made by the provincial director to process the update or close the file.
5. Where a social worker makes a recommendation to defer an update the reasons for the deferral must be outlined, in writing, to the supervisor. The supervisor will forward their recommendation regarding the deferral to the provincial director
6. All Intercountry deferrals must be approved by the provincial director. The provincial director will provide written confirmation of the deferral to the applicant(s) with a copy to the supervisor and manager.
7. The social worker shall ensure the following documentation is obtained in accordance with ***Applicant Approval*** policy and procedures as an update to an approved Intercountry adoption assessment;
- a) *Child Protection Clearance Check*;
 - b) Criminal Record Check;
 - c) *Physician's Report on Adoptive Applicant*;
 - d) *Reference Letter (4)*;
 - e) any other documents required by the country of choice
8. If concerns arise during the update, the social worker may request that any supporting documentation outlined in ***Applicant Approval*** policy and procedures be updated. Additional documentation may be necessary to assist the social worker in compiling a thorough review of the adoptive applicant's strengths and needs and may help to identify issues impacting on their continued ability to provide care to a child.
9. When the social worker has completed the *PRIDE Adoption Assessment – Update/Subsequent Approval* form, a copy of the update shall be shared with the applicant(s) and be signed by the social worker and the applicant(s).

10. The social worker shall submit the *PRIDE Adoption Assessment – Update/Subsequent Approval* form and supporting documentation to the supervisor with a recommendation as to whether the applicant(s) should receive continued approval.
11. The supervisor shall forward the *PRIDE Adoption Assessment – Update/Subsequent Approval* form and supporting documents with a recommendation to the provincial director with a copy of the letter regarding the recommendation to the manager.
12. The final decision regarding continued approval shall be made by the provincial director. Approval **shall not** be granted if any person residing in the home has been charged with or convicted of a crime against children/youth or if the family is currently involved in a protective intervention program.
13. If continued approval is granted the adoptive applicant(s) shall be notified, in writing, by the provincial director with a copy to the supervisor and manager.
14. A letter indicating continued approval of the adoptive applicant(s) and any documents required by the country of choice shall be forwarded to the adoptive applicant's licensed Intercountry adoption agency or country of choice, by the provincial director.
15. If the applicant(s) is not approved, the social worker shall meet with the family in a timely manner to discuss the reasons for the decision. The applicant(s) shall be advised, in writing, by the provincial director, as soon as possible following the meeting. A copy shall be forwarded to the supervisor, manager and the applicant's licensed Intercountry adoption agency or country of choice.
16. *CHECKLIST: Updates for Approved Applicant(s)* outlining the documents required must be completed.

EXCEPTIONS TO POLICY: Dependent on country requirements.

RELEVANT DOCUMENTS:

- *Reference Letter*
- *Application for a Child Protection Clearance Check*
- *Checklist for a Child Protection Clearance Check*
- *PRIDE Adoption Assessment – Update/Subsequent Approval*
- *Physician's Report on Adoptive Applicant(s)*
- *CHECKLIST: Updates for Approved Applicant(s)*

INTERCOUNTRY: CHILD PROPOSAL

Policy no.: 8.5

Effective Date: June 30, 2014

Date Revised:

Policy Cross References: Information Provided to Adoptive Applicants

Legislative References: s.14, Matching by provincial director; s.15 Child's history;

PURPOSE: To outline the process for presenting an Intercountry child proposal to prospective adoptive parents.

POLICY:

1. All child profiles must be received by the provincial director.
2. The social worker shall ensure that a prospective adoptive parent is provided with all available information on the medical and social history of the child prior to placement of the child.
3. If the child profile is accepted by the prospective adoptive applicant(s), the provincial director shall prepare a Letter of Acceptance for the child's country of origin.

PROCEDURES:

Child Proposal

1. After reviewing the adoptive applicant's assessment regarding their preferred child criteria, the provincial director shall make a decision regarding presentation of the proposed child to the adoptive applicants.
2. Before presenting the child's profile, the provincial director **must** have received, from the Case Processing Centre, Citizenship and Immigration Canada, a request for a letter indicating whether there is any objection to the proposed adoption.
3. If information received on a child proposed for adoption is deemed insufficient, the provincial director shall contact the adoptive applicant's licensed Intercountry adoption agency or country of choice in an attempt to gain additional information. The provincial director may also consult with medical professionals regarding medical/developmental information provided on the child.

4. Once the child proposal is accepted by the provincial director, it is forwarded to the social worker for presentation to the prospective adoptive parent(s).
5. The social worker shall encourage the adoptive applicant(s) to discuss any risk factors and/or medical or genetic concerns of the proposed child with their medical practitioner and/or other specialists prior to their acceptance of the child. Professionals familiar with medical and social issues in the child's country of origin and the impacts of these issues on child development may be able to assist adoptive applicants in making an informed decision regarding acceptance of the child.

Non-Acceptance of the Child

6. Where the prospective adoptive parent(s) make the decision not to accept the child, all information, including the photos and the child's information **must** be returned to the provincial director.
7. The social worker shall complete a written report outlining the reasons why the child was declined by the adoptive applicant(s) within **thirty days** following the presentation of the child and forward to the provincial director through the supervisor.
8. Where the child is not accepted by the adoptive applicant(s), the social worker shall have the adoptive applicant(s) sign an *Acceptance/Non-Acceptance of a Proposed Adoption* and any designated form required by the child's country of origin and forward it to the provincial director through the supervisor. The provincial director shall inform the adoptive applicant's licensed Intercountry adoption agency or country of choice of the decision not to accept the child.

Acceptance of the Child

9. Where the prospective adoptive parent(s) makes the decision to accept the child, they must sign the *Adoptive Parents' Acknowledgement of Information Provided* and the *Acceptance/Non Acceptance of A Proposed Adoption*. These original forms shall be forwarded to the provincial director with a copy to the supervisor and manager. In addition, the child's country of origin may request the signing of a form from its jurisdiction.
10. The provincial director shall prepare and send a Letter of Acceptance to the applicant's licensed Intercountry adoption agency or country of choice.
11. Where a proposed adoption is occurring in a country which is a signatory to the *Convention On Protection Of Children And Co-operation In Respect Of Intercountry Adoption (Convention)*, the provincial director prepares and forwards a Notification of Agreement **and** Attachment to Notification of Agreement on behalf of the proposed adoptive parents to Citizenship and Immigration Canada.

12. Where a proposed adoption is occurring in a country which is **not** a signatory to the *Convention* (a Non-Hague country) the provincial director prepares and forwards a Letter of No Objection on behalf of the proposed adoptive parents to Citizenship and Immigration Canada.
13. A Notification of Agreement and Attachment to Notification of Agreement or a Letter of No Objection **cannot** be issued after a child has entered Canada.

EXCEPTIONS TO POLICY: None

RELEVANT DOCUMENTS:

- *Adoptive Parents Acknowledgement of Information Provided*
- *Acceptance/Non Acceptance of a Proposed Adoption*
- *Convention On Protection Of Children And Co-Operation In Respect Of Intercountry Adoption*

INTERCOUNTRY: CHILD PLACEMENT

Policy no.: 8.6

Effective Date: June 30, 2014

Date Revised: March 22, 2018

Policy Cross References: Intercountry Adoption: Post Placement Period

Legislative References: s.11 Placement of a child; s.12(1)(b)(c)(d), Child's eligibility for placement

PURPOSE: To outline the procedures for placement of a child in an Intercountry adoption.

POLICY:

1. A social worker must meet with the prospective adoptive parent(s) and child within **seven days** of their return to the province with the child.
2. The social worker shall complete a *Notification of Adoption Placement* immediately upon the prospective adoptive parent's return to the province with the child.
3. The social worker shall review the post placement period requirements with the prospective adoptive parent(s) upon their return to the province with the child.

PROCEDURES:

1. A child may be placed with prospective adoptive parents only after they have reviewed all available information concerning the child.
2. The adoptive parent(s) shall notify the social worker immediately upon their return to the province with the child.
3. The social worker shall ensure that the prospective adoptive parents have been advised and understand the requirements of the post placement period outlined in *Intercountry: Post Placement Period where Adoption is Finalized in Province* or *Intercountry: Post Placement Period where Adoption is Finalized in Child's Country of Origin* policy and procedures.
4. The social worker shall meet with the adoptive parent(s) and child within **seven days** of the family's return to the province. The social worker shall talk with the child, where age and developmentally appropriate, in private, to assess the progress of the placement. Factors to consider are:

- a) whether the child appears to be adjusting to the family;
 - b) whether the adoptive parent(s) and any other children in the home appear to be adjusting to the placement;
 - c) whether an attachment between the adoptive parent(s) and the child appears to be developing;
 - d) whether the family has managed dealing with any concerns or issues that may have occurred;
 - e) whether the family requires any additional supports to assist with the adjustment period.
5. The social worker shall complete a *Notification of Adoption Placement* and forward it to the provincial director immediately following the family's return to the province. A copy shall be forwarded to the supervisor and manager.
 6. The social worker must advise the adoptive parent(s) that they are responsible to register the child with MCP in the child's adoptive name. A letter from the social worker will suffice for MCP to issue a card. A sample letter is contained in ISM.
 7. The social worker must advise the adoptive parent(s) that they may apply for the Child Tax Benefit and Progressive Family Growth Benefit where eligible.
 8. Please refer to ***Intercountry: Post Placement Period Where Adoption is Finalized in Province*** or ***Intercountry: Post Adoption Period Where Adoption Is Finalized In Child's Country of Origin*** policy and procedures for additional information.
 9. ***CHECKLIST: Intercountry – Placement of Children*** outlining the documents required must be completed.

EXCEPTIONS TO POLICY: None

RELEVANT DOCUMENTS:

- ***Notification of Adoption Placement***
- ***Sample MCP Letter (Appendix B)***
- ***CHECKLIST: Intercountry – Placement of Children***

INTERCOUNTRY: POST PLACEMENT PERIOD WHERE ADOPTION IS FINALIZED IN PROVINCE

Policy no.: 8.7

Effective Date: June 30, 2014

Date Revised: March 22, 2018

Policy Cross Reference: Intercountry Adoption: Child Placement; Post Placement Period; Intercountry Adoption Finalization in Province

Legislative References: s.27(3) Who may apply to court

PURPOSE: To outline procedures to be followed during the post placement period for children whose Intercountry adoption is to be finalized in this province.

POLICY:

1. For all Intercountry adoptions being finalized in this province, the post placement period requirements in *Post Placement Period* policy and procedures shall be followed.
2. In cases where the child's country of origin requests post placement reports be completed at time intervals different than those in *Post Placement Period* policy and procedures, the approval of the provincial director is required.

PROCEDURES:

1. Depending on the requirements of the child's country of origin, an Intercountry adoption can be finalized either in this province or the child's country of origin.
2. Where an Intercountry adoption is being finalized in this province *Post Placement Period* policy and procedures shall apply.
3. Where an alternate post placement reporting schedule has been approved, the provincial director shall notify the supervisor, with a copy to the manager, of the approval and the expectations for the submission of a *Post Placement Report* form.
4. The social worker shall forward the *Post Placement Report* form to the supervisor for review.

5. Following review by the supervisor, the adoptive family shall sign the *Post Placement Report* form. The original signed report shall be forwarded to the provincial director.
6. Approval of the *Post Placement Report* form is the responsibility of the provincial director.
7. At the end of the post placement period, the social worker **MUST** complete a written recommendation regarding whether the placement should be finalized in court or a request for an extension of the post placement period should occur. Refer to ***Intercountry: Finalization in Province*** policy and procedures for information regarding finalizing of an adoption placement in court.
8. In cases where an Intercountry adoption will be finalized in this province and a social worker has concerns with the continuation of the adoption placement, a request to extend the post placement period may be made to the provincial director. A post placement period may be extended for a maximum of **three additional months** if necessary. Following that time, a decision must be reached regarding the suitability of the placement. In cases where an extension is being recommended, the social worker shall include in the recommendation:
 - a) an assessment of the issue(s);
 - b) a plan for resolving the issue(s);
 - c) the child's views and wishes regarding the placement, where age and developmentally appropriate.
9. Where a **three month** extension has been granted by the provincial director, it is not always necessary to wait the full **three months** to make a recommendation regarding the placement and finalization.
10. In cases where a decision has been made to end the adoption placement, refer to ***Intercountry: Placement Disruption*** policy and procedures.
11. Following receipt of the final *Post Placement Report* and recommendation, the provincial director must approve the recommendation to finalize or discontinue an adoption placement.
12. Where a decision is made to finalize the adoption, refer to ***Intercountry: Finalization in Province*** policy and procedures.
13. The provincial director shall forward copies of all *Post Placement Reports* to the applicant's licensed Intercountry adoption agency or child's country of origin.

EXCEPTIONS TO POLICY: Dependent on country requirements.

RELEVANT DOCUMENTATION: *Post Placement Report*

INTERCOUNTRY: POST ADOPTION PERIOD WHERE ADOPTION IS FINALIZED IN CHILD'S COUNTRY OF ORIGIN

Policy no.: 8.8

Effective Date: June 30, 2014

Date Revised: March 22, 2018

Policy Cross Reference:

Legislative References:

PURPOSE: To outline the post adoption procedures to be followed where an Intercountry adoption was finalized in the child's country of origin.

POLICY:

1. For all Intercountry adoptions finalized in the child's country of origin, post adoption requirements shall be the responsibility of the adoptive parent(s).
2. Where a child's country of origin requires that post adoption reports **must** be completed by a social worker with the Department, approval **must** be given by the provincial director.

PROCEDURES:

1. For all Intercountry adoptions finalized in the child's country of origin, the post adoption period shall be completed in accordance with the requirements of the child's country of origin and is the responsibility of the adoptive parent(s).
2. Where a child's country of origin requires that post adoption reports **must** be completed by a social worker with the Department, approval **must** be given by the provincial director. Only in exceptional circumstance will approval be given for the completion of more than three post placement reports.
3. Where the adoptive parent(s) has contracted with a licensed Intercountry adoption agency, the social worker shall advise them to discuss post adoption requirements with that agency to determine what will be required for the completion of the report.
4. Where the child's country of origin did not require the use of a licensed Intercountry adoption agency, the provincial director shall advise the social worker of the post adoption requirements.

5. The social worker shall complete a written post adoption report using the template provided by the licensed Intercountry adoption agency or child's country of origin. When no template is provided, the social worker may use the *Post Placement Report* form outlined in ***Post Placement Period*** policy and procedures. The report shall be forwarded to the supervisor for review.
6. Following review by the supervisor, the adoptive family shall sign the post adoption report. All original post adoption reports shall be forwarded to the provincial director by the supervisor.
7. The provincial director shall forward copies of the reports to the applicant's licensed Intercountry adoption agency or child's country of origin.
8. In cases where an Intercountry adoption was finalized in the child's country of origin and child protection concerns arise during the post adoption period, a social worker shall assess the information received under s.12(1) of the *Child and Youth Care and Protection Act* to determine whether a protection investigation is required. If a protection investigation is required the standards set out in the *Risk Management System* shall be followed. Where a protection investigation results in a removal, the provincial director must be notified.

EXCEPTIONS TO POLICY: Dependent on country requirements.

RELEVANT DOCUMENTS: *Post Placement Report*

INTERCOUNTRY: FINALIZATION IN PROVINCE

Policy no.: 8.9

Effective Date: June 30, 2014

Date Revised: March 22, 2018

Policy Cross Reference: Finalization

Legislative References: s.27 Who may apply to court; s.28 Required documents; s.35 Adoption order.

PURPOSE: To outline the procedures to be followed at the end of the post placement period in order to finalize an Intercountry adoption in this province.

POLICY:

1. A social worker must make a written recommendation regarding finalization following the post placement period.
2. The child must have lived with the applicant for at least **six months** prior to applying to the court for an *Adoption Order*.

PROCEDURES:

1. Following the post placement period, the social worker shall complete a written recommendation regarding whether the adoption placement should be finalized. All recommendations shall be included in the completion of the final *Post Placement Report*. The supervisor shall forward the report, with a recommendation, to the provincial director with a copy to the manager.
2. All recommendations regarding finalization **must** be approved by the provincial director.
3. Where the social worker is recommending finalization of the adoption, an *Application for Adoption Order* must be completed and accompany the final report. The *Adoption Order* will include the child's new name and the adoptive parent's name(s) as reflected on the *Application for Adoption Order*. This information will be included on the child's Certificate of Birth Particulars issued by Vital Statistics, therefore, it is important to ensure accurate information (i.e. spelling of names) on the *Application for Adoption Order*. The child's birth surname should **not** appear on the *Application for Adoption Order* unless the child is maintaining their birth surname following finalization. The adoptive mother's

maiden name (if applicable) should also be stated on the *Application for Adoption Order* for inclusion on the child's Certificate of Birth Particulars.

4. A social worker must obtain a *Consent of Child* to adoption for all children 12 years of age or older prior to proceeding with finalization. All children 12 years of age or older should also be counselled on the effects of adoption and a written report regarding the child's views and wishes should be submitted.
5. A child 12 years of age or older who has consented to his/her adoption may revoke his/her consent **at any time** before an adoption order is made by notifying the social worker verbally or in writing. A social worker must obtain a revocation of consent by having the child complete the *Child's Revocation of Consent to Adoption*. Following the revoking of consent, the social worker must notify the supervisor and provincial director, in writing, of the child's decision with a copy to the manager.
6. A social worker must complete an *Affidavit Re: Counselling Child Under Age 12 on Change of Name and Effects of Adoption* for all children age 5 years or older and under age 12 years being proposed for adoption.
7. A social worker must complete an *Affidavit Re: Counselling Child Age 12 or Older on Change of Name and Effects of Adoption* for all children age 12 years or older being proposed for adoption.
8. Following a decision by the provincial director that the adoption will proceed to finalization, the provincial director shall prepare and forward a *Provincial Director's Certificate* and all original or certified documentation required for finalization to the supervisor for presentation to court.
9. Once all required documentation has been obtained, the social worker shall ensure that the documents that support the adoption are filed with the court at minimum **two days** prior to the hearing. A copy of all documents submitted to the court must be retained for the file.
10. When a court date for finalization is obtained, the social worker must immediately advise the adoptive parent(s).
11. Following review of the information by the court, a judge may request the provincial director, manager, social worker or adoption agency to inquire into a matter related to the *Application for Adoption Order*. The report back to the court will be completed in a manner specified by the court.
12. The social worker must be present for the court hearing along with the adoptive parent(s).

13. When an *Adoption Order* is granted, the court will forward a certified copy of the *Adoption Order* to the provincial director and **two certified copies** to the Registrar of Vital Statistics. The certified copy received by the provincial director will be sealed and vaulted in the adoptions file.
14. When an *Adoption Order* is granted, the adoptive parents shall be notified that the provincial director will provide them with **two certified copies** of the *Adoption Order* once received from the court. The provincial director shall notify the adoptive parent(s), in writing, that these documents should be kept in a secure location as they may be needed in the future for information purposes. Obtaining additional certified copies of the order may be difficult as the documents are sealed with the court and vaulted with the adoption program.
15. Vital Statistics does not issue birth certificates for children whose Intercountry adoptions are finalized in this province.
16. Following the granting of an *Adoption Order*, the social worker must ensure that all files related to the adoption in the region (i.e. the adoption file), including a copy of all of the documents that were prepared and presented to the court for finalization of the adoption, are forwarded to the provincial director for vaulting.
17. The provincial director shall forward a certified copy of the *Adoption Order* to the child's country of origin.

EXCEPTIONS TO POLICY: None

RELEVANT DOCUMENTS:

- *Application for Adoption Order*
- *Provincial Director's Certificate*
- *Adoption Order*
- *Consent of Child*
- *Affidavit Re: Counseling Child Under Age 12 on Change of Name and Effects of Adoption*
- *Affidavit Re: Counseling Child Age 12 and Older on Change of Name and Effects of Adoption*
- *Child's Revocation on Consent to Adoption*
- *Post Placement Report*

INTERCOUNTRY: FINALIZED IN CHILD'S COUNTRY OF ORIGIN

Policy no.: 8.10

Effective Date: June 30, 2014

Date Revised:

Policy Cross Reference:

Legislative References: s.41 Status of person adopted in another province or country

PURPOSE: To outline the process where an Intercountry adoption has been finalized in the child's country of origin.

POLICY:

1. Where an Intercountry adoption is finalized in the child's country of origin the adoptive parent(s) shall provide the social worker with a copy of the adoption order.
2. Where a Certificate of Conformity has been issued by the child's country of origin, the adoptive parent(s) shall provide a copy to the social worker.

PROCEDURES:

1. Where an adoption is finalized in the child's country of origin the adoptive parent(s) must contact the social worker and provide him/her with a copy of the adoption order received in the child's country of origin immediately upon return to the province with their child.
2. The social worker shall forward a copy of the adoption order to the provincial director.
3. If the country which granted the adoption is a signatory to the *Convention*, it is also responsible for issuing the Certificate of Conformity required under Article 23 of the *Convention* which verifies the adoption was completed in compliance with the *Convention*.
4. Information related to the *Convention* can be found as a *Schedule* to the *Adoption Act, 2013*.

5. Where a Certificate of Conformity has been issued by the child's country of origin, the adoptive parent(s) shall provide a copy to the social worker upon return to the province with their child.
6. The social worker shall forward a copy of the Certificate of Conformity to the provincial director.
7. Where the child's country of origin forwards the Certificate of Conformity directly to the provincial director, a copy shall be forwarded to the adoptive parent(s) by the provincial director.
8. Where the Department has no involvement with the post adoption period and following receipt of the adoption order and the Certificate of Conformity (where applicable), the social worker must ensure that all records related to the adoption in the region are forwarded to the provincial director for vaulting.

EXCEPTIONS TO POLICY: None

RELEVANT DOCUMENTS:

- *Convention On Protection Of Children And Co-Operation In Respect Of Intercountry Adoption*

INTERCOUNTRY: CONVERSION OF ADOPTION

Policy no.: 8.11

Effective Date: June 30, 2014

Date Revised: March 22, 2018

Policy Cross Reference: Intercountry Adoption: Finalization in Province

Legislative References: **Schedule, s. 43** Convention has force of law; **s.48** Conversion of Adoption

PURPOSE: To outline the process for converting an adoption that was finalized in the child's country of origin where the adoption did not have the effect of terminating the pre-existing legal parent-child relationship.

POLICY:

1. The provincial director may assist an adoptive parent in the conversion of an adoption that would terminate any pre-existing legal parent-child relationship.
2. The child must have resided with the applicant(s) for **six months** prior to applying to the court for an *Adoption Order*.

PROCEDURES:

1. There are some countries where, after the granting of an adoption order, a pre-existing parent-child relationship may not be fully terminated. This is known as a simple adoption. In such situations, the *Convention* allows for an adoptive parent to convert a simple adoption to a full adoption which terminates any pre-existing parent-child relationships. In these cases adoptive parents may proceed with obtaining an *Adoption Order* under the *Adoption Act, 2013* in this province. An *Adoption Order* issued in this province terminates the pre-existing legal parent-child relationship of the birth parent(s) to the child.
2. have a simple adoption converted to a full adoption through the court, the provincial director will request the following documentation:
 - a) consents to adoption or proof of these consents;
 - b) a certified copy of the adoption order granted in the child's country of origin;
 - c) a Certificate of Conformity issued by the child's country of origin pursuant to Article 23(1) of the *Convention*;

- d) the child's birth registration or, if it cannot be obtained, satisfactory evidence of the facts relating to the child's birth;
 - e) details of any orders dispensing with consents;
 - f) Letter of Approval and/or;
 - g) Notification of Agreement; and
 - h) any other documents required by the court.
3. Conversion of a simple adoption to a full adoption shall be completed in accordance with ***Intercountry: Finalization in Province*** policy and procedures.

EXCEPTIONS TO POLICY: None

RELEVANT DOCUMENTS:

- *Adoption Order*
- *Convention On Protection Of Children And Co-Operation In Respect Of Intercountry Adoption*

INTERCOUNTRY: PLACEMENT DISRUPTION PRIOR TO FINALIZATION

Policy no.: 8.12

Effective Date: June 30, 2014

Date Revised:

Policy Cross Reference: Adoption Disruption; Adoption Investigations

Legislative Reference: s.45 Central authority

PURPOSE: To outline the process to be followed where consideration is being given to the termination of an Intercountry adoption placement prior to the granting of an *Adoption Order*.

POLICY:

1. An Intercountry adoption placement can be terminated at any time **prior** to the granting of an *Adoption Order*.
2. All allegations of maltreatment in an Intercountry adoption placement shall be assessed in accordance with ***Adoption Investigations*** policy and procedures.
3. The supervisor shall immediately advise the provincial director of any significant concerns which could result in a disruption during an Intercountry adoption placement.
4. The provincial director shall consult with the child's country of origin in the event of an adoption disruption.
5. The provincial director shall notify Citizenship and Immigration Canada in the event of an adoption disruption.

PROCEDURES:

1. All Intercountry adoption disruptions shall be assessed in accordance with ***Adoption Disruption*** policy and procedures.
2. The supervisor shall immediately notify the provincial director of any significant concerns that may result in an adoption disruption during the post placement period.

3. The provincial director shall make decisions regarding continued placement of the child in accordance with section 21 of the *Convention*.
4. In cases where the decision is made to continue with the placement, the social worker shall notify the prospective adoptive parent(s), in person, of this decision. If the placement continues, but there is a conditional approval, the prospective adoptive parent(s) shall agree to the conditions as part of the continued approval and the conditions shall be documented in the prospective adoptive parent's file and monitored as part of the ongoing work with the family. The provincial director shall provide written confirmation of the decision outlining the conditions to the prospective adoptive parent(s) as soon as possible after the in person meeting with a copy to the supervisor and manager.
5. In cases where conditions were outlined, the final Post Placement Report must detail the specifics as to how the issues were resolved. This information must be forwarded to the provincial director as per ***Intercountry: Post Placement Period Where Adoption is Finalized in Province*** policy and procedures.
6. In cases where the decision is made to discontinue the placement, the social worker shall notify the adoptive applicant(s) and the child, where age and developmentally appropriate, in person, of this decision. The provincial director shall provide written confirmation of the decision to the adoptive applicant(s) as soon as possible after the in person meeting with a copy to the supervisor and manager.
7. The provincial director shall notify the child's country of origin of any placement disruption that results in termination of an Intercountry adoption placement.
8. In consultation with the child's country of origin, the provincial director may arrange another adoption placement for the child. The *Convention* requires that the return of the child to the child's country of origin be considered as a last resort.
9. The provincial director shall advise Citizenship and Immigration Canada when a child has left an adoption placement prior to finalization.
10. The provincial director shall make a decision regarding continued approval of the adoptive applicant's file.

EXCEPTIONS TO POLICY: None

RELEVANT DOCUMENTS:

- ***Convention On The Protection Of Children And Co-Operation In Respect Of Intercountry Adoption***

INTERCOUNTRY: ADOPTION INVESTIGATIONS

Policy no.: 8.13

Effective date: June 30, 2014

Date revised: March 22, 2018

Policy Cross Reference: Adoption Investigations; Intercountry: Adoption Placement Disruption

Legislative reference:

PURPOSE: To outline the process to be followed for investigating allegations of maltreatment where an Intercountry adoption has **not** been finalized.

POLICY:

1. An Intercountry adoption investigation can occur anytime **prior** to the granting of an *Adoption Order*.
2. The provincial director must be notified immediately by a supervisor of any allegation of maltreatment in an Intercountry adoption placement.
3. ***Adoption Investigations*** policy and procedures shall be followed for investigating allegations of maltreatment of a child in an Intercountry adoption placement.

PROCEDURES:

1. All Intercountry adoption investigations shall be in accordance with ***Adoption Investigations*** policy and procedures.
2. The provincial director must be notified immediately by the supervisor of any investigations prior to the granting of an *Adoption Order* of a child in an Intercountry adoption placement.
3. Where it has been determined that a child in an Intercountry adoption placement cannot safely remain in that home while the investigation is ongoing, the supervisor must immediately notify the provincial director. The provincial director shall make decisions regarding temporary placement of the child in accordance with section 21 of the *Convention*.
4. The *Referral on a Placement Resource* form and *Investigation on a Placement Resource* and shall be forwarded to the provincial director

- Within forty-five days** of commencement of the investigation with a copy to the manager.
5. The provincial director shall, after reviewing the investigation report and recommendations of the social worker and program supervisors:
 - a. consult with the child's country of origin;
 - b. make a decision regarding the continuation of the adoption placement;
 - c. make a decision regarding the continued approval of the prospective adoptive parent's file.
 6. If the prospective adoptive parent's file is not closed but there is a conditional approval, the prospective adoptive parent(s) shall agree to the conditions as part of the continued approval and the conditions shall be documented in the prospective adoptive parent's file and monitored as part of the ongoing work with the family.
 7. The social worker shall notify the prospective adoptive parent(s), in person, of the outcome of the investigation and the decision regarding the continued placement of the child and approval of their adoption file. The provincial director shall provide written confirmation of the decision and any conditions to the prospective adoptive parent(s) as soon as possible after the in person meeting with a copy to the supervisor and manager.
 8. Where age and developmentally appropriate, the child must be informed, in person, of the outcome of the investigation.
 9. If a decision is made to remove the child from the home, the provincial director will follow ***Intercountry: Placement Disruption*** policy and procedures.
 10. A copy of the referral and the investigation report must be placed on the prospective adoptive parent's file.

EXCEPTIONS TO POLICY:

If there are extenuating circumstances that interfere with the completion of an investigation **within the forty-five day** timeframe an extension may be granted with the approval of the provincial director. This extension must outline the reason for the extension and the anticipated timeframe for completion.

The prospective adoptive parent(s) shall be notified, in writing, of the extension, the rationale for the extension and the new timeframes for completion of the investigation. Exceptions may include, but are not limited to, delays as a result of a police investigation or locating a person(s) who has critical information in relation to the investigation.

RELEVANT DOCUMENTS:

- *PRIDE Facilitators Manual & Competency Chart*
- *Structured Decision Model (SDM) Manual*
- *Memorandum of Understanding with RNC/RCMP*
- *Adoption Order*
- *Convention On The Protection Of Children And Co-Operation In Respect Of Intercountry Adoption*
- *Referral on a Placement Resource*
- *Investigation on a Placement Resource*
- *Alternate Care Provider Safety Assessment tool (ACPSA)*

OVERVIEW: INTERPROVINCIAL ADOPTION

Newfoundland and Labrador is a signatory to the *Provincial/Territorial Protocol on Children, Youth and Families Moving Between Provinces and Territories*. This protocol provides a framework for consistent, quality services to children being placed for adoption and families adopting children.

In Newfoundland and Labrador the provincial director is responsible for all inquiries related to Interprovincial adoptions. The provincial director must agree to a plan as it relates to:

- a child being adopted outside the province; or
- a child being brought into the province for adoption.

Children Entering the Province for Adoption

When the provincial director is notified by another province that a child has been identified for adoption by a prospective adoptive parent in this province an assessment of the prospective adoptive parent(s) must be completed. After a review of the assessment and supporting documentation, including appropriate consents/court orders, the provincial director shall make a decision regarding approval.

All child profiles must be forwarded to the provincial director. All decisions regarding presentation of the child profile to the prospective adoptive parents is made by the provincial director. The final decision regarding placement of the child is the responsibility of the child's originating province. A satisfactory period of post placement must occur and finalization of an adoption of a child in this province shall be completed in accordance with *Interprovincial: Finalization for Children Entering the Province* policy and procedures.

Children Leaving the Province for the Purpose of Adoption

Where a manager is recommending the placement of a child outside the province for adoption, the provincial director must approve the plan. An adoption home assessment of the prospective adoptive parent(s) shall be requested by the provincial director. After review of the approved home assessment and supporting documentation, the provincial director shall make a decision regarding placement of the child with the applicant(s).

All child profiles must be forwarded by the provincial director to the receiving province for presentation to the prospective adoptive parents. Where the child has been accepted, a satisfactory period of post placement must occur. Finalization of an adoption of a child from this province in another province shall be completed in accordance with *Interprovincial: Finalization for Children Leaving the Province* policy and procedures.

PROVINCIAL / TERRITORIAL PROTOCOL ON CHILDREN, YOUTH AND FAMILIES MOVING BETWEEN PROVINCES AND TERRITORIES (ADOPTIONS)

Policy no.: 9.2

Effective Date: June 30, 2014

Date Revised: July 12, 2016

Policy Cross References:

Legislative References:

PURPOSE: To outline the process for responding to or for requesting the provision of adoption services to children and families moving between provinces and territories.

POLICY:

1. The *Provincial/Territorial Protocol on Children, Youth and Families Moving Between Provinces and Territories* shall be followed where children and/or families are moving between provinces and territories and the child and/or family are receiving adoption services.

PROCEDURES:

1. The social worker shall comply with Section 10, Adoption and Post-Adoptions Services, *Provincial/Territorial Protocol on Children, Youth and Families Moving Between Provinces and Territories*.
2. The social worker shall review and become familiar with *Section 10, Provincial/ Territorial Protocol on Children, Youth and Families Moving Between Provinces and Territories*, to ensure the provisions set out in the protocol are followed when:
 - a) receiving and responding to adoption inquires and applications;
 - b) responding to or requesting the provision of adoption services including adoption placement and subsidized adoptions;
 - c) responding to post adoption services requests.

EXCEPTIONS TO POLICY: None

RELEVANT DOCUMENTS:

- *Provincial/Territorial Protocol on Children, Youth and Families Moving Between Provinces and Territories A*
- *Interprovincial Request for Services form*
- *Interprovincial Placement Agreement (IPPA form)*

INTERPROVINCIAL: APPLICANT APPROVAL

Policy no.: 9.3

Effective Date: June 30, 2014

Date Revised: March 22, 2018

Policy Cross References: Applicant Approval; Interprovincial Child Placement

Legislative References: s.11 Placement of child; s.13 Approval of prospective parent; s.42 Approval of provincial director

PURPOSE: To outline the requirements and process for assessing and approving adoptive applicants seeking to adopt a child from another province.

POLICY:

1. The *Provincial/Territorial Protocol on Children, Youth and Families Moving Between Provinces and Territories* shall be followed where adoption services are required.
2. Prospective adoptive parents must obtain the written approval of the provincial director before a child from another province can be placed with them for the purpose of adoption.
3. All adoptive applicants must meet the requirements outlined in *Applicant Approval* policy and procedures.

PROCEDURES:

Application and Screening

1. The child's originating province must complete an *Interprovincial Request for Services* form and make a written request to the provincial director regarding placement of a child in this province for the purpose of adoption.
2. The provincial director shall notify a supervisor, in writing, with a copy to the manager, where a child in another province has been identified for adoption placement with an applicant residing in this province and request that a social worker assess the relationship between the proposed applicant(s) and the identified child.
2. A social worker shall complete a written assessment, with a recommendation to a supervisor, of the nature of the relationship between the identified child and the adoptive applicant(s). Factors that require assessment must include but are not limited to: ensuring there is no exchange of reward, money or coercion; ensuring the applicant(s) are not in a position of trust or authority with the birth parent(s); detail the adoptive applicant's connection to the birth parent(s) and/or child including the nature of the relationship, the

length of time they have known one another, how/when the relationship commenced and a detailed account of their current contact/communication; whether the proposed adoption plan enables a child to maintain birth family or other significant relationships; information to confirm that there has not been advertisement to elicit the proposed adoption (e.g. Facebook posts, distribution of personal profiles); the applicant's willingness to accept a child with limited social and medical information; and any other information deemed relevant.

4. The final decision regarding approval of the proposed plan shall be made by the provincial director.
5. Following receipt of the recommendation from a supervisor, the provincial director may request an *Application for Assessment to Adopt* and *Adoption Questionnaire* on behalf of the adoptive applicant(s). The original application shall be forwarded to the provincial director. The proposed applicant(s) will be advised, in writing, by the provincial director of the acceptance in a timely manner with a copy to the supervisor and manager.
6. If the plan is not accepted, the social worker shall meet with the family in a timely manner to discuss the reasons for the decision. The applicant(s) shall also be advised, in writing, by the provincial director as soon as possible after the meeting with the social worker with copies to the supervisor and manager.
7. All persons interested in adopting an identified child from another province must meet the application and screening requirements outlined in *Applicant Approval* policy and procedures.
8. Where a child in care of another province has been identified for adoption in this province, the social worker shall adhere to *Section 10, Provincial/Territorial Protocol on Children, Youth and Families Moving Between Provinces and Territories*.

Interim Assessment

9. All adoptive applicants must be approved according to the policies and procedures outlined in *Applicant Approval* policy and procedures.
10. A social worker, in consultation with a supervisor, may assess the suitability of the applicant(s) to be processed for an interim assessment. This is usually completed in cases when time does not allow for the completion of the full *PRIDE* assessment prior to the birth of the child. The social worker shall ensure the applicant(s) understands the requirements of both the interim assessment and the full *PRIDE* approval process before starting an interim assessment. Placement of a child must not occur until approval of the interim assessment is given by the provincial director.
11. When completing an interim assessment, the social worker shall ensure the following documentation is obtained in accordance with *Applicant Approval* policy and procedures:
 - a) *Application for Assessment to Adopt* and *Adoption Questionnaire*;
 - b) completed criminal record checks on all persons 12 years of age or older residing in the home;

- c) completed *Child Protection Clearance Check* on all persons 16 years of age or older residing in the home;
 - d) *Physician's Report on Adoptive Applicant*. All children or other adults living in the home should be examined by the family physician that should provide a letter outlining their general health and any significant findings or concerns;
 - e) four (4) *Reference Letters*. These must include two non-relative, one relative, and one collateral reference who have known the applicant(s) a minimum of three years;
 - f) financial assessment using *Adoptive Parent(s) Budget Analysis* form;
 - g) a thorough check of the home of the applicant(s) to determine that they have the physical space to accommodate a child and there are no safety concerns. The *Foster Home Safety Checklist* may be used as a guide.
12. The social worker shall interview the applicant(s) and any children or other persons residing in the home in accordance with the following:
- a) minimum of three interviews must be held with applicants who apply jointly. This includes a private interview with each applicant and a joint interview;
 - b) minimum of two interviews must be held with single applicants;
 - c) minimum of one interview with all other persons residing in the home; and
 - d) at least one of the interviews must occur in the home of the applicant(s) and must include observations between family members who currently reside in the home.
13. The social worker shall complete an *Adoption Assessment – Interim Approval* form which must include:
- a) the prospective parent(s) reasons for adopting;
 - b) personal aspects of the prospective adoptive parent(s);
 - c) information related to the children of the prospective adoptive parent(s) and the children's views on the adoption and parenting issues such as discipline, family rules, activities, relationships, parenting style, and family supports, etc.;
 - d) information on other members of the household;
 - e) the prospective adoptive parent's finances;
 - f) information on the child to be adopted;
 - g) any other factors deemed relevant by the social worker; and
 - h) the social worker's assessment and recommendation.
14. The *Adoption Assessment – Interim Approval* form and supporting documentation with the social worker's recommendation shall be forwarded to the supervisor.
15. The final decision regarding approval of an interim assessment shall be provided by the provincial director.
16. Approval shall not be granted if any person residing in the home has been charged with or convicted of a crime against children, if the family is currently involved in a *protective intervention program*, has had a child removed from their care, or have stated that physical discipline will be used with a child.

adult; been charged with or convicted of a violent offence; have been (or any member of their household has been) involved in protective intervention services; or have been investigated for physical, emotional or sexual abuse or maltreatment of a child in this province or any other jurisdiction must be assessed in relation to these issues.

18. In situations where concerns arise during an interim assessment, the social worker, in consultation with a supervisor may make the decision that prior to placement a full home assessment is required in order to resolve the identified concerns.
19. At any point during an interim assessment, where it has been determined that the applicant(s) cannot meet the requirements for approval, the social worker shall make a recommendation to a supervisor to discontinue the assessment process.
20. The supervisor shall make a recommendation regarding the discontinuation of the assessment process to the provincial director with a copy to the manager.
21. All discontinuations of the assessment process must be approved by the provincial director. The social worker shall meet with the applicant, in person, to advise of the decision. Following the meeting, the provincial director shall notify the applicant(s), in writing, of the decision in a timely manner with a copy to the supervisor and manager and the file will be closed.

Interim Approval

22. Where an interim assessment approval has been granted the adoptive applicants shall be notified in writing, in a timely manner, by the provincial director. The approval letter shall outline the fact that a full *PRIDE* assessment using the *PRIDE Adoption Assessment – Final Approval or Home Assessment for Applicants Who Have Previously Adopted* form must be completed within **six months** of receiving interim approval.
23. An adoption cannot be finalized until a *PRIDE Adoption Assessment – Final Approval or Home Assessment for Applicants Who Have Previously Adopted* form has been successfully completed as outlined in ***Applicant Approval*** policy and procedures. In cases where applicants have previously completed the *PRIDE* Pre-service sessions, they will not be required to do them again unless requested by a social worker.
24. Where an interim assessment has been approved, the provincial director shall notify the child's originating province in writing.
25. Where an interim assessment has been approved, a copy of the assessment and supporting documentation must be forwarded to the child's originating province by the provincial director.

Placement

26. A child must not be placed for the purpose of adoption until the plan has been approved by the provincial director and the proposed adoptive parent is approved through an interim assessment or *PRIDE* assessment. Where approval is granted, an *Interprovincial*

Placement Agreement (IPPA form) must be completed and approved by a manager before a child can leave the originating province/territory for the purpose of adoption placement. A manager shall sign the *IPPA* as the Local and Central Signing Authority for the receiving province/territory. The social worker shall ensure a copy of the finalized *IPPA* signed by both the originating and receiving province/territory is forwarded to provincial office.

27. In the case where the child is placed prior to consents being legal, the prospective adoptive parent(s) must sign *Acknowledgement by Prospective Adoptive Parents of the Legal Status of the Child* prior to placement.
28. Final decision regarding placement of the child with the approved adoptive applicant(s) rests with the child's originating province.
29. Procedures regarding placement of the child are outlined in ***Interprovincial: Child Placement*** policy and procedures.

Final Approval

30. Where an interim assessment has been completed, all adoptive applicants must complete a full home assessment according to ***Applicant Approval*** policy and procedures prior to an adoption being finalized in court.
31. Where an interim assessment has been completed an adoptive family must complete a full assessment, as outlined in ***Applicant Approval*** policy and procedures, within **six months** of receiving an interim approval.
32. The social worker shall forward a recommendation and the completed assessment and supporting documentation to the program supervisor for recommendation.
33. The final decision regarding approval shall be made by the provincial director.
34. A copy of the full home assessment and approval letter will be sent to the child's originating province by the provincial director.
35. ***CHECKLIST: Interprovincial - Applicant Approval*** outlining the documents required must be completed.

EXCEPTIONS TO POLICY: Dependent on originating province's requirements.

RELEVANT DOCUMENTS:

- ***Provincial/Territorial Protocol on Children, Youth and Families Moving Between Provinces and Territories (Appendix A)***

- *Application for Assessment to Adopt*
- *Adoption Questionnaire*
- *Letter of Reference*
- *Application for a Child Protection Clearance Check*
- *Checklist for a Child Protection Clearance Check*
- *Physician's Report on Adoptive Applicant*
- *Acknowledgement by Prospective Adoptive Parents of the Legal Status of the Child*
- *Adoptive Parent(s) Budget Analysis*
- *PRIDE Adoption Assessment – Final Approval*
- *Adoption Assessment – Interim Approval*
- *Home Assessment for Applicants Who Have Previously Adopted*
- *CHECKLIST – Interprovincial – Applicant Approval*
- *Interprovincial Request for Services form*
- *Interprovincial Placement Agreement (IPPA form)*

INTERPROVINCIAL: PLANNING FOR A CHILD ENTERING THE PROVINCE FOR ADOPTION

Policy no.: 9.4

Effective Date: June 30, 2014

Date Revised: July 12, 2016

Policy Cross References: Interprovincial Applicant Approval; Interprovincial Adoption Placement; Information Provided to Adoptive Applicants

Legislative References: s.15 Child's history; s.42 Approval of provincial director

PURPOSE: To outline the process and requirements necessary to be completed on behalf of a child whose permanency plan is adoption with an approved applicant(s) in this province.

POLICY:

1. The *Provincial/Territorial Protocol on Children, Youth and Families Moving Between Provinces and Territories* shall be followed when proposing a child in continuous or voluntary custody for adoption.
2. Prior to a child entering the province for adoption, approval of the plan must be given by the provincial director.
3. All child profiles must be received by the provincial director.
4. The social worker shall ensure that an adoptive applicant(s) is provided with medical and social information on the child and his/her birth family prior to the placement of the child.
5. An adoption subsidy for a child entering the province for adoption is the responsibility of the child's originating province.

PROCEDURES:

1. The child's originating province must complete an *Interprovincial Request for Services* form and make a written request to the provincial director regarding the proposed placement of a child for adoption in this province.
2. Prior to the child entering the province for adoption, approval of the plan and the applicant(s) must be given by the provincial director as outlined in *Interprovincial: Applicant Approval* policy and procedures.

3. The provincial director shall obtain the following information and documentation as part of an adoption package necessary to profile a child from another province to an approved applicant(s) in this province:

Consents

4. Prior to a child being placed for adoption, the appropriate consent(s) to adoption **must** be obtained from:
 - a) the birth mother;
 - b) the father;
 - c) where applicable, a person having custody of a child; and
 - d) the child where the child is 12 years of age or older.

Child's Birth Family Medical and Social Information

5. The provincial director shall request information related to the proposed child's birth family medical and social history.
6. Where the birth family is unwilling to provide medical or social information or the information is unavailable or unable to be located, the provincial director shall request a written report from the child's originating province outlining the efforts made to obtain the information from the birth family.
7. The provincial director shall request from the originating province medical and social information related to the child being proposed for adoption. This information would normally be obtained from hospital records, community health nursing, physicians or any other professional having involvement with the child since birth.
8. In cases where the child is in the custody of another province, an updated plan of care related to the child shall be obtained. Information shall include a written history of the child's life in care, crucial information about the child's past, and information related to the issues that resulted in the child entering care.

Counselling for Children When Adoption is the Plan

9. A child 5 years of age or older must be counselled on the effects of adoption and his/her views must be considered before proceeding with the plan. A discussion may be held with a child under age 5 years regarding the effects of adoption taking into consideration the child's developmental level.
10. The provincial director shall request a narrative report on a child 5 years of age or older who is being proposed for adoption. The report shall include, but is not limited to the following:
 - a) dates and types of interviews with the child;

- b) an indication that the child appears to have an age appropriate understanding of the adoption including: adoption is a lifelong process where the child becomes the adopted child of the adopted parents; the adoption terminates the legal rights and responsibilities of the child's birth parent(s) or person with custody and that contact may be maintained where an openness agreement exists;
 - c) a statement of the child's expressed views on being adopted and what adoption means to him/her;
 - d) the child's views on any proposed change of given or family name;
 - e) the extent of the child's relationships with significant persons, birth relatives or foster parents;
 - f) the child's understanding of why he/she is not living with his/her birth parent(s) or family members;
 - g) the child's identity, cultural and community connections.
11. If a child 5 years of age or older has **not** been counselled on the effects of adoption, a report outlining the reasons for this must be completed and submitted to the provincial director.
12. In addition to the above required documentation, the following shall be obtained before a child from another province can be placed for adoption:
- a) original or certified copy of a continuous custody order (or equivalent) for a child in the care of another province;
 - b) voluntary custody agreement (or equivalent) for a child being voluntarily placed for adoption by a birth parent;
 - c) child's original birth certificate from Vital Statistics or live birth registration;
 - d) where a birth parent is seeking to place their child for adoption in this province, written confirmation that the birth parent(s) has been counselled on the effects of adoption;
 - e) affidavit regarding paternity (or equivalent) where applicable;
 - f) any approved adoption subsidy on behalf of the child;
 - g) any openness agreement or request for openness;
 - h) any other professional reports that may assist with profiling the child to the prospective adoptive parent(s).
13. If information received on the child proposed for adoption is deemed insufficient, the provincial director shall contact the child's originating province in an attempt to gain additional information.
14. Once all information has been obtained, the provincial director shall forward the child's information to a social worker for presentation to the prospective adoptive parent(s). The provision of this information to the prospective adoptive parent(s) serves three primary purposes. It will assist the prospective adoptive parent(s) to:
- a) be aware of the child's potential needs and to help them to decide whether they can parent a child with these needs;

- b) understand the family information of the child and alert them to possible medical and social needs of the child; and
 - c) be aware of the child's social and medical information which they can later share with the child.
15. Prior to presenting the information to the prospective adoptive parent(s), the social worker shall review all the information to gain an understanding of the developmental needs of the child.
16. The social worker shall meet with the prospective adoptive parent(s) to review the information on the child. The prospective adoptive parent(s) shall be provided with a copy of the child's medical and social information providing any information that might identify the child's name, location or any third party **has been removed** where requested by the child's originating province.
17. In cases where the social and medical information **is limited** the implications of this shall be discussed with the prospective adoptive parent(s) by the social worker.
18. The social worker shall encourage the prospective adoptive parent(s) to discuss any risk factors and/or medical or genetic concerns of the child with their medical practitioner and/or other specialists prior to their acceptance of the child.
19. The social worker shall inform the prospective adoptive parent(s) that any current or future adoption subsidy is the responsibility of the child's originating province.
20. If the child is accepted by the prospective adoptive parent(s), an *Adoptive Parents' Acknowledgement of Information Provided* must be completed and the original forwarded to the provincial director.
21. In cases where the child is to be placed prior to consents being legal, the *Acknowledgement by Prospective Adoptive Parents of the Legal Status of the Child* must be completed and the original forwarded to the provincial director.
22. The provincial director shall notify the child's originating province, in writing, of the adoptive parent's acceptance or non-acceptance of the child. Prior to a child leaving the originating province/territory for the purpose of adoption placement, an *Interprovincial Placement Agreement (IPPA form)* must be completed and approved by a manager. The originating province/territory shall develop a written adoption placement plan and negotiate an *IPPA*.
23. A manager shall sign the *IPPA* as the Local and Central Signing Authority for the receiving province/territory. The social worker shall ensure a copy of the finalized *IPPA* signed by both the originating and receiving province/territory is forwarded to provincial office.

Placement

24. Please review *Interprovincial: Adoption Placement* policy and procedures for placement of the child.

EXCEPTIONS TO POLICY: Dependent on child's originating province.

RELEVANT DOCUMENTS:

- *Adoptive Parents' Acknowledgement of Information Provided*
- *Acknowledgement by Prospective Adoptive Parents of the Legal Status of the Child*
- *Provincial/Territorial Protocol on Children, Youth and Families Moving Between Provinces and Territories (Appendix A)*
- *Interprovincial Request for Services form*
- *Interprovincial Placement Agreement (IPPA form)*

INTERPROVINCIAL: PLANNING FOR A CHILD LEAVING THE PROVINCE FOR ADOPTION

Policy no.: 9.5

Effective Date: June 30, 2014

Date Revised: July 12, 2016

Policy Cross References: Children Available for Adoption; Interprovincial Adoption Placement

Legislative References: s.15 Child's history; s.42 Approval of provincial director

PURPOSE: To outline the process and requirements necessary to be completed on behalf of a child in continuous or voluntary custody whose permanency plan is adoption by an approved applicant in another province.

POLICY:

1. The *Provincial/Territorial Protocol on Children, Youth and Families Moving Between Provinces and Territories* shall be followed when proposing a child in continuous or voluntary custody for adoption with an approved applicant who resides in another province.
2. Prior to a child leaving the province for adoption approval of the plan must be given by the provincial director.
3. All applicants must be approved adoptive applicants in the province where they reside prior to a child being placed with them for adoption.
4. The provincial director shall ensure that the receiving province is provided with the medical and social information of the child and his/her birth family prior to placement.
5. Where a child in continuous or voluntary custody is being proposed for adoption in another province, the social worker shall follow *Children Available for Adoption* policy and procedures.

PROCEDURES:

1. A manager shall make a written recommendation to the provincial director regarding placement of a child in another province for adoption. This must include an *Interprovincial Request for Services* form completed by the social worker.
2. Prior to the child leaving the province for adoption, approval of the child's adoption plan must be given by the provincial director.

3. The provincial director must make a written request to the receiving province to complete an adoption home assessment on behalf of the proposed adoptive applicant(s) and forward the *Interprovincial Request for Services* form.
4. A copy of the approved home assessment and supporting documentation shall be forwarded to the provincial director for review prior to the child leaving the province.
5. If information received on the approved prospective adoptive parent(s) is deemed insufficient, the provincial director may request additional information from the receiving province.
6. The provincial director shall ensure documentation is obtained from the manager as outlined in ***Children Available for Adoption*** policy and procedures prior to profiling a child to an approved adoptive applicant in another province. This information must include:
 - a) The appropriate consent to adoption from:
 - i. the birth mother;
 - ii. the father;
 - iii. where applicable, the person having custody of a child;
 - iv. the child where the child is 12 years of age and older.
 - b) *Child's Medical and Social History*;
 - c) *Birth Parent Medical and Social History*;
 - d) *Affidavit Regarding Paternity*, where applicable;
 - e) *In Care Progress Report*;
 - f) *Original Continuous Custody Order* or *Voluntary Custody Agreement*;
 - g) other professional reports pertaining to the child that will assist in profiling the child to the adoptive applicant(s);
 - h) Narrative views and wishes report (where applicable);
 - i) *Request to Approve a Child for Adoption Subsidy* (where applicable);
 - j) *Expression of Interest to Enter into an Openness Agreement* and/or *Openness Agreement* (where applicable);
7. If information received on the child proposed for adoption is deemed insufficient, the provincial director shall contact the manager in an attempt to gain additional information.
8. Once all the information has been obtained, the provincial director shall forward the child's information to the receiving province for presentation to the prospective adoptive parents. The provision of this information to the proposed adoptive parent(s) serves three primary purposes. It will assist the prospective adoptive parent(s) to:
 - a) be aware of the child's potential needs and to help them to decide whether they can parent a child with these needs;
 - b) understand the family history of the child and alert them to possible medical and social needs of the child; and

- c) be aware of the child's social and medical history which they can later share with the child.
- 9. The provincial director shall request a social worker in the receiving province meet with the prospective adoptive parent(s) to review the profile information on the child. The prospective adoptive parent(s) shall be provided with a copy of the child's non-identifying medical and social information as outlined in ***Children Available for Adoption*** policy and procedures.
- 10. In cases where the social and medical information **is limited**, the receiving province will be requested to discuss the implications of this with the prospective adoptive parents. The adoptive parents shall be encouraged to discuss any risk factors and /or medical or genetic concerns of the child with their medical practitioner and/or other specialists prior to their acceptance of the child.
- 11. If the child is accepted by the prospective adoptive parent(s), the provincial director shall request that an *Adoptive Parents' Acknowledgement of Information Provided* be completed and returned to the provincial director.
- 12. If the child is not accepted by the prospective adoptive parent(s), the provincial director shall request the return of all documentation related to the child.
- 13. Where the child is accepted and placement is to occur prior to consents being legal, the prospective adoptive parent(s) must sign *Acknowledgement by Prospective Adoptive Parents of the Legal Status of the Child* prior to placement which shall be forwarded to the provincial director.

Child Placement

- 14. The provincial director shall notify the receiving province, in writing, of the decision regarding placement of the child with the adoptive parent(s).
- 15. Prior to a child leaving the province for the purpose of adoption placement, the social worker shall consult with the receiving province/territory regarding the adoption placement plan, and an *Interprovincial Placement Agreement (IPPA form)* must be completed in accordance with the ***Provincial/Territorial Protocol on Children, Youth and Families Moving Between Provinces and Territories***.
- 16. A manager shall sign the *IPPA* as the Local and Central Signing Authority for the receiving province/territory. The social worker shall ensure a copy of the finalized *IPPA*, signed by both the originating and receiving province/territory is forwarded to provincial office.
- 17. Please review ***Interprovincial Adoption: Placement*** for procedures related to the placement of a child in the receiving province.

EXCEPTIONS TO POLICY: Dependent on the receiving province.

RELEVANT DOCUMENTS:

- *Birth Parent Medical and Social History*
- *Child's Medical and Social History*
- *Adoptive Parents' Acknowledgement of Information Provided*
- *In Care Progress Report*
- *Acknowledgement by Prospective Adoptive Parents of the Legal Status of the Child*
- *Affidavit Regarding Paternity*
- *Continuous Custody Order*
- *Voluntary Custody Agreement*
- *Request to Approve a Child for Adoption Subsidy*
- *Expression of Interest to Enter into an Openness Agreement*
- *Openness Agreement*
- *Provincial/Territorial Protocol on Children, Youth and Families Moving Between Provinces and Territories (Appendix A)*
- *Interprovincial Request for Services form*
- *Interprovincial Placement Agreement (IPPA form)*

INTERPROVINCIAL: CHILD PLACEMENT INSIDE or OUTSIDE THE PROVINCE

Policy no.: 9.6

Effective Date: June 30, 2014

Date Revised: March 22, 2018

Policy Cross References: Pre-Placement Planning; Child Placement; Interprovincial Post Placement Period

Legislative References: s.11 Placement of child; s.12 Child's eligibility for placement

PURPOSE: To outline the procedures to be followed when placing a child from another province or placing a child from this province in another province for adoption.

POLICY:

1. The *Provincial/Territorial Protocol on Children, Youth and Families Moving Between Provinces and Territories* shall be followed when placing a child in an adoptive home.
2. A *Notification of Adoption Placement* shall be completed on all children being placed for an interprovincial adoption.
3. A social worker shall meet with the child on the day of placement or within seven days of the child entering the province.

PROCEDURES:

1. An interprovincial adoption placement occurs in one of two ways:
 - a) a child in the continuous or voluntary custody of a manager in this province leaves this province for placement with an approved adoptive parent in another province; or
 - b) a child from another province enters this province for placement with an approved adoptive parent in this province.
2. A child may be placed with an approved adoptive parent(s) in this province or a receiving province only after the adoptive parent(s) has received all necessary information concerning the child and a satisfactory process of pre-placement familiarization has taken place.
3. Where the child is in the custody of a manager or another province, the social workers for both the originating and receiving province shall jointly develop a written pre-placement plan for all children being placed for adoption. All pre-placement plans must be approved

by a supervisor. An *Interprovincial Placement Agreement (IPPA form)* must be completed and approved by a manager prior to the child leaving the originating province/territory.

4. Where a child is **not** in the custody of another province, consultation may occur with the child's originating province in determining whether a pre-placement plan is required. The date of placement shall be determined in consultation with the child's originating province.
5. Where a child in the continuous or voluntary custody of a manager in this province is being placed in another province, ***Child Placement*** policy and procedures shall apply. The date of placement shall be approved by a supervisor.
6. The social worker shall ensure that the adoptive parents have been advised of and understand the requirements of the post placement period outlined in ***Interprovincial: Post Placement Period Children Leaving the Province*** policy and procedures.
7. The social worker shall complete a *Notification of Adoption Placement* immediately following placement for all children placed for an interprovincial adoption. The original shall be forwarded by the supervisor to the provincial director with a copy to the manager.
8. The provincial director shall provide the original consent(s) to adoption and any other required documentation to the receiving province within **thirty days** of placement of the child with the prospective adoptive parent(s).
9. A social worker shall meet with the child **on the day** of placement or within **seven days** of the child entering the province. A social worker shall meet, observe, and talk to the child, where age and developmentally appropriate, in private, to assess the progress of the placement. Factors to consider are:
 - a) whether the child appears to be adjusting to the family;
 - b) whether the adoptive parent(s) and other children in the home appear to be adjusting to the placement;
 - c) whether an attachment between the child and the adoptive parent(s) appears to be developing;
 - d) how the family has managed dealing with any concerns or issues that may have occurred;
 - e) the child's progress in school or daycare, where applicable;
 - f) whether the family maintained the child's family and social relationships, where requested;
 - g) whether the family requires any additional supports to assist with the adjustment period.

10. In cases where the adoptive parent(s) has travelled to the child's province to receive the child and is returning for the post placement period, a social worker shall meet with the child **on the day of,** or within **seven days** of, the family's return to the province.
11. Where a child has been placed in this province for adoption, the social worker must advise the adoptive parent(s) that they are required to register the child with MCP in the child's anticipated adoptive name. A letter from the social worker will suffice for MCP to issue a card. A sample letter is contained in ISM. The social worker must also advise adoptive parent(s) that they may apply for the *Child Tax Benefit, Progressive Family Growth Benefit* or *Child Disability Benefit*, where eligible.
12. For children entering the province who are in the custody of another province, ***Interprovincial: Post Placement Children Entering the Province*** policy and procedures shall apply. The social worker shall have at least **one private in-person contact per month where age and developmentally appropriate** with the child and adoptive family until finalization of the adoption.
13. For children entering the province who are **NOT** in the custody of another province, the social worker shall have at least **one private in-person contact per month where age and developmentally appropriate** with the child and adoptive family until the submission of the final post placement report.
14. Where the originating province requests an alternate post placement period for a child entering this province, the provincial director shall provide written approval to the supervisor with a copy to the manager.
15. In keeping with monitoring requirements for children in care, a social worker shall request the receiving province have, at minimum, **one private in-person contact per month where age and developmentally appropriate** with **each** child in an adoption placement until finalization of the adoption. Refer to ***Interprovincial: Post Placement Period Children Leaving the Province*** policy and procedures for information regarding monitoring an adoption placement.
16. ***CHECKLIST: Interprovincial - Placement of Children*** outlining the documents required must be completed.

EXCEPTIONS TO POLICY: Dependent on the child's originating province.

RELEVANT DOCUMENTS:

- ***Notification of Adoption Placement***
- ***Provincial/Territorial Protocol on Children, Youth and Families Moving Between Provinces and Territories (Appendix A)***
- ***CHECKLIST: Interprovincial - Placement of Children***
- ***Sample of MCP letter***
- ***Interprovincial Placement Agreement (IPPA form)***

INTERPROVINCIAL: SUBSIDY FOR CHILDREN LEAVING THE PROVINCE

Policy no.: 9.7

Effective Date: June 30, 2014

Date Revised: March 22, 2018

Policy Cross References: Adoption Subsidy

Legislative References:

PURPOSE: To outline the eligibility requirements for a child in continuous custody to receive an adoption subsidy when leaving the province for adoption.

POLICY:

1. The *Provincial/Territorial Protocol on Children, Youth and Families Moving Between Provinces and Territories* shall be followed where adoption subsidy services are required.
2. The requirements outlined in *Adoption Subsidy: Child Eligibility* policy and procedures must be met when determining eligibility of a child for an adoption subsidy.
3. The requirements outlined in *Adoption Subsidy: Adoptive Parent(s) Eligibility* policy and procedures must be met by prospective adoptive parents before being considered for services through the adoption subsidy program.
4. The requirements outlined in *Adoption Subsidy: Adoption Subsidy Agreements* and *Deferred Adoption Subsidy Agreements* policy and procedures must be followed.

PROCEDURES:

1. A child in the custody of a manager in this province being proposed for adoption in another province may be considered for an adoption subsidy providing the requirements outlined in *Adoption Subsidy: Child Eligibility* policy and procedures are met.
2. In order for a child in the custody of a manager to receive an adoption subsidy, a *Request to Approve a Child for Adoption Subsidy*, *Adoptive Parent(s) Eligibility for an Adoption Subsidy* and *Adoption Subsidy Agreement* or *Deferred Adoption Subsidy Agreement* must be completed and approved by a manager.
3. Where a child in continuous custody of a manager this province resides in another jurisdiction, a social worker shall request the assistance of the receiving province to complete the *Adoption Subsidy-Child Eligibility* assessment and *Adoption Subsidy Agreement* or *Deferred Adoption Subsidy Agreement*.

4. Approval of the *Request to Approve a Child for Adoption Subsidy* shall be made by the manager. If approved, the social worker shall request the assistance of the receiving province in assessing the eligibility of prospective adoptive parents to receive services through the adoption subsidy program using requirements outlined in ***Adoption Subsidy: Adoptive Parent(s) Eligibility*** policy and procedures.
5. Where a *Request to Approve a Child for Adoption Subsidy* is approved but it is determined that services are not required prior to finalization, prospective adoptive parents may enter into a *Deferred Adoption Subsidy Agreement* using the requirements outlined in ***Adoption Subsidy: Deferred Adoption Subsidy Agreements*** policy and procedures.
6. Approval of the *Adoption Subsidy Agreement or Deferred Adoption Subsidy Agreement* shall be made by a manager.
7. Where an *Adoption Subsidy Agreement or Deferred Adoption Subsidy Agreement* has been signed by an adoptive applicant/parent in another province, a signed copy shall be returned to the social worker and placed on the adoption subsidy file.
8. Where an adoption subsidy has been approved, the social worker shall complete a *Financial Benefit Request* form in ISM.

EXCEPTIONS TO POLICY: None

RELEVANT DOCUMENTS:

- *Provincial/Territorial Protocol on Children, Youth and Families Moving Between Provinces and Territories (Appendix A)*
- *Request to Approve a Child for Adoption Subsidy*
- *Adoption Subsidy Agreement*
- *Deferred Adoption Subsidy Agreement*
- *Financial Benefit Request*

INTERPROVINCIAL: SUBSIDY REVIEW

Policy no.: 9.8

Effective Date: June 30, 2014

Date Revised: March 22, 2018

Policy Cross References:

Legislative References:

PURPOSE: To outline the process for completing an adoption subsidy review.

POLICY:

1. The *Provincial/Territorial Protocol on Children, Youth and Families Moving Between Provinces and Territories* shall be followed where an *Adoption Subsidy Agreement* or *Deferred Adoption Subsidy Agreement* is in place.
2. An adoption subsidy is valid for **twelve months** and is reviewed annually.
3. *Deferred Adoption Subsidy Agreements* are only reviewed at the request of adoptive parents.

PROCEDURES:

1. Where an adoptive parent(s) in another province is receiving an adoption subsidy on behalf of a child from this province the social worker shall contact the receiving province **sixty days** prior to the expiry of the adoption subsidy to request assistance with the review process. The social worker will complete an *Interprovincial Request for Services* form and submit to the receiving province/territory.
2. A review of an *Adoption Subsidy Agreement* may also occur when:
 - a) the adoptive parent or social worker requests that the agreement be reviewed or terminated;
 - b) the child begins living with a relative or other person significant to the child;
 - c) when the child begins living independently;
 - d) there is any change in circumstances which may eliminate, reduce, or increase the need for service.
3. The social worker shall request that the receiving province meet with adoptive parents as part of the review process.

4. As part of the review process, the social worker in the receiving province shall be requested to complete the *Adoption Subsidy Review* form with a recommendation outlining the support services requested on behalf of the child. Included in the form should be information related to the following:
 - a) detailed information relating to any changes in the child's medical diagnosis. If the child has been diagnosed with a medical issue, confirmation of that should be obtained from the professional involved in the treatment of the condition;
 - b) any improvements or change in the child's development and the impact of those changes on their need for previously approved services;
 - c) any changes in the overall composition and personal circumstances of the adoptive family that may impact on their ability to meet the needs of the child;
 - d) if support services are requested, an itemized list of all services required to meet the child's needs and identification of how these services will be obtained over the following **twelve months**. The report should identify how long the services will be required and clearly indicate any cost associated with the service. If costs must be paid a clear statement as to whom is responsible for payment must be included. In a situation of shared costs, details on how much each party will pay will also need to be noted. It should also outline how the financial contributions will be made and the frequency of the payments;
 - e) any other information deemed appropriate by the social worker. Consultations with professionals involved with the child may be included.
5. Where a financial care rate is being provided, the social worker shall complete the *Adoptive Parent(s) Eligibility for an Adoption Subsidy* at the time a review is completed.
6. The *Adoption Subsidy Review* and *Adoptive Parent(s) Eligibility for an Adoption Subsidy* (where applicable) forms shall be forwarded to the social worker by the receiving province. The agreement shall clearly outline the costs and services being requested on behalf of the child for the next **twelve months**.
7. The social worker shall submit the *Adoption Subsidy Review* form, *Adoptive Parent(s) Eligibility for an Adoption Subsidy* (where appropriate), and a completed *Adoption Subsidy Agreement* to a supervisor for review.
8. All adoption subsidies must be approved by a manager.
9. Following approval, the social worker shall forward the *Adoption Subsidy Agreement* to the receiving province for review and signing of the *Adoption Subsidy Agreement* by the adoptive parent(s). The receiving province shall review the following with the adoptive parent(s) at the time the agreement is signed:
 - a) that the parent will notify the social worker if the child is no longer living in the adoptive home or if the family moves;
 - b) that the parent will notify the social worker if the child's developmental needs change or the family finances change;

- c) that the parent will ensure that the child receives the indicated services and ensure that the services are satisfactory;
 - d) benefits are for a pre-determined period only and each adoption subsidy must again be reviewed at minimum every **twelve months**;
10. The receiving province shall provide a copy of the signed *Adoption Subsidy Agreement* to the social worker in this province and the adoptive parent(s).
 11. The social worker shall place a copy of the *Adoption Subsidy Agreement* on the adoption subsidy file.
 12. The social worker shall complete a *Financial Benefit Request* Form.
 13. Where a *Deferred Adoption Subsidy Agreement* is in place for a child placed for adoption in another province, a review shall only be completed at the request of the adoptive parent(s).
 14. Where a child has been placed in this province for adoption and the adoptive parent(s) is in receipt of an adoption subsidy from the child's originating province, a social worker shall complete a review of the subsidy agreement at the request of the child's originating province.

EXCEPTIONS TO POLICY: None

RELEVANT DOCUMENTS:

- *Provincial/Territorial Protocol on Children, Youth and Families Moving Between Provinces and Territories (Appendix A)*
- *Adoption Subsidy Agreement*
- *Deferred Adoption Subsidy Agreement*
- *Interprovincial Request for Services*
- *Adoption Subsidy Review*
- *Adoptive Parent(s) Eligibility for an Adoption Subsidy*

INTERPROVINCIAL: SUBSIDY FOR CHILDREN ENTERING THE PROVINCE

Policy no.: 9.9

Effective Date: June 30, 2014

Date Revised: March 22, 2018

Policy Cross References:

Legislative References:

PURPOSE: To outline the process for adoption subsidy for a child in care of another province being considered for adoption in this province.

POLICY:

1. The *Provincial/Territorial Protocol on Children, Youth and Families Moving Between Provinces and Territories* shall be followed where an adoption subsidy is approved or being considered for a child in the custody of another province for adoption.
2. A child in the custody of another province entering this province for adoption is **not** eligible for an adoption subsidy from this province.
3. A child in the custody of another province entering this province for adoption may be eligible for an adoption subsidy from his/her originating province.

PROCEDURES:

1. A child entering this province for adoption is **not** eligible for an adoption subsidy from this province.
2. A child in the custody of another province entering this province for adoption may be eligible for an adoption subsidy from his/her originating province.
3. Where a social worker assesses that a child residing in this province from another province may benefit from the services of an adoption subsidy, the social worker shall make a request to the child's originating province to determine if the child may be eligible for a subsidy.
4. Where an adoption subsidy assessment is requested by a child's originating province a social worker shall:
 - a) complete an assessment of a child's eligibility for a subsidy;

- b) complete an assessment of the prospective adoptive parent's eligibility for a subsidy;
 - c) negotiate terms of an *Adoption Subsidy Agreement* with prospective adoptive parents;
5. The social worker shall complete a review of the *Adoption Subsidy Agreement* at the request of the child's originating province.
 6. The child's originating province may request that a social worker maintain contact with the adoptive parent(s) to assess the continued need for the subsidy and provide a report regarding this assessment.
 7. The child's originating province may request assistance in negotiating any changes to the adoption subsidy.
 8. Where it is determined that a new service is required the social worker shall contact the child's originating province to discuss a change to the *Adoption Subsidy Agreement*.
 9. The social worker shall open an adoption subsidy program on behalf of any interprovincial adoption subsidies. The program must be opened in the child's anticipated or adoptive name. A separate agreement shall be completed on each child.
 10. The signed *Adoption Subsidy Agreement* must be added to ISM and maintained on the child's file with a copy to the child's originating province.
 11. The age of a child for which an adoption subsidy shall remain in effect shall be determined by the child's originating province.

EXCEPTIONS TO POLICY: Dependent on the originating province.

RELEVANT DOCUMENTS:

- *Provincial/Territorial Protocol on Children, Youth and Families Moving Between Provinces and Territories (Appendix A)*
- *Adoption Subsidy Agreement*

INTERPROVINCIAL: MEDICAL CONSENT FOR A CHILD LEAVING THE PROVINCE

Policy no.: 9.10

Effective Date: June 30, 2014

Date Revised: July 12, 2016

Policy Cross References: Consents: Medical Consent

Legislative References: s.18 Child's Health Care

PURPOSE: To outline the process for providing medical consent for a child in the continuous or voluntary custody of a manager who has been placed for adoption in another province.

POLICY:

1. The *Provincial/Territorial Protocol on Children, Youth and Families Moving Between Provinces and Territories* shall be followed where a child in the custody of a manager is placed for adoption in another province.
2. Where a child in the continuous or voluntary custody of a manager has been placed for adoption in another province, *Placement of Children for Adoption: Consents: Medical Consent* policy and procedures shall apply.

PROCEDURES:

1. Where non-routine medical consent is required for a child in the continuous or voluntary custody of a manager who has been placed for adoption in another province, the social worker shall request the assistance of the receiving province in obtaining required information needed to provide consent.

EXCEPTIONS TO POLICY: None

RELEVANT DOCUMENTS:

- *Provincial/Territorial Protocol on Children, Youth and Families Moving Between Provinces and Territories (Appendix A)*

INTERPROVINCIAL: MEDICAL CONSENT FOR A CHILD ENTERING THE PROVINCE

Policy no.: 9.11

Effective Date: June 30, 2014

Date Revised: July 12, 2016

Policy Cross References:

Legislative References:

PURPOSE: To outline the process for providing medical consent for a child who has been placed in the province for adoption.

POLICY:

1. The *Provincial/Territorial Protocol on Children, Youth and Families Moving Between Provinces and Territories* shall be followed where a child in the custody of another province is placed in this province for adoption.
2. Where a child placed for adoption in this province requires medical consent, the policies and procedures of the child's originating province related to medical consent shall apply.

PROCEDURES:

1. When a child enters this province for adoption and medical consent is required, the social worker shall notify the child's originating province and seek direction and information related to providing medical consent.
2. Where a child in the custody of another province is placed in this province for adoption, the supervisor shall be notified by the social worker where medical consent is requested.

EXCEPTIONS TO POLICY: Depending on child's originating province.

RELEVANT DOCUMENTS:

- *Provincial/Territorial Protocol on Children, Youth and Families Moving Between Provinces and Territories (Appendix A)*

INTERPROVINCIAL: HOSPITALIZATION OF A CHILD LEAVING THE PROVINCE

Policy no.: 9.12

Effective Date: June 30, 2014

Date Revised:

Policy Cross References: Health Services: Hospitalization; Consents: Medical Consents

Legislative References: s.18 Child's Health Care

PURPOSE: To outline the process to be followed where a child in the continuous or voluntary custody of a manager placed for adoption in another province requires hospitalization.

POLICY:

1. Where a child in the continuous or voluntary custody of a manager in this province has been placed for adoption in another province, *Placement of Children for Adoption: Health Services: Hospitalization* policy and procedures shall apply.

PROCEDURES:

1. The receiving province shall immediately notify the manager where a child in the continuous or voluntary custody of a manager, placed in another province for adoption, has been hospitalized.
2. The social worker shall request that the receiving province notify hospital administration and /or the attending physician that the child is in the continuous or voluntary custody of a manager in this province.
3. A social worker in this province shall maintain regular contact with the receiving province to monitor the progress of the child. Updates shall be provided to the supervisor.
4. The supervisor shall be advised of the discharge plan for the child to ensure that the prospective adoptive parent(s) is equipped to respond to any on-going health needs of the child.

EXCEPTIONS TO POLICY: None

RELEVANT DOCUMENTS: None

INTERPROVINCIAL: HOSPITALIZATION OF A CHILD ENTERING THE PROVINCE

Policy no.: 9.13

Effective Date: June 30, 2014

Date Revised: July 12, 2016

Policy Cross References:

Legislative References:

PURPOSE: To outline the procedure to be followed where a child from another province, placed for adoption in the province, is hospitalized.

POLICY:

1. The *Provincial/Territorial Protocol on Children, Youth and Families Moving Between Provinces and Territories* shall be followed where a child in the custody of another province is placed in the province for adoption.
2. Where a child placed for adoption in this province is hospitalized, the policies and procedures of the child's originating province, related to hospitalization, shall apply.

PROCEDURES:

1. When a child enters the province for adoption and hospitalization is required, the social worker shall notify the child's originating province and seek direction and information related to the monitoring of the child while hospitalized.
2. The supervisor shall be notified by the social worker where a child from another province placed in the province for adoption, has been hospitalized.
3. The supervisor shall notify the provincial director where a child placed for adoption in the province has been hospitalized.
4. The social worker shall maintain regular contact with the hospital to monitor the progress of the child.
5. The social worker shall provide updates as to the progress of the child to the child's originating province and supervisor.
6. The social worker shall be advised of the discharge plan of the child to ensure that the prospective adoptive parent(s) is equipped to respond to any on-going needs

of the child. The social worker shall notify the provincial director and the child's originating province of the discharge plan.

EXCEPTIONS TO POLICY: Dependent on the child's originating province.

RELEVANT DOCUMENTS:

- *Provincial/Territorial Protocol on Children, Youth and Families Moving Between Provinces and Territories (Appendix A)*

INTERPROVINCIAL: POST PLACEMENT PERIOD FOR CHILDREN ENTERING THE PROVINCE

Policy no.: 9.14

Effective Date: June 30, 2014

Date Revised: March 22, 2018

Policy Cross References: Placement of Children for Adoption; Post Placement Period; Interprovincial Adoption: Finalization for Children Entering the Province; Interprovincial Adoption: Placement Disruption

Legislative References: s.27 Who may apply to court; s.28 Required Documents

PURPOSE: To outline the procedures to be followed during the post placement period for children entering the province for adoption.

POLICY:

1. The *Provincial/Territorial Protocol on Children, Youth and Families Moving Between Province and Territories* shall be followed for post placement reporting.
2. When a child is being placed for adoption in the province, post placement procedures must be completed according to *Placement of Children for Adoption: Post Placement Period* policy and procedures.
3. A social worker must complete **the** *Post Placement Report* form at the end of **1st, 3rd and 6th** month of a child being placed with the prospective adoptive parent(s).
4. Where a child is **not** in the custody of another province, monthly visits by the social worker **must** occur until the final *Post Placement Report* form is completed.

PROCEDURES:

1. A social worker shall follow the requirements outlined in *Children Available for Adoption: Post Placement Period* policy and procedures.
2. Where the child is in the custody of another province a social worker shall have, at minimum, **one in person contact per month** with each child in the adoption placement until finalization of the adoption. The social worker must observe the child at each home visit and privately interview the child depending on the child's age and developmental level.

3. Where a child is **not** in the custody of another province a social worker shall have, at minimum, **one private in-person contact per month** with each child in an adoption placement until the final Post Placement Report is completed. The social worker must observe the child at each home visit and privately interview the child depending on the child's age and developmental level.
4. Where concerns arise in an adoption placement or there are significant adjustment issues there will need to be more frequent visitation and ongoing assessment. Where significant issues are identified that may question the long term stability of the placement, the social worker shall assess the plan and develop a strategy for dealing with the issues. This plan shall be developed in consultation with a supervisor and be provided to the provincial director with a copy to the manager. The provincial director will forward a copy of the plan to the child's originating province for input.
5. The social worker shall forward the *Post Placement Report* form to the supervisor for review.
6. Following review by the supervisor the adoptive family shall review and sign the *Post Placement Report* form.
7. The original report, with the supervisor's recommendation regarding continuation of the adoption placement, shall be forwarded to the provincial director and copied to a manager.
8. Approval of the *Post Placement Report* form is the responsibility of the provincial director.
9. Following the receipt of the **six month** *Post Placement Report* form the social worker must make a written recommendation regarding whether the placement should be finalized in court or a request for an extension of the post placement period should occur.
10. In cases where a social worker has concerns with the continuation of the adoption placement a request to extend the post placement period may be made. A post placement period may be extended for a maximum of **three months** by the provincial director. Following that time a decision must be reached regarding the suitability of the placement. In cases where an extension is being recommended the social worker shall include in the recommendation:
 - a) an assessment of the issue(s);
 - b) a plan for resolving the issue(s);
 - c) the child's views and wishes regarding the placement, where age and developmentally appropriate

11. Where a **three month** extension has been approved the provincial director shall notify the child's originating province of the extension.
12. Where a **three month** extension has been approved by the provincial director it is not always necessary to wait the full three months to make a recommendation regarding the placement and finalization.
13. The provincial director shall provide copies of all Post Placements Reports to the child's originating province.
14. The provincial director must approve the recommendation to finalize or discontinue an Interprovincial adoption placement.
15. The provincial director shall notify the child's originating province of the intent to finalize or discontinue the adoption placement.
16. Where a decision has been made to finalize the adoption, refer to ***Interprovincial: Finalization for Children Entering the Province*** policy and procedures.
17. In the case where a decision has been made to end the adoption placement, refer to ***Interprovincial: Placement Disruption*** policy and procedures.

EXCEPTIONS TO POLICY: Dependent on the child's originating province requirements.

RELEVANT DOCUMENTS:

- ***Provincial/Territorial Protocol on Children, Youth and Families Moving Between Province and Territories (Appendix A)***
- ***Post Placement Report***

INTERPROVINCIAL: POST PLACEMENT PERIOD FOR CHILDREN LEAVING THE PROVINCE

Policy no.: 9.15

Effective Date: June 30, 2014

Date Revised: July 12, 2016

Policy Cross References: Post Placement Period

Legislative References

PURPOSE: To outline the procedures to be followed during the post placement period for a child leaving the province for adoption.

POLICY:

1. The *Provincial/Territorial Protocol on Children, Youth and Families Moving Between Provinces and Territories* shall be followed for post placement reporting.
2. Where a child in the continuous or voluntary custody of a manager leaves the province for adoption *Children Available for Adoption: Post Placement Period* policy and procedures shall apply.
3. At the end of the post placement period the receiving province shall make a recommendation regarding finalization of the adoption placement to the provincial director.

PROCEDURES:

1. Where a child in the custody of a manager leaves the province for adoption, *Children Available for Adoption: Post Placement Period* policy and procedures shall apply.
2. Where a child in the custody of a manager has been placed in another province for adoption the social worker shall request the assistance of the receiving province for the post placement period.
3. The social worker shall ensure that the receiving province is aware of the post placement requirements outlined in *Children Available for Adoption: Post Placement Period* policy and procedures including:

- a) a social worker must have at minimum **one in person private contact per month** with each child in the adoptive family until finalization of the adoption;
 - b) a social worker must have at minimum **one in person home visit per month** with all adoptive parents during the post placement period;
 - c) a social worker shall complete a written report **titled** Post Placement Report at the end of the **1st, 3rd, and 6th month** of a child being placed with the prospective adoptive parent(s);
 - d) a social worker in the receiving province shall make a recommendation regarding the finalization of the adoption to a social worker in this province.
4. Where the receiving province does not use the *PRIDE* model, the social worker must request the completion of a narrative Post Placement Report which would include the following:
- a) dates of visits and who was present;
 - b) an assessment of the adjustment of the child and adoptive parent(s) to the adoption placement;
 - c) whether an attachment between the child and adoptive parent (s) appears to be developing;
 - d) the child's progress in school or daycare, where applicable;
 - e) whether the family has managed to deal with any concerns or issues that may have occurred;
 - f) an assessment of the adoptive parent's ability to meet the developmental needs of the child;
 - g) a recommendation regarding the suitability of continued placement of the child with the adoptive parent(s).
5. The social worker in the receiving province must forward all completed Post Placement Reports to the provincial director. The provincial director will provide copies of the Post Placement Reports to the manager for approval.
6. The manager shall make the final decision regarding the continued placement of the child.
7. The manager shall make the final decision to finalize an adoption. The manager's written approval for finalization must be forwarded to the provincial director. The provincial director shall notify the receiving province of the decision to finalize.
8. A copy of all Post Placement Reports shall be placed on the adoption file.

EXCEPTIONS TO POLICY: None

RELEVANT DOCUMENTS:

- *Provincial/Territorial Protocol on Children, Youth and Families Moving Between Provinces and Territories (Appendix A)*

INTERPROVINCIAL: FINALIZATION FOR CHILDREN ENTERING THE PROVINCE

Policy no.: 9.16

Effective Date: June 30, 2014

Date Revised:

Policy Cross References: Finalization Process

Legislative References: s.27 Who may apply to the court; s28 Required documents

PURPOSE: To outline requirements for finalization of Interprovincial adoptions for children entering the province for adoption.

POLICY:

1. A social worker must make a written recommendation regarding finalization following the end of a **six month** post placement.
2. A child must have resided with the applicant for at least **six months** prior to applying to the court for an *Adoption Order*.

PROCEDURES:

1. Following the post placement period the social worker shall complete a written recommendation regarding whether the placement should be finalized. The recommendation shall be included in the completion of the final Post Placement Report. The supervisor shall forward the report to the provincial director with a copy to the manager.
2. Where the social worker is recommending finalization of the adoption, an *Application for Adoption Order* must be completed and accompany the final Post Placement Report. The *Adoption Order* will reflect the child's new name and the adoptive parent's names as stated on the application. This information will be included on the child's new birth certificate, therefore, it is important to ensure accurate information (i.e. spelling of names) on the application. The child's former surname should **not** appear on the application, unless the child is maintaining their surname following finalization. The adoptive mother's maiden name, if applicable, shall also be stated on the application for birth registration procedures.
3. The provincial director makes the decision regarding proceeding to finalization of the adoption.

4. The provincial director shall notify the child's originating province of the intent to finalize the adoption.
5. A child 12 years of age or older must provide consent to the adoption and a change of name by completing a *Consent of Child* form. The social worker must explain to the child that he/she can consent to the adoption without consent to their change of name. All implications of the decision must be explored with the child to enable him/her to give informed consent. In situations where the child does not have to consent to the name change, but is between ages 5 to 11 years, the issue of name change will be assessed in a written views and wishes report which is submitted to the court.
6. A child 12 years of age or older who has consented to his/her adoption may revoke his/her consent **at any time** before an *Adoption Order* is made by notifying the social worker verbally or in writing. A social worker must obtain a revocation of consent by having the child complete the *Child's Revocation of Consent to Adoption*. Following the revoking of consent the social worker must notify the supervisor in writing of the child's decision. A copy shall be forwarded to the provincial director and manager.
7. A social worker must complete an *Affidavit Re: Counselling Child Under Age 12 on Change of Name and Effects of Adoption* for all children over age 5 years and under age 12 years being proposed for adoption.
8. A social worker must complete an *Affidavit Re: Counselling Child Aged 12 and Older on Change of Name and Effects of Adoption* for all children 12 years of age or older being proposed for adoption.
9. Following the receipt of all documentation required for court from the child's originating province and this province, the provincial director shall prepare the *Provincial Director's Certificate*. A *Provincial Director's Certificate* cannot be issued until all required documentation has been received.
10. The provincial director will prepare the original documentation for court and forward it to the manager for presentation to court.
11. Once all required documentation has been received, the social worker shall ensure that the documents that support the adoption are filed with the court at minimum **two days** prior to the hearing. A copy of all documents submitted to the court must be retained for the file.
12. When a court date for finalization is obtained, the social worker must immediately advise the adoptive parent(s).
13. Following review of the information by the court, where a judge requests a manager or adoption agency to inquire into a matter related to an *Application for*

- Adoption Order*, the manager or social worker must comply regardless of the type of adoption. The report back to the court will be completed in a manner specified by the court.
14. Upon request by the court, a manager may provide a recommendation to the court on issues related to the adoption, for example access issues. This can be done by filing an affidavit with the court or appearing in court to give the evidence.
 15. The social worker must be present for the court hearing along with the adoptive parent(s).
 16. When an *Adoption Order* is granted, the court will forward a certified copy to the provincial director and a certified copy to the Registrar of Vital Statistics.
 17. The Registrar of Vital Statistics will forward a copy of the *Adoption Order* to the Registrar of Vital Statistics in the province in which the child was born. The child's birth record will then be changed to reflect the information on the *Adoption Order*.
 18. When an *Adoption Order* is granted, the adoptive parents shall be notified that the provincial director will provide them with **two certified copies** of the *Adoption Order* with the child's birth surname removed, once received from the court.
 19. The adoptive parent(s) shall be notified, in writing that these documents should be kept in a secure location as they may be needed in the future for information purposes. Obtaining additional certified copies of the order may be difficult as they are sealed with the court and vaulted with the provincial director. When the family receives the orders, they may apply to Vital Statistics for the child's new birth certificate in the province in which the child was born.
 20. The provincial director will notify the child's originating province, in writing, when the adoption is granted.
 21. A copy of the *Adoption Order* and any additional documentation required by the child's originating province shall be forwarded to the child's originating province within **thirty days** of the *Adoption Order* being granted.

EXCEPTIONS TO POLICY: Depending on the child's originating province/territory.

RELEVANT DOCUMENTS:

- *Provincial Director's Certificate*

- *Application for Adoption Order*
- *Adoption Order*
- *Affidavit Re: Counselling Child Under Age 12 on Change of Name and Effects of Adoption*
- *Affidavit Re: Counselling Child Age 12 and Older on Change of Name and Effects of Adoption*
- *Child's Revocation of Consent to Adoption*

INTERPROVINCIAL: FINALIZATION FOR CHILDREN LEAVING THE PROVINCE

Policy no.: 9.17

Effective Date: June 30, 2014

Date Revised:

Policy Cross References:

Legislative References:

PURPOSE: To outline requirements for finalization of Interprovincial adoptions for children leaving the province for adoption.

POLICY:

1. Finalization of an adoption for a child leaving the province shall be in accordance with policy of the receiving province.
2. A social worker in the receiving province must make a written recommendation to the provincial director regarding finalization following the end of the post placement period.
3. The provincial director shall provide the receiving province with the required original consent(s) to adoption.
4. The provincial director shall provide the receiving province with any other documents required to finalize the adoption.

PROCEDURES:

1. Finalization of an adoption of a child placed in another province shall be in accordance with the receiving province's policies and procedures.
2. The receiving province shall forward a written recommendation to the provincial director regarding finalization following the post placement period.
3. Once a manager has approved the finalization of the adoption, the provincial director will notify the receiving province of the approval.
4. The receiving province shall notify the provincial director, in writing, when the adoption has been finalized.
5. The receiving province shall provide a copy of the Adoption Order to the provincial director within **thirty days** of the Adoption Order being granted.

EXCEPTIONS TO POLICY: Dependent on the requirements of the receiving province.

RELEVANT DOCUMENTS: None

INTERPROVINCIAL: PLACEMENT DISRUPTION OF CHILDREN ENTERING THE PROVINCE

Policy no.: 9.18

Effective Date: June 30, 2014

Date Revised: July 12, 2016

Policy Cross References: Adoption Disruption; Adoption Investigation

Legislative References:

PURPOSE: To outline the process to be followed where consideration is being given to the termination of an adoption placement of a child who entered the province for adoption prior to the granting of an *Adoption Order*.

POLICY:

1. The *Provincial/Territorial Protocol on Children, Youth and Families Moving Between Provinces and Territories* shall be followed when an adoption placement disruption occurs.
2. An adoption disruption can occur at any time **prior** to the granting of an *Adoption Order*.
3. All allegations of maltreatment in an adoption placement shall be assessed in accordance with *Adoption Investigations* policy and procedures.
4. The supervisor shall immediately advise the provincial director and manager of any concerns which could result in a disruption during an adoption placement.
5. The provincial director shall consult with the child's originating province if an adoption disruption is being considered.

PROCEDURES:

1. All Interprovincial adoption disruptions shall be assessed in accordance with *Adoption Disruption* policy and procedures.
2. The supervisor shall notify the provincial director and manager immediately if an adoption placement disruption is being considered prior to finalization of the adoption.

3. The provincial director shall notify the child's originating province of any placement disruption being considered prior to finalization.
4. The provincial director shall, after consultation with the supervisor and the child's originating province, make the final decision regarding the continued placement of the child.
5. In cases where a decision is made to discontinue the placement the social worker shall notify the adoptive applicant(s) and the child, where age and developmentally appropriate, in person. The provincial director shall provide written confirmation of the decision to the adoptive applicant(s) as soon as possible after the in person meeting with a copy to the supervisor and manager.
6. When an adoption placement is disrupted prior to finalization the provincial director and the child's province will negotiate a plan of care that is in the best interest of the child.
7. Where a child is in the custody of another province, placement decisions regarding the child will be made in accordance with the ***Provincial/Territorial Protocol on Children, Youth and Families Moving Between Provinces and Territories***.
8. Where a child is **not** in the custody of another province and an adoption placement is disrupted the provincial director shall consult with the child's originating province regarding placement decisions for the child.
9. A decision regarding the continued approval of the prospective adoptive parent's file will be made by the provincial director.
10. In cases where the decision is made to continue with the placement the social worker shall notify the prospective adoptive parent(s) in person of this decision. If the placement continues but there is a conditional approval, the prospective adoptive parent(s) shall agree to the conditions as part of the continued approval and the conditions shall be documented in the prospective adoptive parent's file and monitored as part of the ongoing work with the family. The provincial director shall provide written confirmation of the decision to the prospective adoptive parent(s) as soon as possible after the in person meeting with a copy to the supervisor and manager.
11. In cases where conditions were outlined, the final *Post Placement Report* shall include the specifics as to how the issues were resolved and be forwarded to the provincial director by the supervisor, with a copy to the manager.

EXCEPTIONS TO POLICY: None

RELEVANT DOCUMENTS:

- *Provincial/Territorial Protocol on Children, Youth and Families Moving Between Provinces and Territories (Appendix A)*
- *Adoption Order*

INTERPROVINCIAL: PLACEMENT DISRUPTION OF CHILDREN LEAVING THE PROVINCE

Policy no.: 9.19

Effective Date: June 30, 2014

Date Revised: July 12, 2016

Policy Cross References: Services to Birth Parents

Legislative References:

PURPOSE: To outline the process to be followed where consideration is being given to the termination of an adoption placement of a child placed for adoption in another province.

POLICY:

1. The *Provincial or Territorial Protocol on Children, Youth and Families Moving Between Provinces and Territories* shall be followed when an adoption disruption occurs.
2. The provincial director shall be notified immediately of any concerns which may result in an adoption disruption of a child from this province placed in another province.
3. An adoption disruption can occur at any time **prior** to the granting of an adoption order.

PROCEDURES:

1. The receiving province shall notify the provincial director immediately of any concerns which may result in an adoption disruption of a child from this province placed for adoption in another province.
2. The provincial director shall notify the supervisor and manager immediately of any concerns which may result in an adoption disruption of a child from this province in another province.
3. The provincial director will request that the receiving province complete and forward to the provincial director a written report that must include but is not limited to:
 - a) a description of the identified concern and any previous concerns;
 - b) a summary of interviews completed, observations and findings;
 - c) a summary of files/information reviewed to assess the concerns;

- d) an assessment of information gathered pertaining to the identified concerns;
 - e) an assessment of the ability of the prospective adoptive parent(s) to continue to meet the five *PRIDE* competencies;
 - f) supportive services offered to the prospective adoptive parent(s) to address the identified concerns;
 - g) an assessment and recommendations regarding the placement and a plan for addressing the identified concerns or discontinuation of the placement of the child; and
 - h) the outcome of any services offered in addressing the issue of concern.
4. The written report shall identify all interviews completed. This would include private interviews with the child and prospective adoptive parent(s) and interviews with other persons who may have information which will assist in assessing the concerns identified (such as other children, youth and adults living in the home, social workers who have been involved with the family in the past, and other professionals working with the child).
5. The provincial director shall share the investigation report with the supervisor and manager immediately upon receipt of the report.
6. The manager shall make the final decision regarding the continued placement of the child.
7. Where the decision is made to disrupt an adoption placement the receiving province will notify the adoptive applicant(s) and child, where age and developmentally appropriate, in person, of the decision. The receiving province shall provide written notification of the decision to the adoptive applicant(s) with a copy to the provincial director.
8. Where an adoption placement is disrupted the receiving province and the provincial director, in consultation with the manager, shall negotiate a plan of care that is in the best interests of the child and make any placement decisions according to the *Provincial/ Territorial Protocol on Children, Youth and Families Moving Between Provinces and Territories*.
9. Where a child was placed as the result of a direct placement in another province for adoption and the adoption placement is disrupted the social worker shall notify the birth parent(s) **immediately** of the decision. The birth parent(s) shall be given the opportunity to develop a new plan on behalf of their child. For information related to birth parent placement options see *Services to Birth Parents* policy and procedures.

EXCEPTIONS TO POLICY: None

RELEVANT DOCUMENTS:

- *Provincial/Territorial Protocol on Children, Youth and Families Moving Between Provinces and Territories (Appendix A)*

INTERPROVINCIAL: ADOPTION INVESTIGATION FOR CHILDREN ENTERING THE PROVINCE

Policy no.: 9.20

Effective Date: June 30, 2014

Date Revised: March 22, 2018

Policy Cross References: Adoption Investigation

Legislative References:

PURPOSE: To outline the process to be followed for investigating allegations of maltreatment where a child from another province has been placed in this province for adoption.

POLICY:

1. An adoption investigation can occur any time **prior** to the granting of an *Adoption Order*.
2. The provincial director must be notified immediately by the supervisor of any allegation of maltreatment in an Interprovincial adoption placement.
3. The provincial director shall notify the child's originating province of an adoption investigation.
4. ***Placement of Children for Adoption: Adoption Investigation*** policy and procedures shall be followed for investigating allegations of maltreatment of a child from another province in an adoption placement.

PROCEDURES:

1. All Interprovincial adoption investigations shall be in accordance with ***Placement of Children for Adoption: Adoption Investigation*** policy and procedures.
2. The provincial director must be notified immediately by the supervisor of any Interprovincial adoption investigations prior to finalization of the adoption.
3. The provincial director shall notify the child's originating province of any investigation(s).
4. The *Referral on a Placement Resource* and *Investigation on a Placement Resource*, including a recommendation from the social worker and program supervisors, shall be forwarded to the provincial director **within forty-five days** of commencement of the investigation with a copy to the manager.

5. The provincial director shall, after reviewing the investigation information and recommendation of the social worker and program supervisors,
 - a) consult with the child's originating province;
 - b) make a decision regarding the continuation of the adoption placement;
 - c) make a decision regarding the continued approval of the adoptive parent's adoption file.
6. The social worker shall notify the prospective adoptive parent(s) in person of the outcome of the investigation and the decision regarding the continued placement and approval of their adoption file. The provincial director shall provide written confirmation of the decision to the prospective adoptive parent(s) as soon as possible after the in person meeting with a copy to the supervisor and manager.
7. The provincial director shall advise the child's originating province of the outcome of the investigation and, in consultation with child's originating province, negotiate a plan of care that is in the child's best interest.
8. When a child is in the custody of another province, placement decisions regarding the child will be made in accordance with the ***Provincial/Territorial Protocol on Children, Youth and Families Moving Between Provinces and Territories***.

EXCEPTIONS TO POLICY:

If there are extenuating circumstances that interfere with the completion of an investigation **within the forty-five day** timeframe an extension may be granted with the approval of the provincial director.

RELEVANT DOCUMENTS:

- *Adoption Order*
- *PRIDE Facilitators Manual and Competency Chart*
- *Structured Decision Model (SDM) Manual*
- *Memorandum of Understanding with RNC/RCMP*
- *Provincial/Territorial Protocol on Children, Youth and Families Moving Between Provinces and Territories (Appendix A)*
- *Convention On The Protection Of Children And Co-Operation In Respect Of Intercountry Adoption*
- *Referral on a Placement Resource*
- *Investigation on a Placement Resource*
- *Alternate Care Provider Safety Assessment tool (ACPSA)*

OVERVIEW: ADOPTION SUBSIDY

The adoption subsidy program is intended to provide support to children in the continuous custody of a manager who are identified for adoption and have been determined to have a special service need or special placement need. The primary focus of the program is the child and providing support to that child by ensuring an adoptive applicant has the necessary supports in place. As in all adoptions, the primary responsibility for meeting a child's needs, rests with the prospective adoptive parents.

In order to receive an adoption subsidy:

- the child must be deemed eligible and have an approved *Request to Approve a Child for Adoption Subsidy*;
- the child must be matched with an approved adoptive applicant; and
- the adoptive parent(s) must be deemed eligible to receive adoption subsidy services through the completion of a comprehensive assessment.

Eligibility

In order for a child to receive an adoption subsidy service, the following eligibility criteria must be met:

- the child must be in the continuous custody of a manager and assessed to have a special service need or special placement need that would otherwise prevent adoption if an adoption subsidy was not available;
- the social worker has assessed that the approved adoptive applicant(s) does not have the personal resources to meet the identified need(s) of the child;
- community resources to address the child's needs are not available; and
- securing a placement that has been determined to be in the child's best interests would not be possible without the provision of an adoption subsidy;

Services

The adoption subsidy program allows for a monthly financial care rate and/or support services. **Services should not exceed those available to all children in care as outlined in the *Protection and In Care Policy and Procedures Manual*.**

A monthly financial care rate shall only be considered where:

- the proposed child is part of a sibling group and the recommendation is that the sibling group be placed together. The provision of a monthly financial care rate would reduce financial barriers to adoption;
- the child has an attachment with the proposed adoptive parent i.e. foster parent(s)/significant other/relative **or** the Department has specifically identified an adoptive

parent for the child (for example, the adoptive parent of a birth sibling). The provision of a monthly financial care rate would reduce financial barriers to adoption.

- the child is aboriginal and in order to support a cultural placement, a monthly financial care rate would be necessary to reduce the financial barriers to adoption. Consideration would have to be given to any additional funding sources that may be available to an aboriginal child.

Adoption Subsidy Agreement or Deferred Adoption Subsidy Agreement

In order to receive adoption subsidy services, an *Adoption Subsidy Agreement* or *Deferred Adoption Subsidy Agreement* (where the child has been identified as being at risk for a developmental issue but does not require any services prior to the finalization of the adoption) must be completed and signed by the adoptive applicant **prior to** the granting of an adoption order.

The role of the social worker in determining whether an adoption subsidy agreement should be recommended involves:

- considering the special placement needs of the child through the completion of *A Request to Approve a Child for an Adoption Subsidy*;
- considering the basic cost of raising a sibling group and the number of children the adoptive applicants were approved to adopt;
- assessing the adoptive family's ability to access both private and community based programs for the child;
- determining if the adoption of the child would cause undue financial hardship on the family;
- verifying the income and expenses of the adoptive applicants;
- making a recommendation for approval to a manager of all services required on behalf of a child for the following **twelve months**;
- completing the *Adoption Subsidy Agreement* or *Deferred Adoption Subsidy Agreement* prior to the granting of an adoption order.

Where approved, an *Adoption Subsidy Agreement* may remain in effect until the child's 19th birthday. Where post-secondary education costs have been approved by a manager, an *Adoption Subsidy Agreement* may be provided up to the age of 21 and shall only cover costs associated with post-secondary education. All other services and the financial care rate shall terminate when the child reaches 19 years of age. Costs associated with post-secondary education shall only be considered for a child or youth who is/was in continuous custody and is/was adopted by their foster parent (regular), significant other foster parent(s), or a person that the Department has specifically identified as an adoptive parent for the child (for example, the adoptive parent of a birth sibling).

ADOPTION SUBSIDY: CHILD ELIGIBILITY

Policy no.: 10.2

Effective Date: June 30, 2014

Date Revised: May 30, 2016

Policy Cross References:

Legislative References:

PURPOSE:

To outline the eligibility requirements for a child in continuous custody to be approved for an adoption subsidy.

POLICY:

1. A child must be in the continuous custody of a manager to be eligible for an adoption subsidy.
2. A child in the continuous custody of a manager must be assessed as having medical, physical, developmental, emotional, cultural, and/or placement need(s) that may prevent an adoption if an adoption subsidy is not provided.
3. For a child to receive an adoption subsidy, a *Request to Approve a Child for Adoption Subsidy* and an *Adoption Subsidy Agreement* or a *Deferred Adoption Subsidy Agreement* must be completed and approved by a manager on behalf of a child **prior** to the granting of an Adoption Order.
4. An *Adoption Subsidy Agreement* or *Deferred Adoption Subsidy Agreement* may continue until the adopted child reaches his or her 19th birthday.
5. Where post-secondary education costs have been approved by a manager, an *Adoption Subsidy Agreement* may be provided up to the age of 21 and shall only cover the cost of post-secondary education. All other services and the financial care rate shall terminate when the child reaches 19 years of age.

PROCEDURES:

1. In order to be considered for an adoption subsidy, both the child and the adoptive applicant with whom the child has been matched with must be deemed eligible to receive the service. All children being considered for an adoption subsidy must

- have an approved *Request to Approve a Child for an Adoption Subsidy* prior to assessing an adoptive applicant's eligibility.
2. The adoption subsidy program allows for a monthly financial care rate and/or support services to children in the continuous custody of a manager being considered for adoption. See ***Adoptive Parent(s) Eligibility*** policies and procedures for detailed information on assessing an adoptive parent(s) eligibility for an adoption subsidy.
 3. A child in the continuous custody of a manager may be considered for an adoption subsidy where:
 - a) the child has a special placement need that would otherwise prevent adoption if an adoption subsidy was not available. A special placement need may include one or more of the following:
 - i. medical;
 - ii. physical;
 - iii. developmental;
 - iv. emotional;
 - v. cultural where the proposed adoption placement enables the child to maintain their cultural and community connections; and/or
 - vi. a child is part of a sibling group and placing the siblings together would result in financial strain on an adoptive family without well planned short and/or long term supports;
 - b) the approved adoptive applicant(s) does not have the personal resources to meet the identified need(s) of the child; and
 - c) community resources to address the child's needs are not available; and/or
 - d) securing a placement that has been determined to be in the child's best interests would not be possible without the provision of an adoption subsidy.
 4. To be considered for an adoption subsidy, a social worker shall complete a *Request to Approve a Child for Adoption Subsidy* form. The final decision regarding approval shall be made by a manager.

Request to Approve a Child for an Adoption Subsidy

5. The social worker must complete a comprehensive assessment, using the *Request to Approve a Child for Adoption Subsidy* form for a child in the continuous custody of a manager where an adoption subsidy may be required.
6. A *Request to Approve a Child for Adoption Subsidy* shall be completed at the time the child is being profiled for adoption. The *Request to Approve a Child for Adoption Subsidy* shall include, but is not limited to, the following:

- a) information related to the current medical, physical, developmental, behavioral, emotional, cultural, and/or placement need(s) of the child;
 - b) medical documentation related to a developmental need. For example, the effects of prenatal drug/alcohol use (including any information related to a diagnosis of pFAS, FAS, or FASD);
 - c) medical documentation related to a recognized physical disability that would require special accommodations or equipment for the child;
 - d) information related to a recognized high risk of developing a medical, physical, developmental, behavioral, emotional need due to a child's early life experiences. For example, issues related to abuse, neglect, multiple placements, prenatal drug/alcohol exposure, mental health issues of a birth parent, or any other information deemed relevant;
 - e) information related to current services provided on behalf of the child; and
 - f) supporting documentation from appropriate professionals such as a physician or other medical personnel, social workers, teachers and/or guidance counselors, **must** be included. Consideration shall be given to obtaining service recommendations from an independent party.
7. The *Request to Approve a Child for Adoption Subsidy* **shall not** include any recommendation regarding a monthly financial care rate or future specific support services. The details related to a monthly financial care rate or support services can only be determined once a child has been matched with an adoptive applicant(s) and the adoptive applicant's eligibility has been assessed. The *Request to Approve a Child for Adoption Subsidy* must include information related to previous and current services received on behalf of the child.
8. The completed *Request to Approve a Child for Adoption Subsidy* and all supporting documentation, with the social worker's recommendation, shall be forwarded to a supervisor.
9. The final decision regarding approval of the *Request to Approve a Child for Adoption Subsidy* shall be made by a manager.
10. The approved *Request to Approve a Child for Adoption Subsidy* shall be included in the child's adoption package that is submitted to the provincial director. See ***Children Available*** policy and procedures for all documentation required where adoption is recommended.
11. Where the provincial director matches a child to an approved applicant and an adoption subsidy is being considered, a comprehensive eligibility assessment on an adoptive applicant shall be completed in accordance with ***Adoptive Parent(s) Eligibility*** policy and procedures.
12. Where a child has been assessed as eligible to receive adoption subsidy services but no identified services are required prior to the granting of an adoption order,

the social worker may assess the suitability of an adoptive parent to enter into a *Deferred Adoption Subsidy Agreement* as per the policies and procedures outlined in *Deferred Adoption Subsidy Agreement*.

EXCEPTIONS:

There may be times where a *Request to Approve a Child for Adoption Subsidy* was not completed when the child's adoption package was submitted to the provincial director for matching. This may be due to a service need not being identified at that time. In such circumstances, a social worker may complete a *Request to Approve a Child for Adoption Subsidy* following adoption placement. Approval of the request may be given by a manager at **any time prior** to the granting of an Adoption Order. A copy of all approved *Request to Approve a Child for Adoption Subsidy* shall be forwarded to the provincial director.

RELEVANT DOCUMENTS:

- *Request to Approve a Child for Adoption Subsidy*
- *Adoption Subsidy Agreement*
- *Deferred Adoption Subsidy Agreement*

ADOPTION SUBSIDY: ADOPTIVE PARENT(S) ELIGIBILITY

Policy no.: 10.3

Effective Date: June 30, 2014

Date Revised: March 22, 2018

Policy Cross References:

Legislative References:

PURPOSE: To outline the requirements and process for determining adoption subsidy eligibility on behalf of adoptive parents.

POLICY:

1. Adoptive applicants must be approved **and** be matched with a child **prior** to being assessed for adoption subsidy services.
2. In order to enter into an *Adoption Subsidy Agreement* or *Deferred Adoption Subsidy Agreement* with an adoptive parent, the manager **must have** approved a *Request to Approve a Child for Adoption Subsidy* on behalf of the child.
3. In order to enter into an *Adoption Subsidy Agreement* or *Deferred Adoption Subsidy Agreement* with an adoptive parent, the adoptive parents must be determined eligible through the completion of the *Adoptive Parent(s) Eligibility For an Adoption Subsidy* form.
4. To receive adoption subsidy services, eligible adoptive parents must enter into an *Adoption Subsidy Agreement* or *Deferred Adoption Subsidy Agreement* **prior** to the granting of an Adoption Order.
5. Services negotiated through the adoption subsidy program are directly related to the needs of a child **and** the ability of the prospective adoptive parents to meet those needs.
6. An *Adoption Subsidy Agreement* is valid for **one year** from the time the *Adoptive Parent(s) Eligibility For An Adoption Subsidy* form is approved.
7. A *Deferred Adoption Subsidy Agreement* does not contain adoption subsidy services and is not reviewed annually.
8. An adoption subsidy may continue until the adopted child reaches his or her 19th birthday.

9. Where post-secondary education costs have been approved by a manager, an *Adoption Subsidy Agreement* may be provided up to the age of 21 and shall only cover costs associated with post-secondary education. All other services and the financial care rate will terminate when the child reaches 19 years of age.

PROCEDURES:

Adoptive Parent(s) Assessment

1. Prior to assessing the adoptive parent's eligibility, the identified child must have an approved *Request to Approve a Child for Adoption Subsidy*. See ***Child Eligibility*** policy and procedures for additional information.
2. The primary responsibility for meeting the child's daily needs rests with the adoptive parents. Adoptive parents of a child approved for an adoption subsidy are expected to use their private and/or community resources and assume financial responsibility for the child, except for those services and/or costs that have been negotiated through the adoption subsidy program.
3. Adoptive parents may be assessed for two types of services:
 - a) support services to address the child's medical, physical, developmental, cultural or emotional needs; and/or
 - b) in exceptional cases, a monthly financial care rate.
4. When an adoptive parent(s) has been identified to adopt a child in the continuous custody of a manager **and** the child has an approved *Request to Approve a Child for Adoption Subsidy*, the social worker shall discuss with the family whether the following subsidized adoption benefits are necessary:

Monthly Financial Care Rate

5. A monthly financial care rate is the amount equivalent to the basic foster care rate as outlined in the ***Basic Foster Care Rate*** policy of the ***Protection and In Care Policy and Procedures Manual*** to cover the daily costs associated with raising a child. It is intended to reduce the financial barriers to adoption. The financial care rate covers the following:
 - a) food, shelter and clothing;
 - b) personal hygiene needs;
 - c) fees for lessons, programming and extra-curricular activities;
 - d) routine babysitting;
 - e) school supplies and field trips;
 - f) non-prescription medications; etc.
6. A financial care rate shall only be considered where:
 - a) the proposed child is part of a sibling group and the recommendation is that the sibling group be placed together;

- b) the child has an attachment with the proposed adoptive parent. For example a foster parent(s), a significant other, a relative **or** a person that the Department has specifically identified as an adoptive parent for the child (for example, the adoptive parent of a birth sibling).
 - c) the child is aboriginal and in order to support a cultural or community placement, a monthly financial care rate would be necessary. Consideration would have to be given to any additional funding sources that may be available to an aboriginal child.
7. An approved adoptive applicant is expected to provide for the daily costs associated with raising a child. Prior to approval of the financial care rate, consideration must be given to the number of children the applicant has requested to adopt and the number of children recommended for adoption by the social worker.
8. In order to consider a monthly financial care rate for a sibling group adoption, the social worker must discuss with the adoptive parents their ability to provide for the daily financial care of the sibling group;
9. A social worker may recommend adoptive parents receive a monthly financial care rate where a financial barrier to adoption exists. Consideration may be given in one or both of the following circumstances:
- a) where **two or more** children have been presented to an applicant from the provincial adoption list. The adoptive parents are not eligible for a monthly financial care rate for the first child in a sibling group as their initial assessment should have determined that they had the financial ability to provide for the daily needs of at least one child. Consideration must be given to the number of children the adoptive parent(s) applied to and was approved to adopt;
 - b) where the adoptive parents are foster parents, significant others, relatives to the child **or** someone specifically identified by the Department as the adoptive parent for the child (for example, the adoptive parent of a birth sibling). The adoptive parents are eligible for a monthly financial care rate on behalf of each child;

The social worker must consult with a supervisor to determine whether the family should be assessed for a monthly financial care rate.

10. Where it is determined that a monthly financial care rate is being considered, the social worker must complete an updated financial assessment on behalf of the adoptive parents. This assessment shall include a financial assessment incorporating the following:

- a) completion of the *Adoptive Parent's Budget Analysis* form and the change in finances that may occur following the placement of the sibling group. This will assist in assessing any financial hardship that may be incurred following placement. Information provided on the form shall be verified by the social worker;
- b) information related to the adoptive parent's views on their ability to meet the financial needs of the proposed sibling group;
- c) any other information deemed necessary to assess the adoptive parent's ability to meet the needs of the proposed sibling group.

Information related to the financial assessment shall be included on the *Adoptive Parent(s) Eligibility For An Adoption Subsidy* form.

11. The in care **level fee** payment **is not available** to adoptive applicants from the approved adoptive applicant waitlist. The equivalent of the level fee, as outlined in the *Level Fee* policy and procedures of the *Protection and In Care Policy and Procedures Manual*, may only be considered for foster parents who were receiving the level fee as approved foster parents **and** where consideration has been given to the following criteria:

- a) the child has a diagnosis (for example, pFAS, FASD, Autism);
- b) the age of the child;
- c) the length of the placement;
- d) whether the child is part of a larger sibling group;
- e) cultural connections;
- f) the level of parenting skill required to meet the needs of the child; and
- g) not providing the level fee would be a financial barrier to an adoption.

In exceptional circumstances, any other considerations for payment of the level fee in a foster parent adoption require the approval of the Assistant Deputy Minister, Service Delivery and Regional Operations (ADM).

12. Foster parents or adoptive applicants from the approved adoption list **are not eligible** for **block funding**, as per the *Block Funding* policy and procedures of the *Protection and In Care Policy and Procedures Manual* but are entitled to the same benefits of other adoptive parents including the Canada Child Tax Benefit (CCTB), Population Growth Benefit, and/or the Child Disability Benefit (CDB).

Support Services

13. Support services may be considered where the child has an approved *Request to Approve a Child for Adoption Subsidy* **prior** to the granting of an Adoption Order. See *Child Eligibility* for policy and procedures.
14. The services and rates for services approved on behalf of a child shall not exceed those for children in care as outlined in the *Protection and In Care Policy and Procedures Manual*.

15. The social worker shall discuss the family's ability to pay for and/or access services through their personal insurance and public programs prior to recommending fee for service. Adoption subsidy support services may include the following:

Medical services, special items or equipment that is required to meet an identified medical or special need

16. When a medical service (for example speech or occupational therapy, audiology services), special item or equipment is required, the social worker shall work with the adoptive parent(s) to explore their private insurance coverage and available public resources. The social worker must also explore any service the child may be eligible to receive due to having aboriginal status.
17. Where all private and public programs have been explored and are unavailable, or where the social worker has assessed that there are exceptional circumstances and the child is unable to wait for public supports, the social worker may recommend approval of the service to a supervisor. Supporting documentation from a qualified service provider must accompany the request. Consideration shall be given to obtaining recommendations from an independent party.
18. A manager may approve medical services, special items or equipment not to exceed the benefits available to children in care as outlined in the *Financial Services for the Child or Youth* and the *Continuum of Care Benefits Overview* of the *Protection and In Care Policy and Procedures Manual*.

In exceptional circumstances, the Assistant Deputy Minister, Service Delivery and Regional Operations (ADM) may approve services requested in excess of a manager's authority level.

Dental Services-Braces

19. When a corrective dental or orthodontic service is required for a child, the social worker shall work with the adoptive parent(s) to explore their private insurance coverage and available public resources. The social worker must also explore any service the child may be eligible to receive due to them having aboriginal status.
20. Where all private and public programs have been explored but are unavailable or where the social worker has assessed that the child is unable to wait for public supports, the social worker may recommend approval of the service to a supervisor. Supporting documentation from a qualified service provider must accompany the recommendation.
21. A manager may approve dental costs not to exceed the benefits available to children in care as outlined in the *Continuum of Care Benefits Overview* chart in the *Protection and In Care Policy and Procedures Manual*.

Tutoring

22. Where tutoring is required, a recommendation from the child's school must be provided outlining the reason for the request and information related to why the school is unable to meet the academic needs of the child. The social worker shall determine the type of service required to adequately meet the needs of the child (e.g. school tutoring program, a private service, a tutoring program offered through a private center, Homework Havens). The social worker shall explore whether there are educational supports or services offered through the school, another public program/service, or the adoptive parent's private insurance that could meet the child's needs.
23. Where all private and public programs have been explored but are unavailable or where the social worker has assessed that the child is unable to wait for public supports, the social worker may recommend approval of the service to a supervisor. Supporting documentation from a qualified service provider must accompany the request. Service recommendations should also include a recommendation from an independent party, not the person who will be providing the service.
24. A manager may approve tutoring costs not to exceed the benefits available to children in care as outlined in the *Continuum of Care Benefits Overview* chart in the *Protection and In Care Policy and Procedures Manual*.

In exceptional circumstances, the Assistant Deputy Minister, Service Delivery and Regional Operations (ADM) may approve services requested in excess of a manager's authority level.

Child Care

25. Child care is a regularly scheduled arrangement to provide care to a child under the age of 13 years, or in exceptional circumstances for a child 13-15 years of age who is unable to be left unattended due to a special need.
26. Child care is normally the responsibility of an adoptive parent and funding for child care is not provided where child care is used for the sole purpose of parent(s) employment. All adoptive parents are eligible to apply for the child care subsidy program. Information related to the child care subsidy program can be found at <http://www.gov.nl.ca/cyfs/childcare/childcaresubsidy.html>
27. A child may be considered eligible to receive child care services through the adoption subsidy program where:
 - a) child care for pre-school age children **only** is being recommended by a qualified health practitioner in order to meet an identified special need. In these cases, a social worker must assess this request and make a recommendation to a supervisor regarding the need for service. Part of the assessment must involve the social worker exploring the adoptive parents plan for child care following placement as child care would

normally be the responsibility of an adoptive parent. A request may only be considered where the adoptive parents are not utilizing child care for employment purposes;

- b) the child is part of a larger sibling group and the costs associated with child care may be a barrier to adoption. The adoptive parents will not be eligible for child care for the first child as the adoptive applicants initial assessment should have determined that they had the financial ability to provide for the child. Consideration must be given to the number of children the adoptive family was approved to adopt;
- c) it is a foster parent adoption and the child is currently approved for and attending child care; and/or
- d) the child is being adopted by a foster parent(s)/significant other/relative or an adoptive parent specifically identified by the Department (for example, the adoptive parent of a birth sibling) and the cost of child care services would be a barrier to adoption.

28. Where appropriate, a social worker may recommend approval of child care services to a supervisor. Supporting documentation from a qualified service provider must accompany the request.

29. A manager may approve child care costs not to exceed the benefits available to children in care as outlined in the *Continuum of Care Benefits Overview* chart in the *Protection and In Care Policy and Procedures Manual*.

In exceptional circumstances, the Assistant Deputy Minister, Service Delivery and Regional Operations (ADM) may approve services requested in excess of a manager's authority level.

Transportation and Accommodations

30. Transportation and accommodations, by the most economical method, may be considered where required for a child to receive a needed service.

31. Prior to approving transportation and accommodation costs, the social worker must assess the adoptive parent's ability to access their personal resources including private insurance coverage. The social worker must also explore public resources and any service the child may be eligible to receive due to them having aboriginal status. Exploration of all external sources (e.g. MCP, Department of Health and Community Services or Regional Health Authority programs, Advanced Education and Skills programs and services) should also be considered.

32. Transportation costs may be approved for a child in exceptional cases where:

- a) medical transportation is required that would not be considered routine local community travel. This should be assessed based on the purpose, frequency and distance of the travel (e.g. child must attend a specialist appointment; a child has a medical diagnosis that requires several medical appointments outside their community).

- b) an openness agreement, with a person significant to a child, has been determined to be in the best interests of the child **and** travel costs associated with maintaining openness may place hardship on an adoptive family.
- 33. Where the child is aboriginal and where it has been recommended by a social worker that in order to maintain a child's cultural connections, transportation and accommodations would be required.
- 34. Where appropriate, a social worker may recommend approval of transportation and accommodation costs to a supervisor.
- 35. A manager may approve transportation costs not to exceed the benefits available to children in care outlined in the *Continuum of Care Benefits Overview* chart in the *Protection and In Care Policy and Procedures Manual*.
- 36. Where transportation costs have been approved, the cost of meals and/or a hotel stay shall be assessed on a case by case basis and must be approved by a manager.

Counselling

- 37. When counseling is required for a child, the social worker shall work with the adoptive parent(s) to explore available public counselling services and any service the child may be eligible to receive due to them having aboriginal status. In addition, the social worker shall explore the adoptive parent's private insurance to determine whether coverage may exist on behalf of the adopted child.
- 38. Where all public and private programs have been explored but are either unavailable or have a significant waitlist (keeping in mind community standards for waitlists) that would prevent the child from getting required services in a timely fashion, the social worker may recommend the approval of a counselling service to a supervisor. Supporting documentation from a qualified service provider must accompany the request. Consideration shall be given to obtaining a recommendation from an independent party.
- 39. A manager may approve counseling costs and shall not exceed the benefits available to children in care as outlined in the *Continuum of Care Benefits Overview* chart of the *Protection and In Care Policy and Procedures Manual*.

Home Modifications

- 40. To support the placement of a child, the cost of home modifications may be approved to accommodate a child with a disability or other special service or placement need. Where the request is related to a disability or service need, a recommendation from a qualified health practitioner shall accompany the request.

41. When a social worker receives a request for home modifications from an adoptive parent to accommodate a child with a disability or other special service or placement need, the social worker shall consult with a supervisor to determine if the request may be supported. Supporting documentation shall be included with the request. If the supervisor supports the request, the supervisor shall consult with a manager.
42. Where a manager supports the request, the social worker shall advise the adoptive parent(s) to obtain three quotes for the modifications from three certified and registered contractors. All home modification costs must be approved by a manager and shall not exceed the benefits available to children in care as outlined in *Financial Services for the Child or Youth* policy and *Continuum of Care Benefits Overview* chart in the *Protection and In Care Policy and Procedures Manual*.

In exceptional circumstance, the Assistant Deputy Minister, Service Delivery and Regional Operations (ADM) may approve services requested in excess of a manager's authority level.

Respite services, as it applies to the needs of the child being adopted

43. Respite services may be approved in **exceptional** circumstances and is based on the individual needs of the child.
44. The social worker shall consider the following when assessing the need for respite:
 - a) age and developmental abilities/needs of the child;
 - b) number of persons with complex needs residing in the home;
 - c) degree of stress experienced by the adoptive parent(s);
 - d) number of respite hours the adoptive parent(s) is requesting;
 - e) medical considerations of the child;
 - f) dependency of the child in the area of self-help;
 - g) requirement of the child for constant or intensive supervision;
 - h) behavioral difficulties exhibited by the child (e.g. self-abusive, destructive or aggressive behavior); and
 - i) recommendations by all relevant health care/school/other professionals.
45. A manager may approve respite services and that must not to exceed the benefits available to children in care as outlined in *Respite for Foster Parents NOT receiving Block Funding* in the *Protection and In Care Policy and Procedures Manual*.

46. In exceptional circumstance, the Assistant Deputy Minister, Service Delivery and Regional Operations (ADM) may approve services requested in excess of a manager's authority level.

Post-Secondary Education and Career Planning

47. Post-secondary education costs are generally the responsibility of adoptive parents following the granting of an adoption order.
48. Costs associated with post-secondary education shall only be considered for a child or youth who:
- a) is/was in continuous custody; and
 - b) is/was adopted by their foster parent (regular), significant other foster parent(s), or a person that the Department has specifically identified as an adoptive parent for the child (for example, the adoptive parent of a birth sibling); and
 - c) the adoptive parent(s) is eligible for the monthly financial care rate.

All other services and the financial care rate shall terminate when the child reaches 19 years of age.

49. Where a youth may be eligible for alternate forms of financial support (e.g. adoptive parent contribution, RESP, the youth is a member or beneficiary of an Aboriginal organization and is entitled to support through their appropriate Aboriginal government or organization), there is an expectation that the youth access these additional supports prior to seeking funding from the Department. In these cases, the Department may off-set the outstanding financial need upon the approval of a manager.
50. A manager may approve post-secondary education and career planning in accordance with the policies and procedures outlined in ***Post-Secondary Education and Career Planning*** outlined in the ***Protection and In Care Policy and Procedures Manual***. Costs shall **NOT** exceed those available to youth in care.
51. Where post-secondary education costs have been approved by a manager, an *Adoption Subsidy Agreement* may be provided up to the age of 21. All approved adoption subsidy services must be reviewed annually.

Approval for Adoption Subsidy Services

52. The social worker shall complete the *Adoptive Parent(s) Eligibility For An Adoption Subsidy* form outlining all subsidy services requested on behalf of a child. The written report shall include:

- a) the amount associated with a monthly financial care rate, where applicable;
 - b) an itemized list of all requested support services (including number of hours requested, length of time of service, total cost of services for 12 month period, service provider, etc.), where applicable;
 - c) supporting documentation;
 - d) information related to whether the service was previously provided or if it a new service exploration of the adoptive parent's ability to contribute to the service and/or the ability to access public services;
 - e) the social worker's recommendation regarding each identified service.
52. The *Adoptive Parent(s) Eligibility For An Adoption Subsidy* form and all supporting documentation shall be submitted to a supervisor for review and recommendation.
53. The final decision regarding adoption subsidies shall be made by a manager.
54. Once approval for the adoption subsidy services have been obtained, the social worker shall complete an *Adoption Subsidy Agreement* form. The form shall outline the services and costs associated with the services for the following year. See *Adoption Subsidy Agreement* policy and procedures for further information.
55. Once approval has been given by the manager, the social worker shall meet with the adoptive parents to review the *Adoption Subsidy Agreement*. The social worker shall explain the review process and have the adoptive parents sign the *Adoption Subsidy Agreement*.
56. Where a child has an approved *Request to Approve a Child for Adoption Subsidy* but does not require services prior to the granting of an adoption order, the social worker may explore the option of entering into a *Deferred Adoption Subsidy Agreement*. The assessment of the adoptive parent's eligibility for adoption subsidy services is **not** required in order to enter into a *Deferred Adoption Subsidy Agreement*. Eligibility for future services is assessed if requested by the adoptive parent. Please refer to *Deferred Adoption Subsidy Agreement* policies and procedures for further information.

EXCEPTIONS TO POLICY: None

RELEVANT DOCUMENTS:

- *Request to Approve a Child for Adoption Subsidy*
- *Adoption Subsidy Agreement*
- *Deferred Adoption Subsidy Agreement*
- *Adoptive Parent(s) Budget Analysis*
- *Adoptive Parent(s) Eligibility For An Adoption Subsidy*
- *Protection and In Care Policy and Procedures Manual*

ADOPTION SUBSIDY: ADOPTION SUBSIDY AGREEMENTS

Policy no.: 10.4

Effective Date: June 30, 2014

Date Revised: March 22, 2018

Policy Cross References: Child's Eligibility; Adoptive Parent(s) Eligibility

Legislative References:

PURPOSE: To outline the requirements for the completion of an adoption subsidy agreement.

POLICY:

1. Prior to entering into an *Adoption Subsidy Agreement*, a child must have an approved *Request to Approve a Child for Adoption Subsidy* **and** the adoptive parent(s) must be determined as eligible to receive adoption subsidy services.
2. The *Adoptive Parent(s) Eligibility For An Adoption Subsidy* must be approved by a manager prior to the completion of an *Adoption Subsidy Agreement*.
3. An *Adoption Subsidy Agreement* must be approved and signed **prior** to the granting of an Adoption Order.
4. An Adoption Subsidy is valid for **twelve months** from the time the *Adoptive Parent(s) Eligibility For An Adoption Subsidy* is approved.
5. An Adoption subsidy is reviewed annually and may continue until the adopted child reaches his or her 19th birthday.

PROCEDURES:

Adoption Subsidy Agreement

1. An *Adoption Subsidy Agreement* may be completed once a child **and** an adoptive parent have been deemed eligible. All adoption subsidy services must be approved by a manager using the *Adoptive Parent(s) Eligibility For An Adoption Subsidy* form. See *Child Eligibility* and *Adoptive Parent Eligibility* policy and procedures related to assessing adoption subsidy service eligibility.

2. A child must have an approved *Request to Approve a Child for Adoption Subsidy* in order to receive adoption subsidy services. Where a *Request to Approve a Child for Adoption Subsidy* was not previously completed, a social worker may complete it at any time, where deemed appropriate, **prior** to the granting of an Adoption Order where deemed appropriate using the policies and procedures outlined in ***Child Eligibility*** policy and procedures.
3. Once the ***Adoptive Parent(s) Eligibility For An Adoption Subsidy*** has been approved by a manager, the social worker shall complete an *Adoption Subsidy Agreement* form outlining the services and costs associated with each service required for the following **twelve month period**.
4. The social worker shall ensure that all agreements include the following:
 - a) an effective date. An adoption subsidy may begin at the time the *Adoption Subsidy Agreement* is signed and is valid for **twelve months** from the date the ***Adoptive Parent(s) Eligibility For An Adoption Subsidy*** was approved;
 - b) an itemized list of all services required to meet the child's needs for the **twelve month** duration of the agreement and identification of how these services will be obtained. The agreement shall identify how long the services will be required and clearly indicate any cost associated with the service;
 - c) a statement of the actual monthly amount of any financial care rate.
5. A separate *Adoption Subsidy Agreement* must be completed on behalf of each child receiving subsidy services.
6. The social worker shall submit the completed *Adoption Subsidy Agreement* to a supervisor for review and recommendation. The final decision regarding an *Adoption Subsidy Agreement* shall be made by a manager.
7. Once the *Adoption Subsidy Agreement* has been approved by a manager, the social worker shall review the agreement and discuss the approved services and terms of the approval with the adoptive parents. The adoptive parents must sign the agreement acknowledging their acceptance before any funding or services are provided. A signed copy of the *Adoption Subsidy Agreement* shall be provided to the adoptive parents.
8. The social worker must review the following with the prospective adoptive parent(s) at the time the agreement is signed.
 - a) that the adoptive parent will notify the social worker if the child is no longer living in the adoptive home or if the family moves;
 - b) that the parent will notify the social worker if the child's' developmental needs change or the family finances change;
 - c) that the parent will ensure that the child receives the indicated services and is responsible for ensuring that the services are satisfactory in meeting the child's needs;

- d) where a monthly financial care rate has been approved, the monthly amount will not increase in any subsequent reviews;
 - e) benefits are for a pre-determined period only and each agreement must be reviewed at minimum every **twelve months**.
9. Once Approved, the social worker shall complete a *Financial Benefit Request* Form.
10. An *Adoption Subsidy Agreement* may begin at the time of placement of the child in the adoptive home or **any time prior** to the granting of an adoption order. An adoption subsidy program must open on behalf of the child in their anticipated adoptive name.
11. Where an adoptive parent requests a new service or increase in an existing service, prior to the expiry of the agreement, the social worker shall assess the request and complete the *Amendment To An Approved Adoption Subsidy Agreement* form.
12. All changes to approved services and any request for new services may only be approved for the duration of the existing agreement and in keeping with the following:
- a) a new *Adoption Subsidy Agreement* would not be required;
 - b) where the supporting documentation received recommends a service be provided beyond the expiry of the current agreement, this documentation may be used at the time of review of the current *Adoption Subsidy Agreement* if:
 - i. the social worker is recommending the continuation of the service following the review; and
 - ii. the supporting documentation is less than **one year** old at the time of approval.
 - c) all adoption subsidies must be reviewed **annually** according to the policies and procedures outlined in *Adoption Subsidy Review*.
13. The social worker shall submit all documentation with the *Amendment To An Approved Adoption Subsidy Agreement* form to a supervisor. The final decision regarding approval of any change in existing service or new services shall be made by a manager.
14. Once approved, the social worker shall complete a *Financial Benefit Request* form.

EXCEPTIONS: None

RELEVANT DOCUMENTS:

- *Request to Approve a Child for an Adoption Subsidy*
- *Adoption Subsidy Agreement*
- *Adoptive Parent(s) Eligibility For An Adoption Subsidy*
- *Financial Benefit Request*
- *Amendment To An Approved Adoption Subsidy Agreement*

ADOPTION SUBSIDY: DEFERRED ADOPTION SUBSIDY AGREEMENTS

Policy no.: 10.5

Effective Date: June 30, 2014

Date Revised: March 22, 2018

Policy Cross References: Child Eligibility; Adoptive Parent(s) Eligibility

Legislative References:

PURPOSE: To outline the requirements for the completion of a deferred adoption subsidy agreement.

POLICY:

1. Prior to entering into a *Deferred Adoption Subsidy Agreement* with an adoptive parent, the child must have an approved *Request to Approve a Child for Adoption Subsidy*.
2. A *Deferred Adoption Subsidy Agreement* must be completed prior to the granting of an adoption order for a child to receive adoption subsidy services at a later time.
3. A *Deferred Adoption Subsidy Agreement* is valid until the adopted child reaches his or her 19th birthday and is only reviewed at the request of the adoptive parent(s).

PROCEDURES:

Deferred Adoption Subsidy Agreement:

1. A *Deferred Adoption Subsidy Agreement* may be considered for children in continuous custody identified as being at risk of developing developmental needs but at the time of the adoption are not displaying any issue that would warrant the need for support services. These children, however, may require future support services as a result of a history of abuse, neglect, or other maltreatment; exposure to drugs or alcohol prenatally; or a birth parent having an existing genetic condition that may pose a risk to the child's overall health in the future.
2. A *Deferred Adoption Subsidy Agreement* does not contain any service details but enables an adoptive parent(s) to return at a later date to request subsidy service.

3. Prior to discussing the option of a *Deferred Adoption Subsidy Agreement* with an adoptive parent, the social worker shall discuss with a supervisor the suitability of entering into a *Deferred Adoption Subsidy Agreement*.
4. Where a *Request to Approve a Child for Adoption Subsidy* was not previously completed, a social worker may complete it at any time **prior** to the granting of an adoption order where deemed appropriate. See ***Child Eligibility*** for further information.
5. Where a child has an approved *Request to Approve a Child for an Adoption Subsidy*, the need for future adoption subsidy services may be discussed with a proposed adoptive parent at any time following the presentation of the child to them for acceptance.
6. Where considering a *Deferred Adoption Subsidy Agreement*, the social worker shall inform the adoptive parent(s):
 - a) of information related to past services provided on behalf of the child and any anticipated needs the child may have for the future;
 - b) that any future support services may be negotiated following the granting of an adoption order where a *Deferred Adoption Subsidy Agreement* was previously signed and an adoptive parent requests support service;
 - c) that all children in continuous custody being assessed for adoption subsidy support services shall be assessed using the ***Child Eligibility*** criteria;
 - d) that all adoptive parents requesting adoption subsidy support services shall be assessed for eligibility as per the policies and procedures outlined in ***Adoptive Parents Eligibility***;
 - e) that all adoptive parents requesting future adoption subsidy support services are required to complete an updated financial assessment as part of their eligibility assessment;
 - f) that any request for support services shall be accompanied by supporting documentation;
 - g) that all adoptive parents are required to enter into an *Adoption Subsidy Agreement* where they request support services and those services are approved by a manager;
 - h) that all *Adoption Subsidy Agreements* must be approved by a manager and are valid for **twelve months**;
 - i) that all *Adoption Subsidy Agreements* must be reviewed in accordance with the policies and procedures in ***Adoption Subsidy: Review***
7. The social worker shall complete and submit the *Deferred Adoption Subsidy Agreement* along with the approved *Request to Approve a Child for Adoption Subsidy* to a supervisor for review and recommendation. The final decision regarding approval shall be made by a manager.

8. A separate *Deferred Adoption Subsidy Agreement* must be completed on behalf of each child receiving subsidy services.
9. Once the *Deferred Adoption Subsidy Agreement* has been approved by a manager, the social worker shall review the agreement and discuss the terms of the agreement with the adoptive parents. The terms of the agreement include the following:
 - a) that the parent shall notify the social worker if the child is no longer living in the adoptive home or if the family moves;
 - b) that the parent shall notify the social worker if the child's developmental needs change; and
 - c) that a *Deferred Adoption Subsidy Agreement* is not reviewed.
10. The adoptive parents must sign the agreement acknowledging their acceptance. A signed copy of the *Deferred Adoption Subsidy Agreement* shall be provided to the adoptive parents.
11. Where a *Deferred Adoption Subsidy Agreement* has been approved, an adoption subsidy program must open on behalf of the child in their anticipated adoptive name.

Request for Adoption Subsidy Support Services

12. At any time following the granting of an adoption order and prior to the child's 19th birthday, an adoptive parent who completed a *Deferred Adoption Subsidy Agreement* may contact a social worker and request support services on behalf of their child.
13. In determining whether a child requires support services of the adoption subsidy program, the social worker shall assess the child's developmental needs according to policies and procedures in *Child's Eligibility*.
14. All requests for subsidy services must also include an assessment of the adoptive parent's eligibility according to policies and procedures in *Adoptive Parent's Eligibility*.
15. Where both the child and adoptive parents have been deemed eligible and approved by a manager in accordance with the eligibility criteria, the social worker shall complete an *Adoption Subsidy Agreement* according to policies and procedures in *Adoption Subsidy Agreement*. An adoption subsidy is valid for twelve months from the date the *Adoptive Parent(s) Eligibility For An Adoption Subsidy* is approved and is reviewed annually.

EXCEPTIONS: None

RELEVANT DOCUMENTS:

- *Request to Approve a Child for Adoption Subsidy*
- *Adoption Subsidy Agreement*
- *Deferred Adoption Subsidy Agreement**Adoptive Parent(s) Eligibility For An Adoption Subsidy*

ADOPTION SUBSIDY: REVIEW

Policy no.: 10.6

Effective Date: June 30, 2014

Date Revised: March 22, 2018

Policy Cross References:

Legislative References:

PURPOSE: To outline the process for completing an adoption subsidy review.

POLICY:

1. An adoption subsidy must be reviewed **annually**.
2. *Deferred Adoption Subsidy Agreements* are only reviewed at the request of the adoptive parent(s).

PROCEDURES:

1. Where services are provided through the adoption subsidy program, the social worker shall contact the adoptive parents at least **sixty days** prior to the expiry of the *Adoptive Parent(s) Eligibility For An Adoption Subsidy* to begin the review process.
2. The social worker shall meet with the adoptive parent(s) as part of the review process and assess the need for continued adoption subsidy services.
3. The social worker shall complete the *Adoption Subsidy Review* form with a recommendation outlining the support services requested on behalf of the child. Included in the report should be information related to the following:
 - a) detailed information related to any changes in the child's developmental needs. If the child has been diagnosed with a developmental need, related to a pre-existing condition or previously identified risk factors, since the last *Adoption Subsidy Agreement* was completed, information should be obtained from the professional involved in the diagnosis and treatment of the condition;
 - b) any improvements or change in the child's development and the impact of those changes on their need for previously approved support services;
 - c) any changes in the overall composition and personal circumstances of the adoptive parents that may impact their ability to meet the needs of the child;
 - d) an itemized list of all services required to meet the child's needs and identification of how these services will be obtained over the following

- twelve months.** The form shall identify how long the services will be required and clearly indicate any cost associated with the service;
- e) supporting documentation related to any recommended continuation of support services or any request for a new support service; and
 - f) any other information deemed appropriate by the social worker.
4. Where the adoptive parents are receiving a monthly financial care rate, the *Adoptive Parent(s) Eligibility For An Adoption Subsidy* form shall also be included and contain information:
- a) related to the adoptive parents continued need for a financial care rate. Discussions should include how the financial care rate is beneficial in meeting the child's needs and how the rate improves quality of care on behalf of the child. The financial care rate does not increase at the time of a review;
 - b) related to the adoptive parent's views on their ability to meet the financial needs of the child. A new *Adoptive Parent's Budget Analysis* form is not required but may be completed; and
 - c) deemed necessary to assess the family's ability to meet the developmental needs of the child.
5. The social worker shall complete a new *Adoption Subsidy Agreement* form outlining the services and costs associated with each service required for the following **twelve month** period.
6. The social worker shall forward the *Adoption Subsidy Review*, *Adoptive Parent(s) Eligibility For An Adoption Subsidy*, *Adoption Subsidy Agreement* form, and the supporting documentation to the supervisor with their recommendation. The final decision regarding approval shall be made by a manager.
7. Once adoption subsidy services have been approved by a manager, the social worker shall discuss the approved services and terms of the approval with the adoptive parents including:
- a) that the parent will notify the social worker if the child is no longer living in the adoptive home or if the family moves;
 - b) that the parent will notify the social worker if the child's' developmental needs change;
 - c) that the parent will ensure that the child receives the indicated services and is responsible for ensuring that the services are satisfactory;
 - d) benefits are for a pre-determined period only and each adoption subsidy must again be reviewed at minimum every **twelve months.**
8. Where an adoptive parent requests a new service or increase in an existing service, prior to the expiry of an *Adoption Subsidy Agreement*, the policies and procedures outlined in *Adoption Subsidy: Adoption Subsidy Agreements* shall apply.

9. The adoptive parents must review and sign the new *Adoption Subsidy Agreement* acknowledging their acceptance and a signed copy shall be provided to the adoptive parents. The social worker shall place a copy of the *Adoption Subsidy Agreement* on the adoption subsidy file. See policies and procedures outlined in *Adoption Subsidy: Adoption Subsidy Agreements*.
10. Once approved, the social worker shall complete a *Financial Benefit Request* Form.

EXCEPTIONS: None

RELEVANT DOCUMENTS:

- *Adoption Subsidy Agreement*
- *Deferred Adoption Subsidy Agreement*
- *Adoptive Parent(s) Budget Analysis*
- *Adoption Subsidy Review*
- *Adoptive Parent(s) Eligibility For An Adoption Subsidy*
- *Financial Benefit Request*

ADOPTION SUBSIDY: CLOSURE

Policy no.: 10.7

Effective Date: June 30, 2014

Date Revised: May 30, 2016

Policy Cross References:

Legislative References:

PURPOSE:

To outline the process for closing an adoption subsidy service.

POLICY:

1. A supervisor may approve the closure of an adoption subsidy program when:
 - a) the child reaches their 19th birthday;
 - b) the child reaches 21 years of age, where post-secondary education costs were approved by a manager;
 - c) the child begins living permanently with a relative or another person significant to the child;
 - d) the child is living independently;
 - e) custody of the child is transferred to a manager with the Department;
 - f) the family cannot be located;
 - g) the family requests termination;
 - h) an adoption subsidy review indicates services are no longer required;
 - i) the child is deceased.

PROCEDURES:

1. Where an adoptive parent or social worker cancels an *Adoption Subsidy Agreement*, termination of service shall take effect as soon as possible and **within 30 days** of the decision to cancel the agreement.
2. Where an *Adoption Subsidy Agreement* is cancelled, notice of and reasons for the cancellation shall be provided in writing to the adoptive parent(s) either in person or via registered mail.
3. Where adoptive parent(s) request cancellation of the *Adoption Subsidy Agreement*, the social worker shall document the reasons for cancellation in the adoption subsidy file.

4. Where it has been determined that the child does not require services following an adoption subsidy review, the adoptive family may be approved for a *Deferred Adoption Subsidy Agreement* to permit the reinstating of services at a later time. See ***Adoption Subsidy: Deferred Adoption Subsidy*** for policies and procedures.
5. The social worker shall notify financial services of the decision to cancel an *Adoption Subsidy Agreement*.

EXCEPTIONS TO POLICY: None

RELEVANT DOCUMENTS:

- *Adoption Subsidy Agreement*
- *Deferred Adoption Subsidy Agreement*

OVERVIEW: ADOPTION AGENCIES

A person or a corporation may apply to a manager for a license to operate an adoption agency. An adoption agency can be licensed to provide one or more of the following services:

- *PRIDE* Adopt Pre-Service training to prospective adoptive parents;
- Completion of *PRIDE* adoption home assessments;
- Completion of post adoption reports;
- Services to birth parents;
- Intercountry adoption services

Whether the applicant is an individual or a corporation, a manager must be satisfied that ALL requirements of the *Adoption Act, 2013* and the regulations regarding the establishment of an adoption agency have been met. Once a license is issued, the adoption agency must comply with provincial adoption policies and procedures and only provide those services for which it is licensed. Licenses may be issued for a three year period and are **not** transferrable.

Agencies wishing to renew a license shall do so in accordance with the requirements of the *Act* and the regulations regarding renewal. The decision respecting the renewal of a license rests with a manager. ALL persons performing adoption functions and duties on behalf of a licensed adoption agency must:

- be a registered social worker;
- have a minimum of three years' experience as a registered social worker; and
- have supplied satisfactory documents as required in the regulations regarding application.

Where an adoption agency ceases operation, chooses to cancel or suspend its license to operate, or the manager cancels or suspends the adoption agency's license to operate, all adoption agency records must be surrendered, as requested by the manager, in the time frame set forth in the regulations.

Before providing a service, an adoption agency shall advise the client of:

- the process for providing the service, the time involved, the structure of the interviews, the fees to be charged and the method of payment; and
- the adoption agency's arrangements for file storage and security of files and the disposition of records relating to adoptions.

All adoption records shall be forwarded to a manager within thirty days of the adoption agency closing the adoption file.

An adoption agency shall submit to a manager an annual report respecting its activities, including statistical information. An adoption agency shall comply with the *Act* and regulations regarding advertising and promotional material. An adoption agency shall not act for both the prospective adoptive parent and the birth parent of the child who is being adopted.

ADOPTION AGENCIES: APPLICATION AND APPROVAL

Policy no.: 11.2

Effective Date: June 30, 2014

Date Revised: March 22, 2018

Policy Cross References:

Legislative References: s.7 Adoption agency license; s.80 Advertising prohibition

PURPOSE: To outline the requirements and process for applying for and licensing an adoption agency.

POLICY:

1. A manager is responsible for the approval of an adoption agency license.
2. A manager may issue a license to an adoption agency to provide one or more adoption services. An adoption agency may only provide adoption services for which it is licensed.
3. An application for an adoption agency license shall be accompanied by the required documentation and fees.
4. All applicants must be a resident of the province and where the applicant is a corporation, each of the directors and officers must be residents of the province.
5. An adoption agency shall comply with the Adoption Act, 2013; Adoption Regulations, 2014; Adoption Agency Fees Regulations, 2014 and the policies and procedures outlined in the Adoption Policy and Procedures Manual.
6. An adoption agency license is valid for up to **three years** from the date of issue and is **not** transferrable.

PROCEDURES:

License Application Process:

1. All individuals or corporations interested in becoming a licensed adoption agency must submit an *Application for Adoption Agency* form and be a resident of the province.
2. Individuals applying for an adoption agency license must provide the following with the application:

- a) Certificate of Conduct from the Royal Newfoundland Constabulary (RNC) or a certified criminal record check from the Royal Canadian Mounted Police (RCMP);
 - b) three *Adoption Agency Reference Letter* forms;
 - c) *Child Protection Clearance Check*;
 - d) proof that he or she is registered with Newfoundland and Labrador Association of Social Workers and that he or she has worked a minimum of three years as a registered social worker;
 - e) identification of the services for which the agency wishes to be licensed;
 - f) a description of the applicant's file storage and security arrangements including a description of the method to be used to provide back-up files in the event of loss;
 - g) proof of insurance coverage for the adoption agency;
 - h) résumé of the person providing adoption services;
 - i) where the applicant proposes to become an Intercountry adoption agency:
 - i) identification of the countries where the services shall be provided;
 - ii) confirmation of accreditation in the named countries;
 - j) any other information or documentation the manager considers necessary.
3. Corporations applying for an adoption agency license must provide the following with the application:
- a) Certificate of Conduct from the RNC a certified criminal record check from the RCMP for **each** director and officer of the corporation;
 - b) three *Adoption Agency Reference Letter* forms for **each** director and officer of the corporation;
 - c) *Child Protection Clearance Check* for **each** director and officer of the corporation;
 - d) proof of registration with Newfoundland and Labrador Association of Social Workers and proof that he or she has worked a minimum of three years as a registered social worker for any person who will be performing adoption functions and duties on behalf of the adoption agency;
 - e) identification of the services for which the corporation wishes to be licensed;
 - f) a description of the corporation's file storage and security arrangements including a description of the method to be used to provide back-up files in the event of loss;
 - g) proof of insurance coverage for the corporation and its employees;
 - h) résumé of the person(s) providing adoption services;
 - i) where the applicant proposes to become an Intercountry adoption agency:
 - i) identification of the countries where the services shall be provided;
 - ii) confirmation of accreditation in the named countries.
 - j) proof of incorporation;
 - k) a copy of the corporation's articles of incorporation and bylaws;
 - l) the names and addresses of the directors and officers of the corporation, who shall be resident in the province;
 - m) any other information or documentation the manager considers necessary.

4. Where an applicant is applying to provide multiple adoption services, the following fees shall apply:
 - a) non-refundable initial application, \$200;
 - b) processing of application and issue of license for three years, \$300.
5. Where an applicant is applying to provide post placement reports only, the following fees shall apply:
 - a) non-refundable initial application fee, \$100;
 - b) processing of application and issue of license for three years, \$200.
6. An *Application for Adoption Agency* form and the required supporting documentation shall be reviewed by a social worker.

Approval:

7. The social worker shall submit the *Application for Adoption Agency* form and the required supporting documentation to a supervisor with their written recommendation regarding acceptance of the application.
8. Where a supervisor has reviewed and accepted the application, a social worker must complete an on-site visit.
9. During an on-site visit, the social worker shall discuss and document that the applicant has:
 - a) a designated space to be used as an office with a locked door;
 - b) an office properly secured when not in use;
 - c) a locked filing cabinet;
 - d) an adequate file record system and secure mail system;
 - e) a dedicated business line;
 - f) a secure computer, printer, and fax (where applicable);
 - g) a secure document back-up system;
 - h) a file management process;
 - i) completed *PRIDE* Pre-service or has been advised of the requirement to complete *PRIDE* Pre-service **prior** to providing adoption services.
10. Where any of the above requirements have not been met, the social worker shall provide the applicant with an opportunity to ensure the requirements are met prior to recommending approval.
11. The social worker shall also inform the applicant that:
 - a) adoption agencies are required to have an annual on-site inspection completed;

- b) adoption agencies **must** provide a written annual report of all their activities and statistical information;
 - c) a license is valid for **three years** unless a suspension or cancellation occurs;
 - d) a license is **non-transferable**;
 - e) an adoption agency shall only provide those services for which it is licensed;
 - f) an adoption agency shall comply with provincial adoption policies and procedures;
 - g) an adoption agency license shall be displayed in a visible location within the agency;
 - h) an adoption agency cannot act on behalf of both the prospective adoptive parent(s) and the child's birth parent(s);
 - i) any changes to an adoption agency license must be approved by a manager.
12. The social worker shall complete a written assessment incorporating all information obtained during the application and approval process. The assessment shall include an agreed upon plan for the completion of *PRIDE* Pre-service, where applicable. The social worker shall submit the written assessment to a supervisor with their recommendation regarding approval of the adoption agency license.
13. The final decision regarding approval shall be made by the manager. The manager may issue a license allowing for one or more of the following services to be provided by the adoption agency:
- a) *PRIDE* Adopt Pre-Service training to prospective adoptive parents;
 - b) completion of adoption home assessments;
 - c) completion of adoption *Post Adoption Reports*;
 - d) services to birth parents including those outlined in *Services to Birth Parents* policy and procedures;
 - e) intercountry adoption agency services.
14. In a letter to the approved applicant, the manager shall provide written confirmation of:
- a) the approval;
 - b) the specific adoption services to be provided by the adoption agency;
 - c) information related to the agreed upon plan for the completion of *PRIDE* Pre-service, where applicable;
 - d) in the case of a corporation, names of all social workers approved to provide adoption services;
 - e) the requirement of the adoption agency to provide an annual written report of all activities and statistical information; and
 - f) notification that the Department will complete an annual on-site inspection.
15. When an adoption agency has been approved, the license shall be issued by a manager with a copy of the license and the approval letter to the provincial director. A license template shall be provided by the provincial director.

16. If the application is not approved, the social worker shall meet with the applicant in a timely manner to discuss the reasons for the decision. The applicant shall then be advised in writing, by a manager, of the decision with a copy to the provincial director.
17. *CHECKLIST: Adoption Agencies – Corporation Approval* and *CHECKLIST: Adoption Agencies – Individual Approval* outlining the documents required must be completed.

Changes to an Adoption Agency Approval

18. Any request related to a change in an adoption agency license (for example, change in social work staff, officers or directors of the corporation, services provided, location of office, etc.) must be made in writing to a manager.
19. A social worker must assess the request as per the policies and procedures outlined in this section. A written recommendation regarding approval of the request must be submitted to a supervisor.
20. All changes to an adoption agency license must be approved, in writing, by a manager. A new approval letter shall be provided to the adoption agency with a copy to the provincial director.
21. If the changes are not approved, the social worker shall meet with the applicant in a timely manner to discuss the reasons for the decision. The applicant should be advised of the decision, in writing, by the manager, as soon as possible following the meeting, with a copy to the provincial director.
22. If an adoption agency wishes to cease or suspend operations or if concerns arise which may result in the suspension or cancellation of the adoption agency license refer to *Adoption Agencies: Suspension/Cancellation of License*.

EXCEPTIONS TO POLICY: None

RELEVANT DOCUMENTS:

- *Application for Adoption Agency*
- *Adoption Agency Reference Letter*
- *Child, Youth & Family Services Record Check*
- *Adoption Regulations, 2014 and Adoption Agency Fees Regulations, 2014*
- *CHECKLIST: Adoption Agencies – Corporation Approval*
- *CHECKLIST: Adoption Agencies – Individual Approval*

ADOPTION AGENCIES: ANNUAL INSPECTIONS

Policy no.: 11.3

Effective Date: June 30, 2014

Date Revised: March 22, 2018

Policy Cross References:

Legislative References: s.7 Adoption agency license; s. 80 Advertising prohibition

PURPOSE: To outline the requirements and procedures for the completion of a licensed adoption agency annual inspection.

POLICY:

1. Annual inspections **must** be completed for all licensed adoption agencies.
2. A social worker shall have, at minimum, **one annual** on-site visit with all licensed adoption agencies.

PROCEDURES:

1. The manager shall ensure the inspection of all licensed adoption agencies is completed **annually**, or more frequently, where considered necessary.
2. During the annual inspection visit the social worker shall ensure that:
 - a) the adoption agency's license is displayed in a visible location;
 - b) any operational manuals used by the adoption agency are consistent with provincial policies and procedures;
 - c) the adoption agency's insurance policy is being maintained;
 - d) file storage, security and methods to provide back-up files in the event of a loss are in place;
 - e) advertising and promotional material used by the adoption agency is reflective of the service provided and shall not;
 - i. identify persons involved in an adoption or a proposed adoption
 - ii. claim that a particular adoption agency can guarantee adoption placement of a child;
 - iii. claim that an adoption agency can assure an expeditious placement of a child; or
 - iv. claim that the services of any one adoption agency are superior to those of another.
 - f) the adoption agency confirms that only adoption services for which the adoption agency has been licensed are being provided;

- g) where approved to provide services of an intercountry adoption agency, confirmation of the countries where the services shall be provided and confirmation of the agency's accreditation in the named countries is available;
 - h) a copy of the adoption agency's written annual report, including statistical information, has been provided;
 - i) other information/documentation deemed necessary by the social worker is available;
3. The social worker shall ensure that each adoption agency social worker licensed to perform adoption functions and duties has on their personal file current (less than **three years** old):
- a) Criminal Record and Vulnerable Persons checks ;
 - b) three *Adoption Agency Reference Letter* forms ;
 - c) satisfactory *Child, Protection Record Check*;
 - d) proof of current registration with the Newfoundland and Labrador Association of Social Workers;
 - e) proof of **three years'** work experience as a social worker.
4. The adoption agency shall confirm that only the person(s) identified by the adoption agency to provide adoption services are providing these services.
5. The social worker may interview staff of the licensed adoption agency to determine compliance of the adoption agency with the *Act*.
6. A written report with a recommendation by the social worker, shall be completed and forwarded to a supervisor.
7. Approval of the annual inspection shall be made by the manager. The manager shall notify the adoption agency, in writing, if approval of the annual inspection is granted and the license is continued with a copy to the provincial director.
8. Where the manager determines that, as a result of the review completed, certain conditions need to be met by the adoption agency to continue with their license, the manager shall notify the adoption agency in writing. The adoption agency shall be given a period of time, not exceeding **sixty days**, to comply with these conditions. The social worker shall assess whether the conditions have been met and provide a written report to the supervisor for recommendation to the manager.
9. The manager shall decide whether the required conditions have been met and make a decision regarding continuation of the license.
10. In cases where continuation of the license is not recommended or the adoption agency wishes to cease operations, refer to criteria outlined in ***Adoption Agencies: Suspension/Cancellation of License***.

EXCEPTIONS TO POLICY: None

RELEVANT DOCUMENTS:

- *Adoption Regulations, 2014 and Adoption Agency Fees Regulations, 2014*
- *Application for a Child Protection Clearance Check*
- *Checklist for a Child Protection Clearance Check*
- *Adoption Agency Reference Letter*

ADOPTION AGENCIES: LICENSE RENEWAL

Policy no.: 11.4

Effective Date: June 30, 2014

Date Revised: March 22, 2018

Policy Cross References:

Legislative References: **s.7** Adoption agency license; **s.80** Advertising prohibition

PURPOSE: To outline the process and requirements for the renewal of an adoption agency's license.

POLICY:

1. An approved adoption agency license is valid for up to **three years** from the date of issue.
2. At least **sixty days** prior to the expiry date of a license, the adoption agency shall contact the social worker to advise whether the adoption agency wishes to pursue renewal of its license.
3. Renewal of an adoption agency license must meet the requirements outlined in ***Adoption Agency: Application and Approval***.
4. A manager is responsible for the approval of an adoption agency license renewal.

PROCEDURES:

1. At least **sixty** days prior to the expiry of an adoption agency license, the adoption agency shall contact a social worker to begin the adoption agency license renewal process.
2. Where the adoption agency has not contacted a social worker **sixty days** prior to the expiration of the adoption agency's license, a social worker shall contact the adoption agency to determine whether the adoption agency wishes to pursue renewal of its license.
3. When an adoption agency chooses **not** to renew their license it shall notify a manager in writing. The manager shall provide written confirmation of receipt of the notification by the adoption agency, with a copy to the provincial director. The letter shall contain direction regarding adoption records as outlined in ***Adoption Agencies: Records Management***.

4. If the adoption agency wishes to renew their license, the following documentation must be submitted to the social worker:
 - a) an *Application for Adoption Agency* form indicating a request for renewal;
 - b) a statement confirming that the information and documentation provided at the time of initial application for a license, or at the time of last license renewal, has not changed;
 - c) a new Criminal Records and Vulnerable Persons Check;
 - d) a new *Child Protection Clearance Check*;
 - e) the fees for a license to complete all services:
 - i. application for renewal fee of \$50
 - ii. issue of renewal license for three years \$300; or
 - f) the fees for a license to complete only Post Adoption Reports:
 - i. application for renewal \$50
 - ii. issue of renewal license for three years \$200
5. Where the adoption agency is requesting a change to their current license, the policies and procedures outlined in ***Adoption Agencies: Application and Approval*** shall apply.
6. A social worker shall complete an on-site visit as part of the renewal process. During the visit the social worker shall ensure that:
 - a) the adoption agency's license is displayed in a visible location;
 - b) any operational manual used by the licensed adoption agency is consistent with provincial policies and procedures;
 - c) the adoption agency's insurance policy is being maintained;
 - d) file storage, security and methods to provide back-up files in the event of a loss are in place;
 - e) advertising and promotional material used by the adoption agency is reflective of the service provided and shall not:
 - i. identify persons involved in an adoption or a proposed adoption;
 - ii. claim that a particular adoption agency can guarantee adoption placement of a child;
 - iii. claim that an adoption agency can assure an expeditious placement of a child; or
 - iv. claim that the services of any one adoption agency are superior to those of another.
 - f) the adoption agency confirms that the only adoption services for which the adoption agency has been licensed are being provided;
 - g) where approved to provide services of an intercountry adoption agency, confirmation of the countries where the services shall be provided and confirmation of the agency's accreditation in the named countries is available;
 - h) other information/documentation deemed necessary by the social worker is available.

7. Where any of the above requirements have not been met, the social worker shall provide the applicant with an opportunity to ensure the requirements are met prior to recommending renewal of the license.
8. The social worker shall prepare a written report indicating whether:
 - a) all of the required documents, supporting information, and fees have been submitted;
 - b) the adoption agency has complied with all previous licensing conditions;
 - c) the adoption agency has been operating in accordance with the requirements of the *Act*, regulations and conditions of their current license;
 - d) the license has been suspended or cancelled during its term.
9. The social worker shall submit the written report, supporting documentation, and recommendation regarding license renewal to a supervisor.
10. The final decision regarding approval of an adoption agency license renewal shall be made by the manager.
11. In a letter to the adoption agency, the manager shall provide written confirmation of:
 - a) the license renewal;
 - b) the specific adoption services to be provided by the agency;
 - c) in the case of a corporation, names of all social workers approved to provide adoption services;
 - d) the requirement of the adoption agency to provide an annual written report of all activities and statistical information; and
 - e) notification that the Department will complete an annual on-site inspection.
12. When an adoption agency license renewal has been approved, the license shall be issued by a manager with a copy of the license and the renewal letter to the provincial director. A license template shall be provided by the provincial director.
13. If the renewal is not approved, the social worker shall meet with the applicant in a timely manner to discuss the reasons for the decision. The applicant shall then be advised, in writing, by a manager of the decision with a copy to the provincial director.
14. When an adoption agency license renewal is **not** approved, all adoption records shall be returned to the manager in accordance with policies and procedures outlined in ***Adoption Agencies: Records Management***.
15. ***CHECKLIST: Adoption Agencies – Corporation License Renewal*** and ***CHECKLIST: Adoption Agencies – Individual License Renewal*** outlining the documents required must be completed.

EXCEPTIONS TO POLICY: None

RELEVANT DOCUMENTS:

- *Application for Adoption Agency*
- *Adoption Regulations, 2014 and Adoption Agency Fees Regulations, 2014*
- *Child, Youth & Family Services Records Check*
- *CHECKLIST: Adoption Agencies – Corporation License Renewal*
- *CHECKLIST: Adoption Agencies – Individual License Renewal*

ADOPTION AGENCIES: SUSPENSION/CANCELLATION OF LICENSE

Policy no.: 11.5

Effective Date: June 30, 2014

Date Revised:

Policy Cross References:

Legislative References: s.7 Adoption agency license; s.80 Advertising prohibition

PURPOSE: To outline the process for suspending or canceling an adoption agency license.

POLICY:

1. A manager may suspend or cancel an adoption agency license upon the request of the adoption agency.
2. A manager may suspend or cancel an adoption agency license where a manager has cause for concern respecting the operation of the adoption agency.

PROCEDURES:

Agency request for suspension or cancellation

1. Where an adoption agency chooses to suspend or cancel its license the adoption agency shall:
 - a) advise the manager, in writing, that it intends to suspend or cease operations;
 - b) in the case of suspending operations provide an explanation as to why and for how long the agency wishes to suspend operations;
 - c) within 10 days of notification of cancellation or suspension to the manager, forward all adoption records to the manager or another adoption agency, as directed by the manager;
 - d) advise the manager of any client file which needs immediate attention and provide the information necessary to enable the manager to make alternative arrangements for that file;
 - e) advise all active clients, in writing, that the adoption agency's license has been suspended or canceled, with a copy to the manager.
2. The manager shall provide the adoption agency with written confirmation of a suspension or cancellation of its license with a copy to the provincial director.

3. An adoption agency may make a written request to the manager to have the adoption agency's suspension or cancellation lifted.
4. Where consideration is given to lifting the suspension or cancellation, a social worker must complete an on-site visit. During the visit the social worker shall ensure that:
 - a) the adoption agency's license is displayed in a visible location;
 - b) any operational manuals used by the licensed adoption agency are consistent with provincial policies and procedures;
 - c) the adoption agency's insurance policy is being maintained;
 - d) file storage, security and methods to provide back-up files in the event of a loss are in place;
 - e) advertising and promotional material used by the adoption agency is reflective of the service provided and shall not:
 - i. identify persons involved in an adoption or a proposed adoption;
 - ii. claim that a particular adoption agency can guarantee adoption placement of a child;
 - iii. claim that an adoption agency can assure an expeditious placement of a child; or
 - iv. claim that the services of any one adoption agency are superior to those of another.
 - f) the adoption agency confirms that the only adoption services for which the adoption agency has been licensed are being provided;
 - g) where approved to provide services of an intercountry adoption agency, confirmation of the countries where the services shall be provided and confirmation of the agency's accreditation in the named countries is available;
 - h) other information/documentation deemed necessary by the social worker is available.
5. Where any of the above requirements have not been met, the social worker shall provide the applicant with an opportunity to ensure the requirements are met prior to recommending reinstating the license.
6. The social worker shall prepare a written report indicating whether:
 - a) all of the required documents and supporting information meet the requirement for continued approval;
 - b) the adoption agency has indicated compliance with all previous licensing conditions;
 - c) the adoption agency is prepared to operate in accordance with the requirements of the *Act*, regulations and conditions of their current license;
 - d) the circumstances related to the suspension or cancellation of the adoption agency license has been resolved.
7. The social worker shall submit the written report, supporting documentation, and recommendation regarding reinstatement of the license to a supervisor.

8. The final decision regarding reinstatement of the adoption agency license shall be made by a manager.
9. A reinstated adoption agency license shall remain in effect for up to **three years** from the date of the original approval or renewal date.
10. In a letter to the adoption agency, the manager shall provide written confirmation of:
 - a) reinstatement of the license and that the license shall remain in effect for up to **three years** from the date of the original approval or renewal date;
 - b) the specific adoption services to be provided by the agency;
 - c) in the case of a corporation, names of all social workers approved to provide adoption services;
 - d) the requirement of the agency to provide an annual written report of all activities and statistical information; and
 - e) notification that the Department will complete an annual on-site inspection;
11. If the reinstatement is **not** approved, the social worker shall meet with the applicant in a timely manner to discuss the reasons for the decision. The applicant shall then be advised, in writing, by a manager of the decision with a copy to the provincial director.

Manager's suspension or cancellation

12. Where a concern has been identified respecting the operation of an adoption agency, a social worker must consult with a supervisor regarding the nature of the concern and whether an investigation is warranted. Concerns respecting the operation of the adoption agency may include that the agency:
 - a) is not operating in the best interests of adoptive applicants and/or birth parents;
 - b) is not operating in accordance with the *Act*, regulations, policies or procedures, or conditions of its license;
 - c) has made a false statement(s) in the application for, or renewal of, a license;
13. Where a manager has suspended or canceled an adoption agency license as a result of an investigation, a social worker shall meet with the adoption agency to discuss the reasons for the suspension or cancellation of the license. The adoption agency shall be notified, in writing, by the manager as soon as possible following the meeting with a copy to the provincial director.
14. Following the investigation, where an adoption agency has its license suspended or canceled by a manager, the adoption agency **shall**:
 - a) within 10 days of notification of suspension or non-renewal of the license forward all adoption files to the manager or another adoption agency as directed by the manager;

- b) advise the manager of any client file which needs immediate attention and provide the information necessary to enable the manager to make alternative arrangements for that file;
 - c) advise all active clients, in writing, that the adoption agency's license has been suspended or canceled, with a copy to the manager.
15. Where an adoption agency has had its license suspended through an investigation the adoption agency shall be notified, in writing, of any conditions that must be met prior to lifting the license suspension.
16. Where an adoption agency notifies the manager, in writing, that the adoption agency has met the conditions set out during a suspension period, the social worker shall assess that the conditions have been met.
17. The social worker shall prepare a written report, including a recommendation whether a suspension should be lifted, and forward to the supervisor.
18. The final decision regarding cancellation or suspension of the adoption agency license shall be made by the manager.
19. The social worker shall meet with the adoption agency to notify them of the manager's decision. The adoption agency shall be notified, in writing, by the manager as soon as possible following the meeting with a copy to the provincial director.

EXCEPTIONS TO POLICY: None

RELEVANT DOCUMENTS: None

ADOPTION AGENCIES: RECORDS MANAGEMENT

Policy no.: 11.6

Effective Date: June 30, 2014

Date Revised:

Policy Cross References:

Legislative References: s.7 Adoption agency license

PURPOSE: To outline the procedures for management of adoption agency records.

POLICY:

1. Adoption agencies must ensure the security and confidentiality of all adoption records.
2. All closed adoption agency client files must be returned to the provincial director.

PROCEDURES:

1. An adoption agency must ensure that all adoption records are stored in a secure and confidential manner.
2. All adoption agency records shall be forwarded to a manager within thirty days of the agency closing the file.
3. Where an adoption agency license is suspended or cancelled, the adoption agency shall forward all adoption records to a manager or another adoption agency, as directed by a manager, within 10 days of notification of suspension or cancellation.

EXCEPTIONS TO POLICY: None

RELEVANT DOCUMENTS: None

OVERVIEW: OPENNESS

Openness in adoption involves maintaining some degree of contact between adopted children and their birth parents and/or relatives, foster parents, siblings, and other individuals with whom the child has had a significant relationship prior to the adoption. Openness should always be considered when permanency plans are being developed for a child in continuous or voluntary custody. It is critical for the social worker to discuss the concept of openness with any person requesting the placement of their child for adoption. Where the child is in continuous custody, the social worker must make a recommendation regarding the suitability of openness when recommending adoption on behalf of the child.

Openness Agreements may be entered into prior to the granting of an adoption order or after the granting of an adoption order where the adopted person is under 19 years of age and the adoptive parent of the child requests openness. It is important that all parties expressing an interest in openness are advised that:

- entering into an openness agreement is committing to a long term plan which is deemed to be in the best interest of a child;
- openness may not be in the best interest of all parties and, therefore, prior to entering into an openness agreement, the parties should carefully consider the short and long term impact of doing so on themselves and on the child;
- the validity of an adoption is not affected by whether the terms of openness are adhered to by either party; and
- the Department has no responsibility or duty to facilitate compliance with openness.

All parties interested in openness must complete an *Expression of Interest to Enter Into an Openness Agreement*. Where parties agree to openness, an *Openness Agreement* may be negotiated.

Openness Agreements Prior to the Granting of an Adoption Order

Where identified parties have expressed an interest in openness, the social worker may assist them in determining the type of openness that will occur following the granting of an adoption order. Openness may range from direct to indirect contact and may or may not involve utilizing the services of post adoptions to exchange information. The *Openness Agreement* shall outline the terms agreed upon by the parties including the type and frequency of contact.

Openness Agreements Prior to the Granting of an Adoption Order

Where an *Openness Agreement* was not negotiated or entered into prior to the granting of an adoption order, interested parties may register with post adoption services for interest in connecting with an adopted child prior to their 19th birthday. In such cases, an *Openness Agreement* may only be entered into where the adoptive parent of the child requests openness and a matched registration occurs. *Openness Agreements* cannot be entered into after the adopted person turns 19 years of age.

OPENNESS: PRE-ADOPTION OPENNESS AGREEMENTS

Policy no.: 12.2

Effective Date: June 30, 2014

Date Revised:

Policy Cross References: Post Adoption Services

Legislative References: s. 51 Pre-adoption openness agreement

PURPOSE: To outline the procedure for the completion of an openness agreement prior to the granting of an adoption order.

POLICY:

1. An *Openness Agreement* may be made between a prospective adoptive parent of a child and
 - a) a birth parent of the child;
 - b) a relative of the child;
 - c) a person significant to the child;
 - d) a prospective adoptive parent or an adoptive parent of a birth sibling of the child.
2. An *Openness Agreement* can be entered into only after all required consents to adoption have been obtained.
3. A child 12 years of age or older must agree to any *Openness Agreement* negotiated on his/her behalf.
4. In order to enter into an *Openness Agreement*, an *Expression of Interest to Enter Into an Openness Agreement* must be completed and signed by each party.
5. An *Openness Agreement* may remain in effect until the adopted child reaches 19 years of age.

PROCEDURE:

1. Openness recognizes the importance of facilitating communication or maintaining connections. An openness agreement may include direct contact for example face-to-face contact, telephone calls, or indirect contact such as exchange of photos, letters, gifts, yearly updates.
2. Prior to the granting of an adoption order, prospective adoptive parents, adoptive parents, birth parents, relatives and/or significant others may express an interest in post adoption openness by completing an *Expression of Interest to Enter into an Openness Agreement*.

3. An *Expression of Interest to Enter into an Openness Agreement* may be completed only after all required consents to adoption have been obtained.
4. When discussing openness agreements, the social worker must ensure that the parties understand that:
 - a) entering into an openness agreement is committing to a long term plan which is deemed to be in the best interest of a child;
 - b) openness may not be in the best interest of all parties and, therefore, prior to entering into an openness agreement, the parties should carefully consider the short and long term impact of doing so on themselves and on the child;
 - c) any interested party may complete an *Expression of Interest to Enter into an Openness Agreement*. Completing an *Expression of Interest to Enter Into an Openness Agreement* does not guarantee that openness will occur following the granting of an adoption order;
 - d) where one party does not agree to the completing of an *Expression of Interest to Enter Into an Openness Agreement*, openness cannot proceed. In these situations, any completed *Expression of Interest to Enter Into an Openness Agreement* shall be forwarded to post adoption services to be maintained should another party register in the future;
 - e) the social worker will assist in negotiating an openness agreement where more than one party has expressed an interest in openness by completing an *Expression of Interest to Enter Into an Openness Agreement*;
 - f) where the social worker does not support the request for openness or type of contact requested by one party (for example, face to face contact), the social worker must advise the person requesting the openness. This will be shared with the other party and may impact whether or not openness proceeds;
 - g) where a child is in continuous custody, the decision regarding all openness agreements rests with the social worker and supervisor. In cases where openness will not proceed, all signed *Expression of Interest to Enter Into an Openness Agreement* and the social worker's recommendation shall be forwarded to post adoption services.
 - h) the validity of an adoption is not affected by whether the terms of openness are adhered to by either party;
 - i) openness agreements are good faith agreements and there are no legal remedies to enforce conditions that may have been mutually agreed upon by the parties;
5. Where children are 12 years of age or older, they must agree to any *Openness Agreement* negotiated on their behalf. They may choose to complete a separate agreement or sign the agreement completed by their adoptive parent(s).
6. Where a prospective adoptive parent of a child and
 - a) a birth parent,
 - b) a relative of that child,
 - c) a prospective adoptive parent or adoptive parent of a birth sibling of the child, or
 - d) a person significant to the child

have completed an *Expression of Interest to Enter Into an Openness Agreement*, the social worker(s) may assist the parties in arriving at mutually agreed upon details of the *Openness Agreement*.

7. All *Openness Agreements* must **only** reflect the mutually agreed upon conditions. Each party completes a separate agreement as it relates to him/herself. Each agreement shall reflect the name of the child as known to the party completing the agreement.
8. Once the terms of openness (for example type of contact, frequency, etc.) have been determined and outlined in the agreement, the social worker shall submit the *Openness Agreement* and recommendation to a supervisor for approval.
9. Once approved, the social worker must ensure each party signs the *Openness Agreement* that he/she completed. A copy may be provided. The party must **NOT** be provided a copy of the agreement signed by the other party due to concerns of confidentiality.
10. Where not approved, the social worker shall meet with each party and advise them of the decision.
11. Where an *Openness Agreement* indicates direct contact involving the sharing of fully or partially identifying information, each applicant shall complete a *Consent to the Release of Identifying Information* form prior to sharing any identifying information.
12. Where the *Openness Agreement* indicates indirect contact through the exchange of non-identifying information, each party must be informed that the exchange shall be facilitated through Post Adoption Services. The procedures for this exchange of information are outlined in the *Openness Agreement* form.
13. Parties must be informed that any correspondence will be reviewed by a social worker prior to sharing it to ensure no identifying information related to the child or other persons that was not agreed to be shared is released. For example, where openness exists between a grandmother and an adoptive family, information identifying the birth mother shall not be released.
14. The social worker shall advise all parties involved in openness that Post Adoption Services will maintain a file related to all *Openness Agreements* where all exchanges of information will be documented. When the adopted child turns 19 year of age, the contents of the openness file will be vaulted with the adoption file.
15. The sharing of identifying information as indicated by the parties may conclude the file and no follow up with Post Adoption Services is required and all documentation will be vaulted in the child's adoption file.

EXCEPTIONS TO POLICY: None

RELEVANT DOCUMENTS:

- *Expression of Interest to Enter into an Openness Agreement*
- *Openness Agreement*

OPENNESS: POST ADOPTION OPENNESS AGREEMENTS

Policy no.: 12.3

Effective Date: June 30, 2014

Date Revised:

Policy Cross References: Post Adoption Services

Legislative References: s.52 Post adoption openness agreement, s.53 Post adoption exchange of information

PURPOSE: To outline the procedures for the completion of an openness agreement after the granting of an *Adoption Order* and where the adopted child is under 19 years of age.

POLICY:

1. After the granting of an adoption order, the following persons may register with the provincial director to request the completion of an openness agreement:
 - a) the adoptive parent of a child who is under 19 years of age;
 - b) a birth parent of the child;
 - c) a relative of the child;
 - d) a person significant to the child;
 - e) a prospective adoptive parent or an adoptive parent of a birth sibling of the child where the birth sibling is under 19 years of age.
2. In order to enter into an *Openness Agreement* after the granting of an *Adoption Order*, the adoptive parent and one other party must register using the *Post Adoption Application* form with the required supporting documentation as outlined in ***Post Adoption Services: Application and Screening*** policy.
3. A child 12 years of age or older must agree to any *Openness Agreement* negotiated on their behalf.
4. An *Openness Agreement* may remain in effect until the adopted person reaches 19 years of age.

PROCEDURES:

1. Openness recognizes the importance of facilitating communication or maintaining connections. An *Openness Agreement* may include direct contact for example face-to-face contact, telephone calls, or indirect contact such as exchange of photos, letters, gifts, yearly updates.

2. Following the granting of an *Adoption Order*, the adoptive parent of a child under 19 years of age and
 - a) a birth parent of the child;
 - b) a relative of the child;
 - c) a person significant to the child;
 - d) a prospective adoptive parent or an adoptive parent of a birth sibling of the child where the birth sibling is under 19 years old

may register with the provincial director for an *Openness Agreement*. All applicants must submit a *Post Adoption Application* form with the required supporting documentation as outlined in ***Post Adoption Services: Application and Screening*** policy.

3. Prior to assisting eligible persons with an *Openness Agreement*, the social worker shall forward an *Expression of Interest to Enter into an Openness Agreement* form to the applicant for completion. Persons who previously completed an *Expression of Interest to Enter into an Openness Agreement* prior to the granting of an adoption order, will be considered registered with post adoption services.
4. An openness agreement may only occur where there is a matched registration. A matched registration occurs when the adoptive parent of a child under 19 years of age **and**
 - a) the child's birth parent; or
 - b) a birth or adoptive relative of the child; or
 - c) a person significant to the child; or
 - d) a prospective adoptive parent or an adoptive parent of a birth sibling of the childhave registered to enter into an openness agreement.
5. Where the child is 12 or more years of age, he/she must agree to and sign the *Expression of Interest to Enter into an Openness Agreement* form submitted by his/her parents or submit his/her own form.
6. Where two registrations are matched, Post Adoption Services shall contact both parties to ensure they understand that:
 - a) entering into an openness agreement is committing to a long term plan which is deemed to be in the best interest of a child;
 - b) openness may not be in the best interest of all parties and, therefore, prior to entering into an openness agreement, the parties should carefully consider the short and long term impact of doing so on themselves and on the child;
 - c) openness agreements are good faith agreements and there are no legal remedies to enforce conditions that may have been mutually agreed upon by the parties;
 - d) the validity of an adoption is not affected by whether the terms of openness are adhered to by either party; and
 - e) the Department has no responsibility or duty to facilitate compliance with openness.

7. Where registered parties are matched, both must complete an *Openness Agreement* specifying the conditions of the openness as it relates to direct or indirect contact.
8. Post adoption services may assist registered parties in arriving at mutually agreed upon details of the *Openness Agreement*. All *Openness Agreements* must **only** reflect the mutually agreed upon conditions and each party completes a separate agreement as it relates to him/herself. The agreement shall reflect the name of the child as known to the party completing the agreement.
9. Once the terms of openness (for example type of contact, frequency, etc.) have been determined and outlined in the agreement, the social worker shall submit the *Openness Agreement* to the provincial director or designate for approval.
10. Once approved, the social worker must ensure each party signs the *Openness Agreement* they completed and may be provided with a copy. The party must **NOT** be provided a copy of the agreement signed by the other party due to concerns of confidentiality.
11. When an *Openness Agreement* indicates direct contact involving the sharing of fully or partially identifying information, each applicant shall complete a *Consent to the Release of Identifying Information* form. Post adoption services may then share each person's fully or partially identifying information with the other.
12. Where the *Openness Agreement* indicates indirect contact through the exchange of non-identifying information, each party must be informed that the exchange may be facilitated through Post Adoption Services. The procedures for this exchange of information are outlined in the *Openness Agreement* form.
13. Parties must be informed that any correspondence will be reviewed by the social worker to ensure no identifying information related to the child or other persons that was not agreed to be shared is released. For example, where openness exists between a grandmother and an adoptive family, information identifying the birth mother shall not be released.
14. Post Adoptive Services will maintain a file related to all *Openness Agreements* where all exchanges of information will be documented. When the adopted child turns 19 year of age, the contents of the openness file will be vaulted with the adoption file.
15. The sharing of identifying information as indicated by the parties will conclude the file and all documentation will be vaulted in the child's adoption file.

EXCEPTIONS TO POLICY: None

RELEVANT DOCUMENTS:

- *Openness Agreement*
- *Expression of Interest to Enter into an Openness Agreement*
- *Consent to the Release of Identifying Information*
- *Post Adoption Application*

OVERVIEW: POST ADOPTION SERVICES

The *Adoption Act, 2013* recognizes the need for adopted persons and birth family members to obtain identifying and non-identifying information about each other. The *Act* provides the provincial director with the legislative authority to provide search services on behalf of birth parents and persons whose adoptions were finalized in this province and who are at least 19 years of age or older.

Post adoption services include:

1. the provision of *non-identifying summaries* to adopted persons who are 19 years of age or older, a birth mother, and a birth father where paternity has been established;
2. search and reunion services and the negotiation of *openness agreements*;
3. facilitating the sharing of information where an openness agreement exists; and
4. registration of other relatives or significant others for a potential match with the adopted person or birth parent when/if the adopted person or birth parent registers with post adoption services.

The provincial director may also:

1. engage with adoption authorities in other provinces in an information sharing process that will assist the other adoption authority to perform their duties; and
2. disclose identifying or non-identifying information where the disclosure is necessary for the health or safety of an adopted child or person, or where the information will assist an adopted child or adopted person to receive a benefit.

In order to receive search and re-union services under the post adoption services, an adopted person or birth parent must apply and obtain a copy of their relevant adoption documents from Vital Statistics. The exception to this is where an adopted person or birth parent are requesting a non-identifying summary, or where a birth father is not listed on the original birth registration but paternity has been established.

Where an adoption was finalized prior to 2003, the *Adoption Act, 2013* allows an adopted person and a person named as a birth parent on an adopted person's original birth registration to file with Vital Statistics:

1. a *Disclosure Veto* where the person filing the *Veto* does not wish to have their identifying information released. In such cases, Vital Statistics are unable to provide the required documents and post adoptions is unable to complete a search for the person who filed the *Veto*; or
2. a *No Contact Declaration* where the person filing the *Declaration* does not wish to be contacted by the adopted person or birth parent seeking the information. In such cases, vital statistics will release the requested adoption documents but the

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person seeking the documents must sign an undertaking not to contact the person named in the documents. Where a no contact declaration has been filed, post adoption services are unable to provide search and reunion services.

POST ADOPTIONS: FINALIZED ADOPTIONS AND VAULTING

Policy no: 13.2

Effective Date: June 14, 2014

Date Revised: March 22, 2018

Policy Cross References: Finalized adoptions

Legislative References: s. 37 Post adoption information; s. 52 Post adoption openness agreement; s.53 Post adoption exchange of information.

PURPOSE: To outline the requirements to prepare an adoption file for vaulting once an adoption order has been granted.

POLICY:

1. All regional files related to a finalized adoption must be forwarded to post adoption services for vaulting once an adoption order has been granted and received.
2. A *Finalized Adoption Summary* form must be completed on all finalized adoption files.
3. All information related to openness for the child shall be maintained through Post Adoption Services.

PROCEDURES:

1. Following the granting of an *Adoption Order*, the social worker must forward all information related to the adoption to post adoption services for vaulting. This would include all documents that were prepared and presented to the court for finalization. The protective intervention file, in care/custody, and services to birth parents files are maintained in the regional registry. These files should be examined to ensure they do not contain any adoption information identifying the adoptive family or where the child was placed. The exception to this may be in cases where the families' identities are known to one another.
2. Once the file is received by post adoption services, the post adoptions social worker must complete the *Finalized Adoption Summary* form in ISM. This information will be used as the foundation for future requests from adopted persons, adoptive parents, birth parents, relatives and significant persons who apply to post adoption services.
3. Once completed, this form must be printed and added to the physical adoption file to be vaulted.
4. All *Expressions of Interest to Enter into an Openness Agreement* forms and *Openness Agreements* shall be forwarded to post adoption services to be maintained. The policies and procedures outlined in *Post Adoption Services: Openness: Post Adoption Openness Agreements* shall apply.

EXCEPTIONS TO POLICY: None

RELEVANT DOCUMENTS:

- *Finalized Adoption Summary*

POST ADOPTION SERVICES: APPLICATION AND SCREENING

Policy no.: 13.3

Effective Date: June 30, 2014

Date Revised: March 22, 2018

Policy Cross References:

Legislative References: s.52 Post Adoption Openness Agreement, s.53 Post Adoption Exchange of Information, s.54 Disclosure to Adopted Person, s.55 Disclosure to Birth Parent, s. 56 Disclosure Veto and Statement, s.57 No-Contact Declaration and Statement, s.60 Compliance with *Vital Statistics Act, 2009*, s.62 Search and Reunion Services, s.63 Release of Non-identifying Information, s.65 Disclosure in the Interest of Adopted Child or Person, s.66 Contact by Provincial Director

PURPOSE: To outline the procedures and requirements for adopted persons, adoptive parents, birth parents, birth or adopted relatives, and significant others to apply for and receive post adoption services.

POLICY:

1. To receive post adoption services, the adoption must have been finalized in this province under the *Adoption Act, 2013* or a former Act.
2. To receive post adoption services, applicants must be 19 years of age or older.
3. All requests for post adoption services must be submitted to the provincial director.
4. A *Post Adoption Application* may be accepted from a) adopted persons who are 19 years of age or older, b) birth parents, c) birth or adopted relatives d) adoptive parents on behalf of an adopted child under 19 years of age, and e) significant others.

PROCEDURES:

1. During the initial intake call, the social worker shall provide information on the services that are available through the post adoption services program. These include:
 - a) non-identifying summaries that are available to adopted persons who are 19 years of age and older and to birth parents. The social worker shall refer to the *Non-identifying Summary* policy;
 - b) search and reunion services for:
 - i. adopted persons who are 19 years of age and older;
 - ii. birth parents,

- iii. an adult son or daughter or adult grandchild of a deceased adopted person; and/or
- iv. an adult birth sibling of an adopted person where the birth parent of both the sibling and the adopted person is deceased or where the sibling and the adopted person share two birth parents, both birth parents are deceased.

The social worker shall refer to the ***Search and Reunion*** policy;

- c) a search that is required in circumstances affecting a person's health or safety. The social worker shall refer to ***Contact or Disclosure in Compelling Circumstances*** policy; and
- d) the exchange of information. This service is available to adopted persons who are 19 years of age or older, birth parents, birth or adopted relatives, and significant others. The social worker shall refer to the ***Search and Reunion*** policy.
- e) ***Openness Agreements***. This service is available to adoptive parents of children under 19 years of age, birth parents, birth or adopted relatives, and significant others. The social worker shall refer to the ***Openness: Post Adoption Openness Agreements*** policy.

- 2. All persons interested in obtaining post adoption services shall complete a *Post Adoption Application* indicating the requested service(s).
- 3. In order to provide service(s), the *Post Adoption Application* must be accompanied by supporting documentation as follows:
 - a) for a Non-identifying Summary, documentation includes a copy of the applicant's Vital Statistics birth certificate and government issued photo ID;
 - b) for search and reunion services where the applicant is an adopted person who wishes to locate a birth parent named on that adopted person's original birth registration, documentation includes a copy of the applicant's original birth registration, the adoption order and government issued photo ID;
 - c) for search and reunion services where the applicant is an adopted person who wishes to locate an adopted sibling or a birth parent not named on that adopted person's original birth registration, documentation includes the applicant's Vital Statistic birth certificate and government issued photo ID;
 - d) for search and reunion services where the applicant is a birth parent whose name appears on his/her child's original birth registration, documentation includes a copy of the adopted person's original birth registration, the amended birth registration, the adoption order and government issued photo ID;
 - e) for search and reunion services where the applicant is a birth father who was unable to obtain his documents from Vital Statistics, as his name does not appear on his child's original birth registration, documentation includes the birth father's Vital Statistics birth certificate and government issued photo ID;
 - f) for search and reunion services where the applicant is the birth child or the birth grandchild of an adopted person who is deceased, documentation includes a

- copy of the applicant's Vital Statistics birth certificate and a government issued photo ID and a copy of the deceased adopted person's death certificate;
- g) for search and reunion services where the applicant is an adult birth sibling of an adopted person and;
 - i. the birth parent of both the sibling and the adopted person is deceased; or
 - ii. where the sibling and the adopted person share two birth parents, both parents are deceased,documentation includes their mutual birth parent(s)' death certificate(s), the applicant's Vital Statistics birth certificate, and government issued photo ID;
 - h) for the exchange of information, documentation includes a copy of the applicant's Vital Statistics birth certificate and a government issued photo ID;
 - i) for *Openness Agreements*, documentation includes a copy of the applicant's Vital Statistics birth certificate and a government issued photo ID; and
 - j) for a search in circumstances affecting a person's health or safety, applicants are required to provide supporting documentation from a qualified health practitioner supporting the request. Applicants must also provide a copy of their Vital Statistics birth certificate and a government issued photo ID.
4. Supporting documentation may be obtained from Service NL, Vital Statistics Division by completing the *Application for Service Pertaining to an Adopted Person or a Birth Parent* or other applicable application. All applications can be found on the Government of Newfoundland and Labrador website at www.gov.nl.ca or by contacting the Vital Statistics Division at 709 729-3308.
 5. Where a *Disclosure Veto* has been filed by an adopted person or a birth parent, the Vital Statistics Division shall not release the documents requested. The Social Worker shall refer to the ***Disclosure Veto*** policy for further direction.
 6. Where a *No-Contact Declaration* has been filed by an adopted person or a birth parent, post adoption services shall not conduct a search. The Social Worker shall refer to the ***No- Contact Declaration*** policy for further direction.
 7. Upon receipt of the *Post Adoption Application* and the appropriate supporting documentation, applicants shall be notified to acknowledge registration of their application. Where the applicant does not qualify for service, the social worker shall also notify the applicant.
 8. Upon review of the *Post Adoption Application*, the social worker shall inform the applicant if there is an item for him/her stored with the vaulted adoption file. Where the item is assessed to be non-identifying (e.g. unwrapped gift), the social worker may release the item to the applicant. Where it is not evident that the item is non-identifying (e.g. sealed envelope), prior to release of the item, the social worker must confirm that no *Disclosure Veto* has been filed.

EXCEPTIONS: None

RELEVANT DOCUMENTS:

- *Post Adoption Application*
- *Openness Agreement*

POST ADOPTION SERVICES: VITAL STATISTICS RECORDS PERTAINING TO AN ADOPTION FINALIZED IN THIS PROVINCE

Policy no.: 13.4

Effective Date: June 30, 2014

Date Revised: March 22, 2018

Policy Cross References: Disclosure Veto; No-Contact Declaration

Legislative References: s.54 Disclosure to Adopted Persons, s.55 Disclosure to Birth Parent, s.56 Disclosure Veto and Statement, s.57 No-Contact Declaration and Statement, s.60 Compliance with *Vital Statistics Act, 2009*

PURPOSE: To outline the process for obtaining adoption-related records from the Registrar of Vital Statistics where the adoption was finalized in this province.

POLICY:

1. An adopted person 19 years of age or older who was born and adopted in this province may apply to the Registrar of Vital Statistics to obtain a copy of the following records related to his/her adoption:
 - a) original birth registration; and
 - b) the adoption order.
2. A birth parent named on an adopted person's original birth registration may apply, if the adopted person is 19 of age or older and was born and adopted in this province, for a copy of the following records related to his/her child's adoption:
 - a) original birth registration with a notation of the adoption and change of name consequent to the adoption;
 - b) the birth registration that was substituted for the adopted person's original birth registration; and
 - c) the adoption order.
3. An adopted person 19 years of age or older who was born in another province and adopted in this province may apply to the Registrar of Vital Statistics to obtain a copy of the adoption order.
4. A birth parent of an adopted person born in another province and adopted in this province may apply to the Registrar for a copy of the adoption order. The decision to release the adoption order is the responsibility of the Registrar of Vital Statistics.

5. Where an adoption was finalized under an Act of the province that was in force before April 30, 2003, adopted persons who are 18 years of age or older and birth parents who are named on an adopted person's original birth registration may apply to the Registrar to file:
 - a) *Disclosure Veto* to prevent the release of the vital statistics records to the other party; or
 - b) a *No-Contact Declaration* to prevent contact by the other party.

PROCEDURES:

1. To apply for vital statistics records, adopted persons and birth parents must:
 - a) obtain from the Division of Vital Statistics, Service NL an *Application For Service Pertaining To An Adopted Person or a Birth Parent*. Go to www.gov.nl.ca or call 709 729-3308;
 - b) attach their legal birth certificate;
 - c) enclose the required fee; and
 - d) submit to the Registrar of Vital Statistics.
2. Where a *No-Contact Declaration* has been filed, the applicant must complete an undertaking respecting the application prior to the release of the documents by Vital Statistics. See *No-Contact Declaration* policy for additional information.
3. Where a *Disclosure Veto* or a *No-Contact Declaration* has been filed by **only one** of the birth parents named on the original birth registration, the registrar shall provide the adopted person with the records but shall first remove information respecting the person who has filed the *Disclosure Veto* or *No-Contact Declaration*. See *No-Contact Declaration* and *Disclosure Veto* policies for additional information.

EXCEPTIONS TO POLICY: None

RELEVANT DOCUMENTS: None

POST ADOPTION SERVICES: VITAL STATISTICS RECORDS PERTAINING TO A PERSON BORN IN THIS PROVINCE BUT ADOPTED IN ANOTHER PROVINCE

Policy no.: 13.5

Effective Date: June 30, 2014

Date Revised: March 22, 2018

Policy Cross References:

Legislative References: s.58, s.59, s.60

PURPOSE: To outline the process for obtaining adoption-related records from the Registrar of Vital Statistics where a person was born in this province but as a child was adopted in another province.

POLICY:

1. A person 19 years of age or older who was born in this province but as a child was adopted in another province may apply to the Registrar of Vital Statistics for a copy of his/her original birth registration.
2. A birth parent named on the original birth registration of an adopted person who was born in this province but as a child was adopted in another province may apply, if the adopted person is 19 years of age or older, to the Registrar of Vital Statistics for a copy of one or more of the following:
 - a) the adopted person's original birth registration with a notation of the adoption and changes of name consequent to the adoption;
 - b) the birth registration that was substituted for the adopted person's original birth registration; and
 - c) the adoption order.

PROCEDURES:

1. To obtain the above-noted records, adopted persons and birth parents must:
 - a) obtain from the Division of Vital Statistics, Service NL an *Application For Service Pertaining To An Adopted Person or a Birth Parent*. Go to www.gov.nl.ca or call 709 729-3308;
 - b) attach their legal birth certificate;
 - c) enclose the required fee; and
 - d) submit to the Registrar of Vital Statistics.

EXCEPTIONS TO POLICY: None

RELEVANT DOCUMENTS: None

POST ADOPTION SERVICES: DISCLOSURE VETO

Policy no.: 13.6

Effective Date: June 30, 2014

Date Revised: March 22, 2018

Policy Cross References: Vital statistics records pertaining to an adoption finalized in this province

Legislative References: s.54 Disclosure to Adopted Person, s. 55 Disclosure to Birth Parent, s.56 Disclosure Veto and Statement, s.60 Compliance with *Vital Statistics Act, 2009*.

PURPOSE: To outline the procedure to prohibit the disclosure of Vital Statistics records through the completion of a *Disclosure Veto* where a birth parent or adopted person does not wish the information disclosed.

POLICY:

1. A *Disclosure Veto* may be filed with Vital Statistics and pertains only to adoptions that were finalized **prior to April 30, 2003**.
2. A *Disclosure Veto* may be filed by an adopted person who is 18 years of age or older and a birth parent whose name appears on the adopted person's original birth registration.
3. While a *Disclosure Veto* is in effect, Vital Statistics shall not release or disclose identifying information relating to the person who filed it.
4. A *Disclosure Veto* remains in effect until it is cancelled or until one year following the death of the person who filed it.

PROCEDURES:

1. An adopted person who is 18 years of age or older and who was adopted **prior to April 30, 2003** does not want his/her original or amended birth registration and adoption order released to his/her birth parent, may file a *Disclosure Veto* by obtaining a *Disclosure Veto and Statement Form* from Vital Statistics.
2. A birth parent named on the original birth registration of a person who was adopted **prior to April 30, 2003**, who does not want his/her child's original birth registration released, may file a *Disclosure Veto* by obtaining a *Disclosure Veto and Statement Form* from Vital Statistics.

3. The *Disclosure Veto and Statement Form* can be found on the Government of Newfoundland and Labrador website at www.gov.nl.ca or obtained from the Vital Statistics Division of Service NL by calling (709)729-3308.
4. In recognition of adopted persons' and birth parents' needs for information, a person who files a *Disclosure Veto* may file with it a written statement that includes information that he/she wishes to disclose to the other party. The written statement must be kept in a sealed envelope at the Vital Statistics Division and may be released to the other party when/if that party applies for services.
5. A person who files a *Disclosure Veto* may request, in writing, that the Registrar of Vital Statistics cancel that veto and the Registrar shall carry out that request.
6. Unless cancelled, a *Disclosure Veto* remains in effect until one year after the death of the person who filed the veto.
7. Where a disclosure veto has been filed and, as a result an applicant cannot obtain the required documents from Vital Statistics, post adoption services will determine his/her eligibility for other services.

EXCEPTIONS TO POLICY: None

RELEVANT DOCUMENTS: None

POST ADOPTION SERVICES: NO-CONTACT DECLARATION

Policy no.: 13.7

Effective Date: June 30, 2014

Date Revised: March 22, 2018

Policy Cross References: Vital statistics records pertaining to an adoption finalized in this province

Legislative References: s.54 Disclosure to Adopted Person, s.55 Disclosure to Birth Parent, s.56 Disclosure Veto and Statement, s.57 No-Contact Declaration and Statement, s.60 Compliance with *Vital Statistics Act, 2009*.

PURPOSE: To outline the procedures to prohibit contact with a birth parent or an adopted person who files a *No-Contact Declaration* with Vital Statistics.

POLICY:

1. A *No-Contact Declaration* is filed with the Registrar of Vital Statistics and pertains only to adoptions that were finalized **prior to April 30, 2003**.
2. A *No-Contact Declaration* may be filed by an adopted person who is 18 years of age or older and by a birth parent whose name appears on an adopted person's original birth registration.
3. While a *No-Contact Declaration* is in effect, Vital Statistics may only release the requested documents if the person requesting them signs an undertaking respecting the registration or document.
4. A *No-Contact Declaration* remains in effect until it is cancelled.

PROCEDURES:

1. An adopted person who is 18 years of age or older and was adopted **prior to April 30, 2003** who wishes not to be contacted by his/her birth parent may file a *No-Contact Declaration* by obtaining a *No-Contact Declaration Form* from Vital Statistics.
2. A birth parent named on the original birth registration of a person who was adopted **prior to April 30, 2003**, wishes not to be contacted by his/her adopted child may file a *No-Contact Declaration* by obtaining a *No-Contact Declaration Form* from Vital Statistics.
3. The *No-Contact Declaration Form* can be found on the Government of Newfoundland and Labrador website at www.gov.nl.ca or by contacting the Vital Statistics Division of Service NL at (709)729-3308.

4. In cases where a *No-Contact Declaration* has been filed, the Registrar of Vital Statistics shall not release a birth registration or an adoption order unless the person seeking these records has signed a *Statutory Declaration and Undertaking Pertaining to an Adopted Person or Birth Parent* respecting the *No-Contact Declaration*.
5. A person who has signed a *Statutory Declaration and Undertaking Pertaining to an Adopted Person or Birth Parent* shall not:
 - a) knowingly contact or attempt to contact the person who filed the *No-Contact Declaration* or procure another person to contact the person who filed that *Declaration*; or
 - b) use information obtained under this *Act* or regulations to intimidate or harass the person who filed the *No-Contact Declaration* or procure another person to intimidate or harass the person who filed that *Declaration*.
6. In recognition of the needs of adopted persons and birth parents for information, a person who files a *No-Contact Declaration* may file with it a written statement that includes information that he/she wishes to disclose to the other party. The written statement must be kept in a sealed envelope at the Vital Statistics Division and may be released to the other party when/if that party applies for services.
7. A person who files a *No-Contact Declaration* may request, in writing, that the Registrar cancel that *Declaration* and the Registrar shall carry out that request.
8. Where a *No-Contact Declaration* has been filed and as a result an applicant is not eligible for search services, post adoption services shall determine and advise the applicant of his/her eligibility for other services.

EXCEPTIONS TO POLICY: None

RELEVANT DOCUMENTS: None

POST ADOPTION SERVICES: DISCLOSURE OR CONTACT IN COMPELLING CIRCUMSTANCES

Policy no.: 13.8

Effective Date: June 30, 2014

Date Revised: March 22, 2018

Policy Cross References:

Legislative References: s.64 *Access to Information and Protection of Privacy Act* does not Apply, s.65 Disclosure in the Interest of Adopted Child or Person, s. 66 Contact by Provincial Director, s.67 Provincial Director's Right to Information.

PURPOSE: To outline the conditions and procedures for contact by the provincial director for the purpose of obtaining or disclosing information in compelling circumstances. Compelling circumstances relate to a person's health and/or safety or for the purpose of allowing an adopted child or adopted person to receive a benefit.

POLICY:

1. Where there exists compelling circumstances affecting a person's health or safety, the provincial director may contact the following to provide or to obtain from them necessary information:
 - a) a birth parent;
 - b) where a birth parent cannot be contacted, a relative of the birth parent;
 - c) an adopted person; and
 - d) an adoptive parent.
2. The provincial director may disclose identifying information to a person if the disclosure is necessary for the health or safety of a person or for the purpose of allowing an adopted child or an adopted person to receive a benefit.
3. Where identifying information is disclosed, the person being identified shall be notified by the provincial director of that disclosure where possible.

PROCEDURES:

1. Where the provincial director is satisfied that there are compelling circumstances, the provincial director may contact a person to obtain or disclose identifying or non- identifying information.
2. Such compelling circumstances may include but are not limited to:

- a) serious health conditions which are evident after an adoption order is made and which have implications for the adopted child/person, the birth parent(s), or the descendants of either; and
 - b) enabling an adopted child or an adopted person to receive a benefit.
- 3. Where the provincial director receives information or a request to obtain information related to the health and safety of a person, the person requesting the service shall:
 - a) provide proof of his/her identity through a **government issued photo ID**; and
 - b) provide medical documentation which states, how the information will assist in the diagnosis and/or a treatment of the illness, and information supporting the request for contact based on the diagnosis of a terminal illness.
- 4. Where the provincial director receives information or a request to obtain information for an adopted child or adopted person to receive a benefit, the person requesting the service shall:
 - a) provide proof of his/her identity through a **government issued photo ID**; and
 - b) provide information related to the request.
- 5. The social worker for post adoption services may consult with officials in the Department of Health and Community Services or other professionals deemed appropriate to assist in determining if the information or the request for information meets the criteria required for contact.
- 6. Following review of the information, the social worker shall make a written recommendation to the provincial director regarding the request.
- 7. All requests related to the health and safety of a person or a request for an adopted child or person to receive a benefit must be approved by the provincial director prior to disclosing information, obtaining information or contacting a person.
- 8. Where identifying information is released, the person being identified shall be notified by the social worker of that disclosure where possible. All attempts to notify the person must be documented.

EXCEPTIONS TO POLICY: None

RELEVANT DOCUMENTS: None

POST ADOPTION SERVICES: NON-IDENTIFYING SUMMARY

Policy no.: 13.9

Effective Date: June 30, 2014

Date Revised: March 22, 2018

Policy Cross References:

Legislative References: s.63 Release of Non-identifying Information

PURPOSE: To outline the procedures for the completion of a *Non-identifying Summary* for adopted persons and birth parents.

POLICY:

1. A *Non-identifying Summary* may be completed on behalf of an adopted person or a birth parent named on an original birth registration.
2. A *Non-identifying Summary* may be completed on behalf of a birth father who is not named on his adopted child's original birth registration but where paternity was otherwise established. Paternity shall be considered otherwise established if:
 - a) there is evidence related to how he had supported, maintained or cared for the child under a court order prior to the adoption; **and/or**
 - b) the birth mother named him as the birth father and he acknowledged paternity; **and/or**
 - c) he signed the consent to adoption or is named on a court document as the father of the child.
3. A *Non-identifying Summary* is based on information contained in the adoption and adoption related files up to the time that the adoption was finalized.
4. The social worker must ensure that all information released is non-identifying.

PROCEDURES:

1. A *Non-identifying Summary* is a narrative report that may be completed on behalf of adopted persons and birth parents. It is a summary of relevant information that is contained in the adoption file and adoption related files. The summary does not contain any identifying information.
2. The social worker shall confirm that the person applying is identified as either the birth parent or adopted person in the adoption file.

3. A *Non-identifying* summary may be completed on behalf of a birth father who is not named on his birth child's original birth registration but where paternity was otherwise established. Paternity is otherwise established where:
 - a) there is evidence related to how he had supported, maintained or cared for the child under a court order prior to the adoption; **and/or**
 - b) the birth mother named him as the birth father and he acknowledged paternity; **and/or**
 - c) he signed the consent to adoption or is named on a court document as the father of the child.
4. All persons requesting a *Non-identifying Summary* shall complete a *Post Adoption Application* form and attach a copy of his/her Vital Statistics Birth Certificate and government issued photo ID.
5. A *Non-identifying Summary* that is completed for an adopted person shall contain information that helps contribute to the adopted person's sense of identity, understanding of the circumstances around his/her placement for adoption, knowledge of his/her social and medical history.
6. A social worker must complete the *Non-identifying Summary* on behalf of an adopted person using information contained in the adoption file and adoption related file(s) up to finalization. The following may be included:
 - a) information related to the child's birth, e.g., time, weight, length, type of delivery, APGAR scores, health issues;
 - b) placement history, progress, health and development of the child up to the time of finalization (as it relates to the child's progress in the home);
 - c) the birth mother's physical description, approximate age, personality, general health, health during pregnancy, interests/hobbies, approximate education, general employment history, number of siblings, relationship with her family, relationship with the birth father, reason(s) for choosing adoption or the reason(s) the child was removed from her care, any inquiries about her child after placement, whether or not the birth mother previously had other children and, if so, were they placed for adoption, and, any other significant non-identifying information;
 - d) information related to other children of the birth parent placed for adoption prior to **or** after the placement of the adopted person seeking the *Non-identifying Summary*;
 - e) approximate ages, descriptions, health status of the birth mother's parents and siblings, whether or not they were aware of the pregnancy, whether or not they were supportive of the birth mother's decision;

- f) where paternity is established, information regarding the birth father and his family as contained in the file;
- g) where paternity is not established but the birth mother provided information about the birth father, the social worker may include this information in the *Non-identifying Summary*. The social worker must state in the report that paternity was not established and that the information was provided by the birth mother;
- h) a summary of the information contained in the child's progress reports and any health reports completed while the child was in care; and
- i) the date the child was placed in the adoptive home and the date of adoption finalization;

7. The following information shall **not** be released to adopted persons:

- a) the name and address of attending physician, name and address of hospital where the birth took place; names and addresses of birth parents and any other identifying information;
- b) name and address of previous placement(s) (identifying information related to foster parents may be requested in keeping with Section 71 of the *CYCP Act*);
- c) physical traits that could identify a person such as a birth mark;
- d) exact educational level and occupation of birth parents, where it may be identifying;
- e) birth parent's date of birth or place of residence; and
- f) any other information that would be considered identifying.

8. A *Non-identifying Summary* that is completed for a birth parent should contain information that details the child's health, growth and development prior to adoption finalization and provides basic information about the adoptive parent(s).

9. A social worker must complete a *Non-identifying Summary* on behalf of a birth parent from information that may be available in the adoption file and related adoption files. The following may be included:

- a) date, time of birth, head and chest circumference, length, APGAR scores, health at birth, discharge date, and other relevant birth information;
- b) date child was placed in care, progress reports and any health reports related to the development of the child up to the time of adoption placement;
- c) date child was placed in adoptive home, progress in placement, health and development of the child up to the time of finalization ; date of finalization;
- d) general information about the adoptive parent(s), e.g. approximate ages of adoptive parents (e.g. late twenties, early thirties), occupation in general terms (e.g. laborer, tradesman, professional) and any other children.

10. The following information shall **not** be released to the birth parent:

- a) the adopted person's new name(s), address or the name(s) and address of adoptive parent(s);
- b) the adoptive parent's date of birth;
- c) the adoptive parent's exact physical description, exact educational level or exact occupation; and
- d) any other information that would be considered identifying.

11. The social worker shall submit the written *Non-identifying Summary* to the provincial director for review and approval prior to releasing it to the person who requested it.

12. The social worker may verbally disclose to the applicant the information contained in the *Non-identifying Summary* prior to the release of the written report.

13. There may be cases where the information contained in the *Non-identifying Summary* is assessed by the social worker to be sensitive in nature and should be shared in-person with the applicant. In cases where, for geographic reasons, this is not possible, the assistance of another jurisdiction may be requested.

EXCEPTIONS TO POLICY: None

RELEVANT DOCUMENTS:

- *Post Adoption Application*
- *Non-Identifying Summary*

POST ADOPTION SERVICES: SEARCH AND REUNION

Policy no.: 13.10

Effective Date: June 30, 2014

Date Revised: March 22, 2018

Policy Cross References:

Legislative References: s.54 Disclosure to Adopted Person, s.55 Disclosure to Birth Parent, s.56 Disclosure Veto and Statement, s.57 No-Contact Declaration and Statement, s.62 Search and Reunion Services

PURPOSE: To outline the procedures to apply for and obtain search and reunion services through post adoption services.

POLICY:

1. An adopted person 19 years of age or older may apply to the provincial director for assistance in locating his/her:
 - a) birth parent;
 - b) birth grandparent;
 - c) adult birth or adopted sibling; and
 - d) other adult birth or adopted relative.
2. A birth parent who has obtained his/her birth child's original birth registration, the birth registration that was substituted for the adopted persons original birth registration, and adoption order from Vital Statistics may apply to the provincial director for assistance in locating his/her birth child.
3. A birth father who is not named on his birth child's original birth registration but where paternity was otherwise established may apply to the provincial director for assistance in locating his adult birth child. Paternity shall be considered otherwise established where:
 - a) there is evidence related to how he had supported, maintained or cared for the child under a court order prior to the adoption; **and/or**
 - b) the birth mother named him as the birth father and he acknowledged paternity; **and/or**
 - c) he signed the consent to adoption or is named on a court document as the father of the child.
4. An adult birth sibling of an adopted person may apply to the provincial director for assistance in locating his/her adopted sibling if their mutual parent(s) is/are deceased.

5. An adult child or grandchild of an adopted person who is deceased may apply to the provincial director for assistance in locating adult birth or adoptive relatives of the deceased.
6. A social worker shall not assist in locating any person who has filed a *Disclosure Veto* or a *No-Contact Declaration*. The social worker shall refer to ***Disclosure Veto*** and ***No-Contact Declaration*** policies for more information.

PROCEDURES:

1. All persons interested in search and reunion services shall complete and submit a *Post Adoption Application* form with the required supporting documentation as outlined in the ***Application and Screening*** policy.
2. A social worker shall not search for any person who has filed a *Disclosure Veto* or a *No-Contact Declaration*. The social worker shall refer to ***Disclosure Veto*** and ***No-Contact Declaration*** policies for more information.
3. A search may be conducted on behalf of an adopted person 19 years of age or older who applies to locate:
 - a) the birth parent(s) named on that adopted person's original birth registration;
 - b) a birth father not named on the original birth registration but where paternity is otherwise established. Paternity is otherwise established where:
 - i. there is evidence related to how he had supported, maintained or cared for the child under a court order prior to the adoption; **and/or**
 - ii. the birth mother named him as the birth father and he acknowledged paternity; **and/or**
 - iii. he signed the consent to adoption or is named on a court document as the father of the child.
 - c) birth grandparent(s);
 - d) adult birth or adopted sibling(s); and/or
 - e) other adult birth or adopted relatives.
4. A search may be conducted on behalf of a birth parent named on the adopted persons original birth registration who applies to locate his or her adult adopted child.
5. Where a birth father not named on his adopted child's original birth registration applies to locate his adult adopted child, a search may be conducted on his behalf where paternity was otherwise established. Paternity shall be considered otherwise established where:
 - a) there is evidence related to how he had supported, maintained or cared for the child under a court order prior to the adoption; **and/or**
 - b) the birth mother named him as the birth father and he acknowledged paternity; **and/or**

- c) he signed the consent to adoption or is named on a court document as the father of the child.
- 6. Before proceeding with a search on behalf of a birth father not named on the adopted person original birth registration, the social worker must contact the Vital Statistics Division to determine whether or not the adopted person has filed a *Disclosure Veto* or a *No-Contact Declaration*.
- 7. In cases where an adopted person is deceased, his or her adult child or adult grandchild may apply to the provincial director for assistance in locating a birth parent, a birth grandparent, an adult birth or adopted sibling, or other adult birth or adopted relatives of the deceased. See the ***Application and Screening*** policy for the required supporting documentation. Before proceeding with the search, the social worker must contact the Vital Statistics Division to determine whether or not the birth parent of the deceased adopted person has filed a *Disclosure Veto*.
- 8. An adult birth sibling of an adopted person may apply to the provincial director for assistance in locating his/her adopted sibling where:
 - a) the birth parent of both the sibling and the adopted person is deceased; or
 - b) the sibling and the adopted person share both birth parents, both are deceased.

A copy of the deceased birth parent's(s') death certificate(s) shall be provided to the social worker prior to beginning a search.

- 9. Before proceeding with a search on behalf of an adult birth sibling, the social worker must contact the Vital Statistics Division to determine whether or not the adopted person has filed a *Disclosure Veto*.
- 10. Prior to the start of a search, the social worker will contact the applicant by phone to discuss his or her expectations and the possible outcomes of the search. The outcomes may include but are not limited to:
 - a) the person is deceased;
 - b) the person cannot be located;
 - c) the person does not wish to be contacted; or
 - d) the person wishes to have contact.
- 11. The following are some possible information sources that may be used to assist in locating a person:
 - a) The adopted person's vaulted file;
 - b) The birth parent's file(s);
 - c) The UPI/Client Registry;

- d) Client Registration Management System (CRMS) data base;
 - e) Motor Vehicle Registration data base;
 - f) Post Adoption Services in other provinces/countries; and
 - g) Vital Statistics.
12. After reasonable attempts to locate a person, the social worker shall inform the applicant of the outcome of the search. All attempts shall be documented in the post adoption file and be included in the vaulted adoption file.
13. When it is believed that the correct person has been located, the social worker shall verify the person's identity by requesting his/her date of birth, current and former names, other demographic information that will assist in identifying the person and ensuring the correct person has been located.
14. The social worker shall inform the located person that his/her birth child, birth parent or relative is requesting contact. The various forms of possible contact shall be explained to the located person. These include:
- a) exchange of non-identifying information. Each party sends correspondence e.g. letters, pictures, small parcels, to post adoption services for delivery to the other party. Neither party discloses his/her identifying information.
 - b) exchange of identifying information. Each party completes a *Consent to the Release of Identifying Information* form outlining the identifying information they wish to have disclosed to the other party. This may include contact information such as name, address, telephone number, email, etc. Once consent is obtained, the social worker may provide the identifying information to each of the parties. Where requested, the social worker may assist the parties in arranging a time for their initial contact.
15. The social worker shall consult with the parties after their initial contact with each other to determine if either requires assistance/support.
16. Where necessary, the social worker shall provide short term ongoing support related to issues of adoption and reunification. Where it is determined that the parties may require additional support services, the social worker may explore personal and community resources available to the parties and make any referral deemed appropriate with the consent of the person.
17. A case is deemed suitable for closure when:
- a) a person cannot be located or is deceased;
 - b) a person does not wish to have contact with the applicant;
 - c) after initial contact, the applicant or person located no longer responds to requests for further contact;
 - d) the applicant and the person located have:
 - i) successful, ongoing contact, or

- ii. have, after initial contact(s), mutually agreed to terminate contact.
- e) after short term issues related to adoption and reunion are resolved and any appropriate referrals for ongoing support services have been made.

18. The provincial director will make the final determination regarding case closure.

EXCEPTIONS TO POLICY: None

RELEVANT DOCUMENTS:

- *Post Adoption Application*
- *Consent to the Release of Identifying Information*

POST ADOPTION SERVICES: EXCHANGE OF INFORMATION

Policy no.: 13.11

Effective Date: June 30, 2014

Date Revised: March 22, 2018

Policy Cross References:

Legislative References: s.53 Post Adoption Exchange of Information s.62 Search and Reunion Services

PURPOSE: To outline the procedures where following the granting of an adoption order, an adopted person; an adoptive parent; a birth parent; a relative; and significant persons may register with the provincial director expressing interest in exchanging information when the adopted person reaches 19 years of age.

POLICY:

1. All applicants must complete and submit a *Post Adoption Application* form and a copy of the applicants' Vital Statistics birth certificate and government issued photo ID.
2. Applications for the exchange of information may be received from adopted persons who are 19 years of age or older, adoptive parents, birth parents, adult birth or adopted relatives, and significant persons.
3. Where an adopted person is 19 years of age or older and there is a matched registration with the registration of his/her birth parent, relative, or person significant to the adopted person, post adoption services may facilitate the exchange of information.

PROCEDURES:

1. In situations where an applicant is not eligible for or interested in receiving search and reunion services, they may register with the provincial director to indicate their interest in exchanging either identifying or non-identifying information once the adopted person reaches 19 years of age or older.
2. Where the adopted person is **under** 19 years of age, and the applicant is expressing interest in exchanging information, the procedures and policies outlined in ***Openness: Post Adoption Openness Agreements*** shall apply. An *Openness Agreement* cannot be entered into after the adopted person reaches 19 years of age or older.
3. Persons who may register to express interest in the exchange of information include:

- a) adopted persons 19 years of age or older who do not want search services but wish to register for a potential match with adult birth or adopted relatives or significant others;
 - b) adopted persons 19 years or older who cannot obtain search services because of a *Disclosure Veto* or a *No-Contact Declaration* but wish to register for a potential match with adult birth or adopted relatives or significant others. See *Disclosure Veto* and *No-Contact Declaration* policies for further information;
 - c) birth parents who do not want search services but wish to register for a potential match with his/her birth child; and
 - d) other adult birth or adopted relatives or significant others of an adopted person who is 19 years of age or older.
4. All persons interested in the exchange of information shall complete and submit a *Post Adoption Application* form. The form along with a copy of their Vital Statistics birth certificate and a government issued photo ID shall be forwarded to post adoption services.
5. Confirmation of an adoption **shall not** be provided to adult birth or adopted relatives or significant others due to a possible breach of the confidentiality of the adopted person's or the birth parent's information. The social worker shall accept the application and advise that acceptance of the application does not confirm that an adoption occurred. If the person they are seeking registers with post adoption services, a match may be made.
6. The social worker shall notify applicants in writing when they have been registered for the exchange of information.
7. Upon receipt of an application for the exchange of information, the social worker shall review the adoption registry to determine if there is a match.
8. Matched registrations occur when:
- a) an adopted person has registered and his/her birth parent, birth or adopted relatives, or significant other has also registered; and
 - b) a birth parent has registered and his/her birth child has also registered.
9. Where a matched registration occurs, the social worker shall contact each applicant to determine if they continue to be interested in the exchange of identifying or non- identifying information with the other applicant.

Exchange of Identifying Information

10. Where two matched parties wish to exchange identifying information, the matched registrants must complete *Consent to the Release of Identifying Information*. Identifying information must not be released without this written consent.

11. Upon receipt of both written consents, the social worker will share each party's identifying information with the other.
12. The social worker shall provide supportive services to the parties as per the *Post Adoption Services: Search and Reunion* policy.
13. When supportive services are no longer required by either party, the contents of the temporary file will be vaulted with the adoption file.

Exchange of Non-identifying Information

14. When two matched parties wish to exchange non-identifying information, each must submit the non-identifying information they wish to exchange. This may include the exchange of letters, pictures, gifts, etc.
15. Each party must be informed that the exchange of non-identifying information will be facilitated through Post Adoption Services. Correspondence being exchanged shall be reviewed by the social worker to ensure it contains no identifying information.
16. Post Adoptive Services will maintain an active file where all exchanges of information will be documented.

EXCEPTIONS TO POLICY: None

RELEVANT DOCUMENTS:

- *Post Adoption Application*
- *Consent to the Release of Identifying Information*

POST ADOPTION SERVICES: DISCLOSURE OF INFORMATION TO ANOTHER ADOPTION AUTHORITY OR AGENCY

Policy no.: 13.12

Effective Date: June 30, 2014

Date Revised: March 22, 2018

Policy Cross References:

Legislative References: s. 64 *Access to Information and Protection of Privacy Act* does not Apply, s. 67 Provincial Director's Right to Information, s. 68 Disclosure of information

PURPOSE: To outline the conditions and procedures for the disclosure of information by the provincial director to an adoption agency licensed under the *Adoption Act, 2013* or an adoption authority in another province.

POLICY:

1. The provincial director may disclose information at the request of an adoption authority in another province or an agency licensed under the *Adoption Act, 2013*.
2. The information must be necessary to enable the authority to provide post adoption services under its own legislation or regulations.
3. The request must outline the intended purpose of the information as well as steps already taken to find the requested information.
4. All release of information to another adoption authority must be approved by the provincial director prior to it being released.

PROCEDURES:

1. An adoption authority responsible for adoptions or adoption records in another province, may request the release of information by submitting a written request to the provincial director.
2. The written request must state the purpose for which the information will be used as well as attempts already taken to find the information.
3. The written request must include the date of birth, name, address, and/or contact information for whom the requested information relates.
4. Where it is determined that the requesting province:
 - a) has made reasonable but unsuccessful attempts to find the requested information; and

- b) plans to use the information to provide post adoption services under its own legislation,
- 5. the provincial director may approve a social worker to search for and/or release the information to the adoption authority who requested it. Where the social worker has located the requested information and has confirmed that no disclosure veto has been filed with the Registrar of Vital Statistics, the social worker may recommend to the provincial director, the release of the information.
- 6. The provincial director shall review and approve the release of the information prior to sharing it with an adoption authority in another province.

EXCEPTIONS: None

RELEVANT DOCUMENTS: None

OVERVIEW: ADOPTION BY STEP-PARENTS, RELATIVES OR PERSONS HAVING PERMANENT CUSTODY OF A CHILD

The *Adoption Act, 2013 (Act)* governs adoption in Newfoundland and Labrador. Under this *Act*, every adoption is by order of either the Supreme Court of Newfoundland and Labrador, Trial Division (Family) or the Provincial Court of Newfoundland and Labrador. Provisions in the *Act* allow some applicants to process their own adoptions without having to go through the Department.

Exceptions

There are two exceptions when the Department may become involved in an adoption by a step-parent, relative or persons having permanent custody of a child:

1. Pursuant to Section 29 of the *Adoption Act, 2013*, where a person has applied for an *Adoption Order*, the provincial director, a manager, a social worker or an adoption agency may file with the court information considered necessary to enable the court to determine whether the proposed adoption is in the child's best interests and a recommendation on an issue relating to the adoption;
2. Pursuant to Section 30 of the *Adoption Act, 2013*, a court may require the provincial director, a manager, a social worker or an adoption agency to inquire into a matter respecting an application for an *Adoption Order* that the court considers necessary.

A *Self-Help Kit for Adoption by Step-Parents, Relatives or Persons with Permanent Custody of a Child (Self-Help kit)* has been developed to assist persons applying to adopt a child in situations where they:

- are applying to become a parent jointly with the parent of a child (step-parent adoption). The person applying to adopt may be married to, or living common law with, the child's parent;
- are a relative of the child. The *Act* defines a relative as a parent, grandparent, sibling, aunt, uncle, or first cousin of a birth parent or a child by birth or adoption; or
- have permanent custody of a child and has had custody of that child under a temporary or permanent court order for at least **two years**.

Consents

Adoption by a step parent, relative or persons having permanent custody of a child involves obtaining consents from:

- the child, where the child is 12 years of age or older;
- the birth mother;

- the father;
- a person having custody of the child, where applicable.

Where consent cannot be obtained, the adoption may proceed provided the applicant(s):

- provides a court order where a court has dispensed with the required consent(s); and/or
- provides a Death Certificate to the court if the person who is required to give consent is deceased.

Requirements

For a step-parent, relative or persons having custody of a child to adopt, they must:

- be resident of the province;
- have had the child residing with them for at least **six months**;
- be at least 19 years of age;
- complete the *Self-Help Kit*;
- arrange all required documents into an adoption package;
- file the adoption package with the court;
- prepare for and attend the adoption hearing.

Self-Help Kit

The *Self-Help Kit* provides detailed direction and guidance to applicants in the completion of the adoption application. The *Self-Help Kit* provides information on adoption law and procedure and includes the necessary court forms and general instructions for completion. The *Self-Help Kit* is **not** intended to provide legal advice. The *Self-Help Kit* is available online and is also distributed through Government Service Centers, Provincial Office and departmental offices throughout the province.

ADOPTION BY STEP PARENTS, RELATIVES OR PERSONS HAVING PERMANENT CUSTODY OF A CHILD

Policy no.: 14.2

Effective Date: June 30, 2014

Date Revised: March 22, 2018

Policy Cross References:

Legislative References: s.7 Placement with relative; s.27 Who may apply to court s.28 Required documents s.29 Additional information; s.30 Inquiry requested by court

PURPOSE: To outline the adoption process for step parents, relatives and persons with permanent custody of a child.

POLICY:

1. Step-parents, relatives, or persons with permanent custody of a child may apply to a court to adopt using the *Self-Help Kit for Adoption by Step-Parents, Relatives or Persons with Permanent Custody of a Child (Self-Help Kit)*.
2. A court may request the provincial director, manager, social worker, or adoption agency to inquire into a matter respecting an application for an adoption order that the court considers necessary.
3. The provincial director, manager, social worker, or adoption agency may file with the court information or a recommendation on an issue which will enable a judge to determine whether the proposed adoption is in the child's best interest.

PROCEDURES:

1. The following persons may use the *Self-Help Kit* to apply to a court to adopt.
 - a) A person applying to jointly become a parent with a parent of a child (step-parent adoption).
 - b) A relative of the child where the person is a parent, grandparent, sibling, aunt, uncle, or first cousin of a birth parent or a child by birth or adoption.
 - c) A person who has permanent custody of a child and has had custody of that child under a temporary or permanent court order for at least **two years**.
2. The *Self-Help Kit* is available online and is distributed through Government Service Centers, Provincial Office and departmental offices throughout the province. See *Self-Help Kit* Appendices B, C, and D.

3. While social workers do not have primary responsibility for the processing of adoptions that may be completed using the *Self-Help Kit*, they may be contacted by applicants and should be prepared to answer questions about the *Self-Help Kit*.
4. Persons adopting using the *Self-Help Kit* may use community resources, lawyers and/or an adoption agency to help them through the adoption process.
5. General instructions for completing the court application are outlined in the *Self-Help Kit*.
6. Once **ALL** required documents are compiled, the adoptive applicant(s) must file these documents with a court, as an adoption package, in the following order:
 - a) *Application for Adoption Order*;
 - b) *Adoption Order*;
 - c) *Schedule to Adoption* (to be completed by Court)
 - d) Death Certificate (where birth/legal parent of child is deceased);
 - e) Proof of Canadian Citizenship (where the child was born outside Canada);
 - f) Birth Certificate of the child;
 - g) Birth Certificate of the applicant(s);
 - h) All applicable Consents to adoption (including the child's consent if age 12 years or older);
 - i) *Application to Dispense with Consent* (where applicable)
 - j) *Order To Dispense with Consent* (where a required consent is not available);
 - k) *Notice to Respondent* (where applicable);
 - l) *Family Self-Assessment*
 - m) *Child Protection Clearance Check*;
 - n) Criminal Records Check(s) and Court Checks; and
 - o) *Affidavit Regarding Paternity* (where applicable)
7. Any costs associated with the adoption are the responsibility of the applicant(s).
8. If a social worker is aware of information regarding the safety or best interest of a child that may impact a judgment regarding an adoption plan (e.g. protective intervention information known through the completion of the *Child Protection Clearance Checks*), the social worker must consult with a manager and determine how this information will be shared with the court prior to the granting of an *Adoption Order*. Under most circumstances the social worker shall meet with the prospective adoptive parents prior to presenting the information to the court.
9. The court may request that the provincial director, manager, social worker or adoption agency inquire into a matter respecting an application for an *Adoption Order* that the court considers necessary.
10. Where an inquiry into matter is received from the court, the social worker shall consult with a supervisor to determine the appropriate action to be taken.

EXCEPTIONS TO POLICY: None

RELEVANT DOCUMENTS:

- *Application for Adoption Order*
- *Adoption Order*
- *Schedule to Adoption Order*
- *Consent of Parent / Person With Custody to Adoption*
- *Affidavit Regarding Paternity*
- *Consent of the Child (where applicable)*
- *Application To Dispense With Consent*
- *Notice To Respondent*
- *Order To Dispense With Consent*
- *Child Protection Clearance Check*
- *Family Self-Assessment*

OVERVIEW: DISCLOSURE

All use of, disclosure of and access to information related to an adoption is governed by the *Adoption Act, 2013*, notwithstanding the *Access to Information and Protection of Privacy Act* and the *Privacy Act* (Canada). All adopted persons and birth parents requesting information that was obtained under the *Children and Youth Care and Protection Act* may request the information as per Section 71 of the *Act* and in accordance with the policies outlined in Section 6 of the ***Protection and In Care Policy and Procedures Manual***.

After the granting of an adoption order, any information contained in vaulted adoption files shall only be released with the approval of the provincial director and in accordance with the policies and procedures outlined in ***Post Adoption Services***.

For adoption client files that did not result in the granting of an adoption order and therefore have not been vaulted, designated staff may release information to a person requesting information relating to him or herself where the information should have been provided to him or her as part of their involvement in the adoption application process. This information may include:

- an approved adoption home assessment;
- where an assessment was not approved, written confirmation of the decision by a manager;
- a copy of the *PRIDE* Pre-Service completion certificate.

In cases where an adoptive applicant was not approved, the applicant may request their file information in accordance with the *Access to Information and Protection of Privacy Act* request protocol outlined in the ***Information Management Protection Policy (IMP-2011-003)***.

DISCLOSURE FOR CLIENT-INITIATED REQUESTS OBTAINED UNDER THE *ADOPTION ACT, 2013*

Policy no.: 15.2

Effective Date: June 30, 2014

Date Revised:

Policy Cross References:

Legislative References: s. 64 Access to information and protection of privacy act does not apply

PURPOSE: To outline the process of disclosing information related to client-initiated requests for information obtained under the *Adoption Act, 2013*.

POLICY:

1. All use of, disclosure of and access to information related to an adoption is governed by the *Adoption Act, 2013*.
2. Where it has been determined that the information requested from an adoption file should have been provided to a person during the adoption process, a copy of the requested information may be provided.
3. All requests for information must be completed in accordance with the *Access to Information and Protection of Privacy Act* request protocol outlined in the Information Management Protection Policy (IMP-2011-003).
4. All requests for information in protection and in care files and records are processed according to the policies and procedures outlined in Section 6 of the *Protection and In Care Policy and Procedures Manual*.
5. After the granting of an adoption order any information contained in vaulted adoption files shall only be released with the approval of the provincial director (refer to *Post Adoption Services*).
6. Original documents shall never be altered and severing shall only be done on photocopies of client documents. Unauthorized alteration of an official government record may be interpreted as an offence in accordance with subsection 8(1) of the *Management of Information Act*.

PROCEDURES:

1. All use of, disclosure of and access to information related to an adoption is governed by the *Adoption Act, 2013*, notwithstanding the *Access to Information and Protection of Privacy Act* and the *Privacy Act* (Canada).
2. All adopted persons and birth parents who have obtained their original birth information from the Registrar of Vital Statistics may apply to post adoption services for assistance in obtaining information related to their adoption. See ***Post Adoption Services*** for additional information.
3. All adopted persons and birth parents requesting information that was obtained under the *Children and Youth Care and Protection Act* may request the information as per Section 71 of the *Act* and in accordance with the policies and procedures outlined in Section 6 of the ***Protection and In Care Policy and Procedures Manual***.
4. For adoption client files that did not result in the granting of an adoption order and therefore have not been vaulted, designated staff may release information to a person requesting information relating to him or herself where the information should have been provided to him or her as part of their involvement in the adoption application process. This information may include:
 - an approved adoption home assessment;
 - where an assessment was not approved, written confirmation of the decision by a manager;
 - a copy of the *PRIDE* Pre-Service completion certificate.
5. In cases where an adoptive applicant was not approved, the applicant may request their file information in accordance with the *Access to Information and Protection of Privacy Act* request protocol outlined in the Information Management Protection Policy (IMP-2011-003).
6. Any situations where you are unsure about the disclosure of information, contact the Information Management and Protection Division for consultation.

EXCEPTIONS TO POLICY: None

RELEVANT DOCUMENTS:

- ***Protection and In Care Policy and Procedures Manual***
- ***Children and Youth Care and Protection Act***
- ***ATIPPA Policy and Procedures Manual***

Appendix A

- **Provincial / Territorial Protocol on Children, Youth and Families
Moving Between Provinces and Territories**

Provincial/Territorial Protocol

On Children, Youth and Families Moving
Between Provinces and Territories

April 1, 2016

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Provincial/Territorial Protocol on Children, Youth and Families Moving between Provinces and Territories

1. Introduction

The purpose of the *Provincial/Territorial Protocol on Children and Families Moving between Provinces and Territories* (Protocol) is to outline the roles and responsibilities of statutory child welfare organizations (including government ministries, agencies, boards and societies and may include First Nations, Inuit and Métis child welfare organizations) when working together to provide child welfare services to children and families moving between provinces and territories (PTs). In this document these entities will be referred to as “the child welfare organizations”.

The Protocol applies to a wide variety of legislation, policies, governance structures, and service delivery models throughout Canada. To accommodate these variations, it is necessary for this document to be written using generic terminology and should be interpreted in a way that is consistent with the principles described in Section 1.1, Protocol Principles. The Protocol is mandatory for all PTs that are signatories; however, if there is a conflict between the Protocol and the legislation or policies within a PT, the latter shall prevail.

The Protocol covers child protection, children and youth in care, children and youth in out of care placements, and, adoption services. Within these service areas the Protocol addresses:

- coordinating services, including information sharing and case management;
- financial responsibilities; and
- dispute resolution.

Sections 1-6 are general sections that apply to all services and will assist PTs in understanding the terms used and their respective roles and responsibilities when cases are shared. The nature and scope of the services to which the Protocol applies are specifically outlined in Sections 7-10. Section 11 addresses Protocol administration and forms are appended which will assist to operationalize the Protocol.

The Protocol reflects the commitment of the signatory provinces and territories to:

- promote and support all PTs in meeting their statutory responsibilities under their child welfare legislation;
- support the ongoing operation of the Protocol, including where required, developing PT specific procedures or other materials to assist in interpreting the Protocol;
- provide PTs with an updated list of its interprovincial coordinators/contacts and Directors of Child Welfare;
- monitor the placement of children and youth in care placed outside their PT;
- ensure child welfare organizations providing statutory services to children, youth and families who move between PTs understand their roles and responsibilities under the Protocol;
- facilitate dispute resolution;
- address any systemic issues between the PTs related to the Protocol; and
- consider changes to its legislation and policy that will enhance the provision of services under the Protocol.

1.1 Protocol Principles

- the safety, best interests and well-being of children and youth is the paramount consideration in all decisions;
- this Protocol shall be administered so that the rights of children and youth as defined in the United Nations Convention on the Rights of the Child (1990) are respected;
- the originating PT always maintains the legal responsibility for children and youth in their care, custody or guardianship and this legal responsibility ends in accordance with the originating PT's legislation; however, both PTs have responsibilities for delivering required services to children, youth and families;
- in unique situations, exceptions to the Protocol can be made where necessary to promote the best interests of a child or youth;
- in unforeseen circumstances where the Protocol does not provide sufficient direction, the PTs will work collaboratively to promote the child or youth's best interests consistent with both PTs' legislation; and
- services are not delayed due to budgetary, administrative or jurisdictional issues or disputes and, where these do arise, a timely and effective resolution is promoted.

2. Definitions

aboriginal – includes all First Nations, Inuit and Métis children, youth and families.

adoptive applicant – a person or persons who have applied to adopt a child or youth in care, but who have not received a child or youth for purposes of adoption.

adoptive parent – a person or persons who have received a child in care for purposes of adoption or who have been granted an order of adoption of a child or youth.

case plan – a planning process used by case workers in the receiving and originating PTs when providing services to a child and/or family. The format will depend on the case circumstances, should be mutually agreed and meet the policy requirements of the originating PT. The minimum case plan requirements must address the goals of the child protection services and/or placement, itemization of the services to be provided, and detail on the roles and responsibilities of the various parties.

child in care – a child or youth who is in the care, custody or guardianship of a child welfare organization by court order, agreement or adoption consent. This includes a child or youth under apprehension status.

child in out of care placement – a child or youth who is not in care but whose placement is financially supported and/or supervised by a PT.

child protection alert – a communication issued to another PT when a person or family cannot be located or there is knowledge that a person or family has moved to another PT and a child or youth is or may be in need of protection.

child protection alert form – a standardized document used when a child protection alert is issued to another PT.

child welfare – statutory services relating to support services, child protection services, services to children or youth in care and in out of care placements, adoption and post-adoption services.

child welfare organizations – organizations with the statutory authority to deliver child welfare services, including government ministries, agencies, boards and societies.

children and youth – persons who are under 16, 18 or 19 years of age pursuant to child welfare legislation in an originating PT.

custom adoption – an adoption that has occurred by way of aboriginal customary law and has been recognized by the PT in which the adoption took place.

days – all references to “days” in the Protocol refers to calendar days.

foster parent – an individual, other than a parent or guardian of a child or youth, approved by a child welfare organization or foster care licensee to provide care for a child or youth in care. This individual may or may not be related to the child or youth (e.g. kinship).

home study – the assessment of caregivers being considered to provide care and supervision for a child or youth.

interprovincial placement agreement (IPPA) – a standardized agreement negotiated between two PTs that describes their respective roles and responsibilities in serving a child or youth.

interprovincial coordinator/contact – the person(s) designated by each PT with responsibility for facilitating the coordination of interprovincial/territorial services and for resolving issues and disputes between the PTs.

maintenance and service expenditures – financial assistance, subsidies and other services (refer to 4.2 and 4.3).

originating PT - the child welfare organization in the province or territory that requests services from a receiving PT or agrees to the repatriation of a child or youth from a receiving PT.

PT – means province and territory and refers to the government ministries, agencies, boards or societies and First Nations, Inuit and Métis agencies (child welfare organizations) within each province or territory with statutory authority for the delivery of child welfare services.

receiving PT - the child welfare organization in the province or territory that agrees to provide child welfare services at the request of an originating PT or repatriates a child or youth to an originating PT.

residential facility – a PT approved or licensed residential placement, other than a foster parent placement, that provides care and supervision of a child or youth in the care of a PT.

serious occurrence/incident – reportable incidents for children and youth in both in care and out of care placements, including but not limited to: the death or serious injury of a child or youth; alleged abuse or mistreatment of a child or youth by family members, foster parent, staff, volunteers or others associated with providing the service; serious complaints made by or about a child or youth, or any other serious occurrence involving a child or youth that is considered to be of a serious nature in a receiving PT.

service delivery costs – salaries and operating costs (refer to 4.1)

temporary placement – an approved temporary and transitional placement or place of safety that may be used prior to a planned placement.

temporary residential treatment facility – an approved facility used for the care and treatment of a child or youth. These are typically short term (up to six months) treatment facilities (e.g. medical, mental health or addictions treatment).

3. Co-ordination of Services

3.1 Information Sharing

Each PT agrees to share information with respect to persons needing or receiving services to the extent permitted by its legislation and policy. Personal information is shared with the consent of the persons who are the subject of the information where possible. However, legislation in all PTs authorizes the sharing of confidential information without the person's consent where necessary to ensure the safety and well-being of a child or youth. This may include, conducting child protection investigations, obtaining child welfare record prior contact checks, carrying out guardianship duties for a child in care and assessing the suitability of potential caregivers.

3.2 Case Management Roles and Responsibilities

Case management begins after an Interprovincial Placement Agreement has been completed in consultation with the receiving PT. Ensuring that the appropriate services are provided to meet the child's or youth's needs is a shared responsibility of each PT. Files must be opened in both PTs and each must comply with its respective file and records management policies.

The child welfare organization in the originating PT maintains the legal responsibility, guardianship or statutory authority and case management role through collaboration and regular or as needed conferencing with the child welfare organization in the receiving PT.

The child welfare organization in the receiving PT is responsible for the day to day monitoring and supervision of the case through collaboration and regular or as needed conferencing with the child welfare organization in the originating PT.

4. Financial Responsibilities

4.1 Service Delivery Costs – Receiving Province/Territory

In providing services under the Protocol, a receiving PT is responsible for salaries and operating costs normally incurred in the delivery of child welfare services including:

- child protection investigations;
- arranging for the signing or renewal of voluntary service or placement agreements;
- serving child welfare court documents;
- preparing safety assessments and home studies;
- participating in case planning;
- monitoring and supervising placements; and
- adoption and post-adoption services.

4.2 Maintenance and Service Expenditures – Originating Province/Territory

In requesting services from a receiving PT, an originating PT agrees to directly pay for:

- in care maintenance and service costs at the receiving PT's rates;
- out of care maintenance and service costs at the originating PT's rates;
- youth receiving post-care services – maintenance and service costs at the originating PT's rates, and in accordance with the originating PT's legislation and policies;
- residential facilities at the receiving PT's rates;
- temporary residential treatment facilities (where not covered by health insurance or other publicly funded sources in a receiving PT);
- dental, optical and prescription drugs not covered by the receiving PT publicly funded sources;
- psychological and psychiatric services not paid for by health insurance or other publicly funded sources in a receiving PT;
- adoption subsidy payments;

- where required by the receiving PT's legislation and policy, adoption court completion costs; and
- other expenditures as negotiated on a case by case basis between the originating and receiving PTs.

4.3 Maintenance and Service Expenditures – Receiving Province/Territory

In providing services requested by an originating PT, a receiving PT agrees to pay for:

- expenses related to repatriating children or youth pursuant to Section 7.5; and
- other expenditures as negotiated on a case by case basis between the originating and receiving PTs.

4.4 Document Translation Services

When receiving requests for services from Quebec, Quebec will ensure required documentation is translated to English. When requesting services from Quebec, the requesting PT will be responsible for the translation of required documents to French.

5. First Nations, Inuit or Métis Child Welfare Organizations

- 5.1.1 In some PTs, First Nations, Inuit or Métis child welfare organizations have varying levels of authority for the delivery of child welfare services depending on the legislation of the PT. In those circumstances where services from an First Nations, Inuit or Métis child welfare organization is required, the interprovincial coordinator in the receiving PT must be contacted by the originating PT to confirm that the level of statutory authority, capacity, resources and funding models available to the First Nations, Inuit or Métis child welfare organization is consistent with the case plan for a particular child and/or family.
- 5.1.2 When providing services to aboriginal children, youth and families under this Protocol, the receiving PT agrees to follow legislative requirements and existing protocols of the originating PT with respect to aboriginal children, youth and families to the extent possible under the receiving PT's legislation and policy.
- 5.1.3 As part of negotiations to develop the Interprovincial Placement Agreement to move a child or youth in care who is First Nation or Inuit to another PT, the originating PT shall advise the receiving PT whether any service or maintenance expenditures for the child or youth are currently being funded by the federal government.
- 5.1.4 When applicable, the originating PT shall determine whether the federal government will continue to pay for maintenance and service expenditures for the child or youth in care moving to the receiving PT and advise the receiving PT of financial arrangements for the child or youth.
- 5.1.5 If the federal government is unable to continue to pay maintenance and service expenditures for children and youth in care after the move then the originating PT is responsible for these costs.

6. Dispute Resolution

6.1 Dispute Resolution at the Local Level

It is expected that most issues arising between PTs will be resolved between caseworkers and/or supervisors/managers directly involved in the matter.

6.2 Involvement of Interprovincial Coordinators

In the event that a dispute or other issue cannot be resolved in a timely fashion at the local level, the matter shall be referred to the interprovincial coordinator for each PT with a view to negotiating a mutually satisfactory resolution of the matter **within 14 calendar days of receiving the matter**.

6.3 Involvement of Provincial and Territorial Directors of Child Welfare

In the event that the dispute or issue cannot be resolved between the interprovincial coordinators for each PT as described in 6.2, the matter shall be referred to the PT Director of Child Welfare in each PT. A mutually satisfactory resolution of the matter will be determined and communicated **within 14 calendar days** of the PT Directors receiving the matter or longer time period agreed to by both PT Directors.

7. Child Protection Services

7.1 Introduction

Section 7 applies to:

- a. child protection alerts issued to one or more receiving PTs;
- b. child protection requests for services from another PT;
- c. child protection referrals to another PT; and
- d. repatriation of children and youth from a receiving PT to an originating PT.

7.2 Interprovincial Child Protection Alerts

7.2.1 Criteria for Issuing Child Protection Alerts

An originating PT may issue a child protection alert when a child, youth, adult or family is missing or there is knowledge that a person or family has moved to another PT and a child or youth is or may be in need of protection. Circumstances that may lead to the issuing of a child protection alert include, but are not limited to the following:

- a. a family, family member or guardian leaves the PT prior to the conclusion of a child protection investigation;
- b. a family, family member or guardian receiving child protection services leaves the PT prior to closing the case;
- c. a family under court-ordered supervision leaves the PT without approval from the PT or court;
- d. a parent or guardian takes a child or youth in care to another PT without prior approval from the originating PT or court;
- e. a child or youth in care is missing from his or her placement and is believed to have left the PT;
- f. a high-risk pregnant person has or is suspected to have left the PT; and
- g. a child or youth is taken or has fled to another PT for a variety of reasons, including child trafficking, sexual exploitation, so called 'honour based' violence or illegal adoption.

7.2.2 Issuing and Receiving Child Protection Alerts

Each PT agrees to implement a process for ensuring that child protection alerts are issued and received in a secure and timely manner. At a minimum, each PT shall designate one or more provincial contacts responsible for issuing and receiving child protection alerts.

7.2.3 Content of Child Protection Alerts

When issuing an alert, the originating PT shall use the Interprovincial Child Protection Alert Form appended to the Protocol. The content of the Interprovincial Child Protection Alert may include, but is not limited to the following information:

- a. the name and birth date of each subject of the alert;
- b. the name, address, email address, telephone number and facsimile of the child welfare organization that issued the alert and the date sent;
- c. if applicable, the name of the interprovincial contact, worker and supervisor, who issued the alert and how to contact them or their alternates;
- d. the reason(s) for issuing the alert including sufficient details of the child protection concerns and risk factors related to the child or youth;
- e. possible destinations and other information that may assist a receiving PT in locating the person or family;
- f. specific actions requested of the PT and, if required collateral agencies/hospitals in the receiving PTs;
- g. known history or risk of violence; and
- h. expiry date if less than nine months.

7.2.4 Responding to Child Protection Alerts

Upon receiving an alert, the receiving PTs shall:

- a. request additional information from the originating PT if needed, including sufficient information about the child protection concerns and risk factors;
- b. distribute the alert in accordance with the legislation/policy of the receiving PT;
- c. inform designated contacts in the originating PT when the missing person or family is located;
- d. develop a plan of action in consultation with contacts in the originating PT; and
- e. close the alert when it expires or extend it for a further period if requested by the originating PT.

7.3 Interprovincial Requests for Services

7.3.1 An originating PT may request a receiving PT to provide services in a child protection case including:

- a. child welfare record checks;
- b. interviews with alleged perpetrators or victims of abuse;
- c. service of court documents;
- d. supervision of visits or contacts between children or youth and family members; and
- e. other services agreed to by the receiving PT.

7.3.1.1 When requesting services, the originating PT shall use the Interprovincial Request for Services Form appended to the Protocol. Upon receiving the request, the receiving PT agrees to provide services based on the originating PT's case plan if in accordance with the receiving PT's legislation and policy.

7.4 Interprovincial Child Protection Referrals

7.4.1 Criteria for Child Protection Referrals

An originating PT shall refer an individual or family moving to a receiving PT for services when:

- a. the individual or family has requested the referral;
- b. the originating PT is in the process of conducting a child protection investigation;
- c. there is an open child protection case;
- d. child protection court proceedings are pending or in process;
- e. there is an order of supervision; or
- f. there is a need for ongoing services to prepare the family for the return of children or youth.

7.4.2 Issuing and Receiving Child Protection Referrals

7.4.2.1 When making a child protection referral, the originating PT shall:

- a. if appropriate, inform the individual or family of the decision to refer and, if appropriate, obtain consents to share information with the receiving PT;

- b. prior to or as soon as it is known the family is moving, consult with the receiving PT with the goal of reaching an agreement on the services to be provided by the receiving PT; and
- c. send a summary of the case, including investigation reports and findings, risk assessments, case plans, and all relevant court documents to the receiving PT.

7.4.2.2 Upon receiving a child protection referral, the receiving PT shall:

- a. accept the referral as an intake using the same intake process as normally provided;
- b. if necessary, advise the originating PT which child welfare organization will be responsible for accepting the referral;
- c. if the referral involves an open child protection case, the receiving PT opens a child protection case, according to its own legislation and policy; and
- d. if required by the originating PT, send copies of documents and correspondence to the interprovincial coordinator in that PT.

7.5 Repatriation Services

7.5.1 Eligibility

7.5.1.1 Repatriation services may be considered for a child or youth who has fled or been abducted to a receiving PT and who:

- a. is in care of an originating PT;
- b. is placed in an out of care placement by an originating PT; or
- c. is or may be in need of protection in a receiving PT.

7.5.1.2 On learning of a child or youth who may need to be repatriated, a receiving PT agrees to accommodate the concerns of an originating PT and the parents or guardians who reside in the originating PT to the extent possible under its legislation.

7.5.1.3 When considering repatriation of a child or youth under Section 7.5.1.1 to an originating PT, a receiving PT shall:

- a. check with police or justice/probation officials in the receiving PT to determine if there is a missing person report filed or if the child or youth is under investigation, charged with or found guilty of an offence, on probation or otherwise involved with the *Youth Criminal Justice Act*; and

- b. collaborate with the originating PT and where required, police and justice officials to arrange appropriate escort services.

7.5.2 Exclusions

This Section does not apply to the return of children or youth who have been abducted and who are the subjects of a custody or access dispute between parents when there are no child protection concerns. These matters should be referred to the appropriate Family Court with jurisdiction by the parent, guardian or police.

7.5.3 Children or Youth in Care or in Out of Care Placement

7.5.3.1 With respect to the repatriation of a child who is in the care of or in an out of care placement of an originating PT, the receiving PT shall:

- a. gather information on the child or youth and his or her present situation;
- b. notify the originating PT as soon as possible to advise of the child or youth's location;
- c. consult regarding a plan to repatriate the child or youth;
- d. provide necessary services pending repatriation of the child or youth;
- e. arrange for the most expedient form of travel appropriate to the needs of the child or youth and for any supervision required by the child or youth while travelling;
- f. contact the originating PT as required to advise of the repatriation arrangements in a timely manner and to provide any follow-up that is indicated or recommended; and
- g. provides the originating PT a written summary of the services provided and any relevant comments, reports or recommendations.

7.5.3.2 To assist in repatriating a child or youth under paragraph 7.5.3.1, the originating PT shall:

- a. provide any relevant information about the child or youth to assist the receiving PT in making appropriate repatriation arrangements;
- b. when necessary, advise the receiving PT which child welfare organization will be responsible for providing services; and
- c. immediately notify the receiving PT when the child or youth arrives as planned or if a child or youth does not arrive as planned.

7.5.3.3 Subject to paragraph 7.5.3.4, the receiving PT assumes all expenses related to the child or youth's care and repatriation, including travel costs for the child or youth (and escort if required) unless otherwise negotiated with the originating PT.

7.5.3.4 Notwithstanding paragraph 7.5.3.3, the originating PT assumes responsibility for all costs directly related to repatriating a child or youth that the originating PT has placed in a temporary residential treatment facility or residential facility in a receiving PT. These costs do not include salaries and operating costs of the receiving PT normally incurred by a child welfare organization in delivering child welfare services.

7.5.4 Other Eligible Children

7.5.4.1 With respect to the repatriation of a child or youth who is not in care or in an out of care placement in an originating PT, but who is or may be in need of protection in a receiving PT, the receiving PT shall:

- a. gather information on the child or youth and his or her present situation;
- b. contact the originating PT to make arrangements for the child or youth's return;
- c. provide necessary services pending repatriation;
- d. arrange for the most expedient form of travel appropriate to the child or youth's needs and for any supervision required for the child or youth while travelling;
- e. contact the originating PT as required to advise of the repatriation arrangements and of any follow-up that is indicated or recommended; and
- f. provide a written summary of the services provided and any relevant comments, reports or recommendations if requested by the originating PT.

7.5.4.2 When contacted to assist in repatriating a child or youth under paragraph 7.5.4.1, the originating PT shall:

- a. provide any relevant information about the child or youth to assist the receiving PT in making appropriate repatriation arrangements;
- b. advise the receiving PT which child welfare organization will be responsible for providing services; and
- c. immediately notify the receiving PT when the child or youth arrives as planned or if a child or youth does not arrive as planned.

7.5.4.3 The originating PT is responsible for contacting the parent and determining the parent or guardian's willingness and ability to pay for the costs of repatriation.

If the parent or guardian cannot or will not cover the cost of the repatriation, the receiving PT assumes the full or remaining cost.

8. Children and Youth in Care

8.1 Introduction

Section 8 applies to a child or youth who is in the care, custody or guardianship of a child welfare organization by court order, agreement or adoption consent. This also includes a child or youth under apprehension status.

8.2 Notification and Negotiation

8.2.1 Child or Youth Moving with Foster Family to Another Province/Territory

8.2.1.1 When planning for a child or youth to move with a foster family to a receiving PT, the originating PT shall:

- a. **60 days prior to the move** (or such shorter period of time as negotiated between the originating and receiving PT's, in accordance with the particular circumstances of the planned move) contact the receiving PT to:
 - confirm the move details;
 - discuss the case plan;
 - provide documentation related to the approval or licensing of the foster family;
 - provide all assessments or reviews of the foster home completed within the past 24 months; and
 - negotiate the Interprovincial Placement Agreement utilizing the form appended to the Protocol.
- b. prior to the move, give the foster family contact information in the receiving PT for the office that will be providing supervision and monitoring services.

8.2.1.2 Approval by Receiving Province/Territory of Foster Family that has Moved with a Child or Youth

Within 30 days of the foster family's move, the receiving PT will complete an assessment of the foster family in accordance with its legislation and policy to ensure that the family meets the receiving PT's requirements to provide foster care services in the receiving PT. The receiving PT arranges any further training required by the foster family.

8.2.1.3 Monitoring and Support of a Foster Family that has Moved with a Child or Youth to a Receiving Province/Territory

A foster family approved as a resource in the receiving PT, shall be monitored and supported by the receiving PT in accordance with the legislation and policies of the receiving PT.

8.2.2 Child or Youth Moving to Family (not currently approved to provide care) in Receiving Province/Territory

8.2.2.1 When planning for a child or youth to reside with a relative or significant person in a receiving PT, the originating PT shall consult with the receiving PT and shall provide the receiving PT with **60 days prior** written notice of the plan or such shorter period of time as negotiated between the originating and receiving PTs. The request for a home study will be in writing utilizing the Interprovincial Request for Services Form appended to the Protocol.

8.2.2.2 The receiving PT shall complete a home study in accordance with the receiving PT's legislation, policy and format on the home of the relative or significant person **within 60 days** of receiving notice in writing or such period of time as negotiated between the receiving and originating PTs.

8.2.2.3 The home study must also meet the standards of the originating PT; it is the responsibility of the originating PT to determine what is required to meet those standards. Where the originating PT is not satisfied that the home study conducted by the receiving PT meets the originating PT's standards, and the PTs are unable to negotiate a solution, the originating PT is responsible for making alternative arrangements. Alternative arrangements include, but are not limited to, contracting with a third party approved by the receiving PT to complete the study in accordance with the originating PT's legislation and policy; or, sending an approved delegate from the originating PT to complete the study.

8.2.2.4 If the receiving PT, on completing a home study, recommends that a child or youth not reside with a relative or other significant person in the receiving PT, the originating PT shall not place the child or youth unless the matter is resolved either through the receiving PT's review/appeal process or the dispute resolution process.

8.2.2.5 Decisions must be based on the best interests of the child including any evidence of child protection concerns pertaining to the prospective caregivers as documented by the receiving PT.

8.2.3 Placement in a Residential Facility

8.2.3.1 It is recognized that originating PTs may place children or youth in approved or licensed residential facilities in other PTs. The originating PT will notify the receiving PT in all cases and inform the receiving PT if monitoring and supervision services are requested of the receiving PT. In either circumstance the originating PT retains financial and case management responsibility for the ongoing care of the child or youth.

8.2.3.2 Prior to placing a child or youth in a residential facility when supervision and monitoring have been requested the originating PT shall consult with the receiving PT to:

- a. determine whether the facility is licensed in the receiving PT and the status of the license;
- b. identify any concerns the receiving PT has about the use of the facility by another PT;
- c. determine whether the facility is likely to meet the needs of the child in question;
- d. identify available and appropriate community services and resources in the receiving PT;
- e. negotiate the level of day to day case management services the receiving PT will provide; and
- f. complete an Interprovincial Placement Agreement in consultation with the receiving PT.

8.2.3.3 An originating PT shall not place a child or youth in a residential facility in a receiving PT if the receiving PT confirms that:

- a. a facility must be licensed and the facility under consideration is not licensed or the license has been suspended or revoked; or
- b. it is of the opinion that the residential facility is inappropriate for the child or youth.

8.2.3.4 When a child or youth is placed in a residential facility in a receiving PT and there are supervision and monitoring services being requested of the receiving PT, advance notification and planning must take place verbally and in writing prior to the placement.

8.2.3.5 On agreeing to assist the originating PT in supervision and monitoring the placement, the receiving PT shall complete and provide progress reports to the originating PT according to the legislation and policy of the originating PT.

8.2.4 Placement in a Temporary Residential Treatment Facility (medical, mental health or addictions treatment)

8.2.4.1 It is recognized that children or youth may attend temporary residential treatment facilities in other PTs. The originating PT must notify the receiving PT only if monitoring and supervision services are requested of the receiving PT. Whether or not supervision and monitoring is requested, the originating PT retains financial and case management responsibility for the ongoing care of the child or youth.

8.2.4.2 When a child or youth is placed in a temporary residential treatment facility in a receiving PT and there are supervision and monitoring services being requested by the receiving PT, advance notification and planning must take place verbally and in writing prior to the placement. The originating PT shall consult with the receiving PT to complete an Interprovincial Placement Agreement. The originating PT retains financial and case management responsibility for the ongoing care of the child or youth.

8.3 Case Planning and Management

8.3.1 Developing a Case Plan

8.3.1.1 The originating PT shall:

- a. develop a thorough, detailed and long-term plan according to the legislation and policy standards of the originating PT for all children and youth moving to a receiving PT;
- b. consult with the receiving PT regarding the plan, revision of the plan if necessary and implementing the proposed case plan;
- c. in circumstances where the youth is close to aging out of care in the receiving PT, the case plan will include, where required, any transition to adult services including services to young adults or extended care services;¹
- d. enter into an Interprovincial Placement Agreement prior to the child or youth moving to the receiving PT;

¹ It is the responsibility of the originating PT to address any gaps in services, including gaps created when a youth ages out of care and the receiving PT's age of majority. This may include the originating PT offering post-care services to the youth in the receiving PT.

- e. where a child or youth has been or is involved with the youth justice system and subject to Part 6 of the *Youth Criminal Justice Act* and policies in the PTs, the originating PT shall:
 - i) share information necessary to ensure the receiving PT is able to meet the child or youth's specific needs; and
 - ii) where required in the originating or receiving PTs, obtain youth justice system involvement and/or approvals.

8.3.2 Implementing the Case Plan

- 8.3.2.1 The case plan should identify the goals of the placement, identify the services to be provided, and the roles and responsibilities of the case workers and any other providers involved.
- 8.3.2.2 In agreeing to a case plan, the receiving PT shall provide supervision and monitoring. The originating PT maintains ongoing contact with the family of the child or youth unless otherwise negotiated with the receiving PT.
- 8.3.2.3 The originating and receiving PT shall review the case plan for a child or youth according to the legislation and policy of the originating PT unless the parties agree more frequent reviews are required.
- 8.3.2.4 The receiving PT will report any significant events such as, serious occurrences, hospitalizations, injuries or other events (e.g. child or youth is missing from their placement, caregiver investigation) to the originating PT immediately or as soon as reasonably possible.
- 8.3.2.5 If a parent or guardian is moving or has moved to the receiving PT, the originating and receiving PTs may agree to terminate a voluntary agreement or allow a voluntary agreement or temporary order to expire. Such decisions should normally be made with the appropriate involvement of the parent or guardian and the child or youth. The receiving PT may subsequently enter into a voluntary agreement with the parent or guardian or proceed to court for a new order if required.

8.4 Documentation

8.4.1 Information on Child or Youth in Care

8.4.1.1 When a child or youth moves to a placement to be supervised and monitored by a receiving PT, the originating PT shall provide, at a minimum, the following to the receiving PT prior to the move if possible or at the latest **within 30 days** of the move:

- a. a certified copy of the child or youth's birth registration;
- b. an original or certified copy of any orders or agreements with respect to the child or youth's current legal status;
- c. in the case of a voluntary agreement, the written consent of the parent or guardian of the child or youth to the placement;
- d. information relevant to the child or youth's cultural, racial, religious and linguistic heritage;
- e. the child or youth's life book, if available, or a copy of it;
- f. in the case of an aboriginal child or youth, details with respect to their status under the *Indian Act* (Canada) and community of origin;
- g. confirmation that the originating PT has involved the appropriate Indian band or First Nations, Inuit or Métis organization as required under the originating PT's legislation and policy;
- h. a social history including documentation of all services and assessments;
- i. any relevant medical, psychological or educational assessments completed within the past two years or longer if they continue to be relevant;
- j. subject to Part 6 of the *Youth Criminal Justice Act* and policies of the PTs, any relevant youth justice system reports;
- k. up-to-date medical reports if the child is receiving treatment;
- l. a current case plan developed in consultation with the receiving PT if available;
- m. a statement clarifying the type of decisions and consents, including those related to medical treatment, that may be authorized by the receiving PT; and
- n. any additional documentation required by the receiving PT.

8.4.1.2 When monitoring or supervising the placement of a child or youth in a temporary residential treatment or residential facility, the receiving PT may require some or all of the documentation required under paragraph 8.4.1.1.

8.4.2 Progress Reports

- 8.4.2.1 Unless otherwise agreed to between the receiving and originating PTs, the receiving PT shall complete and provide to the originating PT all progress reports relating to the child/youth (including a copy of all assessments and follow-up reports) according to the legislation and policy of the originating PT or as agreed to in the Interprovincial Placement Agreement.

8.5 Placement Disruptions

8.5.1 Temporary or Transitional Placement

- 8.5.1.1 When the placement of a child or youth is disrupted, a temporary placement may be used. The PTs agree to renegotiate a case plan that is in the best interests of the child or youth.

8.5.2 Placement Decisions

- 8.5.2.1 The receiving and originating PTs agree to consider the following factors in determining whether a child should remain in the receiving PT or be returned to the originating PT:
- a. best interests of the child or youth;
 - b. needs of the child or youth and the ability of each PT to meet them;
 - c. appropriate placement options in both the receiving and originating PTs that would meet the needs of the child or youth;
 - d. where parents, guardians or other significant persons reside;
 - e. preferences of the child or youth;
 - f. length of time the child or youth has resided in the receiving PT;
 - g. for an aboriginal child or youth, access to his or her cultural heritage;
 - h. confirmation that the originating PT has involved the appropriate Indian band or aboriginal organization as required under the originating PT's legislation and policy; and
 - i. any applicable legislative requirements regarding placements that apply.
- 8.5.2.2 The receiving PT agrees to make all non-emergency placement changes in consultation with the originating PT where possible and to notify the originating PT of an emergency placement as soon as possible or **within seven (7) days**.

8.5.2.3 At the request of the receiving PT, the originating PT shall facilitate the return of a child or youth to the originating PT. Such requests must be based on a review of the factors in paragraph 8.5.2.1.

8.5.2.4 The final decision as to where a child or youth is placed is the responsibility of the originating PT.

8.6 Visitation

8.6.1 Temporary Visits to a Receiving Province/Territory

When a child or youth receiving services will be visiting a receiving PT and the receiving PT is being asked to provide supervision and monitoring services during the visit, the originating PT shall request the required services **at least 30 days prior** to the visit or such shorter period of time as negotiated between the originating and receiving PT. When requesting services, the originating PT shall use the Interprovincial Request for Services form appended to the Protocol. The originating PT shall provide, at a minimum, the following information:

- a. the name, address, birth date, health card information and legal status of the child or youth;
- b. the name, address and phone number of the caseworker in the originating PT;
- c. the name, address and phone number of the person the child or youth will be visiting;
- d. the timeframe for the visit;
- e. an outline of the expectations of the receiving PT for supervision and monitoring; and
- f. any other circumstances that the receiving PT should be made aware.

8.6.2 Temporary Return to Originating Province/Territory

8.6.2.1 Arrangements for the temporary return of a child or youth to an originating PT shall be planned in advance as part of the case plan. If circumstances do not permit advance planning as part of the case plan, as much prior notice as possible should be provided to the other PT.

8.7 Services to Young Persons who were formerly in care or in out of care placement

8.7.1 This section applies to persons formerly in care or in an out of care placement and due to their age are not eligible to be admitted to care but are eligible for and may have entered into an agreement for post care or extended services.

- 8.7.2 The originating PT remains responsible for establishing and maintaining the agreement with the young person, including all payments and supports covered in the agreement.
- 8.7.3 Notification to the receiving PT is not required in situations where supervision and monitoring are not requested of the receiving PT. If an originating PT is requesting supervision and monitoring then an Interprovincial Placement Agreement must be negotiated.

9. Children or Youth in Out of Care Placements

9.1 Scope of Legislative Authority

- 9.1.1 Children or youth in out of care placements are not in the care of a PT, but whose placement is financially supported and/or supervised by the PT.
- 9.1.2 Some PTs do not have the legislative authority to provide services to children or youth in out of care placements from other PTs. Prior to a move to another PT, the originating PT must contact the receiving PT to determine whether they will be able to assist with case planning, monitoring and supervision.
- 9.1.3 If the originating PT is unable to negotiate an appropriate plan for the child or youth through negotiating an exception in the receiving PT or by the originating PT providing or contracting for the service, the child or youth should not be moved to the PT.
- 9.1.4 In circumstances where a child or youth does move to another PT, the originating PT maintains responsibility for meeting the originating PT's policies and standards for children or youth in out of care placements.
- 9.1.5 Although the legal status of the child or youth is different than a child in care, in those circumstances where supervision and monitoring is being provided by a receiving PT, an Interprovincial Placement Agreement is still required along with the case planning and documentation requirements in Section 8, Children and Youth in Care.

10. Adoption and Post-Adoption Services

10.1 Introduction

Section 10 applies to:

- a. adoption inquiry and application services;
- b. adoption placement services;
- c. subsidized adoptions; and
- d. post-adoption services.

10.1.1 Administration

When providing services under this Section to persons planning to move to a receiving PT, the originating PT shall:

- a. obtain general information from the receiving PT regarding its policies and services;
- b. inform the person of the information received from the receiving PT regarding its policies and services, noting apparent differences to those in the originating PT; and
- c. provide the person information regarding who to contact in the receiving PT for more information on its policies and services and, the name, address and phone number of the office that will be providing services.

10.2 Adoption Inquiry and Application Services

10.2.1 Originating and Receiving PTs

The originating PT is the PT where the person who is inquiring about adoption services or an adoptive applicant resides. The receiving PT is the PT to where an adoption inquiry is directed or an adoptive applicant is moving.

10.2.2 Adoption Inquiries

Section 10.2.2 applies to persons who are inquiring about adoption services and requirements in PTs other than the originating PT and pertains to inquiries about all types of adoptions. The remainder of Section 10 applies to the adoption of children or youth in care of a PT.

10.2.2.1 In response to an inquiry about interprovincial adoption services in another PT, the originating PT shall:

- a. provide information to the person about its legislative and policy requirements; and
- b. refer the person to the appropriate child welfare organization in the receiving PT for information about that PT's legislative and policy requirements.

10.2.3 Adoptive Applicant Referrals

Section 10.2.3 applies to persons who have applied to adopt a child in care and who are moving from an originating PT to a receiving PT.

10.2.3.1 With the written authorization of an adoptive applicant who has applied to adopt a child in care in an originating PT and who is moving to a receiving PT, the originating PT shall provide the following to the receiving PT **within 30 days** from the date the authorization is received:

- a. an original or copy of the applicant's adoption application;
- b. original or certified copies of all documents on file relating to an adoptive applicant's marital status or relationship to a partner including, but not limited to, a marriage certificate, declaration of commitment to a partner, divorce certificate or death certificate;
- c. any preliminary information or assessments on file with respect to the suitability of the adoptive applicant;
- d. if completed, a copy of the most recent home study and any home study updates conducted with respect to the adoptive applicant;
- e. supporting documentation on file including police and other applicable checks, medical reports and personal references; and
- f. other relevant information and documentation on the adoptive applicant's file.

10.2.3.2 Upon receiving a referral from the originating PT, the receiving PT shall:

- a. accept the adoption application as if it were made in the receiving PT and place the adoptive applicant on its waiting list, if applicable, as of the date of the application in the originating PT;
- b. open an adoption file as may be required under its legislation and policy; and
- c. accept the home study subject to any updates or further adoption preparation and assessments, if the originating PT has completed a home study on the adoptive applicant, required under the receiving PT's legislation, regulations and policy.

10.3 Adoption Placement Services

The originating PT is the PT that has the child or youth in care. The receiving PT is where a prospective adoptive applicant resides or to where a child or youth in care and adoptive applicant are moving.

10.3.1 Adopting a Specific Child or Youth in Care

10.3.1.1 When a prospective adoptive applicant in a receiving PT inquires about adopting a specific child or youth in care in an originating PT, the originating PT shall contact the receiving PT **within 30 days** of receiving an inquiry to:

- a. advise if the child or youth is legally available for adoption and may be considered for adoption placement with the prospective adoptive applicant;
- b. advise if the prospective adoptive applicant may be eligible for an adoption subsidy with respect to the child or youth; and
- c. request a preliminary assessment to estimate the capacity of the prospective adoptive applicant to meet the needs of the child or youth.

10.3.1.2 When an originating PT inquires about the possibility of placing a specific child or youth in care with a prospective adoptive applicant who resides in a receiving PT, the receiving PT shall **within 30 days** of receiving an inquiry or such period of time as negotiated between the originating and receiving PTs:

- a. carry out a preliminary assessment to determine the interest and estimate the capacity of the prospective adoptive applicant to meet the needs of the child or youth in care;
- b. advise the originating PT in writing if placement seems viable and if the receiving PT will conduct a home study of the prospective adoptive applicant; and
- c. the originating PT will keep copies on file of all documents sent to the receiving PT.

10.3.1.3 The receiving PT shall complete a home study on the adoptive applicant and provide a copy to the originating PT **within six (6) months** from the date the PTs agree to a tentative plan to place the child in care for adoption, or such period of time as negotiated between the originating and receiving PTs.

10.3.1.4 The originating PT shall develop a written adoption placement plan in collaboration with the receiving PT upon:

- a. concluding that it is in the best interests of the child or youth to be placed for adoption with the adoptive applicant in the receiving PT; and
- b. receiving confirmation that the adoptive applicant has been approved or will likely be approved for adoption by the receiving PT.

10.3.1.5 A written adoption placement plan shall include:

- a. arrangements for pre-placement visits;
- b. provision for the receiving PT to supervise the placement;
- c. if applicable, provision for an openness agreement or agreements;
- d. if applicable, information about the availability of an adoption subsidy pursuant to paragraph 10.4.2; and
- e. a time frame for applying to court for an order of adoption and confirmation as to the PT where the application will be made.

10.3.1.6 Prior to the child in care being placed for adoption with the adoptive applicant who is residing in the receiving PT:

- a. the originating PT shall request in writing that the receiving PT provide supervision of the child as outlined in the adoption placement plan; and
- b. the receiving PT shall confirm in writing that it will provide the requested supervision as outlined in the adoption placement plan.

10.3.1.7 Subject to Part 6 of the *Youth Criminal Justice Act* and the policies of the PTs, the originating PT shall advise the receiving PT of any relevant youth justice system involvement.

10.3.2 Child or Youth in Care Moving with Adoptive Parent

10.3.2.1 When it becomes known that a child or youth in care and his or her adoptive parent are moving to a receiving PT prior to a court granting an order of adoption, with the written consent of the adoptive parent, an originating PT shall provide **30 days prior** written notice of the move to the receiving PT if the circumstances permit.

10.3.2.2 At the request of the originating PT, the receiving PT shall as soon as reasonably possible after receiving the notice:

- a. advise the originating PT as to which office has responsibility for providing adoption services in the receiving PT; and
- b. provide the notice to the appropriate office in the receiving PT.

10.3.2.3 The originating PT shall develop a written plan for completion of the adoption in collaboration with the receiving PT. When possible, the plan shall be developed prior to the adoptive parent's move to the receiving PT. The plan shall include:

- a. provision for the receiving PT to supervise the placement;
- b. a time frame for applying to court for an order of adoption and confirmation of the province or territory where the application will be made;
- c. if applicable, information about any additional legal requirements relating to completion of the adoption identified by the receiving PT; and
- d. if applicable, information about the availability of an adoption subsidy.

10.3.2.4 Prior to the adoptive family moving to the receiving PT, if possible:

- a. the originating PT shall request in writing that the receiving PT provide supervision of the child or youth as outlined in the adoption plan; and
- b. the receiving PT shall confirm in writing that it will provide the requested supervision.

10.3.2.5 The originating PT shall provide information on the adoptive parent to the receiving PT **within 30 days** of the adoptive applicant's move to the receiving PT pursuant to paragraph 10.2.3.2.

10.3.3 Information on Child or Youth in Care

When a child or youth in care is placed for adoption in a receiving PT or moves with an adoptive parent to a receiving PT, the originating PT shall provide, at a minimum, the following to the receiving PT **within 30 days** of the placement or move:

- a. a certified copy of the child or youth's birth registration;
- b. an original or certified copy of any orders or agreements with respect to the child or youth's current legal status;

- c. information relevant to the child or youth's cultural, racial, religious and linguistic heritage;
- d. the child or youth's life book, if available, or a copy of it;
- e. in the case of an aboriginal child or youth, details with respect to the child or youth's status under the *Indian Act* (Canada) and community of origin;
- f. confirmation that the originating PT has involved the appropriate Indian band or aboriginal organization as required under the originating PT's legislation and policy;
- g. a social history including documentation of all services provided and assessments conducted with respect to the child or youth;
- h. any medical, psychological or educational assessments completed within the past two years or those that remain relevant;
- i. up-to-date medical reports if the child or youth is receiving or has received treatment;
- j. a current adoption placement plan developed in consultation with the receiving PT;
- k. a statement clarifying the type of decisions and consents, including those related to medical treatment, that may be authorized by the receiving PT; and
- l. additional documentation required by the receiving PT if available.

10.3.4 Progress Reports

With respect to a child or youth in care who has been placed for adoption, or who has moved with an adoptive parent, the receiving PT shall complete and provide to the originating PT:

- a. all reports on the progress of the adoption placement, including a copy of all assessments and follow-up reports, completed according to standards and time frames required by the originating PT;
- b. a copy of the receiving PT's final progress report with a recommendation regarding completion of the adoption; and
- c. if the application to court for an order of adoption will be made in the receiving PT, a request that the originating PT provide to the receiving PT the required written consents to the adoption.

10.3.5 Placement Disruptions

When an adoption placement of a child or youth in care is disrupted prior to the granting of an order of adoption, the originating and receiving PTs will, subject to applicable child welfare legislation in the receiving PT, renegotiate a case plan that is in the best interests of the child or youth.

10.3.6 Application for Order of Adoption

10.3.6.1 Depending on where the application to court for an order of adoption is to be made, the receiving PT or the originating PT shall:

- a. provide the required written consents to the adoption to the PT where the application to court is to be made; and
- b. provide required court documentation with respect to the application for an order of adoption.

10.3.6.2 As a general rule, the PT that assumes responsibility for completion of the adoption shall proceed to court for an order of adoption **within one (1) year** from the date the child or youth was placed for adoption or such period of time as negotiated between the originating and receiving PTs.

10.3.6.3 The PT where the order of adoption is granted shall notify the other PT in writing as soon as possible, but in all cases **within 30 days** of the order being granted; and then **within 30 days** of receiving the physical order, a copy shall be sent to the other PT.

10.3.7 Adoption of Child or Youth in Care in Originating Province/Territory

At the request of a PT that requires consent to adoption from a person who resides in another PT to complete the adoption of a child or youth in care, the PT that receives the request shall assist in obtaining the required consents to adoption from the person.

10.4 Subsidized Adoptions

10.4.1 Child or Youth in Care Placed for Adoption in Receiving Province/Territory

10.4.1.1 In planning to place a child or youth in care with an adoptive applicant who resides in a receiving PT, the originating PT shall:

- a. advise the receiving PT if the child or youth has special needs or whether there are special circumstances that fall within the originating PT's eligibility criteria for subsidized adoption;
- b. request that the receiving PT explain the child or youth's needs or circumstances to the adoptive applicant and ascertain whether the adoptive applicant intends to apply for an adoption subsidy; and
- c. at the request of the adoptive applicant, determine eligibility for an adoption subsidy and the type and amount of subsidy that will be available.

10.4.1.2 In responding to the originating PT's request for assistance, the receiving PT shall:

- a. determine whether the adoptive applicant is prepared to proceed with the adoption of the child or youth in care of the originating PT and whether the adoptive applicant will be requesting an adoption subsidy;
- b. if applicable, advise the originating PT as to the availability of needed services in the receiving PT and provide an estimate of the costs associated with the needed services; and
- c. assist as required in assessing the adoptive applicant's need and eligibility for an adoption subsidy and in negotiating a subsidy agreement on behalf of the originating PT.

10.4.2 Child or Youth in Care or Adopted Child or Youth Moving with Adoptive Parent

10.4.2.1 When it is known that a child or youth and his or her adoptive parent are moving to a receiving PT, with the written consent of the adoptive parent, the originating PT shall provide **at least 30 days prior** notice in writing to the receiving PT if:

- a. the adoptive parent is receiving or is eligible to receive, an adoption subsidy; or
- b. the originating PT requires the assistance of the receiving PT to:
 - i. secure needed services,
 - ii. assist in assessing an ongoing need and eligibility for subsidy, and
 - iii. assist as required in negotiating or renewing a subsidy agreement on behalf of the originating PT.

10.4.2.2 With the written authorization of the adoptive parent, the originating PT agrees to provide to the receiving PT **within 30 days** of the move the following information:

- a. information about available adoption subsidies from the originating PT and the adoptive parent's eligibility;
- b. copies of all documents associated with the approval of the adoption subsidy; and
- c. the most current review of the need for an ongoing subsidy.

10.4.3 Services and Subsidies

10.4.3.1 At the request of the originating PT, the receiving PT agrees to maintain contact with the adoptive parent regarding the need for an adoption subsidy and to provide reports to the originating PT as may be required by the originating PT.

10.4.3.2 The originating PT agrees to continue to pay the adoption subsidy to the adoptive parent, where eligible, following the adoptive parent's move to the receiving PT and to negotiate any changes to the subsidy in consultation with the receiving PT.

10.5 Post-Adoption Services

10.5.1 Registration

10.5.1.1 When there is no alternative but to request the assistance of a receiving PT to facilitate registering a person for a post-adoption search or reunion, an originating PT (where the adoption order was granted) may request a receiving PT to:

- a. assist in obtaining a signed registration for a post-adoption search or reunion; or
- b. provide information that will assist in the registration process.

10.5.1.2 In responding to the request, the receiving PT shall provide the requested service or information **within 60 days** of receiving the request or such period of time as negotiated between the receiving and originating PTs.

10.5.2 Searches

10.5.2.1 When all available alternatives to locate a person have been exhausted and there is information to indicate that the person may have moved to a receiving PT, an originating PT may request a receiving PT to check existing search mechanisms to assist in locating a person who is the subject of a search.

10.5.2.2 Upon receiving a request under paragraph 10.5.2.1 together with a written consent to conduct a search if required, the receiving PT shall advise the originating PT of the results of the search **within 90 days** or such period of time as negotiated between the originating and receiving PTs.

10.6 Custom Adoptions

Some PTs recognize aboriginal customary law for adoptions that take place in their PT. This Protocol does not apply to custom adoptions. Where an originating PT has legislation supporting custom adoptions (e.g. *Custom Adoption Recognition Act* in Nunavut), the unique policies and procedures shall be followed.

11. Protocol Administration

11.1 Working with Province/Territories that are not Signatories to this Protocol

This Protocol shall apply to those provinces and territories that have signed the Protocol. The Protocol shall not apply to a party that does not sign the Protocol or subsequently opts out. When dealing with a PT that is not a signatory to the Protocol, planning and services should be negotiated on a case by case basis and, to the extent possible, consistent with this Protocol.

11.2 Opting Into Protocol

A province or territory that has not signed the Protocol on or before the date it comes into force may opt into the Protocol by giving 30 days' notice in writing to all parties to the Protocol together with a copy of the Protocol executed by its proper authority.

11.3 Opting Out of Protocol

A province or territory may opt out of the Protocol by giving 90 days' notice in writing to all parties to the Protocol.

11.4 Amendments to Protocol

Amendments to the Protocol may be made upon the written consent of all the parties executed by their proper authorities.

11.5 Review of the Protocol

A formal review of the provisions in the Protocol must be conducted every five years or sooner at the recommendation of the Provincial/Territorial Directors of Child Welfare Committee.

11.6 Commencing of Protocol

The Provincial/Territorial Protocol on Children and Families Moving between Provinces and Territories (2016) comes into force on April 1, 2016.

11.7 Existing Protocol

This Protocol replaces all previous versions of the Provincial/Territorial Protocol on Children and Families Moving Between Provinces and Territories.

11.8 Existing Agreements Under Former Protocols

Any existing arrangements or agreements completed under former versions of the Provincial/Territorial Protocol on Children and Families Moving Between Provinces and Territories Protocol will be grandfathered and remain unchanged unless re-negotiated under this Protocol.

11.9 Signing by Parties

The Protocol may be executed in several counterparts, each of which, when so executed by all parties hereto, shall be deemed to be an original of the Protocol and such counterparts together shall constitute but one and the same instrument.

Protocol Signatories

The following provinces and territories endorse the 2016 Provincial/Territorial Protocol on Children and Families Moving between Provinces and Territories and adopt it for use within their province or territory:

Alberta
British Columbia
Manitoba
New Brunswick
Newfoundland and Labrador
Northwest Territories
Nova Scotia
Nunavut
Ontario
Prince Edward Island
Saskatchewan
Yukon

Appendices

Sample Forms

Interprovincial Child Protection Alert

Instructions to Sender

Completed forms are to be faxed (insert originating jurisdiction Interprovincial Coordinator fax #) or emailed to the Interprovincial Desk (insert originating jurisdiction Interprovincial Coordinator email address). The originating Interprovincial Desk will then forward to the relevant provinces/territories or Canada wide.

Issued By (province or territory)

Child Welfare Organization

Caseworker	Telephone	Fax	Email Address
Address		Date of Alert	Alert End/ Expiry Date if less than 9 months

Subject of Alert

Full Legal Name	Date of Birth	Last Known Address
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Others Involved in Alert (children, legal partners, others in home, etc.)

Name	Date of Birth (if known)	Relationship to Subject	Location/Address/Last Known Whereabouts

Reason for Alert/Cause for Concern (check *all* that apply)

<input type="checkbox"/> Maternity	<input type="checkbox"/> Child Sexual Exploitation/Trafficking	<input type="checkbox"/> 'Honour-Based' Violence	<input type="checkbox"/> Illegal Adoption
<input type="checkbox"/> Child protection investigation not concluded	<input type="checkbox"/> Left jurisdiction prior to case closure	<input type="checkbox"/> Left jurisdiction without approval while under child welfare court-ordered supervision	<input type="checkbox"/> Child in Care taken from jurisdiction without approval
<input type="checkbox"/> Child in Care missing believed to have left jurisdiction			

Known History or Risk of Violence

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Additional Information

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■ **Possible Destinations** (where the subject might be going, if known) or ■ **Canada Wide**

Include other relevant information that may assist in locating the subject, e.g. Aboriginal Band/Community, known family/friend contact information

Action Required (e.g. alert local hospitals, investigation required, contact caseworker, etc.)

Distribute copies as follows:

- Originating Interprovincial Coordinator
- Receiving Interprovincial Coordinator
- Receiving Child Welfare Organizations, hospitals, etc.

Interprovincial Request for Services

Originating Province/Territory

Child Welfare Organization	Caseworker (contact person)	Date
Phone Number	Fax Number	Email Address

Receiving Province/Territory

(Interprovincial Coordinator will complete this information prior to forwarding to the regional designate if you do not know)

Child Welfare Organization	Address	Postal Code
Phone Number	Fax Number	Email Address

Type of Request (check *all* that apply)

<input type="checkbox"/> Child Welfare Record Check	<input type="checkbox"/> Background History/Information
<input type="checkbox"/> Home Study (adoption, foster care, place of safety, etc.)	<input type="checkbox"/> Courtesy Supervision of a Visit
<input type="checkbox"/> Service of Court Documents	<input type="checkbox"/> Interview with alleged perpetrator(s) or victim(s) of abuse
<input type="checkbox"/> Other – describe:	

Child Information

Full Legal Name	Date of Birth (if known)	Location/Address

Parent/Caregiver

Full Legal Name	Date of Birth (if known)	Relationship to Child or Caregiver	Location/Address

Reason for Request or Details (briefly describe and attach a separate sheet if necessary)

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Distribute copies as follows:

- ☐ Originating Interprovincial Coordinator
- ☐ Receiving Interprovincial Coordinator
- ☐ Receiving Child Welfare Organization

Interprovincial Placement Agreement (IPPA Form)

The Interprovincial Placement Agreement (IPPA):

- is negotiated prior to a child/youth moving to another jurisdiction: with a foster family; to a family member or other approved care provider; to a temporary treatment or residential facility where there is supervision and monitoring role for the receiving jurisdiction; to an out of care placement; or, a supervision and monitoring role is required with a young person who was a former ward and has entered into an agreement for post care or extended services.
- must be completed after the review and consideration of each jurisdiction's obligations as outlined in the *Provincial/Territorial Protocol on Children and Family Moving Between Provinces and Territories* (the Protocol); and
- must be reviewed every 12 months or earlier at the request of either jurisdiction.

Part A - Instructions

Completion of this form involves the following steps:

1. Prior to placement the originating child welfare organization initiates contact with the appropriate receiving child welfare organization. The Interprovincial Coordinator in your jurisdiction may assist with identifying the appropriate contact.
2. The case worker/designate in the originating jurisdiction arranges a planning conference with the case worker/designate in the receiving jurisdiction to review and coordinate services and negotiate the IPPA pursuant to the Protocol.
3. Once plans are finalized between the originating and receiving case workers/designates, the originating case worker/designate completes the IPPA and sends two signed copies to the receiving case worker/designate.
4. The case worker/designate in the receiving jurisdiction has both copies of the form signed, returning one copy to the case worker/designate in the originating jurisdiction.
5. The case worker/designate in each jurisdiction sends copies of this form and related documentation to its Interprovincial Coordinator(s) and others as may be required.
6. The IPPA will be reviewed annually or earlier if circumstances change.

Part B – An Agreement Between:

Originating Jurisdiction (province/territory)

Originating Child Welfare Organization		Contact Person (who can be contacted about this Agreement)
Address		
Telephone	Fax	Email
Alternate Contact (name)		Alternate Contact (phone number and email address)

Receiving Jurisdiction (province/territory)

Receiving Child Welfare Organization		Contact Person
Address		
Telephone	Fax	Email
Alternate Contact (name)		Alternate Contact (phone number and email address)

Part C – Information on Child or Youth (you must complete a separate agreement for each child/youth)

Full Legal Name of Child/Youth

Alternate Name of Child/Alias

Date of Birth	Gender <input type="checkbox"/> Male <input type="checkbox"/> Female <input type="checkbox"/> Transgender	Aboriginal Status <input type="checkbox"/> Not Applicable <input type="checkbox"/> Status Indian <input type="checkbox"/> Non-Status Indian <input type="checkbox"/> Inuit <input type="checkbox"/> Métis
Aboriginal Community/Band (include applicable contact information and their level of involvement with the child/youth)		
Legal Status (indicate and attach a copy of order or Agreement)	Expiration Date of Legal Status	
The receiving jurisdiction agrees to support/enforce/defend the status of the child while monitoring and supervising the child/youth's care in the receiving jurisdiction. Any attempt to change this status will be redirected to the originating jurisdiction.		
The originating jurisdiction agrees to not allow the order/agreement to lapse or terminate without notifying the receiving jurisdiction and the jurisdictions will review/ revise this Agreement in the event there is a significant change in circumstances or placement disruption.		

Current Placement

Name(s)	Type of Resource (e.g. family, foster family, residential, out of care placement, etc.)
Address	
Telephone	Email

Receiving Placement

Name(s)	Type of Resource (e.g. family, foster family, residential, out of care placement, etc.)
Address	
Telephone	Email

Part D – Summary of Responsibilities

Notification & Negotiation

- ☐ Child/Youth Moving with Foster Family ☐ Child/Youth Moving to Family or Other Approved Provider
☐ Child/Youth Moving to Residential Facility ☐ Child/Youth Moving to Temporary Treatment Facility
☐ Youth Formerly in Care

Case Planning & Management (detail expectations of case workers or any service providers involved and identify schedule/timeframes)

In collaboration, the case plan will be developed according to the legislation and policy standards of the originating jurisdiction (e.g. case conferencing, contact standards, progress reports, case plan reviews, visitation, decisions and consents that may be authorized by the receiving jurisdiction etc.) The receiving jurisdiction agrees to immediately or as reasonably possible notify the originating jurisdiction of any serious occurrences/incidents as per the Protocol. Both jurisdictions will maintain a file record on the child/youth and will have a case worker assigned to the child/youth. Jurisdictions must notify the other of any change in the assignment of case workers.

Documentation- 8.4 of the Protocol Outlines information on the child to be shared. (list attachments)

- ☐ Certified copy of birth registration ☐ Legal Order/Agreement ☐ Copy of Life Book ☐ Social History
☐ Medical Assessments ☐ Psychological Assessments ☐ Educational Assessments ☐ Current Case Plan
☐ Other

- i. The originating jurisdiction agrees to provide the required documentation to the receiving jurisdiction pursuant to the Protocol.
- ii. The receiving jurisdiction agrees to forward to the originating jurisdiction all reports on the progress of a child/youth completed

according to the standards in the originating jurisdiction or as otherwise negotiated.

Placement Disruption-8.5 of the Protocol outlines placement disruptions and placement decisions in the event of a disruption.

The receiving jurisdiction agrees to make all emergency and non-emergency placement changes wherever possible in consultation with the originating jurisdiction; following placement disruptions the jurisdictions agree to renegotiate a case plan that is in the best interests of the child.

Financial Arrangements- Placement and Service Expenditures

As per the Protocol, the originating jurisdiction agrees to:

- i. make maintenance and service payments to the service provider; and
- ii. provide any costs not covered by the receiving jurisdiction's medical plan.

Any expenditure must be pre-approved by the originating jurisdiction.

☐ Other (indicate as negotiated):

Receiving Child/Youth Maintenance Amount	Other	Approved Exceptional Funding

Current Source of Funding

☐ Province/Territory ☐ Federal Government (Canada) ☐ Other (indicate):

Part E – Signatures

Local Child Welfare Organization in Originating Province

Name of Signing Authority (Print)	Signature	Date

Central Authority in Originating Province (complete only if required)

Name of Signing Authority (Print)	Signature	Date

Local Child Welfare Organization in Receiving Province

Name of Signing Authority (Print)	Signature	Date

Central Authority in Receiving Province (complete only if required)

Name of Signing Authority (Print)	Signature	Date

Distribute as follows:

- ☐ Copies of IPPA Agreement on files in both originating and receiving jurisdiction
- ☐ Copy Originating Jurisdiction Interprovincial Coordinator
- ☐ Copy Receiving Jurisdiction Interprovincial Coordinator

