

# **Adoption Policy and Procedures**

**Changes in Red – November 2022**

**Ministry for Children and Family Development  
Adoption & Permanency Branch/Strategic Initiatives  
Branch**

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## Introduction

1. The Ministry of Child and Family Development (MCFD) is committed to providing children/youth in continuing custody with permanency through adoption and other permanency options that are in the best interests of the child/youth. Permanency improves a child's/youth's quality of life and later positive outcomes. MCFD's vision is for children/youth in British Columbia (BC) to live in safe, healthy and nurturing families, and be connected to their communities and culture.

### **Scope of the Adoption Policy and Procedures**

2. The *Adoption Policy and Procedures* applies to a child/youth who is in care under a continuing custody order (CCO) under the *Child, Family and Community Service Act* (CFCSA) or under the *Infants Act*, where the child's/youth's permanency plan is adoption.
3. New policies will address birth parents who are considering a direct placement or voluntary relinquishment of the child/youth under the *Adoption Act* or an interprovincial adoption. Until those policies are released, MCFD workers should continue to apply the relevant sections of the [2001 Practice Standards and Guidelines for Adoption](#), including:
  - a. Chapter 4: Adoption Planning with Birth Parents: Pre-placement and Placement
  - b. Chapter 5: Consents
  - c. Chapter 10: Ministry Arranged Interprovincial Adoptions
  - d. Chapter 11: Direct Placements
  - e. Chapter 12: Non-Ministry Interprovincial and Intercountry Adoptions
4. If an intercountry adoption is being considered for a child/youth in continuing custody, the Guardianship Worker should contact the Adoption and Permanency Branch for assistance.

### **Applying the Adoption Policy and Procedures**

5. The *Adoption Policy and Procedures* applies to all MCFD workers providing adoption services in BC. It applies to **Indigenous Child and Family Service (ICFS) Agencies** with adoption delegation, unless the **ICFS Agency** has implemented its own approved policy.
6. The *Adoption Policy and Procedures* interprets and provides guidance on the law that applies to adoption in BC including the:
  - a. [Adoption Act](#);
  - b. [Child, Family and Community Service Act](#) (CFCSA);
  - c. [Adoption Regulation](#); and
  - d. [CFCSA Regulation](#).
7. The Standards in the *Adoption Policy and Procedures* are mandatory and establish the minimum level of practice required of MCFD and **ICFS** workers

providing adoption services in BC. An MCFD or **ICFS** worker may depart from a Procedure to tailor adoption planning to the unique needs of a child/youth. To depart from a Procedure, the MCFD or **ICFS** worker must ensure that:

- a. their proposed alternative action is consistent with the law;
  - b. their proposed alternative action follows evidence-based good practice;
  - c. they obtain the Team Leader's approval to depart from the Procedure; and
  - d. they document the reasons for departing from the Procedure, and the Team Leader's approval in the applicable file.
8. The *Adoption Policy and Procedures* is a continuation of the [Child Safety, Family Support & Children In Care Services](#). MCFD and **ICFS** workers providing adoption services should have a strong understanding of these policies as they set out additional roles and responsibilities that apply when adoption planning.

### ***The role of the Guardianship Worker and the Adoption Worker***

9. Guardianship Workers and Adoption Workers must ensure they have sufficient delegation under the relevant legislation to carry out roles and responsibilities set out in the *Adoption Policy and Procedures*. Guardianship Workers, in addition to the guardianship delegation they have under the *CFCSA*, must have partial adoption delegation under the *Adoption Act* so they may carry out adoption planning. Adoption Workers, in addition to the adoption delegation they have under the *Adoption Act*, must have at least C4 guardianship delegation under the *CFCSA* to enable them to assume guardianship responsibility for the child/youth during the adoption residency. The *Adoption Policy and Procedures* provides legislative references to clarify under which Act the step is taken.
10. Adoption planning is a collaborative process, requiring Guardianship Workers and Adoption Workers to work closely together. To support role clarity, the *Adoption Policy and Procedures* sets out the distinct responsibilities of the Guardianship Worker and Adoption Worker. The Guardianship Worker and Adoption Worker may agree to reassign specific tasks set out in the Procedures if both workers hold the required delegation for each task and they follow the process for departing from a Procedure set out above.
11. To prevent potential conflicts of interest and ensure the best interests of the child/youth are the paramount consideration, the Guardianship Worker for the child/youth during adoption planning must not also be the Adoption Worker providing services to the prospective adoptive parent. The Director of Operations (DOO) may grant an exception where it is in the best interests of the child/youth and the Guardianship Worker has full adoption delegation (**best interest of the child/youth factors can be found under Guiding Principles, p. 8**).

### **Child/Youth centered approach to adoption planning**

12. Guardianship Workers and Adoption Workers take a child/youth-centered approach to adoption planning that is tailored to the child's/youth's unique needs, age and developmental capabilities. Many children/youth in continuing custody have been through traumatic experiences, including separation from their birth families and communities. Guardianship Workers and Adoption Workers take steps to mitigate the risk that the adoption process compounds trauma. They respond to the complex emotions the child/youth may experience during adoption planning, and how separation, loss and attachment affect the child/youth at different ages and stages of the adoption process.
13. Guardianship Workers identify a prospective family that can provide all four dimensions of permanency: physical, relational, cultural and legal:
  - a. Physical permanency connects a child/youth to a space or place by creating safe, healthy and stable living arrangements.
  - b. Relational permanency supports a child's/youth's sense of belonging through strong, positive and lasting connections with people and groups.
  - c. Cultural permanency strengthens a child's/youth's cultural identity through continuous and meaningful connection to family, community, relatives, territory, traditions, customs, and language.
  - d. Legal permanency is achieved through the granting of an Adoption Order.

### **Key Legislation, Policies and Guidelines**

14. This list sets out the key legislation, policies and guidelines referred to in the *Adoption Policy and Procedures*; a more extensive and updated list of resources is available on iConnect. All forms can be found on the [Forms](#) page on iConnect.

#### *Legislation*

- [Adoption Act](#)
- [Adoption Regulation](#)
- [Child, Family and Community Service Act](#)
- [Child Family and Community Service Regulation](#)
- [Declaration on the Rights of Indigenous Peoples Act](#)
- [Freedom of Information and Protection of Privacy Act](#)
- [Family Law Act](#)
- [Infants Act](#)

#### *Policies and Guidelines*

- [United Nations Declaration on the Rights of Indigenous People](#)
- [United Nations Convention on the Rights of the Child](#)
- [Aboriginal Policy and Practice Framework \(APPF\)](#)

- [Children and Youth in Care Policies](#)
- [General Roles and Responsibilities](#)
- [Permanency Policies](#)
- [BC Permanency Framework Summary](#)
- [Care Plans](#)
- [Child and Youth Adoption Proposal Package Guidelines](#)
- [Post Adoption Assistance Provincial Policy and Procedures](#)
- [Developing a Cultural Safety Agreement: Adoption Placement of an Aboriginal Child into a Non-Aboriginal Home Guidelines](#)
- [Application for Exception to Policy: Adoption Placement of an Aboriginal Child into a Non-Aboriginal Home Guidelines](#)
- [Preparing Supreme Court Packages](#)

## **Definitions**

*Adoptive applicant, prospective adoptive parent, and adoptive parent*

15. An adoptive applicant has applied for approval as a prospective adoptive parent on the basis of a Homestudy and is participating in the approval process.
16. A prospective adoptive parent includes:
  - a. an individual who has been approved as a prospective adoptive parent on the basis of a Homestudy. They may be waiting to be matched with a child/youth, or may be going through the adoption transition and residency process; or
  - b. a child/youth specific applicant (an individual with a connection to the child/youth who has been identified as a potential match, and who may or may not have been approved as a prospective adoptive parent on the basis of a Homestudy).
17. An adoptive parent has completed the adoption process and an adoption order has been granted, showing that they have legally adopted a child/youth.
18. The *Adoption Policy and Procedures* refers to an adoptive applicant, prospective adoptive parent and adoptive parent in the singular. However, an adult alone, or two adults jointly, may adopt a child/youth. Where two adults seek to adopt a child/youth, any reference to a prospective adoptive parent etc. refers to both adults.

*Child, First Nation child, Indigenous child and Youth*

19. References to “child”, unless otherwise stated, refer to a child:
  - a. who is in care under a CCO under the *CFCSA* or under the *Infants Act*; and

- b. whose permanency plan is adoption.

This is a separate definition from the definition of “child” in the *Adoption Act*.

20. “First Nation child” means a child

- a. who is a member or entitled to be a member of a First Nation, or
- b. who a First Nation confirms, by advising a director or an adoption agency, is a child belonging to a First Nation.

21. “Indigenous child” means a child

- a. who is a First Nation child,
- b. who is a Nisga’a child,
- c. who is a Treaty First Nation child,
- d. who is under 12 years of age and has a biological parent who
  - i. is of Indigenous ancestry, including Métis and Inuit, and
  - ii. considers himself or herself to be an Indigenous person,
- e. who is 12 years of age or over, of Indigenous ancestry, including Métis and Inuit, and considers himself or herself to be an Indigenous person, or
- f. who an Indigenous community confirms, by advising a director or an adoption agency, is a child belonging to an Indigenous community.

22. Youth

*“Youth” means a person who is 16 years of age or over but is under 19 years of age.*

*Consult and Cooperate:*

23. When used in relation to an Indigenous community, denotes a process that respects the community’s right to influence the outcome of decision-making processes affecting its children/youth. This moves beyond the community simply having its views heard or having information shared with it, with the objective being a mutually acceptable outcome.

Where the director has a duty under the CFCSA to consult and cooperate and there is uncertainty over whether the action taken meets that duty, legal advice should be obtained.

*De facto access*

24. A person has de facto access if:

- a. the individual who controls physical access to the child allows the person to have access when there is no access order or enforceable agreement in place; and if
- b. the individual who controls physical access to the child ended the access, the person would be able to apply to the court for an access order. The court may make an order if it found that contact was in the best interests of the child.

*Designated Representative*

25. “Designated Representative”, when used in relation to the Nisga'a Lisims Government, a First Nation, an Indigenous community or a Treaty First Nation, means a representative designated in accordance with the regulations.

*Family and Relative*

26. “Family” in relation to the best interests test for an Indigenous child/youth includes the child's/youth's relatives.

27. “Relative” means a person:

- a. who is related to another by birth or adoption, or
- b. who, in the case of an Indigenous child/youth, is considered to be a relative by the child/youth or by the child's/youth's Indigenous community in accordance with that community's customs, traditions or customary adoption practices.

*Indigenous community information*

28. “Indigenous community information”, in relation to an Indigenous community to which an Indigenous child/youth belongs, means the following information:

- a. if the child/youth is a First Nation child, the name and location of the First Nation;
- b. if the child/youth is a Nisga'a child, the location of the Nisga'a Nation or the child's Nisga'a Village;
- c. if the child/youth is a Treaty First Nation child, the name and location of the Treaty First Nation;
- d. if the child/youth is not a First Nation child, a Nisga'a child nor a Treaty First Nation child, the name and location of the child's Indigenous community;

*Indigenous governing body*

29. “Indigenous governing body” has the same meaning as in the *Declaration on the Rights of Indigenous Peoples Act* and is defined as an entity authorized to act on behalf of Indigenous peoples that hold rights recognized and affirmed by section 35 of the Constitution Act, 1982. For



more information, see [“Indigenous Governing Bodies in the Declaration on the Rights of Indigenous Peoples Act.”](#)

*Indigenous peoples*

30. “Indigenous peoples” has the same meaning as in the Declaration on the Rights of Indigenous Peoples Act and is defined as First Nations, Métis and Inuit peoples of Canada.

*Placement and Residency*

31. Placement refers to the act of placing the child/youth with the prospective adoptive parent. Placement occurs on the date of placement set out in the Adoption Placement Agreement.
32. Residency refers to the period from the date of placement, to the date the adoption order is granted, or the date the placement disrupts.

## Guiding principles for adoption practice

### ***Consider all relevant factors to determine the best interests of the child/youth***

(s. 3, 3.1 Adoption Act; s.4, CFCSA)

1. The best interests of the child/youth set out in s.3 and 3.1 of the *Adoption Act* and s.4 of the *CFCSA* are the paramount consideration in adoption planning. When the Guardianship Worker or Adoption Worker is considering the best interests of the child/youth, they apply the following relevant factors:
  - the child's/youth's safety;
  - the child's/youth's physical and emotional needs and level of development;
  - the importance of continuity in the child's/youth's care;
  - the importance to the child's/youth's development of having a positive relationship with a parent and a secure place as a member of a family;
  - the quality of the relationship the child/youth has with a parent or other individual and the effect of maintaining that relationship;
  - the child's/youth's cultural, racial, linguistic and religious heritage;
  - the child's/youth's views and preferences, without discrimination, including discrimination relating to Indigenous identity, race, colour, ancestry, place of origin, religion, family status, physical or mental disability, sex, sexual orientation and gender identity or expression; and
  - the effect on the child/youth if there is delay in making a decision.
2. If the child/youth is an Indigenous child/youth, in addition to the relevant factors that must be considered under section 3 (1), the following factors from section 3.1 must also be considered in determining the child's/youth's best interests:
  - cultural continuity, including the transmission of languages, cultures, practices, customs, traditions, ceremonies and knowledge of the child's/youth's Indigenous community;
  - the development of the child's/youth's Indigenous cultural identity, including the child/youth being able to practice the child's/youth's Indigenous traditions, customs and language;
  - the preservation of the child's/youth's connections to the child's/youth's Indigenous community and the region where the child's/youth's family and Indigenous community is located;
  - the child/youth being connected to family; and
  - any plans for the child's/youth's care, including care in accordance with the customs and traditions of the child's Indigenous community.

In section 3. of the *Adoption Act* (best interests of Indigenous children/youth), “family”, in relation to an Indigenous child/youth, includes the child’s/youth’s relatives.

3. For guidance on protecting the best interests of children/youth in care, see the *Children and Youth in Care Policies*.

***Uphold the rights of children/youth in care***

(s. 70 *CFCSA*)

4. The Guardianship Worker and Adoption Worker are required to uphold the rights of a child/youth in care. Children/youth in care have the right:
  - to be fed, clothed and nurtured according to community standards and to be given the same quality of care as other children/youth in the placement;
  - to be informed about their plans of care;
  - to be consulted and to express their views, according to their abilities, about significant decisions affecting them;
  - to reasonable privacy and to possession of their personal belongings;
  - to be free from corporal punishment;
  - to be informed of the standard of behaviour expected by their caregivers or prospective adoptive parents and of the consequences of not meeting the expectations of their caregivers or prospective adoptive parents, as applicable;
  - to receive medical and dental care when required;
  - to participate in social and recreational activities if available and appropriate and according to their abilities and interests;
  - to receive the religious instruction and to participate in the religious activities of their choice;
  - to receive guidance and encouragement to maintain their cultural heritage;
  - to be provided with an interpreter if language or disability is a barrier to consulting with them on decisions affecting their custody or care;
  - to privacy during discussions with members of their families, (subject to s.70(2), *CFCSA*);
  - to privacy during discussions with a lawyer, the representative or a person employed or retained by the representative under the [\*Representative for Children and Youth Act\*](#), the Ombudsperson, a member of the Legislative Assembly or a member of Parliament;
  - to be informed about and to be assisted in contacting the representative under the *Representative for Children and Youth Act*, or the Ombudsperson;
  - to be informed of their rights, and the procedures available for enforcing their rights, under:
    - *CFCSA*, or

- the *Freedom of Information and Protection of Privacy Act (FOIPPA)*.
5. In addition, Indigenous children/youth have the right to:
- receive guidance, encouragement and support to learn about and practise their Indigenous traditions, customs and languages; and
  - belong to their Indigenous communities.
6. For guidance on upholding the rights of children/youth in care, see the *Children and Youth in Care Policies*.

**Consider the child's/youth's views and preferences without discrimination**

(s.3(1)(g), *Adoption Act*; s.4(1)(f), *CFCSA*)

7. The child/youth has a right to be involved in planning their own adoption. The Guardianship Worker and Adoption Worker involve the child/youth throughout the adoption planning process by:
- a. providing the child/youth with all relevant information relating to the issue under consideration, encouraging the child/youth to ask questions and ensuring the child/youth understands the information provided;
  - b. actively seeking and supporting the child/youth to express their views and preferences without discrimination (see best interest factors), including by providing sufficient time for a child/youth to understand and communicate their views and preferences; and
  - c. considering the child's/youth's views and preferences, without discrimination, when making decisions.
8. The extent and form of the child's/youth's involvement is carefully tailored to the child's/youth's unique needs, age and developmental capabilities. Reasonable efforts are made to create a space where the child/youth feels calm and safe before providing information or seeking their views and preferences.
9. The Guardianship Worker and Adoption Worker document how the child's/youth's views and preferences were considered in the CS file at key stages of the adoption process, including but not limited to the stages identified in the table below.
10. See the Appendix for a checklist of key stages when the child's/youth's views and preferences must be considered.

**Connect an Indigenous child/youth to their cultural communities**

(s.3.1(a)(b) and (c) *Adoption Act*; ss. 2(b.1), (f), 4(2), 50.06 *CFCSA*)

11. The Guardianship Worker and Adoption Worker **must** support an Indigenous child/youth to preserve and develop a strong and healthy cultural identity. This includes making **all** reasonable and ongoing efforts to connect an Indigenous child/youth to their Indigenous communities and support the continuity of the child's/youth Indigenous culture with respect to the

Indigenous peoples they belong to. The Adoption Worker works with the prospective adoptive parent to ensure the prospective adoptive parent understands the importance of supporting **the continuity of the child's/youth's Indigenous culture and their** cultural identity.

12. The Guardianship Worker and Adoption Worker apply the **Aboriginal Policy and Practice Framework (APPF)** when considering how to support the cultural identity of an Indigenous child/youth. This includes taking a restorative, collaborative approach to practice that supports and honours Indigenous peoples' systems of caring, nurturing children/youth and resiliency. The Guardianship Worker and Adoption Worker ensure that all engagement with Indigenous children/youth, their families and their communities is culturally safe.
13. Indigenous families and communities share responsibility for the upbringing and wellbeing of Indigenous children/youth. The Guardianship Worker **and Adoption Worker must consult and cooperate with the designated representative(s) from the child's/youth's Indigenous communities and/or identified Indigenous Governing Bodies (IGBs) in adoption planning before a request to place an Indigenous child/youth for adoption is made to the Director of Adoption.** When **consulting and cooperating with the designated representative(s) and/or identified IGBs,** the Guardianship Worker considers the intergenerational trauma of colonization and residential schools on Indigenous communities. This includes recognizing and responding to the **fact that CCOs and adoption have historically been viewed as tools of colonization used in Indigenous communities.**

***Provide respectful, inclusive and culturally safe services***

(s.3, *Adoption Act*; s.2, 3, 70 *CFCSA*)

14. The Guardianship Worker and Adoption Worker ensures all services to the child/youth, birth parent, prospective adoptive parent, and any other participant, **including the designated representative(s) from the child's/youth's Indigenous communities and/or identified IGBs,** involved in adoption planning, are respectful, inclusive and culturally safe. This includes showing respect for the participant's **Indigenous identity, race, colour, ancestry, place of origin, religion, family status, physical or mental disability, sex, sexual orientation and gender identity or expression.** The Guardianship Worker and Adoption Worker tailor the provision of information and services to respond to the complex emotions that individuals can experience during adoption planning. They clearly communicate information and ensure that information they provide is understood by the recipient. Language and cultural interpreters and other support services are provided as required to support individuals to engage with adoption planning. **The Guardianship Worker and Adoption Worker consult and cooperate with the designated representative(s) from the child's/youth's Indigenous communities and/or identified IGBs to determine what services and supports are appropriate.**

### **Collaborate with the Adoption Circle**

15. The Guardianship Worker establishes an Adoption Circle when the child's/youth's permanency plan becomes adoption. The Adoption Circle is based on the APPF and is a refocusing of the child's Care Circle that was established when the child/youth came into contact with the child welfare system. The Guardianship Worker consults the child's/youth's Care Circle to determine who should be invited to participate in the Adoption Circle. While many participants in the child's/youth's Care Circle will also be involved in the Adoption Circle, the change to adoption planning may lead to some changes in participants.
16. The Guardianship Worker consults with the Adoption Circle throughout the adoption process to facilitate an inclusive and collaborative approach to planning the child's/youth's adoption. The Adoption Circle consists of individuals with a personal or professional connection to the child/youth who are able and ready to support the Guardianship Worker to make decisions during adoption planning that are in the best interests of the child/youth.
17. Collaborating with the Adoption Circle ensures the Guardianship Worker has access to information and perspectives to inform a comprehensive and informed adoption plan that meets the unique needs of the child/youth, and supports the child/youth through transition, placement and residency. This includes establishing a plan for protecting the child's/youth's cultural identity. If the child/youth is Indigenous, the Adoption Circle will include designated representative(s) from the child's/youth's Indigenous communities and/or identified IGBs. When Indigenous communities and/or IGBs have been identified, the Guardianship Worker must invite designated representative(s) and/or identified IGBs to join the Adoption Circle. An Adoption Circle should be involved throughout adoption planning for every child/youth in continuing custody. It should support the child's/youth's involvement in adoption planning, not replace the child's involvement.
18. Information can be disclosed to the Adoption Circle where it supports the Guardianship Worker to carry out adoption planning that ensures the well-being of the child/youth. See the Appendix for a checklist of key stages for when to consult the Adoption Circle.

### **Self-government principle**

(s.3.2 *Adoption Act*; s. 4.1 *CFCSA*)

19. When engaging with Indigenous communities and IGBs, the interpretation of self-government principles set out in either the *CFCSA* or the *Adoption Act* will inform the basis of actions taken by either the Guardianship Worker or Adoption Worker.

The self-government principle in the *CFCSA* requires that the *CFCSA* be interpreted in accordance with the inherent right of self-government with

respect to Indigenous children/youth who are in the continuing custody of, or subject to sole personal guardianship of, a director of child/youth protection.

The inclusion of the self-government principle requires that the *Adoption Act*, insofar as it deals with the adoption of Indigenous children/youth who are subject to the sole personal guardianship of a director of child/youth protection, be interpreted in accordance with the inherent right of self-government.

The self-government principles have been included to influence the interpretation of the two Acts and to inform the relationship between the ministry and IGBs and how we work together, for example:

- Create space and allow time for IGBs' internal processes to be undertaken to make decisions as enabled by legislation.
- Learn about and support Indigenous communities to practice customs and protocols relating to adoption and actively support the child/youth to maintain their Indigenous cultural and familial ties.

Both the CFCSA and the *Adoption Act* include self-government principles, which are different in each act (refer to legislation for details). The CFCSA principles apply to the entire CFCSA, and the *Adoption Act* principles apply to *Adoption Act* provisions related to Indigenous children/youth in care.

### ***Working with IGBs, designated representatives and Indigenous communities***

20. The Guardianship Worker must consult and cooperate with the designated representative(s) from the child's/youth's Indigenous communities and/or identified IGBs when adoption becomes the permanency plan for an Indigenous child/youth in care. The Guardianship Worker must work with an IGB when one has been identified. In some circumstances, a child/youth may belong to more than one Indigenous community and the Guardianship Worker may work with more than one designated representative and/or identified IGB. With whom a Guardianship Worker consults and cooperates with will depend on the respective Indigenous communities' model for working with the ministry and making decisions about their children/youth who are in care.

### ***Obtain supervisory approvals***

21. The Guardianship Worker and Adoption Worker demonstrate consistent and accountable decision making by consulting and obtaining the approval of the



Team Leader or other specified supervisor when a decision affects the child's/**youth's** safety or permanency or when required by the *Adoption Policy and Procedures*.

22. When the approval of any specified supervisor other than the Team Leader is required, the Guardianship Worker or Adoption Worker requests that the Team Leader contact the specified supervisor.
23. The Guardianship Worker or Adoption Worker can seek assistance from an Adoption Consultant when facing a complex, unclear or unusual issue. Before contacting an Adoption Consultant, the relevant worker ensures they have considered all relevant policy on the issue.
24. See the Appendix for a checklist of key stages when the Team Leader or other specified supervisor's approval is required.

***Document accountable decision-making practices***

25. The Guardianship Worker and Adoption Worker ensure that physical and electronic case files are complete and maintained throughout the adoption process. Whenever the relevant worker is required to update the CS or Adoption Home (AH) file, they consider whether updates are also required in AMS and ICM.
26. The Guardianship Worker and Adoption Worker document, in the applicable case file:
  - a. all decisions that affect the child's/**youth's** safety or permanency;
  - b. all approvals obtained;
  - c. **all decisions when working with IGBs. This link provides [the current list of IGBs identified for the purpose of providing notice for significant measures](#), however the Ministry is working with Indigenous partners on how to determine who an "applicable IGB" is, per the *Adoption Act*, and**
  - d. any other information required by the *Adoption Policy and Procedures*.
27. Unless otherwise stated in the *Adoption Policy and Procedures*:
  - a. the Guardianship Worker documents information relating to the child/**youth** in the CS file until guardianship is transferred to the Adoption Worker following placement;
  - b. the Adoption Worker documents information relating to the child/**youth** in the CS file if guardianship is transferred to them following placement;
  - c. the Adoption Worker documents information relating to the prospective adoptive parent in the AH file; and
  - d. the HUB Worker or the Adoption Worker documents information relating to the adoptive applicant in the AH file.
28. See the Appendix for a checklist of key stages when documentation is required.



### **Protect confidential information**

29. The Guardianship Worker and Adoption Worker protect the privacy of individuals. They collect and maintain personal information in accordance with the relevant legislation, including the *Adoption Act*, *CFCSA* and the *Freedom of Information and Protection of Privacy Act*.
30. The Guardianship Worker and Adoption Worker only disclose personal information with the consent of that individual or in accordance with legislation:
- a. Under s.79 of the *CFCSA*, the Guardianship Worker may disclose information for a range of specified purposes including:
    - i. when necessary to ensure the safety or well-being of a child/youth;
    - ii. to facilitate or support an Indigenous child/youth to learn about and practice their Indigenous culture and to belong to their cultural communities
    - iii. as necessary for the administration of the Act, and
    - iv. as required in accordance with an agreement made under the *CFCSA*, or referred to in Division 1 of Part 7 of the *CFCSA*, that authorizes or requires the disclosure.
  - b. Under s.61 of the *Adoption Act*, the Adoption Worker may disclose identifying information about the child/youth if the disclosure is for the safety, health or wellbeing of the child/youth, or for the purpose of allowing the child/youth to receive a benefit.

### **Consider all permanency plans**

31. Thorough permanency planning is completed under *Permanency Policies* before adoption can be chosen as the permanency plan for a child/youth. Adoption is only pursued if it is determined to be in the best interests of the child/youth after all permanency options have been considered.
32. If an individual is identified during adoption planning who wishes to provide the child/youth with permanency other than adoption and who meets the placement priorities, the Guardianship Worker obtains the Team Leader's approval to pursue an alternative permanency plan.

### **Make reasonable efforts to notify**

*Advertising in social media and/or print media to locate an individual is prohibited. These search methods may breach the individual's privacy.*

33. The *Adoption Policy and Procedures* requires:
- a. the Guardianship Worker to make reasonable efforts to notify the designated representative(s) from the child's/youth's Indigenous communities and/or identified IGBs when the permanency plan for the child/youth is adoption; and

- b. the Adoption Worker and the Guardianship Worker to make reasonable efforts to notify an individual with an access order or de facto access to the child/youth at least 90 days whenever possible, and not less than 30 days, before applying for an adoption order.
- 34. The relevant worker notifies the individual directly (either in person or by phone) and provides notification in writing.
- 35. If the location of the individual is unknown, the relevant worker makes reasonable efforts to locate the individual by:
  - a. searching for information online;
  - b. reviewing the information in the CS file;
  - c. consulting with the Adoption Circle.
- 36. If the relevant worker cannot locate the individual through the above process:
  - a. they make a request for the individual's location from any public entity that may hold the information
  - b. if no public entity is likely to hold the information, they make a search request through the Maintenance Enforcement and Locate Services Office.
- 37. If the relevant worker cannot locate the individual through the above process, they contact the Adoption and Permanency Branch for assistance.
- 38. The relevant worker documents:
  - a. notification in the applicable file; or
  - b. if the individual cannot be located, all steps taken to locate and notify the individual in the applicable file.

## Chapter 10: Adoption Policy and Procedures

### Policy 10.1: Adoption planning

**Effective Date of Policy: 1 May 2019    Amendment Date of Policy:**

#### Policy Statement

Providing a child/youth with a loving and permanent family improves the child's/youth's sense of identity, well-being and outcomes throughout their life. The Guardianship Worker matches the child/youth with a prospective adoptive parent who can provide the four dimensions of permanency (legal, cultural, relational and physical) as soon as practicable after adoption becomes the permanency plan for the child/youth.

The child/youth is matched with a prospective adoptive parent who is able and ready to meet the child's/youth's unique needs. Extensive adoption planning is carried out to identify a match that is in the child's/youth's best interests. The child's/youth's needs are carefully considered when identifying a match. This includes any special service or placement needs the child/youth has, both at the time of adoption and across their lifetime, to the extent that future needs can be anticipated. To support timely adoptions, the child/youth is matched with a prospective adoptive parent as soon as possible after adoption becomes the child's/youth's permanency plan.

The adoption planning process is child/youth centered and tailored to the child's/youth's unique needs, age and developmental capabilities. It is sensitive to the complex emotions the child/youth may experience during adoption planning. This includes recognising how separation, loss and attachment affect the child/youth at different ages and stages of the adoption process. The child/youth is involved in adoption planning and their **views and preferences** are considered **without discrimination** in all significant decisions. The child/youth is prepared for adoption before they are placed with the prospective adoptive parent.

Maintaining existing relationships can support continuity and stability in the child's/youth's life. To support a child/youth to maintain existing relationships, where it is possible and in the child's/youth's best interests, the child/youth is matched with family members or within their community. All matching decisions are consistent with the placement priorities set out in s.71 of the *CFCSA*.

Adoption planning for the child/youth is a collaborative and inclusive process. If the child/youth is Indigenous, **the Guardianship worker must consult and cooperate with the designated representative(s) from the child's/youth's Indigenous communities and/or identified IGBs in adoption planning before**

placing the Indigenous child/youth for adoption. An Adoption Circle is established and consulted throughout the adoption planning process. The Guardianship Worker must invite designated representative(s) from the child's/youth's Indigenous communities and/or identified IGBs to join the Adoption Circle when the child/youth identifies or has been identified as belonging to Indigenous communities.

During the adoption planning process, the Guardianship Worker must make all reasonable efforts to obtain and preserve the child's/youth's Indigenous community information when known. When the child's/youth's Indigenous community information has been obtained, the Guardianship Worker must give the information to the child/youth, if sufficiently mature, and the prospective adoptive parents before placing an Indigenous child/youth for adoption.

When engaging with Indigenous communities and IGBs the interpretation of self-government principles set out in either the CFCSA (s. 4.1) or the *Adoption Act* (s. 3.2) will inform the basis of actions taken by either the Guardianship Worker or Adoption Worker.

## Outcomes

- The child/youth is matched with a prospective adoptive parent that can meet the child's/youth's unique needs
- The child's/youth's Adoption Circle and Indigenous communities support the Guardianship Worker to identify the prospective adoptive parent
- An Indigenous child/youth establishes a strong, healthy cultural identity and is connected to their cultural communities
- The designated representative(s) from a child's/youth's Indigenous communities and/or identified IGBs are invited to consult and cooperate in adoption planning

## Standards

10.1(1) The Guardianship Worker establishes an Adoption Circle, including a designated representative(s) from the child's/youth's Indigenous communities and/or identified IGBs, for the child/youth, and involves the Adoption Circle in adoption planning

10.1(2) The Guardianship Worker **must consult and cooperate with the designated representative(s) from the child's/youth's Indigenous communities and/or identified IGBs** in adoption planning

10.1(3) The Guardianship Worker abides by any agreement made under s.92.1 of the *CFCSA* and an Indigenous community that sets out how the Indigenous community will be **consulted and cooperated with** in adoption planning for children/youth from their Indigenous community

10.1(4) The Guardianship Worker prepares the child/youth for adoption, to the extent reasonable given their unique needs, age and developmental capabilities, before the child/youth is placed

10.1(5) The Guardianship Worker matches a child/youth in accordance with the placement priorities set out in s.71 of the *CFCSA*

10.1(6) The Guardianship Worker determines whether the child/youth is designated as eligible for Post-Adoption Assistance (PAA), and if the child/youth is eligible, completes the designation form.

## Procedures

### 1) ***Establish the Adoption Circle***

*The child's/youth's existing Care Team/Circle is refocused into an Adoption Circle when adoption becomes the permanency plan for the child/youth.*

1. Within 30 days of adoption becoming the permanency plan for the child/youth, the Guardianship Worker:
  - a. identifies individuals to participate in the Adoption Circle; and
  - b. contacts those individuals to explain the role of the Adoption Circle and request they consider participating in the Adoption Circle
2. The Guardianship Worker:
  - a. consults with members of the Adoption Circle when considering decisions that affect the child's/youth's permanency, or as required; and
  - b. considers which members of the Adoption Circle they should consult at each stage of the adoption process.
3. The Guardianship Worker shares information with members the Adoption Circle that is necessary to assist the Guardianship Worker to make decisions about the care and planning for the child/youth
4. The Guardianship Worker considers including in the Adoption Circle:
  - a. members of the child's/youth's Care Circle;
  - b. any other individuals with a personal or professional connection to the child/youth who are able and ready to support the Guardianship Worker during adoption planning. This may include: the child's/youth's birth family, relatives, **citizens/members** of their cultural **communities**,

caregiver, prospective adoptive parent, individuals with access or de facto access to the child/youth, and adoption professionals or other professionals working with the child/youth.

5. Designated representative(s) from the child's Indigenous communities and/or identified IGBs must be invited to participate;
  6. To determine who should be invited to participate in the Adoption Circle, the Guardianship Worker:
    - a. reviews the child's/youth's Care Plan, and in the case of an Indigenous child/youth any plans for the child's/youth's care, including care in accordance with the customs and traditions of the child's/youth's Indigenous communities;
    - b. consults with the child's/youth's Care Circle; and
    - c. considers the child's/youth's views and preferences without discrimination.
  7. For guidance on the role of the Adoption Circle in adoption planning, see the *Guiding Principles* above.
- 2) **Consult and cooperate with an Indigenous child's/youth's cultural communities in adoption planning**  
(s. 50.01, 50.06, 92.1 CFCSA)
1. If the child/youth is Indigenous, the Guardianship Worker, within 30 days of adoption becoming the permanency plan for the child/youth:
    - a. confirms whether the child/youth belongs to one or more Indigenous communities, and if so, whether the Indigenous communities are represented by an IGB;
    - b. discusses with the child/youth the right of the child's/youth's Indigenous communities and/or IGBs to be consulted and cooperated with in their adoption planning; and
    - c. identifies what steps have been taken to consult and cooperate with the designated representative(s) from the child's/youth's Indigenous communities and/or identified IGBs in permanency planning.
  2. Within 30 days of adoption becoming the permanency plan for the child/youth, the Guardianship Worker makes reasonable efforts to provide written notification that the permanency plan for the child/youth is adoption:
    - a. to the designated representative(s) from the child's/youth's Indigenous communities and/or identified IGBs and
    - b. if there is an agreement with the child's/youth's Indigenous communities or IGB, to the representatives identified by that agreement.
  3. For guidance on what constitutes reasonable efforts to notify, see the *Guiding Principles* above.
  4. If there is an agreement with the child's/youth's Indigenous communities under s.92.1(2), the Guardianship Worker consults and cooperates with the designated representative(s) from the child's/youth's Indigenous

- communities and/or identified IGBs in the child's/youth's adoption planning as required by the agreement.
5. If there is no agreement under s.92.1(2), the Guardianship Worker makes all reasonable and ongoing efforts (at least annually) to contact and consult and cooperate with the designated representative(s) and/or identified IGBs in adoption planning for the child/youth.
  6. If the representative agrees to consult and cooperate with the designated representative(s) and/or identified IGBs on adoption planning, the Guardianship Worker:
    - a. includes the representative or other agreed citizen/member of the child's/youth's Indigenous communities in the Adoption Circle if they wish to be included;
    - b. consults and cooperates with the designated representative(s) from the child's/youth's Indigenous communities and/or identified IGBs to develop a plan setting out how the Indigenous communities will be involved in adoption planning, including how the child/youth will be supported to:
      - i. experience cultural continuity, including the transmission of languages, cultures, practices, customs, traditions, ceremonies and knowledge of the child's/youth's Indigenous communities;
      - ii. develop the child's/youth's Indigenous cultural identity, including the child/youth being able to practice the child's/youth's Indigenous traditions, customs and language;
      - iii. preserve the child's/youth's connections to the child's/youth's Indigenous communities and the region where the child's/youth's family and Indigenous communities are located;
      - iv. be connected to family; and
      - v. any plans for the child's/youth's care, including care in accordance with the customs and traditions of the child's/youth's Indigenous communities.
  7. If the child/youth belongs to more than one Indigenous community, the Guardianship Worker contacts each of the Indigenous communities and/or identified IGBs as applicable and works with them to reach consensus about how the designated representative(s) from each will be consulted and cooperated with in adoption planning.
  8. The Guardianship Worker documents:
    - a. the plan for consulting and cooperating with the designated representative(s) from the child's/youth's Indigenous communities and/or identified IGBs in adoption planning; or
    - b. if no plan has been developed, the reason there is no plan and all steps taken to consult and cooperate with the designated representative(s) and/or identified IGBs in adoption planning.
  9. For guidance on consulting and cooperating with the designated representative(s) from the child's/youth's Indigenous communities and/or identified IGBs in adoption planning, see the *Guiding Principles* above.



**3) Preserve an Indigenous child's/youth's cultural identity**  
(s.3, 3.1, 6(1)(h) Adoption Act; ss.2(f), 4(2), 70(1.1) CFCSA)

1. If the child/youth is Indigenous, the Guardianship Worker, within 30 days of adoption becoming the permanency plan for the child/youth:
  - a. discusses with the child/youth the child's/youth's right to belong to their Indigenous communities, and support the continuity of the child's/youth's Indigenous culture;
  - b. identifies what steps have been taken to preserve the child's/youth's Indigenous cultural identity; and
  - c. must make all reasonable efforts to collect and document information about the child's/youth's Indigenous cultural identity before placing the child/youth for adoption. Obtain and preserve the child's/youth's Indigenous community information when known.
2. If the child's/youth's Indigenous identity is not clear, the Guardianship Worker seeks information about the child's/youth's Indigenous identity from the child/youth, the Adoption Circle and anyone else who may know this information.
3. The Guardianship Worker updates the child's Care Plan to ensure it includes a plan:
  - a. to support the continuity of the child's/youth's Indigenous culture and to preserve the child's/youth's Indigenous identity, both while the child/youth is in care and following adoption
  - b. that considers the child's/youth's views and preferences without discrimination; and
  - c. is developed in consultation with the Adoption Circle that includes designated representative(s) from the child's Indigenous communities and/or identified IGBs.
4. The Guardianship Worker documents all steps taken to preserve the child's/youth's Indigenous identity in the child's guardianship Care Plan, adoption Care Plan and on ICM.

**4) Initial actions when the child/youth becomes available for adoption**

1. Within 30 days of adoption becoming the permanency plan for the child/youth, the Guardianship Worker:
  - a. updates ICM to indicate that the permanency plan is adoption;
  - b. reviews and completes the child's/youth's Basic Profile in AMS;
  - c. if the child/youth has already been matched with a prospective adoptive parent, updates AMS to link the child's/youth's profile with the prospective adoptive parent's;
  - d. reviews the CS file to:
    - i. confirm the child/youth is legally available for adoption by confirming a CCO has been made or the Guardianship Worker is the child's/youth's sole personal guardian under the Infant Act;



- ii. identify whether the child/youth has any siblings;
  - iii. ensure all permanency options were considered before adoption was determined to be the permanency plan; and
  - iv. ensure the CS file contains all required documentation to start adoption planning.
2. Required documentation in the CS file includes:
  - a. a certified copy of the CCO;
  - b. certified true copies of any access orders and associated court documents (if applicable);
  - c. a Certified True Copy of (Birth) Registration Document; and
  - d. an updated Care Plan.
3. If the CS file does not contain required documentation, the Guardianship Worker gathers and documents the missing information.

## **5) Update the child's/youth's Care Plan**

*The child's/youth's Care Plan is a living, working document that should be reviewed and updated as the child/youth matures and as their circumstances change.*

1. The Guardianship Worker reviews the child's/youth's existing Care Plan to understand the child's/youth's needs, history, and why adoption is their permanency plan.
2. The Guardianship Worker updates the child's/youth's Care Plan, after considering the child's/youth's views and preferences without discrimination, and consulting the Adoption Circle, to identify:
  - a. the child's/youth's current and anticipated future permanency needs, including any special service or placement needs; and
  - b. the desired goals for the child/youth.
3. If the child/youth has not been placed, the Guardianship Worker:
  - a. completes a review of the Care Plan every six months; and
  - b. completes an Annual Care Plan annually.
4. For guidance on updating the Care Plan, see *Children and Youth in Care Policies and Care Plans*.

## **6) Prepare the Adoption Proposal Package**

(s. 6(1)(c), (d), (h); 6(1.1) Adoption Act; s.4 Adoption Regulation)

*The contents of the Proposal Package can take time to gather, so it is important that the Guardianship Worker begins developing the Proposal Package as soon as adoption is identified as the child's/youth's permanency plan.*

1. Within 30 days of adoption becoming the permanency plan for the child/youth, the Guardianship Worker begins to develop the Adoption Proposal Package (Proposal Package).
2. As part of developing the Proposal Package, the Guardianship Worker gathers:

- a. information about the child's/youth's Indigenous cultural identity, including the Indigenous community information when known;
  - b. the complete medical, social and placement history of the child/youth; and
  - c. the medical and social history of the child's/youth's birth family.
3. For guidance on preparing the Proposal Package, see the the *Child and Youth Proposal Package Guidelines*.

**7) Prepare the child/youth for adoption**

(s. 6(1)(e) *Adoption Act*)

1. Before the child/youth is placed with the prospective adoptive parent, the Guardianship Worker:
  - a. prepares the child/youth for adoption in general, and for adoption by the prospective adoptive parent;
  - b. obtains the Team Leader's approval that the child/youth has been prepared.
2. To prepare the child/youth for adoption, the Guardianship Worker ensures the child/youth, to the extent possible given the child's/youth's unique needs, age and developmental capabilities, is:
  - a. comfortable with adoption as their permanency plan;
  - b. able to talk about their birth family, their own history and why they came into care;
  - c. able to cope with feelings of grief and loss prompted by adoption;
  - d. able to form attachments with the prospective adoptive family.
3. The Guardianship Worker develops and implements a plan for preparing the child/youth that:
  - a. is developed in consultation with the Adoption Circle;
  - b. identifies the role of the Adoption Circle, and in particular the current caregiver, in preparing the child/youth;
  - c. considers connecting the child/youth with support services that can help prepare the child/youth for adoption;
  - d. explains the meaning and effect of adoption to the child/youth, including:
    - i. the legal and social effects of an adoption order;
    - ii. any changes to access orders;
    - iii. if the child/youth is Indigenous, that an adoption does not affect their Indigenous rights (s.37(7) *Adoption Act*).
4. The Guardianship Worker prepares a Life Book for the child/youth that sets out a record of the child's/youth's personal history and can help them to understand past events. The Life Book may contain identifying information that is necessary to support the wellbeing of the child/youth, such as their birth name and information about their cultural identity, including for an Indigenous child/youth their Indigenous community information when known. When preparing a Life Book for an Indigenous child/youth, involve their Indigenous communities.

5. For more guidance on what to include in a Life Book, see [Life Books](#) and [Foster Family Handbook](#).
6. If the child/youth does not appear prepared for adoption after reasonable efforts are made to prepare the child/youth, the Guardianship Worker:
  - a. delays placement if reasonable steps can be taken to better prepare the child/youth; or
  - b. continues with the placement if a delay is unlikely to improve a child's/youth's preparedness;
7. The Guardianship Worker ensures a child/youth remains prepared for adoption until placement.
8. The Adoption Worker ensures the child/youth remains prepared for adoption during residency.

**8) Consider continued access for individuals with an access order after an adoption order is granted**  
(s. 38 Adoption Act)

*Openness Agreements are typically preferred to access orders, as they can be changed by mutual agreement of the participants without returning to the court to vary the order. However, in some circumstances, it may be in the best interests of the child/youth for an access order to continue.*

1. If an individual has an access order relating to the child/youth, the Guardianship Worker contacts the individual to:
  - a. explain that the permanency plan for the child/youth is adoption and that the access order will terminate when the court grants an adoption order unless the court orders that access should continue;
  - b. discuss creating an Openness Agreement; and
  - c. discuss involving the individual in the Adoption Circle.
2. The Guardianship Worker determines whether to recommend that an access order is continued or varied following adoption after:
  - a. considering the child's/youth's views and preferences, without discrimination;
  - b. consulting designated representative(s) from the child's/youth's Indigenous communities and/or identified IGBs; and
  - c. consulting the Adoption Circle.
3. If the Guardianship Worker believes that the access order should continue or be varied following adoption, the Guardianship Worker documents a recommendation that the Post Placement Report includes a recommendation to that effect (s.18(1)(c) Adoption Regulation).

**9) Register an Indigenous Child/Youth**

1. Within 30 days of adoption becoming the permanency plan for an Indigenous child/youth, the Guardianship Worker reviews the CS file to ensure an application has been made for registration or membership, if the child/youth has or is eligible for:

- a. status under the Indian Act;
  - b. registration of citizenship with Métis Nation BC; and
  - c. membership with the child's/youth's Indigenous communities under any other legislation or self-government agreement (s.62(2), *Adoption Act*).
2. If the child/youth is eligible and an application for registration or membership has not been made, the Guardianship Worker:
  - a. makes an application;
  - b. documents the application and subsequent registration:
    - i. on ICM; and
    - ii. in the CS file; and
  - c. does not make a request to have the child/youth placed on the federal government A-List.
3. For guidance on registering an Indigenous Child, see the *Children and Youth in Care Policies* or the [Indigenous Services Canada](#) website.

**10) Designate the child/youth as eligible for Post Adoption Assistance**  
(Part 6 *Adoption Regulation*)

1. If the Guardianship Worker determines the child/youth has a special service or special placement need that enables them to be designated as eligible for Post Adoption Assistance (PAA) the Guardianship Worker:
  - a. completes the Designation of Child ([cf2208](#)) template for PAA; and
  - b. documents the Designation of Child form.
2. A child/youth can be designated if they have a special service need due to:
  - a. a diagnosed physical disability or mental disability or both;
  - b. a diagnosed emotional disturbance or behavioral disturbance or both;
  - c. a recognized high risk of developing a physical disability or mental disability or both; or
  - d. a recognized high risk of developing an emotional disturbance or behavioral disturbance, or both, due to pre-natal or post-natal history.
3. A child/youth can also be designated if they have a special placement need for the following reasons:
  - a. due to the age of the child/youth;
  - b. the child/youth is a member of a family group that should be placed together, either jointly or successively;
  - c. the child/youth has established significant emotional ties with the person who proposes to adopt the child/youth; or
  - d. the child/youth has cultural ties that require a culturally compatible placement or support.
4. For guidance on designating a child/youth, see the *Post Adoption Assistance Provincial Policy and Procedures*.

**11) Placement priorities for a non-Indigenous child/youth**  
(s. 71 *CFCSA*)

1. If the child/youth is not Indigenous, the Guardianship Worker gives priority to matching the child/youth with a relative. If that is not in the child's/youth's best interests, the Guardianship Worker prioritizes matches:
  - a. in a location where the child/youth can maintain contact with relatives and friends;
  - b. in the same family unit as the child's/youth's siblings; or
  - c. in a location that will allow the child/youth to continue in the same school.

**12) Placement priorities for an Indigenous child/youth**  
(s. 71, CFCSA)

1. To preserve an Indigenous child's/youth's cultural identity, the Guardianship Worker gives priority to matching an Indigenous child/youth with a prospective adoptive parent who is a member of the child's/youth's extended family or their Indigenous communities.
2. If the Indigenous child/youth cannot safely be matched with the child's/youth's extended family or within their Indigenous communities, the Guardianship Worker gives priority to matching the child/youth with another Indigenous family.
3. If the Indigenous child/youth cannot safely be matched within an Indigenous family, the Guardianship Worker obtains their Team Leader's approval to apply the considerations for a non-Indigenous child/youth below.

**13) Identify a prospective adoptive parent who meets the placement priorities**

*A comprehensive search for prospective adoptive parents is undertaken as part of permanency planning and documented in the child's/youth's Care Plan. However, the Guardianship Worker conducts their own search once the child's/youth's permanency plan becomes adoption.*

1. The Guardianship Worker makes reasonable efforts to identify possible matches who meet the placement priorities set out above, including by:
  - a. identifying individuals in the child's/youth's Care Plan who may be a match;
  - b. considering the child's/youth's views and preferences, without discrimination, and consulting the Adoption Circle that includes designated representative(s) from the child's/youth's Indigenous communities and/or identified IGBs;
  - c. creating a genogram, if one has not been completed; and
  - d. considering contacting a Family Finders or Roots representative for assistance.
2. If no individual is identified through the above methods, the Guardianship Worker identifies a prospective adoptive parent through AMS and other means. The Guardianship Worker:
  - a. updates the child's/youth's AMS Basic Profile;

- b. regularly reviews algorithm matches on AMS;
  - c. conducts active searches on AMS;
  - d. completes a Public Profile for the child/youth on AMS, which is reviewed by the Adoption and Permanency Branch before being posted on Adopt BC Kids;
  - e. consults the Adoption Worker local to the child/youth; and
  - f. considers other options to identify a prospective adoptive parent.
3. The Guardianship Worker obtains the child's/youth's consent before creating a Public Profile if the child/youth is 12 years or over.
4. The Guardianship Worker ensures no photograph or other identifying information about the child/youth is released to the public.
5. For guidance on identifying a prospective adoptive parent, see the *Permanency Policies*.

**14) Assess whether a match meets the child's/youth's best interests**

1. The Guardianship Worker determines whether a prospective adoptive parent meets the child's/youth's best interests by:
  - a. reviewing the prospective adoptive parent's Structured Assessment Family Evaluation (SAFE) Assessment to assess their ability and readiness to meet the child's/youth's unique needs, including their openness and cultural needs
  - b. consulting the:
    - i. Adoption Circle;
    - ii. Designated representative(s) from the child's/youth's Indigenous communities and/or identified IGBs; and
    - iii. Adoption Worker local to the prospective adoptive parent.

**15) Identify a match within six months**

1. The Guardianship Worker matches the child/youth with a prospective adoptive parent as soon as possible, and within six months of adoption becoming the permanency plan for the child/youth.
2. If the child/youth's is not matched with a prospective adoptive parent, the Guardianship Worker, every six months:
  - a. reviews and updates the child's/youth's Basic Profile on AMS;
  - b. reviews and updates the child's/youth's Public Profile on Adopt BC Kids;
  - c. identifies additional options to identify a match, in consultation with the Team Leader, the Adoption Worker local to the child/youth, the designated representative(s) from the child's/youth's Indigenous communities and/or identified IGBs and the Adoption Circle.
5. If the child/youth is not matched within 12 months, the Guardianship Worker:
  - a. develops a plan outlining additional efforts to identify a match;
  - b. obtains TL approval of the plan; and
  - c. consults the DOO on the plan.



## **16) Preserve the sibling relationship**

*When applying the placement priorities, keeping siblings together is presumed to be in the child's/youth's best interests under s.71(1) and ss.71(2) (a) and (b) of the CFCSA. S.71(2) allows consideration of the child's/youth's best interests to supersede the placement priorities for a non-Indigenous child/youth. However, consideration of best interests cannot supersede the placement priorities for an Indigenous child/youth under s.71(3).*

1. Whenever it is possible, the Guardianship Worker matches sibling groups in care with a prospective adoptive parent who is ready and able to adopt the sibling group, unless:
  - a. for a non-Indigenous child/youth, it is not consistent with the child's/youth's best interests to place the child/youth with the sibling group; and
  - b. for an Indigenous child/youth's, the placement priorities require the child/youth to be placed separately from the sibling group.
2. When determining whether matching a sibling group in care with different prospective adoptive parents is in the child's/youth's best interests, the Guardianship Worker:
  - a. assesses the benefits and disadvantages for each child/youth of separating the sibling group against the best interest factors set out in the *Guiding Principles* above;
  - b. considers the views and preferences of each child/youth in the sibling group, **without discrimination**;
  - c. consults each child's/youth's Adoption Circle;
  - d. ensures the decision to separate a sibling group is not informed by perceived difficulties in finding a family where the sibling group may live together.
3. If the child/youth has a sibling who has been placed for residency, the Guardianship Worker contacts the Adoption Worker for the prospective adoptive parent of the sibling to discuss whether the prospective adoptive parent may be a match for the child/youth.
4. If the child/youth has a sibling who was previously adopted, the Guardianship Worker consults the Adoption Consultant who will contact the Adoption Worker local to the adoptive parents of the sibling to discuss whether the prospective adoptive parent may be a match for the child/youth.

## **17) If considering separating a sibling group in care**

1. If the Guardianship Worker determines that members of a sibling group should be matched with different prospective adoptive parents, the Guardianship Worker:
  - a. obtains the DOO's approval to place the sibling group separately through a written request; and
  - b. documents the written request in the CS file.
2. The written request for the approval submitted to the DOO should include:

- a. each child's/youth's name and birth date;
  - b. a summary of the placement history of each child/youth, including the length of time the children/youth have been living, or previously lived, together, and the level of contact and nature of their relationship with one another;
  - c. each child's/youth's unique needs;
  - d. each child's/youth's permanency plan;
  - e. each child's/youth's views and preferences without discrimination on separating the sibling group;
  - f. the designated representatives from each child's/youth's Indigenous communities and/or identified IGBs views on separating the sibling group;
  - g. the efforts made to recruit a home for the children/youth as a sibling group;
  - h. the reasons for placing the siblings separately, including:
    - i. how the recommended match aligns with the placement priorities; and
    - ii. the potential benefits and disadvantages to each child/youth.
3. If the DOO approves separating the sibling group, the Guardianship Worker:
  - a. ensures services are provided to support each of the siblings through the separation; and
  - b. determines what steps should be taken to preserve the sibling relationship through, for example, Openness Agreements or another plan for ongoing contact.

## **18) Consult the Adoption Worker**

1. When the Guardianship Worker identifies one or more potential prospective adoptive parents who may be a match for the child/youth, they contact each Adoption Worker local to each prospective adoptive parent and discuss with each Adoption Worker whether the prospective adoptive parent may be a suitable match.
2. The Adoption Worker for each potential match:
  - a. reviews the information on the child/youth to determine whether the prospective adoptive parent may meet the unique needs of the child/youth, including the child's/youth's openness and cultural needs; and
  - b. ensures that the prospective adoptive parent has been approved for the age and special needs of the child/youth and, if applicable, the number of children/youth.
3. If the Guardianship Worker and at least one of the Adoption Workers contacted agree that a prospective adoptive parent may be a match for the child/youth, the Guardianship Worker arranges for a matching meeting.



**19) Adoption Worker confirms the prospective adoptive parent is a potential match for the child/youth**

1. The Adoption Worker ensures the prospective adoptive parent's approval to adopt is up to date by:
  - a. completing a SAFE Study Update if the last update was more than a year ago. The update is started, but does not have to have been completed before the Proposal Package is provided to the prospective adoptive parent;
  - b. updating the Detailed Records Review (DRR) for the prospective adoptive parent and members of their household; and
  - c. updating the Consolidated Criminal Records Check (CCRC) for the prospective adoptive parent and members of their household if the previous CCRC was conducted more than nine months ago.

**20) Hold a matching meeting**

1. When one or more matches for a child/youth are identified by applying the placement priorities, the Guardianship Worker arranges for a matching meeting that includes the Team Leader, the designated representative(s) from the child's/youth's Indigenous communities and/or identified IGBs and at least one other worker familiar with the child/youth, or member of the Adoption Circle.
2. If only one match is identified:
  - a. the Adoption Worker for the prospective adoptive parent is included in the matching meeting; and
  - b. the participants at the matching meeting assess the prospective adoptive parent against the best interests of the child/youth to determine whether they are a match.
3. If more than one match is identified, the participants:
  - a. assess the potential matches against the placement priorities and the best interests of the child/youth; and
  - b. compare the prospective adoptive parents who are consistent with the placement priorities to determine which is the preferred match for the child/youth.
4. The Guardianship Worker ensures there is consensus about whether the prospective adoptive parent is a match for the child/youth.
5. If there is no consensus on the preferred match, the Guardianship Worker:
  - a. attempts to resolve the reason for the disagreement;
  - b. if the reason for the disagreement cannot be resolved:
    - i. consults with their Team Leader on the potential matches and the reason for the disagreement;
    - ii. consults with their Team Leader if an IGB disagrees with the match. The Guardianship Worker and Team Leader will meet with the IGB to discuss concerns and seek agreement or an

alternative match in alignment with the best interests of the child/youth as set out in the CFCSA s. 4(2); and

- iii. obtains their Team Leader's approval of the preferred match.
6. When the preferred match has been identified, the Guardianship Worker:
  - a. documents the findings of the matching meeting and the reasons that the preferred match was chosen;
  - b. obtains Team Leader's approval to proceed to an adoption proposal; and
  - c. asks the Adoption Worker local to the prospective adoptive parent to have a preliminary conversation with the prospective adoptive parent.
7. If an Indigenous child/youth is matched with a non-Indigenous prospective adoptive parent who is not a relative at the matching meeting, the Guardianship Worker obtains the Regional Deputy Director of Adoption's approval to proceed to an adoption proposal.

## **21) Preliminary conversation with the prospective adoptive parent**

*If the Guardianship Worker has a pre-existing relationship with the prospective adoptive parent (for example, if the prospective adoptive parent is the child's/youth's foster parent or has a relationship with the child/youth), the Adoption Worker works closely with the Guardianship Worker to utilize the Guardianship Worker's knowledge of the prospective adoptive parent.*

1. The Adoption Worker holds a preliminary conversation with the prospective adoptive parent to determine whether the prospective adoptive parent is interested in proceeding with a match. This conversation may be held prior to, or following, the matching meeting.
2. The Adoption Worker:
  - a. discusses the child/youth with the prospective adoptive parent (without identifying the child/youth if the prospective adoptive parent does not know the child's/youth's identity), including:
    - i. the child's/youth's unique needs, including any special service and placement needs;
    - ii. any access orders and openness and cultural needs;
    - iii. any possible delays or legal risks to the placement; and
    - iv. if a matching meeting has not been held, whether any other prospective adoptive parents are being considered.
  - b. informs the prospective adoptive parent that an adoption proposal does not constitute an agreement to place the child/youth with the prospective adoptive parent;
  - c. determines whether the prospective adoptive parent wishes to proceed with the match;
  - d. explains the different roles of the Guardianship Worker and the Adoption Worker;
  - e. documents the discussion with the prospective adoptive parent; and

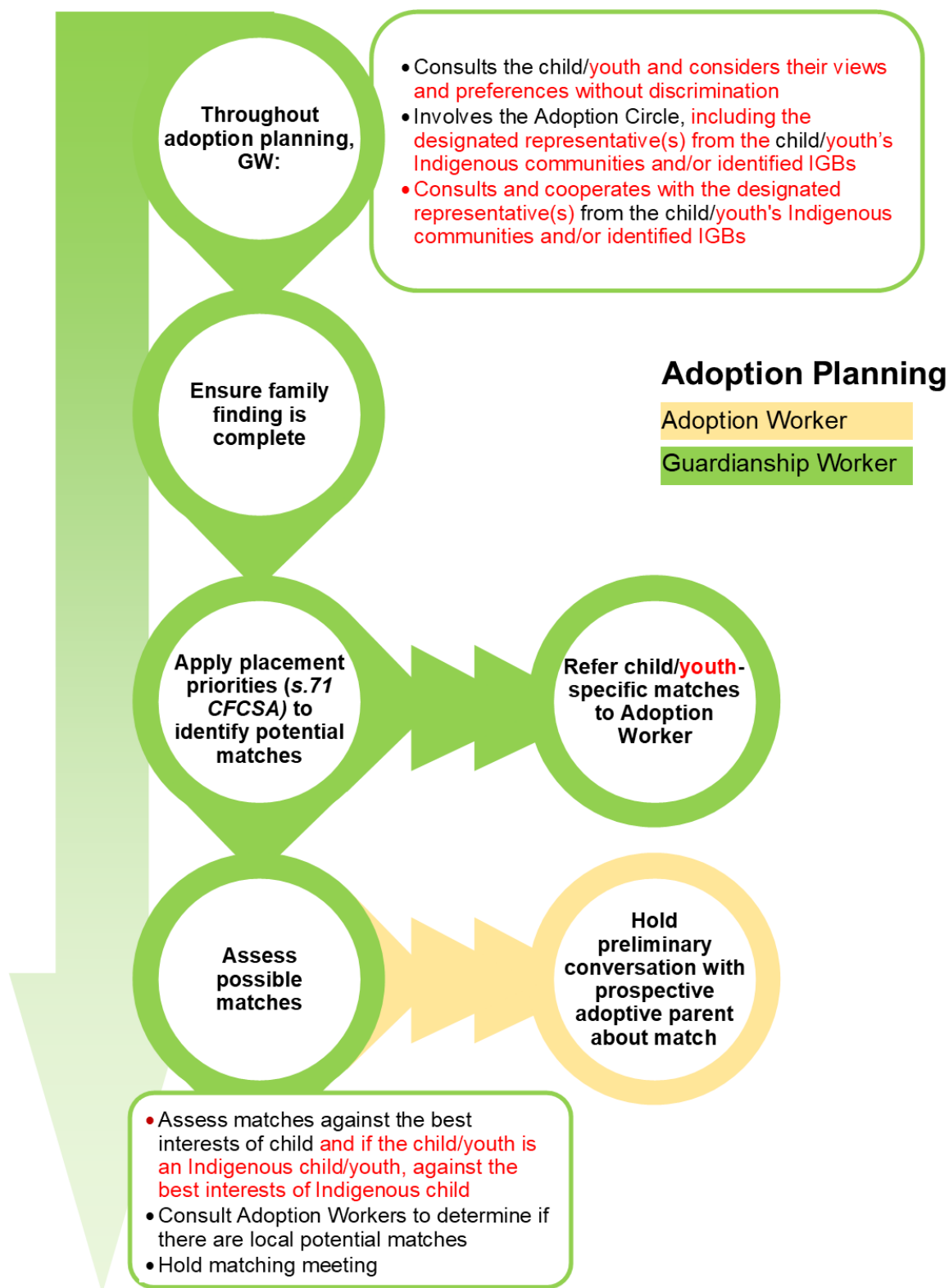
- f. informs the Guardianship Worker whether the prospective adoptive parent wishes to proceed with the match.
3. If the individual is interested in adopting a specific child/youth and has not been approved as a prospective adoptive parent, the Adoption Worker advises the individual that:
  - a. the individual must apply to be approved as a prospective adoptive parent; and
  - b. the child/youth cannot be placed with them for adoption until they have been approved as a prospective adoptive parent
4. If, when a child/youth is matched with a prospective adoptive parent, the Adoption Worker finds, or the prospective adoptive parent indicates, that the age or special needs of a child/youth, or number of children/youth, they are able and ready to adopt is different from what they have been approved for, the Adoption Worker:
  - a. informs the prospective adoptive parent that their approval to adopt will be reviewed and amended for accuracy; and
  - b. updates the Homestudy to ensure it accurately reflects the age and special needs of a child/youth, and the number of children/youth, the prospective adoptive parent is able and ready to adopt.

## **22) Pause adoption planning**

*When adoption planning is paused, the Guardianship Worker does not actively seek a prospective adoptive parent to match the child/youth (legal permanency). However, the Guardianship Worker continues to take action to provide the child/youth with cultural, relational and physical permanency.*

1. If, during adoption planning, the Guardianship Worker determines that it is in the child's/youth's best interests to temporarily pause adoption planning for the child/youth, the Guardianship Worker:
  - a. submits a written request to the DOO seeking approval to pause adoption planning; and
  - b. documents the written request.
2. The written request sets out:
  - a. the reasons that pausing adoption planning is in the child's/youth's best interests. Reasons may include, but are not limited to:
    - i. a health care provider has diagnosed the child/youth as having unstable physical or emotional health;
    - ii. repeated attempts to secure an adoptive home have been unsuccessful, and continued attempts would have a negative impact on the child/youth; or
    - iii. a designated representative(s) from the child's/youth's Indigenous communities and/or identified IGBs has raised concerns about a placement or the adoption plan.
  - b. what actions will be taken to provide the child/youth with cultural, relational and physical permanency while adoption planning is paused.

3. The Guardianship Worker considers the **child's/youth's views and preferences** and consults the Adoption Circle before determining whether to pause adoption planning.
4. If approval is granted, the Guardianship Worker:
  - a. updates AMS and ICM;
  - b. does not actively pursue an adoption for the child/youth;
  - c. continues to take actions to provide the child/youth with cultural, relational and physical permanency;
  - d. reviews whether adoption planning should resume with the Team Leader every six months as part of the Care Plan review; and
  - e. reviews whether adoption planning should resume with the DOO annually as part of the Care Plan review.



## Chapter 10: Adoption Policy and Procedures

### Policy 10.2: Openness Agreements

Effective Date of Policy: 1 May 2019    Amendment Date of Policy:

#### Policy Statement

Openness Agreements are made between the prospective adoptive parent and another individual who has a significant relationship with the child/youth (the significant individual). Openness Agreements set out the type and frequency of contact (openness) between the child/youth and the significant individual following adoption that is in the best interests of the child/youth. They support the child/youth to continue significant relationships following adoption, or to establish contact between the child/youth and birth family members, **and in the case of an Indigenous child/youth a birth family member or relative.**

There are two types of openness. Non-identifying openness provides for the exchange of non-identifying information, typically through an intermediary. Full-disclosure openness provides for the direct exchange of identifying information, which may include visits.

Openness Agreements support the child/youth to maintain lifelong connections and create a sense of security and belonging. They support the child's/youth's healthy development and support the child/youth to know about themselves, their family and their cultural heritage. They allow the birth family, **and relatives with respect to an Indigenous child/youth**, to remain connected to the child/youth and help adoptive parents understand and answer questions about the child's/youth's background.

When assisting the development of an Openness Agreement, the Guardianship Worker considers the child's/youth's views **and preferences without discrimination** and represents the best interests of the child/youth. While Guardianship Workers and Adoption Workers assist the prospective adoptive parent and significant individual to develop an Openness Agreement, it is the responsibility of the participants to the Openness Agreement to implement them. Guardianship Workers and Adoption Workers are not parties to Openness Agreements.

**When engaging with Indigenous communities and IGBs the interpretation of self-government principles set out in either the CFCSA (s. 4.1) or the Adoption Act (s. 3.2) will inform the basis of actions taken by either the Guardianship Worker or Adoption Worker.**

## Outcomes

- After the child/youth is adopted, they maintain relationships with important people in their life through Openness Agreements
- The child/youth and their adoptive parent have access to answers to questions about the child's/youth's history, family and cultural heritage

## Standards

10.2(1) The Guardianship Worker identifies individuals with whom an Openness Agreement could be made, and determines whether making an Openness Agreement with them is in the child's/youth's best interests

10.2(2) The Guardianship Worker ensures decisions around openness are consistent with the child's/youth's wishes if the child/youth is 12 years or older, and takes the child's/youth's views and preferences into consideration if the child/youth is under 12 years, before an Openness Agreement is signed

## Procedures

*The Guardianship Worker identifies whether openness arrangements are in the best interests of the child/youth early in the adoption planning process.*

### **23) Identify who may participate in an Openness Agreement** (s. 59 Adoption Act)

1. Openness Agreements may be agreed between the prospective adoptive parent and a significant individual if openness with that individual is in the child's/youth's best interests.
2. A significant individual may include:
  - a. the child's/youth's birth parent or guardian from before the child/youth came into care;
  - b. any family member of the child/youth's, for example, grandparents or siblings;
  - c. individuals with an access order or de facto access to the child/youth;
  - d. any individual who has established a significant relationship with the child/youth; and
  - e. the prospective adoptive parent or adoptive parent of a sibling of the child/youth;
3. To identify significant individuals, the Guardianship Worker:
  - a. reviews the CCO and CS file; and



- b. considers the **child's/youth's views and preferences without discrimination** and consults the Adoption Circle.
- 4. The Guardianship Worker:
  - a. recommends that a separate Openness Agreement is negotiated between the prospective adoptive parent and each significant individual (unless two significant individuals are in an intimate relationship); and
  - b. opens a separate AS file for each Openness Agreement.

## **24) Key elements of an Openness Agreement**

1. The Guardianship Worker supports the significant individual and the Adoption Worker supports the prospective adoptive parent to negotiate an Openness Agreement that:
  - a. is tailored to the needs of the participants and reached by mutual agreement;
  - b. is a formal agreement that is written down to provide clarity and certainty, using Openness Agreement ([cf0118](#)) and Openness Agreement: Schedule A ([cf0118a](#));
  - c. uses the name by which the child/youth is known to the participants. Where appropriate, separate agreements, using different names, are provided to the prospective adoptive parent and the significant individual;
  - d. is made in good faith and is not intended to be legally enforceable in court; and
  - e. is signed by all participants, including any intermediaries or third parties with obligations under the Openness Agreement.
2. The details that participants in an Openness Agreement may negotiate includes, but are not limited to:
  - a. whether contact will be non-identifying through an intermediary or full-disclosure including ongoing visits and contact with the child/youth;
  - b. what form contact will take, for example, letters, online communications, pictures, phone, or visits;
  - c. the frequency, location and timing of contact;
  - d. the process for exchanging any agreed gifts, letters or other materials;
  - e. individuals with whom the child/youth interact with through the significant individual, for example, people who live in the significant individual's household or visit regularly;
  - f. how to address impediments to contact, for example, finances or geographic separation;
  - g. how notification will be provided in specific circumstances, for example, illness, death or significant events or change in circumstances; and
  - h. the process for resolving any conflicts about the agreement.
3. If the Openness Agreement provides for the exchange of non-identifying information, the process for exchanging the information is set out in the agreement. The Adoption Worker may facilitate the exchange until the



adoption order is granted, and the Openness Exchange Registry may facilitate the exchange following adoption.

**25) Determine whether openness is in the child's/youth's best interests**

1. To determine whether openness with an individual is in the child's/youth's best interests, including the type and frequency of openness, the Guardianship Worker considers the relevant best interest factors set out in the *Guiding Principles* above including:
  - a. the nature, extent and impact of previous contact between the child/youth and the individual;
  - b. the child's/youth's safety with the individual;
  - c. the likely impact of openness on:
    - i. the child/youth;
    - ii. the prospective adoptive parent's care for the child/youth;
  - d. the individual's involvement in adoption planning for the child/youth;
  - e. the importance of preserving and promoting the child's/youth's cultural identity, and the continuity of the child's/youth's Indigenous culture and their Indigenous cultural identity (refer to *Adoption Act*, s. 3.1).
2. Consult with the designated representative(s) from the child's/youth's Indigenous communities and/or identified IGBs to seek their views when determining if openness is in the best interests of an Indigenous child/youth.

**26) Assist the prospective adoptive parent**

1. The Adoption Worker discusses with the prospective adoptive parent:
  - a. the purpose of an Openness Agreement and the key elements of an Openness Agreement; and
  - b. whether the prospective adoptive parent is willing to negotiate an Openness Agreement with the significant individual.
2. If the prospective adoptive parent is willing to negotiate an Openness Agreement, the Adoption Worker:
  - a. assists the prospective adoptive parent in the negotiation;
  - b. reviews the terms of the Openness Agreement with the prospective adoptive parent before the prospective adoptive parent signs the Openness Agreement, to ensure the prospective adoptive parent is ready and able to uphold the Openness Agreement.
3. If the prospective adoptive parent is not willing to consider any Openness Agreements, the Guardianship Worker and Adoption Worker review whether the prospective adoptive parent is a suitable match for the child/youth.

**27) Contact the significant individual**

1. The Guardianship Worker contacts the significant individual to discuss:
  - a. the purpose of an Openness Agreement and the key elements of an Openness Agreement;

- b. the significant individual's interest in creating an Openness Agreement, including the type and frequency of openness.
2. If the significant individual is a prospective adoptive parent or adoptive parent of a sibling of the child/youth, the Guardianship Worker asks the Adoption Worker local to the significant individual to provide them with the above information.

**28) Consider the child's/youth's views and preferences about openness**

1. Before assisting to negotiate an Openness Agreement, the Guardianship Worker:
  - a. provides the child/youth with information about openness that is tailored to their unique needs, age and developmental capabilities; and
  - b. considers the child's/youth's views and preferences without discrimination on openness with the significant individual.
2. When assisting in the negotiation of an Openness Agreement, the Guardianship Worker:
  - a. represents the best interests of the child/youth;
  - b. considers the child's/youth's views and preferences without discrimination if the child/youth is under 12 years; and
  - c. ensures decision about openness are consistent with the child's/youth's views and preferences if the child/youth is 12 years or older.

**29) Complete an Openness Agreement**

1. The Guardianship Worker consults with the Team Leader on the terms of the Openness Agreement before it is signed.
2. Prior to placement, whenever possible, and before the adoption order is made:
  - a. the Guardianship Worker ensures the Openness Agreement is completed and signed by the significant individual and, if appropriate, the child/youth; and
  - b. the Adoption Worker ensures the Openness Agreement is completed and signed by the prospective adoptive parent.
3. Once the Openness Agreement is signed, the Guardianship Worker:
  - a. provides a copy of the Openness Agreement to:
    - i. the Adoption Worker to provide to the prospective adoptive parent
    - ii. the significant individual and any other participants in the Openness Agreement;
  - b. documents the Openness Agreement on the AS file;
  - c. provides a copy to the Adoption Worker to document in the AH file; and
  - d. co-ordinates with the Adoption Worker to exchange any letters, gifts and other items, as agreed in the Openness Agreement, prior to the granting of the adoption order.

4. If an Openness Agreement is not completed before placement:
  - a. the Guardianship Worker ensures that the specifics of how the prospective adoptive parent will meet the child's/youth's openness needs are outlined in the child's/youth's Adoption Care Plan; and
  - b. the Adoption Worker ensures the Openness Agreement is completed prior to applying for an adoption order.

**30) Register the Openness Agreement with the Openness Exchange Registry**

1. *The Openness Exchange Registry facilitates the exchange of information between individuals involved in an Openness Agreement, after the adoption order is granted.* When the adoption order is granted, if the Openness Agreement provides for the participants to exchange information through the Adoption Worker, then the Adoption Worker:
  - a. completes the Openness Agreement Procedures for Exchange of Information ([cf0118c](#)) and provides a copy to the participants;
  - b. completes the Openness Agreement Registration for Exchange of Information ([cf0118b](#));
  - c. registers the Openness Agreement, and both forms with the Openness Exchange Registry; and
  - d. documents both forms on the AH and AS file.
2. The Adoption Worker closes the AS and AH file when all openness procedures and required notifications have been completed.

**31) Modify an Openness Agreement**

1. If participants seek to modify an Openness Agreement during residency, the Adoption Worker (or, if the Adoption Worker does not hold legal guardianship of the child/youth, the Worker who does) represents the best interests of the child/youth.
2. The Guardianship Worker and Adoption Worker are not involved in modifying an Openness Agreement after an adoption order is granted.

**32) Enforce an Openness Agreement**

1. Before an Openness Agreement is made, the Guardianship Worker informs the significant individual, and the Adoption Worker informs the prospective adoptive parent that:
  - a. an Openness Agreement is made in good faith and is not intended to be legally enforceable in court;
  - b. the Adoption Worker monitors compliance with an Openness Agreement during residency;
  - c. the Adoption Worker does not facilitate or enforce compliance with an Openness Agreement after an adoption order is granted;

- d. failure to comply with an Openness Agreement does not affect the validity of an adoption;
- e. an Openness Agreement should include a process for resolving any conflicts about the agreement.

**33) Provide information about Post Adoption Openness Registry**  
(s. 60 *Adoption Act*; s.19 *Adoption Regulation*)

1. The Adoption Worker informs the prospective adoptive parent and the child/youth:
  - a. that the Post Adoption Openness Registry will assist to develop an Openness Agreement between the prospective adoptive parent and a birth relative (or adoptive parent of the child's/youth's sibling) **or a relative who may not be related by birth in the case of an Indigenous child/youth** following adoption, if:
    - i. an Openness Agreement was not made before the adoption order is granted;
    - ii. the child/youth is under 19 years of age (unless the youth is 18 years old and has filed a no-contact declaration);
    - iii. both the prospective adoptive parent and the birth relative, (or adoptive parent of the child's/youth's sibling) **or a relative who may not be related by birth in the case of an Indigenous child/youth**, register on the Post Adoption Openness Registry;
  - b. that once the connection is established, or if registration is withdrawn, the registration and all information held by the Post Adoption Openness Registry will be deleted;
  - c. that more information on the Post Adoption Openness Registry is available on the Adopt BC Kids website.

**34) Provide information about the Adoption Reunion Registry**  
(s. 69, s.71 *Adoption Act*; ss.22, 23, 24 *Adoption Regulation*)

1. The Adoption Worker informs the prospective adoptive parent and the child/youth that:
  - a. the Adoption Reunion Registry can facilitate the reunion of an adopted adult who is 19 years old or older with a birth family member, **or a relative who may not be related by birth in the case of an Indigenous child/youth**, if an Openness Agreement was not made before the adoption order is granted;
  - b. the Adoption Reunion Registry includes a passive registry, which requires both the adopted adult and the birth family member **or the Indigenous adopted adult's relative** to register before identifying information is exchanged (s.69 *Adoption Act*);
  - c. the Adoption Reunion Registry also includes an active search option, for a fee, where one individual can request that MCFD actively looks

- for the other individual, unless the other individual has filed a disclosure veto, or filed a no-contact declaration (s.71 *Adoption Act*);
- d. more information on the Adoption Reunion Registry is available on the Adopt BC Kids website.

## Chapter 10: Adoption Policy and Procedures

### Policy 10.3: Proposing a match

Effective Date of Policy: 1 May 2019    Amendment Date of Policy:

#### Policy Statement

During the adoption proposal process, the prospective adoptive parent and the child/youth are provided with all the necessary information, time and support to make a free and informed decision about whether to proceed with a proposed adoption. Information provided to the child/youth is tailored to their needs, age and developmental capability.

The prospective adoptive parent is thoroughly assessed to determine whether they can care for the child/youth. An Adoption Care Plan is created to show that the prospective adoptive parent understands the unique needs of the child/youth, and sets out the strategies for how the prospective adoptive parent can meet those needs. The prospective adoptive parent is responsible for the implementation of the Adoption Care Plan and has a central role in its creation.

The child/youth is matched with a prospective adoptive parent who is ready and able to preserve the child's/youth's cultural identity and connect the child/youth to their cultural communities.

A Cultural Safety Agreement is developed between the prospective adoptive parent and the child's/youth's Indigenous communities when not placing with a relative of the child/youth or within their Indigenous communities. The Provincial Exceptions Committee reviews the Cultural Safety Agreement if an Indigenous child/youth is not matched with a relative or an Indigenous prospective adoptive parent.

When engaging with Indigenous communities and IGBs the interpretation of self-government principles set out in either the CFCSA (s. 4.1) or the *Adoption Act* (s. 3.2) will inform the basis of actions taken by either the Guardianship Worker or Adoption Worker.

## Outcomes

- The child/youth and the prospective adoptive parent make a free and informed decision about whether to proceed to adoption placement
- The prospective adoptive parent has a clear understanding of what the child's/youth's unique needs are and how they will meet those needs
- The prospective adoptive parent works together with an Indigenous child's/youth's cultural communities to support the continuity of the child's/youth's Indigenous culture and support them in remaining connected to their Indigenous communities

## Standards

10.3(1) The Guardianship Worker develops an Adoption Proposal Package that contains the medical and social history of the child/youth and the child's/youth's birth family and cultural identity information, including the Indigenous community information for the communities to which an Indigenous child/youth belongs.

10.3(2) The Guardianship Worker provides the Adoption Worker with the Proposal Package following the matching meeting

10.3(3) The Guardianship Worker documents a copy of the Proposal Package in the CS file

10.3(4) The Adoption Worker provides the prospective adoptive parent with the Proposal Package and obtains the prospective adoptive parent's signature on the Acknowledgement Letter after the prospective adoptive parent has had sufficient time to consider the Proposal Package

10.3(5) The Guardianship Worker meets with the child/youth in person after receiving the Acknowledgement Letter the prospective adoptive parent as a match

10.3(6) The Guardianship Worker ensures the Adoption Care Plan is completed and signed before the child/youth is placed with the prospective adoptive parent

10.3(7) The Guardianship Worker ensures a Cultural Safety Agreement is completed before an Indigenous child/youth is placed with the prospective adoptive parent, if the prospective adoptive parent is not part of the child's/youth's Indigenous communities



10.3(8) The Guardianship Worker seeks a review by the Provincial Exceptions Committee (PEC) if matching an Indigenous child/youth with a non-Indigenous prospective adoptive parent who is not a relative before the child/youth is placed with the prospective adoptive parent

10.3(9) The Adoption Worker creates a PAA if the child/youth is designated, and the prospective adoptive parent is eligible and would like to receive assistance

## Procedures

### **35) Provide the Adoption Proposal Package to the Adoption Worker**

*The Guardianship Worker does not directly contact the prospective adoptive parent during the adoption proposal process. The Adoption Worker is responsible for all communication with the prospective adoptive parent.*

1. If the prospective adoptive parent wishes to proceed to adoption proposal, the Guardianship Worker:
  - a. ensures the Proposal Package does not contain identifying information unless the prospective adoptive parent already knows the child's/youth's identity;
  - b. documents a copy of the Proposal Package;
  - c. provides the Adoption Worker with the Proposal Package as soon as possible and within 14 days of the matching meeting; and
  - d. updates AMS to show the the child/youth has been proposed to the prospective adoptive parent.

For guidance on preparing the Proposal Package, see the *Child and Youth Proposal Package Guidelines*.

### **36) Provide the Adoption Proposal Package to the prospective adoptive parent**

1. The Adoption Worker:
  - a. reviews the Proposal Package to ensure it is complete and provides the Proposal Package to the prospective adoptive parent as soon as possible and within 14 days of receiving it;
  - b. documents a copy of the Proposal Package.
2. The Adoption Worker obtains the Team Leader's approval to proceed to an adoption proposal if:
  - a. the Adoption Worker confirms the prospective adoptive parent may be a match for the child/youth; and
  - b. and the prospective adoptive parent's Homestudy is up to date.
3. The Adoption Worker:
  - a. informs the prospective adoptive parent that the information in the Proposal Package is confidential and should not be discussed except with trusted advisers;

- b. gives the prospective adoptive parent time to thoroughly review and consider the Proposal Package;
  - c. recommends to the prospective adoptive parent that they provide their physician with the physician's copy of the Proposal Package, and consult their physician about the child's/youth's medical needs;
  - d. reviews the responsibility to support the child's/youth's cultural identity and connection to the child's/youth's communities with the prospective adoptive parent;
  - e. assesses the prospective adoptive parent's ability and readiness to meet the unique needs of the child/youth.
4. If the prospective adoptive parent wishes to proceed with the adoption, the Adoption Worker:
  - a. obtains the prospective adoptive parent's signature on the Child Proposal Package Acknowledgement Letter (the Acknowledgement Letter), confirming the prospective adoptive parent has received and agreed to the adoption proposal; and
  - b. provides the signed Acknowledgement Letter to the Guardianship Worker.
5. The Adoption Worker may provide the prospective adoptive parent with the child's/youth's birthname after the Guardianship Worker has received the signed Acknowledgement Letter, if sharing the information is necessary for the wellbeing of the child/youth.
6. If the prospective adoptive parent does not wish to proceed with the adoption, the Adoption Worker:
  - a. ensures the complete Proposal Package is returned to the Adoption Worker; and
  - b. removes the Proposal Package and any identifying information about the child/youth from the AH file.
7. The Guardianship Worker documents the signed Acknowledgement Letter.

**37) Discuss access orders with the prospective adoptive parent**

1. If the child/youth is subject to any access order or de facto access, the Adoption Worker discusses with the prospective adoptive parent:
  - a. the reason for access and, if there is an access order, the terms and conditions of access;
  - b. the child's/youth's views and preferences and the Adoption Circle about continuing access;
  - c. whether Openness Agreements should be pursued with the individuals with access;
  - d. the prospective adoptive parent's view on access, including how access should continue and how they will handle any conflict.
2. If there is an access order, the Adoption Worker informs the prospective adoptive parent that:
  - a. the prospective adoptive parent is required to abide by the terms of access order during the residency;

- b. the access order will terminate when an adoption order is applied for, unless the court continues or varies the access order
- c. the Regional Deputy Director of Adoption may include a recommendation in the Post Placement Report to continue or vary an access order.

**Propose the prospective adoptive parent to the child/youth**

1. The Guardianship Worker meets with the child/youth within 14 days of receiving the Acknowledgement Letter to propose the prospective adoptive parent as a match for the child/youth.
2. To propose the prospective adoptive parent as a match, the Guardianship Worker:
  - a. provides the child/youth with information about the prospective adoptive parent and why they may be a match. The information is tailored to the child's/youth's unique needs, age and developmental capabilities;
  - b. advises the child/youth that they may take the time they need to consider the information, and decide whether they would like to proceed to placement when they are ready;
  - c. considers the child's/youth's views and preferences without discrimination on the proposed match, and
  - d. ensures the child/youth understands the information provided. This may require holding multiple conversations with the child/youth and providing a written summary of the information
3. The Guardianship Worker documents the outcome of the discussion and advises the Adoption Worker of the outcome.

**38) Prepare a Cultural Safety Agreement**

*A Cultural Safety Agreement differs from, and is created in addition to, the cultural planning required to preserve the child's/youth's cultural identity in the child's/youth's Adoption Care Plan. It is made between the prospective adoptive parent and the child's/youth's Indigenous communities and provides a guide setting out how they will share the responsibility of preserving the child's/youth's cultural identity. This includes setting out how the child/youth will be supported to learn about and practise their Indigenous traditions, customs and languages, and belong to their Indigenous communities.*

*A Cultural Safety Agreement must be completed if the child/youth is placed with a prospective adoptive parent who is not part of the child's/youth's Indigenous communities, including when the prospective adoptive parent is a member of different Indigenous communities. In comparison, a review must be sought from the Provincial Exceptions Committee only if the child/youth is placed with a non-Indigenous prospective adoptive parent who is not a family member.*

1. The Guardianship Worker ensures the prospective adoptive parent and the **designated representative(s) from the child's/youth's Indigenous communities and/or identified IGBs** create a Cultural Safety Agreement if an Indigenous child/youth is matched with a prospective adoptive parent who is not part of the child's/youth's Indigenous **communities**.
2. During the creation of the Cultural Safety Agreement:
  - a. the Guardianship Worker:
    - i. considers the **child's/youth's views and preferences without discrimination** and represents the best interests of the child/youth; and
    - ii. **consults and cooperates with the designated representative(s) from the child's/youth's Indigenous communities and/or identified IGBs;**
  - b. the Adoption Worker assists the prospective adoptive parent.
3. The Guardianship Worker ensures the Cultural Safety Agreement is:
  - a. completed and signed by all participants prior to placement, wherever possible, and before an adoption order is granted;
  - b. documented on the CS and AH file.
4. For guidance on preparing a Cultural Safety Agreement, see *Developing a Cultural Safety Agreement*.

**39) Seek a Provincial Exceptions Committee review to place an Indigenous child/youth with a non-Indigenous family**

*The Provincial Exceptions Committee (PEC) reviews all decisions to place an Indigenous child/youth with a non-Indigenous prospective adoptive parent who is not a relative. The PEC advises whether the Guardianship Worker has fulfilled their responsibilities in choosing the placement, including whether the placement priorities were followed and whether the Cultural Safety Agreement is complete, and recommend that further steps be taken to fulfil these responsibilities.*

1. The Guardianship Worker seeks a review by the PEC of a decision to place an Indigenous child/youth with a non-Indigenous prospective adoptive parent who is not a relative.
2. To seek PEC's review, the Guardianship Worker collaborates with the Adoption Worker to submit a written request to the Deputy Director of Aboriginal Services for consideration by PEC that includes:
  - a. an explanation of:
    - i. how the placement priorities were applied; and
    - ii. how the placement is in the child's/youth's best interests;
  - b. a completed Cultural Safety Agreement; and
  - c. documentation of the Guardianship Worker's Team Leader, DOO and Regional Deputy Director of Adoption's approval of the placement.
3. The Guardianship Worker and Adoption Worker document PEC's review in the applicable file.

4. For guidance on seeking a review from PEC, see [Application for Exception to Policy](#).

#### **40) Complete the Adoption Care Plan**

*The prospective adoptive parent must have an active role in determining how they can best meet the child's/youth's needs and achieve the desired goals, as they are responsible for carrying out the Adoption Care Plan following placement.*

1. The Guardianship Worker:
  - a. reviews and updates the unique needs of the child/youth and desired goals in the Adoption Care Plan; and
  - b. considers the child's/youth's views and preferences without discrimination in the creation of the Adoption Care Plan.
2. The Adoption Worker collaborates with the prospective adoptive parent to:
  - a. review the needs and desired goals identified by the Guardianship Worker;
  - b. identify strategies and tools for the prospective adoptive parent to meet the child's/youth's needs.
3. The Adoption Worker ensures the Adoption Care Plan is signed by the prospective adoptive parent, prior to the Adoption Care Plan meeting.
4. The Adoption Worker reviews and updates the Adoption Care Plan every six months, or if any circumstances significantly change, until an adoption order is applied for.
5. For guidance on completing and reviewing an Adoption Care Plan, see *Care Plans*.

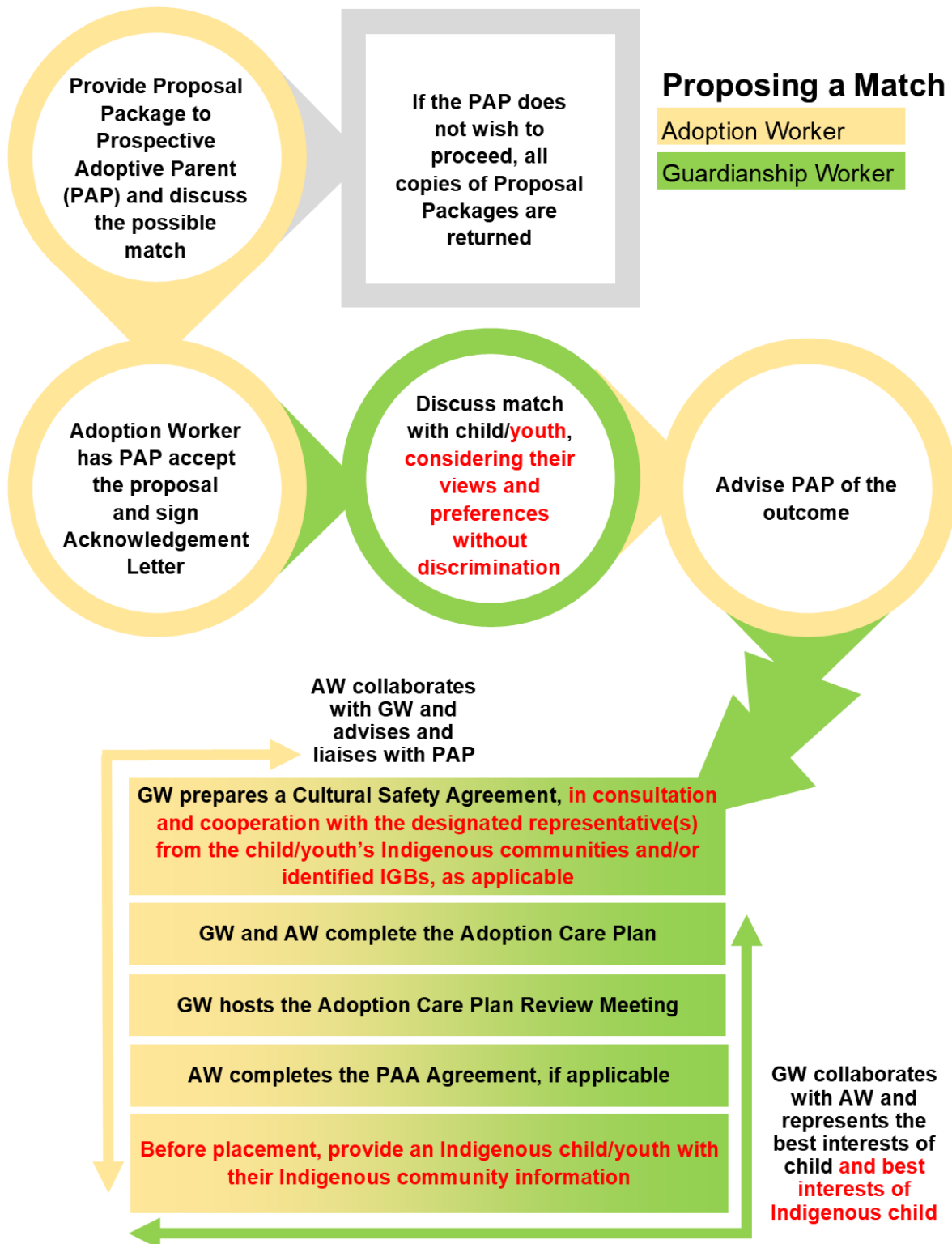
#### **41) The Adoption Care Plan Review Meeting (Adoption Teleconference)**

1. After the prospective adoptive parent signs the Adoption Care Plan and before starting the child's/youth's transition, the Guardianship Worker, Adoption Worker and both the Team Leaders meet to:
  - a. review the Adoption Care Plan, including how the prospective adoptive parent can meet the child's/youth's unique needs and whether the adoption is in the child's/youth's best interests;
  - b. obtain both Team Leaders approval to the Adoption Care Plan; and
2. If any changes are made to the Adoption Care Plan at the meeting, the Adoption Worker discusses the changes with the prospective adoptive parent and seeks their approval to the revised Adoption Care Plan.
3. The Guardianship Worker seeks the child's/youth's signature on the approved Adoption Care Plan, if the child/youth is 12 years or older and it is appropriate given the developmental level of the child/youth and the content of the Adoption Care Plan.
4. The Guardianship Worker:
  - a. documents the Adoption Care Plan in the CS file; and
  - b. informs the Resource Worker that the Adoption Care Plan has been approved.

5. The Adoption Worker documents the Adoption Care Plan in the AH file.

**42) Complete a Post Adoption Assistance Agreement**

1. If the Guardianship Worker designated the child/youth as eligible for Post Adoption Assistance (PAA), the Adoption Worker:
  - a. discusses applying for PAA with the prospective adoptive parent; and
  - b. identifies whether the prospective adoptive parent is eligible for PAA.
2. If the prospective adoptive parent is eligible and would like to receive assistance, the Adoption Worker:
  - a. enters into a PAA Agreement with the prospective adoptive parent; and
  - b. obtains Team Leader approval of the PAA Agreement.
3. For detailed guidance on PAA, including how to determine whether the prospective adoptive parent is eligible and how to create a PAA agreement, see the *Post Adoption Assistance Provincial Policy and Procedures*.





## Chapter 10: Adoption Policy and Procedures

### Policy 10.4: Transition, Placement and Residency

Effective Date of Policy: 1 May 2019    Amendment Date of Policy:

#### Policy Statement

##### Transition

The Transition Plan supports the child/youth as they begin to separate from their current caregiver and encourages them to attach to the prospective adoptive parent. Bringing a child/youth into a prospective adoptive family is a momentous change for both the child/youth and the prospective adoptive family. A gradual, cooperative and supportive transition prepares the child/youth and the prospective adoptive parent for adoption.

The child's/youth's needs are the central consideration during the transition. The transition can be a period of stress, grief and loss for the child/youth, and affect the child's/youth's behaviour. The child/youth is monitored carefully during the transition process, and the Transition Plan is adjusted as necessary to ensure it continues to meet the child's/youth's evolving needs. Adults involved in the transition are supported to understand the child's/youth's behaviour and how to respond to encourage attachment.

The current caregiver, prospective adoptive parent and other adults in the child's/youth's life have a crucial role in ensuring a successful transition. The Transition Plan is developed collaboratively between the child's/youth's current caregiver, prospective adoptive parent, Guardianship Worker and Adoption Worker, with input from the Adoption Circle.

A Transition Plan is not required if the child/youth is being adopted by their foster parent as the child/youth is already living with the prospective adoptive parent. However, consideration should be given to how the dynamic within the family can be changed from a foster situation to adoption.

##### Residency

At the end of the transition period, the child/youth is placed with the prospective adoptive family for residency. The residency provides a critical opportunity for adoptive family formation prior to adoption, where the child/youth can adjust to being part of the prospective adoptive family, and the prospective adoptive family can adjust to having a new family member. Before the child/youth is placed with the prospective adoptive family, both the child/youth and the prospective adoptive parent must agree to the placement.

During the residency, the ability and readiness of the prospective adoptive parent to meet the child's/youth's needs is assessed. The prospective adoptive parent and the child/youth are provided with supports and services to help the prospective adoptive parent to meet the child's/youth's needs, encourage attachment and reduce the risk of disruption.

When engaging with Indigenous communities and IGBs the interpretation of self-government principles set out in either the CFCSA (s. 4.1) or the *Adoption Act* (s. 3.2) will inform the basis of actions taken by either the Guardianship Worker or Adoption Worker.

## Outcomes

- The prospective adoptive parent, caregiver and Adoption Circle support the child/youth to process grief and loss they may experience during transition
- The child/youth begins to attach to the prospective adoptive family prior to placement, and strengthens the attachment during the residency
- During the transition and residency, the prospective adoptive parent demonstrates that they can meet the unique needs of the child/youth

## Standards

10.4(1) The Adoption Worker ensures the prospective adoptive parent is approved to adopt and their Homestudy is up to date before the child/youth is placed

10.4(2) If a Transition Plan is required, the Guardianship Worker ensures the Transition Plan is signed by all participants

10.4(3) The Guardianship Worker signs the Adoption Placement Agreement, and ensures it is signed by the prospective adoptive parent before the child/youth is placed

10.4(4) The Adoption Worker ensures a Detailed Records Review (DRR) is updated immediately prior to placement, and no more than 30 days before the date the child/youth will be placed

10.4(5) The Adoption Worker ensures a Criminal Record Check (CCRC) is updated immediately prior to placement and, whenever possible, no more than 30 days before the date the child/youth is placed

10.4(6) The Adoption Worker ensures the prospective adoptive parent completes and returns the Notice of Placement within 14 days of placement

10.4(7) The Adoption Worker provides written notice, in the prescribed form, of intent to apply for an adoption order to any individual with an access order or de facto access to the child/youth at least 90 days whenever possible, and no less than 30 days before, making the application

10.4(8) The Guardianship Worker transfers guardianship responsibilities, along with the CS file and other relevant documentation to the Adoption Worker once the child/youth has been placed, if the Adoption Worker has guardianship delegation

10.4(9) The Guardianship Worker notifies the Public Guardian and Trustee when the child/youth is placed for adoption

## Procedures

### 43) *Develop the Transition Plan*

1. The Guardianship Worker develops a clear and detailed Transition Plan that sets out the process for introducing the child/youth to the prospective adoptive family, supporting the child/youth to attach to the prospective adoptive parent and preparing for placement.
2. The Guardianship Worker:
  - a. consults with the Team Leader on the terms of the Transition Plan before it is signed; and
  - b. documents the Transition Plan.
3. The Guardianship Worker, when developing the Transition Plan:
  - a. collaborates with the Adoption Worker, prospective adoptive parent and current caregiver;
  - b. considers the child's/youth's views and preferences without discrimination; and
  - c. consults the Adoption Circle.
4. The Transition Plan:
  - a. includes the objectives, type and frequency of contact and what other actions will be taken to support the transition;
  - b. makes the best interests of the child/youth the central consideration, and is tailored to the unique needs, age and developmental capabilities of the child/youth;

- c. gradually increases the duration and frequency of contact with the prospective adoptive parent, and reduces the duration and frequency of contact with the current caregiver;
  - d. if siblings are being placed together, sets out whether and how the children/youth will be gradually placed;
  - e. sets out the plan establishing a relationship between the child/youth, and the Adoption Worker, as the new guardian of the child/youth;
  - f. sets out how the Adoption Circle can support the child/youth during the transition;
  - g. identifies what ongoing supports will be provided to the child/youth, prospective adoptive family and current caregiver to assist with the transition;
  - h. is created, unless it is not in the best interests of the child/youth, within 30 days of the approval of the Adoption Care Plan;
  - i. is reviewed on an ongoing basis to meet the child's/youth's evolving needs; and
  - j. is agreed to and signed by the Guardianship Worker, Adoption Worker, prospective adoptive parent and current caregiver.
5. The prospective adoptive parent is responsible for costs associated with the transition process. However, if the costs impose a hardship on the prospective adoptive parent, the Guardianship Worker consults the Team Leaders to consider a cost-sharing plan.

#### **44) Implement the Transition Plan**

1. The Guardianship Worker:
  - a. schedules, attends and facilitates the first meeting of the child/youth and prospective adoptive parent; and
  - b. considers the child's/youth's views and preferences without discrimination on the Transition Plan following the first meeting and throughout the transition period.
2. The Adoption Worker seeks the prospective adoptive parent's views on the Transition Plan following the first meeting and throughout the transition period.
3. The Guardianship Worker and Adoption Worker:
  - a. continually monitor the implementation of the Transition Plan to ensure it meets the needs of the child/youth; and
  - b. collaborate with individuals involved in the transition to adjust the Transition Plan as required throughout the transition process.
4. Once the transition steps required prior to placement have been successfully completed, the Guardianship Worker:
  - a. consults with the individuals involved in the transition to determine if the child/youth is prepared for placement; and
  - b. consults with the Adoption Worker to determine if the prospective adoptive parent is prepared for placement.

**45) Address concerns raised during transition**

1. If the child/youth raises concerns about proceeding to placement during the transition period, the Guardianship Worker works with the child/youth to address the concerns.
2. If the prospective adoptive parent raises concerns about proceeding to placement during the transition period, the Adoption Worker works with the prospective adoptive parent to address the concerns.
3. If either the child's/youth's or prospective adoptive parent's concerns about proceeding to the placement cannot be resolved, the appropriate Worker:
  - a. informs the other Worker and both Team Leaders;
  - b. suspends the Transition Plan; and
  - c. explains the reasons for suspending the Transition Plan separately to the child/youth and prospective adoptive parent.
  - d. consults with the other Worker, both Team Leaders and the DOO to determine next steps.

**46) Obtain child's/youth's agreement to being placed for residency**

1. If the child/youth is 12 years or older, the Guardianship Worker, prior to placement:
  - a. informs the child/youth that the child/youth must agree to the residency before they can be placed, unless the Guardianship Worker decides it is in the child's/youth's best interest to be placed without the child's/youth's consent;
  - b. ensures the child/youth understands that agreeing to placement does not mean the child/youth is consenting to the adoption;
  - c. obtains the child's/youth's agreement to the residency; and
  - d. documents the child's/youth's agreement in the CS file.
2. If the child/youth is not willing to agree to the residency, the Adoption Worker:
  - a. discusses with the child/youth the reasons they are not willing to agree to the placement;
  - b. if appropriate, works with the child/youth and the prospective adoptive parent to resolve the child's/youth's concerns.
3. If the child/youth does not agree to the residency, the Guardianship Worker:
  - a. consults with the Team Leader on whether the prospective adoptive parent is a suitable match for the child/youth; and
  - b. only places the child/youth if the Guardianship Worker believes it is in the child's/youth's best interests to place the child/youth without the child's/youth's agreement to placement.
4. If the child is less than 12 years of age, the Guardianship Worker considers the child's views and preferences without discrimination on the residency but is not required to obtain the child's agreement to the residency.
5. If the child/youth withdraws agreement after they have been placed, the Guardianship Worker applies the procedures set out in *Responding to the risk of adoption disruption* below.

**47) Complete the Adoption Placement Agreement**  
(s.94.1 CFCSA)

*The Adoption Placement Agreement ([cf0325](#)) states that the Guardianship Worker requests the Adoption Worker places the child/youth with the prospective adoptive parent. This statement satisfies s.4(2) of the Adoption Act and s.50.1(1) of the CFCSA which require that the Guardianship Worker request the Adoption Worker place the child/youth for adoption.*

1. The Guardianship Worker, in consultation with the Adoption Worker and the prospective adoptive parent, prepares the Adoption Placement Agreement which:
  - a. sets out the responsibilities of the Guardianship Worker and the prospective adoptive parent during the residency; and
  - b. states the date that the child/youth will be placed with the prospective adoptive parent, who becomes responsible for the care and control of the child/youth.
2. When the Guardianship Worker and prospective adoptive parent agree on the Adoption Placement Agreement, and before the child/youth is placed, the Guardianship Worker:
  - a. signs the Adoption Placement Agreement;
  - b. ensures the Adoption Worker obtains the prospective adoptive parent's signature on the Adoption Placement Agreement;
  - c. documents the Adoption Placement Agreement; and
  - d. provides two copies of the Adoption Placement Agreement to the Adoption Worker.
3. When the Adoption Worker receives two copies of the Adoption Placement Agreement they document a copy and provide a copy to the prospective adoptive parent.

**48) Before placing a child/youth in an adoptive home**

1. Before the child/youth is placed in the adoptive home, the Guardianship Worker:
  - a. discusses with the Adoption Worker how the placement will take place, including who will attend, and documents the decision;
  - b. ensures that all preplacement requirements set out in the *Adoption Policy and Procedures* have been met and documented
  - c. ensures the child/youth is provided with a medical exam no more than 30 days before placement and the results are documented (s.4(f)(iv), *Adoption Regulation*).
2. Before the child/youth is placed in the adoptive home, the Adoption Worker:
  - a. updates the DRR immediately prior to placement and no more than 30 days before placement; and
  - b. updates the CCRC of the prospective adoptive parent, and any other required member of the prospective adoptive parent's household,

immediately prior to placement, and no more than 30 days before placement whenever possible.

3. The Adoption Worker ensures a Criminal Record Check (CCRC) is completed immediately prior to placement, and whenever possible, no more than 30 before the date that the child/youth is placed.

**49) Place the child/youth for adoption**

1. The Guardianship Worker places the child/youth in the care of the prospective adoptive parent:
  - a. following the successful completion of the Transition Plan; and
  - b. after the Adoption Placement Agreement is signed, on the date specified in the Adoption Placement Agreement.
2. Before the child/youth is placed, the Guardianship Worker provides the child/youth with the opportunity to say goodbye to caregivers and friends in private.
3. The Guardianship Worker:
  - a. is present when the prospective adoptive parent receives the child/youth; and
  - b. provides the prospective adoptive parent and the child/youth with the child's/youth's Life Book, Health Care Passport (CF2601), personal property and mementos.

**50) Transfer of legal guardianship following placement**

*The Guardianship Worker may only transfer guardianship responsibilities for the child/youth to the Adoption Worker following placement if the Adoption Worker holds the guardianship delegation required by s.95.1 of the CFCSA. This ensures that legal guardianship remains with a director designated under CFCSA. If legal guardianship is not transferred to the Adoption Worker during residency, then the Worker who holds legal guardianship is responsible for all steps assigned to the Adoption Worker during residency which are required by the CFCSA.*

1. Before the child/youth is placed, the Guardianship Worker explains to the child/youth, and the Adoption Worker explains to the prospective adoptive parent:
  - a. that following placement;
    - i. the prospective adoptive parent has physical care and control of the child/youth, as agreed in the Adoption Placement Agreement; and
    - ii. the Guardianship Worker will transfer legal guardianship to the Adoption Worker, unless there is good reason not to, and the Adoption Worker will become the child's/youth's legal guardian until an adoption order is granted.
2. The Guardianship Worker, within 30 days of placing the child/youth, transfers guardianship of the child/youth to the Adoption Worker unless:



- a. the Adoption Worker does not hold the appropriate guardianship delegation; or
  - b. it is in the best interests of the child/youth for the Guardianship Worker to retain legal guardianship.
3. If the Adoption Worker does not hold the appropriate guardianship delegation, then the Guardianship Worker and Adoption Worker consult with both Team Leaders to determine who should hold legal guardianship during the residency.
4. As part of the transfer, the Guardianship Worker provides the Adoption Worker with the CS file and all other relevant documentation.
5. For guidance on transferring guardianship see [Case Transfer & Joint Case Management under the Child Family and Community Service Act Policy.](#)

**51) The Guardianship Worker's responsibilities when the child/youth is placed**

1. Within 30 days of placing the child/youth, the Guardianship Worker:
  - a. updates AMS and ICM to show that the child/youth has been placed;
  - b. completes any Openness Agreement not completed prior to placement;
  - c. notifies the Public Guardian and Trustee (PGT) that the child/youth has been placed for adoption;
  - d. notifies the child's/youth's Adoption Circle, including in the case of an Indigenous child/youth, the designated representative(s) from the child's/youth's Indigenous communities and/or identified IGBs, that the child/youth has been placed for adoption;
  - e. cancels medical coverage for the child/youth upon confirmation that the prospective adoptive parent has secured coverage for the child/youth. Please follow the steps for Guardianship Workers outlined in the [MSP Enrolment Procedures for the Adoption Process Fact Sheet;](#)
  - f. cancels the Child Special Allowance for the child/youth; and
  - g. provides any additional information on the child/youth received following placement to the Adoption Worker.

**52) The Adoption Worker's responsibilities during residency**

1. Upon transfer of guardianship responsibilities, the Adoption Worker assumes all responsibilities for the child/youth under the Children and Youth in Care Policies.
2. The Adoption Worker ensures the prospective adoptive parent sign the Notice Of Placement ([cf1023](#)) within 14 days of placing the child/youth, and documents the signed Notice of Placement in the CS and AH file.
3. The Adoption Worker:
  - a. provides a letter recommending the prospective adoptive parent applies for the Canada Child Benefit;

- b. informs the prospective adoptive parent that they must secure medical coverage for the child/youth. Please follow the steps for Guardianship Workers outlined in the [MSP Enrolment Procedures for the Adoption Process Fact Sheet](#);
  - c. supports the prospective adoptive parent to meet the child's/youth's unique needs during the residency;
  - d. prepares the prospective adoptive parent to take over legal guardianship of the child/youth; and
  - e. begins to gather information and documentation required for the completion of the adoption.
4. If the prospective adoptive parent wishes to travel with the child/youth outside of BC for an extended visit, or outside of Canada, the Adoption Worker completes the requirements set out in the policy [Travel by Children in Care, on Adoption Residency](#).

**53) Notify individuals with an access order or de facto access**  
(s. 50(2) CFCSA; s. 31(1)(b) Adoption Act)

*Notifying the individual fulfils the requirements under the CFCSA and the Adoption Act that individuals with access are notified of intent to adopt a child/youth. While both Acts require individuals with access to be given at least 30 days notice, this policy requires the individuals to be given at least 90 days notice.*

*Where there is an access order, written notice is required under both the CFCSA and Adoption Act before an application for an adoption order is made. For this reason, two notices are provided to the individual: One under the CFCSA and one under the Adoption Act.*

1. After the Notice of Placement is signed, the Adoption Worker, on behalf of the prospective adoptive parent, makes reasonable efforts to provide any individual with an access order or de facto access to the child/youth with written notice of intent to apply for an adoption order at least 90 days before the application is made.
2. For guidance on what constitutes reasonable efforts to notify an individual, see the *Guiding Principles* above.
3. If an individual has an access order, the Adoption Worker provides the individual with two letters:
  - a. *Required notices to person with s.56 access order*, signed by the Adoption Worker;
  - b. *Notice Required by s.50(2) of the Child, Family and Community Service Act*, signed by the Guardianship Worker.
4. If an individual had an access order, but that access order ended when the condition of termination occurred and the individual has not had access to the child/youth since, the Guardianship Worker provides the individual with *Required notice for CFCSA Access that has Terminated on Conditions where Access has not occurred post termination of Access Conditions*.

5. If an individual has de facto access to the child/youth, the Adoption Worker provides the individual with *Required Notice for De facto Access*.
6. The Adoption Worker documents notification given in the CS file.
7. For guidance on how to contact the individual with access, see *Guiding Principles* above.

**54) Protect the safety of the child/youth during the residency**

1. The prospective adoptive parent is required to understand and uphold the rights of the child/youth during the residency.
2. The Adoption Worker responds to any information that may indicate a violation of the child's/youth's rights during the residency.
3. When issues are identified that indicate the child/youth may not be safe with the prospective adoptive parent, the Adoption Worker:
  - a. takes immediate action to ensure the safety of the child/youth;
  - b. follows the [Resource Work Policies](#);
  - c. follows the requirements for the safety and wellbeing of the child/youth set out in the *Children and Youth in Care Policies*;
  - d. obtains the Team Leader's approval that the *Resource Work Policies* have been followed and documents approval in the CS file.
4. In addition, if the child/youth dies or has a serious illness or injury, the Adoption Worker:
  - a. consults with the Team Leader and notifies the Regional Deputy Director of Adoption; and
  - b. completes the requirements of the [Reportable Circumstance Policy](#).
5. The Adoption Worker documents the process followed in the CS file and the AH file.
6. If the Adoption Worker identifies concerns about the safety of any other child/youth in the home who is not under a CCO, the Adoption Worker reports the issue to child/youth protection as soon as possible, and within 24 hours.

**55) Contact with the child/youth and prospective adoptive parent during residency**

1. During the residency, the Adoption Worker maintains regular contact with the child/youth and prospective adoptive parent to assess the residency and provide support to the prospective adoptive parent and the child/youth to ensure the child's/youth's needs are met.
2. Regular contact means the Adoption Worker:
  - a. visits or video calls the child/youth and the prospective adoptive parent within 1 day of the placement;
  - b. visits the child/youth and prospective adoptive parent in the home:
    - i. within 7 days of the placement;
    - ii. every 30 days;
    - iii. if a reportable circumstance occurs;
    - iv. if the child/youth is considering revoking consent;

- v. if the prospective adoptive parent indicates they want to end the residency; and
  - vi. as otherwise required to meet the child's/youth's age and needs.
3. The Adoption Worker may seek Team Leader approval to visit the child/youth less frequently than every 30 days (but at least every 90 days) if they determine that it is sufficient to support the residency, for example if:
  - a. the child/youth is being adopted by a foster parent; or
  - b. the residency has continued past six months.
4. The Adoption Worker, after visiting the home at least once following placement, may seek Team Leader approval to contact the child/youth and prospective adoptive parent by video call if significant geographic barriers to visiting exist.

**56) Ensure the child's/youth's needs are met during the residency**

1. During regular contact, the Adoption Worker assesses whether the child's/youth's needs as set out in the Adoption Care Plan are being met, including:
  - a. how the child/youth is adjusting to the prospective adoptive family and how members of the prospective adoptive family are adjusting to the child/youth;
  - b. the child's/youth's wellbeing, including their medical needs, behavioural development, adjustment to school, cultural identity and social presentation; and
  - c. whether the terms of any Openness Agreements and Cultural Safety Agreements are being followed and whether any changes to the agreements should be considered.
2. The Adoption Worker:
  - a. provides direct support to the prospective adoptive family
  - b. identifies services and support that may assist with meeting the Adoption Care Plan and assists with access to these services, and
  - c. documents the findings of their assessment and the services and support provided in the CS and AH file.

**57) Respond to the risk of adoption disruption**

*Reasons that there may be a risk of adoption disruption include:*

- *there are concerns about the safety or wellbeing of the child/youth*
- *the child/youth refuses to consent, or withdraws consent, to the adoption*
- *the prospective adoptive parent withdraws agreement to the adoption*
- *a legal barrier to adoption emerges*

*Removing a child/youth from a prospective adoptive family has significant consequences for the wellbeing of the child/youth. Where possible, services and supports should be provided to reduce the risk of disruption.*

1. When there is a risk of disruption to an adoption, the Adoption Worker consults, both individually and (if appropriate) together, with the child/youth and the prospective adoptive parent to determine:
  - a. the reason for the risk of disruption; and
  - b. whether the child/youth and the prospective adoptive parent wish to continue with the residency.
2. The Adoption Worker explains to the child/youth and to the prospective adoptive parent, separately:
  - a. that, when addressing the risk of disruption, the Adoption Worker's role is to ensure that the best interests of the child/youth are paramount;
  - b. what steps are taken if the adoption disrupts.
3. The Adoption Worker consults with the Team Leader and the child's/youth's previous Guardianship Worker to determine whether it is in the child's/youth's best interests to continue with the residency while addressing the risk of adoption disruption.
4. If it is in the child's/youth's best interests to continue with the residency, the Adoption Worker develops and implements a plan that:
  - a. provides intensive support and services to the child/youth and prospective adoptive parent that address the risk of disruption;
  - b. is developed in consultation with relevant parties; and
  - c. is approved by the Team Leader and documented.
5. If necessary, the Adoption Worker involves the child's/youth's previous Guardianship Worker or another worker to ensure the child's/youth's best interests are paramount.
6. If a legal risk to the adoption emerges (for example, an application to rescind a CCO) the Adoption Worker informs:
  - a. the prospective adoptive parent; and
  - b. the Adoption and Permanency Branch.

**58) Address the risk of disruption to a child/youth within a sibling group**

1. If there is a risk that the residency may disrupt for one or more children/youth, but not all of a sibling group, the Adoption Worker:
  - a. involves a Guardianship Worker (preferably the child's/youth's previous Guardianship Worker) to solely represent the best interests of the sibling whose removal is being considered; and
  - b. considers the best interests of each child/youth in the sibling group to determine whether to:
    - i. separate one or more children/youth from the sibling group;
    - ii. remove the entire sibling group from the residency to look for a placement that can meet the needs of all the siblings.
2. If the Adoption Worker determines that the separation of the siblings is in the best interests of one or more of the siblings, the Adoption Worker follows the procedures for separation set out in *Placing Siblings Separately* above.

**59) If the adoption disrupts**

1. If the adoption disrupts, the Adoption Worker:
  - a. consults with the Team Leader and develops and implements a plan to respond to the disruption;
  - b. ensures the child/youth, if it's in the child's/youth's best interests, remains in the care of the prospective adoptive parent until an alternative permanency plan is developed;
  - c. ensures the child/youth and the prospective adoptive parent understand the implications of the disruption;
  - d. provides support and services to the child/youth and to the prospective adoptive parent (and if appropriate, other members of the prospective adoptive parent's household) to address the impact of the disruption; and
  - e. completes a disruption report that sets out why the adoption disrupted, and what steps were taken to address the disruption, and documents it in the CS and AH file.
2. If the Adoption Worker determines that the child/youth should be removed from the care of the prospective adoptive parent against the prospective adoptive parent's wishes, they:
  - a. obtain the approval of the Regional Director of Adoption to remove the child/youth; and
  - b. inform the Provincial Director of Adoption.
3. Following the disruption, the Adoption Worker:
  - a. updates AMS and ICM to indicate the adoption has disrupted;
  - b. notifies, in writing:
    - i. the DOO;
    - ii. the Regional Deputy Director of Adoption;
    - iii. the PGT;
    - iv. the designated representative(s) from the child's/youth's Indigenous communities via Initial Notification to the Public Guardian and Trustee of BC ([cf2681](#));
    - v. the designated representative(s) from the child's/youth's identified IGBs;
    - vi. the Adoption Circle; and
    - vii. the previous Guardianship Worker for the child/youth
  - c. ensures that the appropriate steps are followed to correctly re-establish the child's/youth's MSP coverage. Please refer to the [MSP Enrolment Procedures for the Adoption Process Fact Sheet](#);
  - d. recommends to the DOO whether the prospective adoptive parent should be reassessed for another placement; and
  - e. removes the Proposal Package and any other identifying information about the child/youth from the AH file.
4. Following the disruption, the Adoption Worker meets with the previous Guardianship Worker and both the Team Leaders to discuss:



- a. whether the previous Guardianship Worker should resume guardianship of the child/youth;
  - b. what factors contributed to the disruption;
  - c. what steps can be taken to reduce the risk of disruption for the child/youth in the future;
  - d. what lessons can be learned for adoption planning generally to reduce the risk of disruptions.
5. The Adoption Worker continues permanency planning for the child/youth following the disruption unless the previous Guardianship Worker resumes guardianship.

**60) Shorten or dispense with the residency**  
(s. 35(3) *Adoption Act*)

1. The Adoption Worker includes a recommendation in the Post Placement Report that the court shorten or dispense with the six month residency if:
  - a. there are extenuating circumstances;
  - b. the prospective adoptive parent and the child/youth, if the child/youth is 12 years or older, agrees with the recommendation; and
  - c. they obtain DOO approval to include the recommendation.
2. What constitutes extenuating circumstances will be case specific but will usually be when the residency period makes it difficult or impossible to complete the adoption. For example:
  - a. the prospective adoptive parent is moving out of BC prior to the completion of the residency;
  - b. the child/youth is turning 19 prior to the completion of the residency; or
  - c. the child/youth or the prospective adoptive parent has a life-threatening illness or injury.

**61) Extend the residency**

1. If the child/youth or prospective adoptive parent requests that the residency is extended beyond six months, the Adoption Worker:
  - a. determines the reasons for requesting an extension of the residency;
  - b. considers the views of the child/youth and the prospective adoptive parent;
  - c. considers whether support or services can be provided to address the reason for requesting an extension, and arranges for the support or services to be provided;
  - d. reviews and updates the child's/youth's Adoption Care Plan; and
  - e. determines whether extending the residency is in the child's/youth's best interests.
2. If the Adoption Worker agrees that the residency should be extended, they:
  - a. obtain their Team Leader's approval to extend the residency for a specified period of time;
  - b. document the reason for the extension; and



- c. review the extension every six months as part of the review of the child's/youth's Adoption Care Plan.

## Chapter 10: Adoption Policy and Procedures

### Policy 10.5: The child's/youth's consent to adoption

Effective Date of Policy: 1 May 2019    Amendment Date of Policy:

#### Policy Statement

When a child/youth is in care under a CCO, the consents required for adoption are those of the child/youth, if the child/youth is 12 years of age or older, and the Director of Child Protection. When the child/youth is 12 years of age or older, the child's/youth's free and informed consent to the adoption is required before an application for an adoption order can be made.

Requiring the child's/youth's consent before applying for an adoption order allows the child/youth to decide if they want to be adopted by the prospective adoptive family.

Consent is only sought after the child/youth is prepared for adoption and understands the meaning and effect of giving consent to the adoption. The child/youth is given the opportunity to consent to adoption before they are placed for adoption but may choose not to give consent until after they are placed. Once the child/youth gives consent, they may revoke their consent at any time before an adoption order is made.

In rare circumstances, where the child/youth is not capable of giving informed consent, an application to the court is made to dispense with the requirement for the child/youth to consent.

This section focuses on the consent of the child/youth. The Director of Child Protection provides their consent when an application for an adoption order is made to the court.

When engaging with Indigenous communities and IGBs the interpretation of self-government principles set out in either the CFCSA (s. 4.1) or the *Adoption Act* (s. 3.2) will inform the basis of actions taken by either the Guardianship Worker or Adoption Worker.

#### Outcomes

- The child/youth, if 12 years or older, makes a free and informed decision about whether they want to be adopted by the prospective adoptive family

## Standards

10.5(1) Before the child/youth is placed, the Guardianship Worker ensures that the child/youth, if 12 years of age or older, has been informed about the right to consent to the adoption

10.5(2) If the child/youth is 12 years of older, the Guardianship Worker gives the child/youth the opportunity to consent to an adoption before placement

10.5(3) If the child/youth is 12 years or older, the Guardianship Worker obtains the child's/youth's consent to adoption before placement, or the Adoption Worker obtains the child's/youth's consent to adoption before applying for an adoption order, unless the child/youth is not capable of giving informed consent

## Procedures

### 62) ***Explain the implications of giving consent to adoption***

(s. 6(1)(e)(ii), 13(1)(a), 13(3)(b), 20 *Adoption Act*)

1. If the child/youth is 12 years or older, before placing the child/youth with a prospective adoptive parent, the Guardianship Worker ensures the child/youth understands:
  - a. that an adoption may only proceed if the child/youth gives their consent to the adoption
  - b. that the child's/youth's consent to adoption must be informed, freely given and in writing in Form 3 of Schedule 3: Consent to Adoption by Child Twelve or Over of the *Adoption Regulation* (s.9(1)(b) *Adoption Regulations*);
  - c. that the child/youth may consent to the adoption before being placed for adoption or during the adoption placement;
  - d. that the child/youth may revoke consent to adoption at any time before an adoption order is made (s.20, *Adoption Act*);
  - e. the impact of revoking consent to adoption; and
  - f. that the child/youth should contact the Adoption Worker if they are considering revoking consent following placement.
2. The Guardianship Worker provides the child/youth with an opportunity to receive independent legal advice about adoption before placement.
3. For guidance on providing the child/youth with independent legal advice, see [\*Independent Legal Advice for Children and Others Providing Consent\*](#).

### 63) ***Take consent to adoption***

1. The child/youth may choose to consent to adoption before placement or during the residency.

2. The Guardianship Worker asks the child/youth whether they wish to consent to adoption before placing the child/youth with a prospective adoptive family.
3. If the child/youth does not choose to consent to adoption before placement, the Adoption Worker seeks the child's/youth's consent to adoption before the 90<sup>th</sup> day of the placement.
4. If the child/youth consents to the adoption, the relevant worker:
  - a. meets with the child to complete the Consent to Adoption by Child Over 12 ([cf2654](#)); and
  - b. documents the consent in the CS file
5. To ensure the child's/youth's consent to adoption is freely given and fully informed, the relevant worker takes the consent:
  - a. after the child/youth has been prepared for adoption;
  - b. after the implications of giving consent to adoption have been explained to the child/youth;
  - c. after providing an interpreter or other required service to enable the child/youth to understand the implications of giving consent to adoption, and to give consent;
  - d. in a quiet and private location; and
  - e. when the child/youth does not appear unwell, under duress, or emotional to the extent that it may affect their ability to give free and informed consent at that time.
6. The relevant worker arranges for a support person to be present if the child/youth requests one.
7. If the child/youth is not willing to consent to adoption before the 90<sup>th</sup> day of the placement, the Adoption Worker:
  - a. discusses with the child/youth the reasons they are not ready to consent;
  - b. works with the child/youth and the prospective adoptive parent to address the reasons the child/youth is not ready to consent; and
  - c. obtains the child's/youth's consent before applying for an adoption order.
8. If the child/youth states that they do not intend to consent to the adoption, the Adoption Worker applies the procedures set out in *Responding to the risk of adoption disruption*.

*Which worker is responsible for the steps around obtaining the child's/youth's consent to adoption may vary based on when the child's/youth's consent is sought. The Guardianship Worker is responsible for steps taken prior to placement. If the child/youth does not give consent prior to placement, the Adoption Worker is responsible for steps taken during the residency.*

**64) Determine the child's/youth's capacity to consent**  
(s. 17 Adoption Act)

1. A child/youth 12 years or older is presumed to have the capacity to consent to an adoption. In rare cases, the Adoption Worker may apply to the court to

- dispense with the child's/youth's consent to the adoption if the child/youth does not have capacity to give informed consent.
2. The Guardianship Worker determines the child's/youth's capacity to consent prior to placement by considering:
    - a. the child's/youth's age and developmental level; and
    - b. the opinions of professionals who know the child/youth, including the child's/youth's caregiver and primary physician.
  3. If there are concerns about the child's/youth's capacity to consent, the Guardianship Worker obtains the DOO's approval to have the child/youth assessed by a psychologist or psychiatrist and arranges an assessment.
  4. If the Guardianship Worker determines, following the assessment, that the child/youth does not have capacity and that dispensing with consent is in the child's/youth's best interests, they:
    - a. obtains the DOO's approval to apply to the court to dispense with consent;
    - b. informs the Adoption Worker; and
    - c. document all steps taken.
  5. The Adoption Worker makes the request to dispense with consent as part of the application for an adoption order. The Adoption Worker:
    - a. consults with the Legal Services Branch;
    - b. includes a recommendation in the Post Placement Report to dispense with consent; and
    - c. completes the relevant section in the Petition to the Court ([cf1007](#)) form.

**65) When a child/youth revokes consent**  
(s. 20, 22, *Adoption Act*)

1. If the child/youth decides to revoke consent, the Adoption Worker
  - a. assists the child/youth to complete an affidavit revoking consent;
  - b. documents the child's/youth's reasons for revoking consent;
  - c. if appropriate, makes a Reportable Circumstances report; and
  - d. clearly marks previous consent to adoption documents in the CS file as no longer valid.
2. While it is preferable for clarity and consistency that the child/youth revokes consent in writing, a child/youth may revoke consent verbally if they refuse to complete the Child Consent Revocation Affidavit.
3. Once the child/youth has revoked consent, the Adoption Worker immediately informs the prospective adoptive parent of the revocation.
4. If the child/youth and the prospective adoptive parent wish the residency to continue after the child/youth has revoked consent to adoption, the Adoption Worker:
  - a. identifies why they wish the residency to continue, including what outcome they are seeking; and
  - b. obtains the DOO's approval for the residency to continue.

5. In addition to the above procedures, the Adoption Worker applies the procedures set out in *If the adoption disrupts*.

**66) Child's/Youth's change of name**  
(s. 36 Adoption Act)

1. Prior to applying for an adoption order, the Adoption Worker informs a child/youth that the child's/youth's name may be changed when an adoption order is made.
2. If the child is 7 to 11 years old, the Adoption Worker consults the child on the name change, but the child's consent is not required.
3. If the child/youth is 12 years or older, the Adoption Worker seeks the child's/youth's consent to a name change when they seek consent to adoption. The child's/youth's name cannot be changed if the child/youth does not consent.
4. The child's/youth's consent to a change of name is not required if the court has dispensed with the child's/youth's consent to adoption.

## Chapter 10: Adoption Policy and Procedures

### Policy 10.6: Completing the adoption

Effective Date of Policy: 1 May 2019    Amendment Date of Policy:

#### Policy Statement

An adoption order legally completes an adoption. An adoption order is granted, following application, by the Supreme Court of British Columbia (the court). The granting of an adoption order provides the child/youth with a legally recognised and permanent family and ends the legal guardianship of the Adoption Worker.

An application is made after the residency ends, unless it is not in the best interests of the child/youth. An application can only be made earlier if an application is also made stating that it is in the best interests of the child/youth to alter or dispense with the residency period.

When an application for an adoption order is made, the court is provided with all the required information. Quality assurance processes are followed to ensure all information provided to the court is accurate, complete and in the correct form. This helps reduce delays in completing the adoption after the application is submitted to the court.

The Adoption Worker prepares the court package in accordance with the guidance on the [Preparing Supreme Court Packages](#) pages on iConnect. Strict adherence to the latest guidance is essential to ensure the court package is accepted by the court.

When engaging with Indigenous communities and IGBs the interpretation of self-government principles set out in either the CFCSA (s. 4.1) or the *Adoption Act* (s. 3.2) will inform the basis of actions taken by either the Guardianship Worker or Adoption Worker.

#### Outcomes

- An application for an adoption order is timely, complete and accurate
- The child/youth is adopted by a family who provides them with cultural, relational, physical and legal permanency



## Standards

10.6(1) The Adoption Worker obtains the Director of Child Protection's consent to adoption before applying to the Supreme Court for an adoption order

10.6(2) If the child is at least 7 and less than 12 years old, the Adoption Worker prepares a Report on a Younger Child's Views, and includes it in the application for an adoption order

10.6(3) The Adoption Worker prepares a Post Placement Report, and includes it in the application for an adoption order

10.6(4) The Adoption Worker applies for an adoption order six months, and no more than nine months, after the Notice of Placement is signed or no more than three months following the completion of any variation to the placement period, unless there is good reason to delay the application

10.6(5) The Adoption Worker follows their regional quality assurance processes before submitting an application for an adoption to the court

10.6(6) The Adoption Worker, as soon as practicable after the adoption order is made, notifies the Public Guardian and Trustee that that child/youth has been adopted

## Procedures

### **67) Before preparing an application for an adoption order**

1. Before preparing to apply for an adoption order, the Adoption Worker ensures all required steps are complete, including:
  - a. the child/youth and the prospective adoptive parent are thoroughly prepared for adoption;
  - b. any individual with an access order or de facto access to the child/youth was provided with written notice of intent to apply for an adoption order at least 90 days before the application is made
  - c. if the child/youth is 12 years of age or older, the child/youth has consented to the adoption and
  - d. any report which may indicate a violation of the rights of a child/youth in continuing custody has been responded to.
2. The Adoption Worker ensures that the child/youth and prospective adoptive parent understand the adoption application process, including that:
  - a. the Adoption Worker makes the final recommendation for adoption and
  - b. the court makes the decision to grant an adoption order

**68) Prepare an application for an adoption order**  
(s. 32 Adoption Act)

1. To apply for an adoption order, the Adoption Worker submits a court package to the court, on behalf of the prospective adoptive parent, that includes:
  - a. the Petition to the Court for the Adoption of Children under CCO ([cf1007](#));
  - b. the Report on a Younger Child's Views, if applicable;
  - c. the Post Placement Report;
  - d. a certified copy of the CCO; and
  - e. a Certified True Copy of (Birth) Registration Document.
2. The Adoption Worker applies for an adoption order, unless there is good reason not to:
  - a. within six months, and no more than nine months, after the Notice of Placement is signed;
  - b. at the completion of, and no more than three months after, any variation to the length of the residency.

**69) Prepare a Report on a Younger Child's Views**  
(s. 30 Adoption Act, s.16 Adoption Regulation)

1. If the child is at least seven and less than 12 years of age, the Adoption Worker prepares a Report on a Younger Child's Views after the child is placed with the prospective adoptive parent. The Report on a Younger Child's Views provides the court with the child's views **and preferences** on the adoption.
2. To obtain the child's views **and preferences**, the Adoption Worker interviews the child in a private setting where the child is willing to freely express their views about adoption. A support person for the child may be present if the Adoption Worker believes the support person will not influence the child's views **and preferences**.
3. When preparing the Report on a Younger Child's Views, the Adoption Worker includes the child's understanding of, and views on:
  - a. the meaning and effect of adoption;
  - b. the proposed adoption;
  - c. any proposed change to the child's name;
  - d. maintaining relationships with individuals who are significant in the child's life; and
  - e. how the child's cultural identity can be safeguarded.
4. To prepare the Report on a Younger Child's Views, the Adoption Worker follows the guidance on [Report on a Younger Child's Views](#) available on iConnect.
5. When the report is complete, the Adoption Worker:
  - a. signs and obtains the Team Leader's signature on the Report on a Younger Child's Views; and

- b. submits the Report on a Younger Child's Views to the court as part of the court package.
6. If the child's views **and preferences** are ambivalent or if the child indicates they do not wish to be adopted, the Adoption Worker applies the procedures set out in *Responding to the risk of adoption disruption*.

## **70) Prepare the Summary Recording**

*The Summary Recording is not included in the court package provided to the court.*

1. The Adoption Worker prepares a Summary Recording near the end of the residency. The Summary Recording provides information to the Regional Deputy Director of Adoption:
  - a. confirming that the required items are included in the application for the adoption order
  - b. describing the physical, social and emotional development of the child/youth;
  - c. describing the relationship between the child/youth and:
    - i. members of the prospective adoptive family; and
    - ii. any other individuals who are significant in the child's/youth's life;
  - d. noting whether there is a PAA agreement;
  - e. assessing how the placement meets the unique needs of the child/youth.
2. To prepare the Summary Recording, the Adoption Worker follows the guidance, which includes sample templates, available on iConnect.
3. The Summary Recording does not need to include information that is provided in the Post Placement Report.
4. When the Summary Recording is complete, the Adoption Worker:
  - a. signs and obtains the Team Leader's signature on the Summary Recording; and
  - b. documents the Summary Recording.

## **71) Prepare the Post Placement Report**

*(s. 33 Adoption Act; s.18 Adoption Regulation)*

1. The Adoption Worker prepares the Post Placement Report (PPR) at the conclusion of the placement. The PPR contains information to assist the court to determine whether making an adoption order in the best interests of the child/youth.
2. The PPR includes:
  - a. the child's/youth's full name and birth date as recorded on their Birth Certificate;
  - b. the date the child/youth was placed with the prospective adoptive parent and information about the prospective adoptive parent;
  - c. the child's/youth's legal status;
  - d. the child's/youth's placement history;

- e. the child's/**youth's** consent to adoption, if applicable, or an explanation why the child's/**youth's** consent has not been obtained;
  - f. if there are existing access orders or de facto access;
    - i. confirmation that written notice was provided to individuals with access orders or de facto access to the child/**youth**; and
    - ii. information to assist the court to determine whether and how access should continue;
  - g. confirmation that all requirements under the *Adoption Act* have been met,
  - h. an explanation of any discrepancies in the documents in the court package;
  - i. a recommendation that an adoption order be granted and about any issue related to the adoption, including:
    - i. views on continuing, modifying or terminating any access order;
    - ii. modifying the six months placement period (s.35(3), *Adoption Act*).
3. When the PPR is complete, the Adoption Worker:
    - a. obtains the signature of the Regional Deputy Director of Adoption; and
    - b. submits the PPR to the court as part of the court package.
  4. The Adoption Worker includes a written statement confirming or modifying the PPR if it is not filed with the court within three months of the PPR's completion.
  5. To prepare the PPR, the Adoption Worker follows the guidance for [Post Placement Reports](#) available on iConnect.

**72) Review the court package with the prospective adoptive parent and follow quality assurance processes**

1. When the court package and the Summary Recording are complete, the Adoption Worker
  - a. reviews the court package with the prospective adoptive parent; and
  - b. obtains the prospective adoptive parent signature on the Petition to the Court, and any other required documents.
2. The Adoption Worker:
  - a. reviews the court package and Summary Recording for accuracy and completeness; and
  - b. ensures the Team Leader reviews the court package and Summary Recording,
  - c. follows any regional quality assurance process, which may include sending the court package and Summary Recording to the Adoption and Permanency Branch or Adoption Consultant for review.

**73) Submit the court package to the court**

1. After quality assurance processes are completed, the Adoption Worker:
  - a. documents the quality assurance process followed;

- b. obtains the Team Leader approval to the court package;
  - c. obtains the Director of Child Protection's consent to the adoption (for the region that the CCO was granted in);
  - d. documents a copy of the complete court package and the Summary Recording; and
  - e. submits the court package to the court.
2. If the court sets a date for an in-person hearing of the application for an adoption order, the Adoption Worker contacts the Adoption and Permanency Branch for advice.

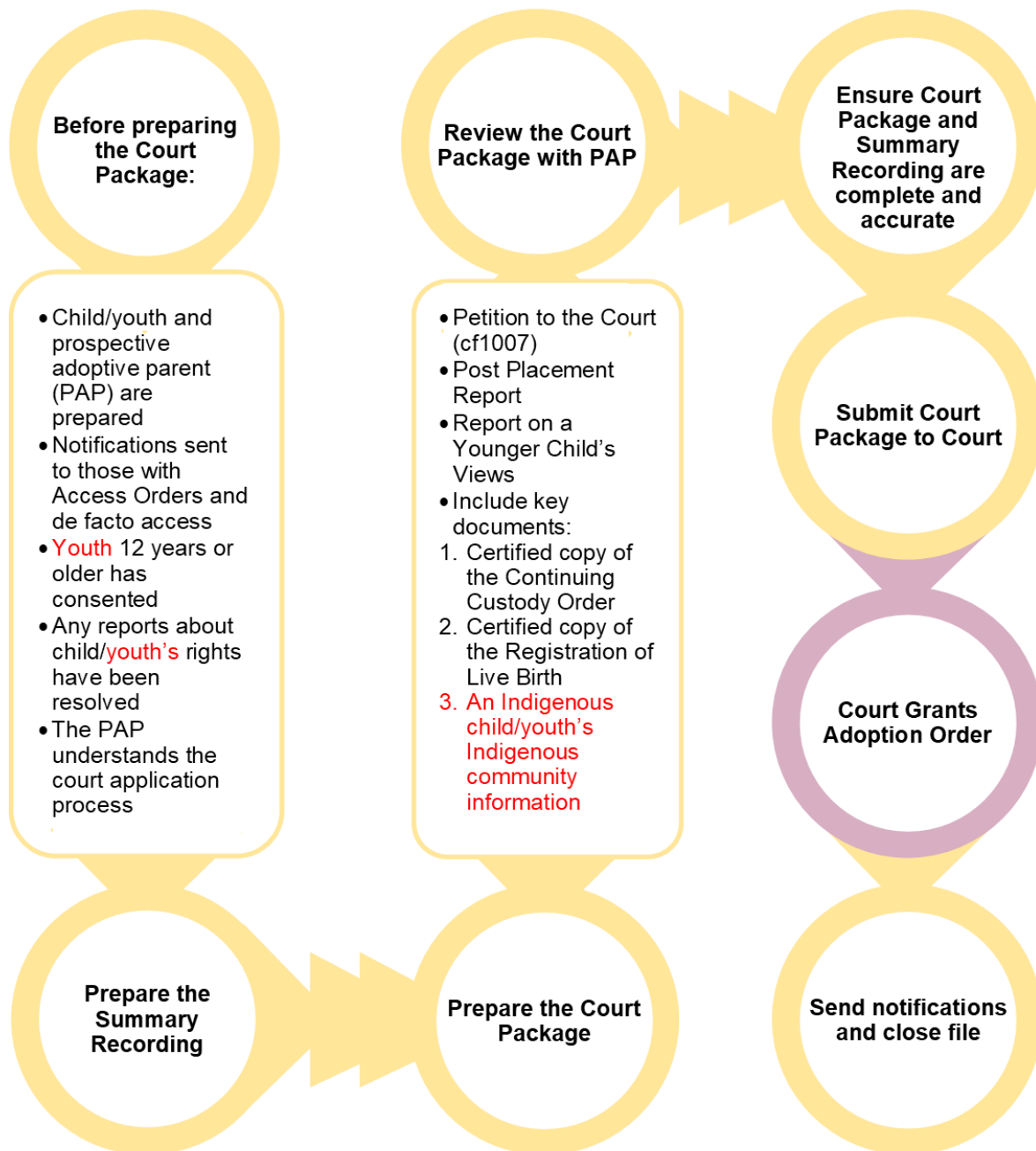
**74) Document and notify parties when an adoption order is granted**  
(s. 39, 45 Adoption Act)

*When an adoption order is granted, the court provides a certified copy of the adoption order to the Adoption Worker and, if the child/youth was born in BC, to the Vital Statistics Agency. The Vital Statistics Agency provides the updated Birth Certificate or Statement Respecting Particulars of Birth, in the child's/youth's name by adoption, directly to the prospective adoptive parent.*

1. When an adoption order is granted, the Adoption Worker;
  - a. documents one certified copy of the adoption order and confirmation of any change of name;
  - b. distributes one certified copy of the adoption order and confirmation of any change of name to the adoptive parents;
  - c. notifies the Public Guardian and Trustee as soon as practicable and within seven days of receiving the adoption order and change of name;
  - d. notifies the participants in the Adoption Circle that adoption planning has concluded;
  - e. documents that all required notifications have been made and
  - f. registers any Openness Agreements and finalises any openness exchange procedures.
2. If the child/youth is Indigenous, the Adoption Worker also notifies:
  - a. the designated representative(s) from the child's/youth's Indigenous communities and/or identified IGBs;
  - b. Indigenous Services Canada, if the child/youth is registered as holding status under the Indian Act.
3. When the adoption order has been granted, all required notifications are complete, and openness exchange procedures have been finalised, the Adoption Worker:
  - a. updates ICM and AMS;
  - b. documents a closing recording in the AH and CS files and closes the AH and CS files.

## Completing the Adoption

### Adoption Worker



## Chapter 10: Adoption Policy and Procedures

### Policy 10.7: Approving prospective adoptive parents

**Effective Date of Policy: 1 May 2019    Amendment Date of Policy:**

#### Policy Statement

An individual interested in adopting a child/youth in continuing custody (the adoptive applicant) is provided with information to help them determine whether adopting a child/youth in continuing custody is right for them. Information and services provided to the adoptive applicant are respectful of the complex emotions the adoptive applicant may feel as they navigate the application process.

An individual is approved as a prospective adoptive parent on the basis of a Homestudy (s.6(2) *Adoption Act*; s.3 *Adoption Regulation*). The Homestudy includes:

- an Initial Screening Process to ensure the adoptive applicant is eligible to continue the Homestudy process.
- an Adoption Education Program (AEP) to help prepare the adoptive applicant for the adoption process, and for parenting a child/youth who is adopted, and
- a Structured Assessment Family Evaluation (SAFE Study) to assess the adoptive applicant's ability to meet the needs of a child/youth in continuing custody and provide them with a safe, loving and permanent home.

The SAFE Report details the results of the Homestudy process. It recommends whether to approve the adoptive applicant as a prospective adoptive parent, and sets out the type of needs a child/youth may have that the prospective adoptive parent has been approved to adopt.

Wherever possible, Indigenous children/youth who are available for adoption are placed with citizens/members of their Indigenous communities. To increase the number of potential homes for Indigenous children/youth, workers prioritise processing applications from Indigenous individuals.

When engaging with Indigenous communities and IGBs the interpretation of self-government principles set out in either the CFCSA (s. 4.1) or the *Adoption Act* (s. 3.2) will inform the basis of actions taken by either the Guardianship Worker or Adoption Worker.



## Outcomes

- The Homestudy process is fair, consistent, transparent and completed in a timely manner
- An adoptive applicant who can provide a child/youth with a permanent, secure and loving home is approved as a prospective adoptive parent
- A prospective adoptive parent is ready and able to care for the age, number and special needs of children/youth that they have been approved to adopt
- If the child/youth is Indigenous, the prospective adoptive parent is committed to supporting the child/youth to establish a strong, healthy cultural identity and strengthen the child's/youth's connection to their Indigenous communities

## Standards

10.7(1) The Adoption Worker may only place a child/youth for adoption with a prospective adoptive parent who has been approved on the basis of a Homestudy

## Procedures

### **75) *Respond to inquiries about adopting a child/youth in continuing custody***

1. When an Adoption Worker receives an inquiry from a member of the general public about adopting a child/youth in continuing custody, the Adoption Worker provides the individual with information within seven days of contact about:
  - a. who can adopt in BC;
  - b. the types of adoption available in BC;
  - c. the needs of children/youth in continuing custody who are available for adoption, and the challenges and rewards of adopting a child/youth in continuing custody;
  - d. the Homestudy process for assessing and approving prospective adoptive parents
  - e. the adoption process if the adoptive applicant is approved as a prospective adoptive parent; and
  - f. the Adopt BC Kids website.

2. After providing the individual with the above information, the Adoption Worker discusses with the individual whether adopting a child/youth in continuing custody is suitable for the individual.
3. If the individual wants to apply to adopt, the Adoption Worker directs them to apply for a Personal BCeID account, and informs them that:
  - a. if two adoptive applicants intend to adopt a child/youth jointly, each adoptive applicant must apply for a separate Personal BCeID. If the two adoptive applicants do not hold separate BCeIDs, the application will not be processed;
  - b. Personal BCeIDs will allow the adoptive applicant to track their application through the Adopt BC Kids website, and if they are approved, access information about children/youth who are available for adoption.

#### **76) Submit an application for approval to adopt**

*Adoption Workers should encourage general applicants to apply to adopt through the Adopt BC Kids website, which is processed by the HUB. However, there may be circumstances when it is necessary for the local adoption office to complete the Initial Screening Process, or when the individual prefers to submit a paper application.*

1. If the individual wants to apply to adopt, the Adoption Worker advises the adoptive applicant to apply online through the Adopt BC Kids website.
2. If the individual asks to complete a paper application instead of applying through the Adopt BC Kids website, the Adoption Worker:
  - a. verifies the adoptive applicant's identity in person;
  - b. supports the adoptive applicant to complete the Application to Adopt (cf1013) form; and
  - c. provides the adoptive applicant with the required consents to conduct the Initial Screening Process.
3. If the individual completes a paper application, the Adoption Worker submits a Centralized Services HUB Memo to the Centralized Services HUB (the HUB) requesting that the HUB conduct the Initial Screening Process, unless:
  - a. the local adoption office is completing the Initial Screening Process, in which case the Adoption Worker follows the applicable procedures assigned to the HUB Worker.

#### **77) Receive an application at the Centralized Services HUB**

1. When the HUB Worker receives an adoption application, either through Adopt BC Kids or through a Centralized Services HUB Memo, the HUB Worker, within seven days of receiving the application:
  - a. opens an AH file on the adoptive applicant;
  - b. contacts the adoptive applicant to introduce themselves and inform the adoptive applicant that their application has been received;

- c. if the applicant has not met with an Adoption Worker, carries out the procedures in *Responding to inquiries about adopting a child/youth in continuing custody*;
  - d. requests any missing information from the adoptive applicant, if the application is not complete;
  - e. creates a Summary Screening Document (Summary Document) on the adoptive applicant; and
  - f. document the steps taken.
2. If the adoptive applicant is Indigenous, the HUB Worker flags this information in the AH file and in ICM and prioritises processing the application.

### **78) Conduct the medical references check**

1. The HUB Worker provides the adoptive applicant with:
  - a. a letter advising them that their physician must complete the Physician's Report on Applicant form ([cf0605](#)); and
  - b. a copy of the form.
2. When the HUB Worker receives the completed Physician's report on the adoptive applicant, they:
  - a. review the report to identify any medical issues that indicate a risk that the adoptive applicant may not be able to adequately care for a child/youth (relevant medical issues);
  - b. contact the physician for further information if relevant medical issues are identified; and
  - c. document the report.
3. If the report does not identify any relevant medical issues, the HUB Worker summarises the information in the Summary Document.
4. If the report and subsequent discussion with the physician indicates the adoptive applicant has medical issues that may prevent the adoptive applicant from caring for a child/youth:
  - a. the HUB Worker consults with the Team Leader on whether the risk could be mitigated; and
  - b. the HUB Team Leader consults the Adoption Team Leader local to the adoptive applicant.
5. If the HUB Worker, following consultation, finds that the risk cannot be mitigated, they follow the process set out in *Denying the adoptive applicant's application*.
6. If the HUB Worker finds the risks may be mitigated, summarises the risks in the Summary Document.

### **79) Conduct the SAFE personal references check**

1. The HUB Worker provides each of the personal references with the SAFE reference letters and asks each personal reference to complete the reference letter and return it to the HUB Worker.

2. If a personal reference does not comprehensively answer the questions or identifies issues that indicate a risk that the adoptive applicant may not be able to adequately care for the child/youth, the HUB Worker contacts the personal reference for further information.
3. If the personal references indicate that there would be a serious risk to the safety and wellbeing of a child/youth placed with the adoptive applicant:
  - a. the HUB Worker consults with the Team Leader on whether the risk could be mitigated; and
  - b. the HUB Team Leader consults the Adoption Team Leader local to the adoptive applicant.
4. If the HUB Worker, following consultation, finds that the risk cannot be mitigated, they follow the procedures set out in *Denying the adoptive applicant's application*.
5. The HUB Worker:
  - a. documents the information provided by the personal references;
  - b. flags any issues that indicate a risk that the adoptive applicant may not be able to adequately care for the child/youth; and
  - c. includes a link to the information in the Summary Document.

#### **80) Obtain consents for the Prior Contact Check and Criminal Records Check**

*A Prior Contact Check (PCC), consisting of an Initial Records Review (IRR) and a Detailed Records Review (DRR), and a Consolidated Criminal Records Check (CCRC) is by carried out on:*

- a. *the adoptive applicant; and*
  - b. *household members (any other individuals who are 18 years or older and either reside in the home of the adoptive applicant or who would spend significant and unsupervised time with a child/youth placed in that home i.e., the intimate partner of the adoptive applicant who stays regularly).*
1. The HUB Worker ensures the adoptive applicant and household members have signed all required consents for the PCC and CCRC, which consist of:
    - a. Consent for Prior Contact Check ([cf0623](#));
    - b. Consent to the Disclosure of Information ([cf0609](#)), if applicable, to obtain consent to contact other household members to conduct an IRR/DRR and CCRC;
    - c. Consent for Disclosure of Criminal Record Information ([cf0622](#));
    - d. Consent for Collection of Information ([cf0611](#)), for the adoptive applicant, and any household member who has lived in another Canadian province or territory for a period of six months or longer since the age of 18, in order to conduct an Out Of Province Prior Contact Check.

2. If the adoptive applicant has completed a SAFE Study previously, and the previous AH file contains a CCRC, the HUB Worker appends the CCRC instead of conducting a new one, if the CCRC is less than two years old, and did not identify any criminal history.
3. If the adoptive applicant or household member has lived in a foreign country for a period of six months or longer since the age of 18, the HUB Worker:
  - a. requests they obtain and submit the criminal records for each country; and
  - b. documents the criminal records for each country.
4. If the adoptive applicant or household member is unable to obtain a criminal record for a country they resided in, the HUB worker:
  - a. obtains a signed affidavit from the individual stating:
    - i. what efforts they made to obtain the criminal record and why the record cannot be obtained;
    - ii. whether they were convicted of a criminal offence in that country;
  - b. obtains any corroborating documentation from the individual;
  - c. documents the signed affidavit and corroborating documentation in the Summary Document.

#### **81) Conduct the Prior Contact Check and Criminal Records Check**

1. When the required consents are obtained, the HUB Worker:
  - a. documents the consents;
  - b. conducts an IRR;
  - c. if any records are identified through the IRR, conducts a DRR;
  - d. requests Out of Province Prior Contact Checks from any jurisdiction outside of British Columbia where the adoptive applicant or household member has lived for a period of six months or longer since the age of 18, if applicable (see Procedure 81 for a definition of “household member”);
  - e. contacts International Social Services for assistance in conducting foreign Prior Contact Checks, if applicable;
  - f. requests a CCRC; and
  - g. requests criminal records from any other Canadian Provinces or Territories, if applicable.
2. For guidance on completing an IRR/DRR or foreign Prior Contact Check, see [the Prior Contact Checks Policy](#).
3. For guidance on completing a CCRC, see the [Criminal Records Check Policy and Procedures for Caregivers](#).

<b>When to conduct a Consolidated Criminal Record Check</b>	<b>When to conduct an Initial Records Review/Detailed Records Review</b>
Conducting the initial screening process for an adoptive applicant	Conducting the initial screening process for an adoptive applicant

Confirming the prospective adoptive parent is a potential match for the child/youth, if the previous CCRC was conducted more than nine months ago	Confirming the prospective adoptive parent is a potential match for the child/youth
Immediately prior to placement and, whenever possible, no more than 30 days before the date the child/youth is placed	Immediately prior to placement and no more than 30 days before the date the child/youth is placed

**82) Assess risks identified in the Prior Contact Check and Criminal Records Check**

1. The HUB Worker:
  - a. reviews the information gathered in the PCC and CCRC to identify any issues which indicate a risk that the adoptive applicant may not be able to adequately care for a child/youth; and
  - b. documents the information.
2. If the HUB worker identifies any risks, the HUB Worker consults with the Team Leader on whether the risks can be mitigated.
3. When considering whether a risk could be mitigated, the HUB Worker considers:
  - a. the nature of the issue;
  - b. whether the issue was resolved;
  - c. how the issue was resolved including how responsive the adoptive applicant was in addressing it;
  - d. how long ago the issue occurred, and the likelihood of the issue reoccurring; and
  - e. whether further steps can be taken to mitigate the risk.
4. Approval from the DOO is required to refer the adoptive applicant for a SAFE Study if:
  - a. the adoptive applicant or another member of the household has a lengthy criminal history, or has been convicted of an offence relating to child/youth welfare, a violent offence, driving under the influence or narcotics-related offending, or
  - b. a child/youth in the adoptive applicants' care has been found to be in need of protection by a child welfare agency.
5. Before requesting approval from the DOO, the HUB Worker:
  - a. consults the Team Leader;
  - b. requests the Team Leader consult with the Adoption Team Leader local to the adoptive applicant; and
  - c. obtains Team Leader approval that the risks raised can be mitigated.
6. If the HUB Worker finds the risks raised in the PCC or CCRC checks cannot be mitigated, they follow the procedures set out in *Denying the adoptive applicant's application during the Initial Screening Process*.
7. If the HUB Worker finds the risks raised may be mitigated, the HUB Worker summarizes:

- a. the findings of the PCC and CCRC on the Summary Document; and
- b. the process followed in the AH file.

**83) Invite the adoptive applicant to the Adoption Education Program**

*The Adoption Education Program consists of modules that the adoptive applicant must complete, addressing topics including openness, cross cultural adoptions and post adoption assistance.*

1. The HUB Worker:
  - a. obtains the Team Leader's approval to invite the adoptive applicant to complete the Adoption Education Program (AEP);
  - b. invites the adoptive applicant to complete the AEP (either online or in person)
2. The HUB Worker may exempt an adoptive applicant from a component of the AEP, if:
  - a. the adoptive applicant has previously completed that component; and
  - b. the HUB Worker believes the adoptive applicant has a good understanding of the material covered in that component.
3. If the HUB Worker determines, due to risks identified during the initial screening process, that the Adoption Worker should review the application before the adoptive applicant is invited to complete the AEP, the HUB Worker notes the decision in the Summary Document.

*Refer the adoptive applicant for a SAFE Study*
4. The HUB Worker states in the Summary Document whether they:
  - a. advise that the adoptive applicant be referred for a SAFE Study:
    - i. with no risks identified;
    - ii. with specific risks identified for mitigation;
  - b. advise against referring the adoptive applicant for a SAFE Study.
5. The HUB Worker:
  - c. signs the Summary Document;
  - d. documents the Summary Document; and
  - e. obtains the HUB Team Leader's approval that the Summary Document and AH file is complete.
6. Once the Summary Document is approved by the HUB Team Leader:
  - f. the HUB Team Leader notifies the Adoption Team Leader local to the adoptive applicant that the AH file will be transferred to them;
  - g. the HUB Worker:
    - i. transfers the adoptive applicant's AH file to the Adoption Team Leader;
    - ii. provides the adoptive applicant with a letter that informs them of the referral for a SAFE Study and provides them with the contact details of the local adoption office.



**84) Deny the adoptive applicant's application during the Initial Screening Process**

1. If, during the Initial Screening Process, the HUB Worker identifies issues that indicate a risk that the adoptive applicant may not be able to adequately care for a child/youth and the risks cannot be mitigated, the HUB Worker considers denying the application without referring it to a SAFE Study.
2. If they are considering denying an application, the HUB worker consults
  - a. the Team Leader; and
  - b. the Adoption Team Leader local to the adoptive applicant.
3. If, following consultation, the HUB Team Leader and Adoption Team Leader agree the application should be denied, the HUB Worker obtains the Team Leader's approval to deny the adoptive applicant's application.
4. The HUB Worker discusses with the Adoption Worker local to the adoptive applicant whether the Adoption Worker should inform the adoptive applicant of the decision in person. If they agree:
  - a. that an in-person meeting is unnecessary, the HUB Worker provides the adoptive applicant with a letter within 10 days of the decision, informing the adoptive applicant:
    - i. of the decision and the reasons for denying the application; and
    - ii. the complaints process should they wish to challenge the decision;
  - b. that an in-person meeting may be appropriate, the HUB Worker requests that the Adoption Worker informs the adoptive applicant of a decision to deny the application.
5. When a decision is made to deny an adoptive applicant's application, or if the adoptive applicant chooses to withdraw from the application process, the HUB Worker:
  - a. documents the decision, including the reasons why, in the AH file; and
  - b. closes the AH file.

**85) Adoption Worker reviews the AH file**

1. When the Adoption Team Leader receives the adoptive applicant's AH file, they assign it to an Adoption Worker.
2. The Adoption Worker:
  - a. updates AMS and ICM;
  - b. reviews the advice on whether to refer the adoptive applicant to a SAFE Study and the information in the Summary Document.
3. The Adoption Worker prioritises the processing of applications from:
  - a. Indigenous adoptive applicants; and
  - b. adoptive applicants who appear to best meet the type of needs of child/youth in continuing custody.
4. If the Adoption Worker disagrees with the HUB Worker's referral advice, the Adoption Worker obtains the Team Leader's approval to not follow the referral advice.

5. If the Adoption Worker finds that the adoptive applicant should not continue to a SAFE Study, they follow the process set out in *Denying the adoptive applicant's application* during the SAFE Study.

#### **86) Complete the Structured Analysis Family Evaluation (SAFE) study**

*The Structured Analysis Family Evaluation (SAFE) sets out the standardized structured family assessment methodology for approving a prospective adoptive parent. The Adoption Worker must have completed SAFE training before commencing a SAFE Study. A clinical supervisor must have completed SAFE training and SAFE clinical supervisor training.*

1. If the Adoption Worker finds that the adoptive applicant should continue to a SAFE Study, they contact the adoptive applicant to start a SAFE Study as soon as possible, according to how their application has been prioritized.
2. To complete the SAFE Study, the Adoption Worker:
  - a. conducts a series of interviews with the adoptive applicant and other individuals living in the adoptive applicant's household;
  - b. rates each interview against the Psychological Inventory, and reviews the rating with their clinical supervisor; and
  - c. where the rating identifies issues, the Adoption Worker and the clinical supervisor assess whether the issue has been mitigated.
3. SAFE interviews with the adoptive applicant should be held in person, and in the adoptive applicant's home. In rare circumstances where extenuating circumstances apply, the Adoption Worker:
  - a. obtains the Regional Deputy Director of Adoption's approval to conduct remote interviews with the adoptive applicant; and
  - b. conducts at least one interview in person, and in the adoptive applicant's home.
4. If the adoptive applicant has a previously approved SAFE Study, the Adoption Worker:
  - a. appends the history gathered during the previous SAFE Study to the current SAFE Study;
  - b. gathers the history for the period since the previous SAFE Study was completed; and
  - c. completes all interviews again.
5. if the previous SAFE Study was limited to approval for foster placements, the Adoption Worker completes the adoption section of the SAFE Study.
6. If the adoptive applicant wishes to adopt a specific child/youth, the Guardianship Worker for that child/youth conducts the SAFE Study if:
  - a. an Adoption Worker is not available, and waiting for an Adoption Worker to become available would delay the start of the SAFE Study by four months or more;
  - b. the Guardianship Worker has completed SAFE training and has appropriate adoption delegation; and
  - c. the Guardianship Worker obtains the DOO's approval.

**87) Write the SAFE Assessment**

1. The Adoption Worker completes the final assessment report on the SAFE Study (the SAFE Assessment) within four months of starting the SAFE Study and within one month of completing the interviews, whenever possible.
2. When the Adoption Worker has drafted the SAFE Assessment, they:
  - a. review the draft SAFE Assessment with the Team Leader; and
  - b. provide the adoptive applicant with 21 days to review the draft SAFE Assessment and provide feedback on factual errors.
3. After the adoptive applicant has had the opportunity to provide feedback, the Adoption Worker:
  - a. corrects any factual errors identified by the adoptive applicant;
  - b. if the adoptive applicant provides further information regarding mitigating risks, reviews the risks identified in the SAFE Assessment;
  - c. obtains the adoptive applicant's signature on the final SAFE Assessment; and
  - d. obtains the Team Leader's approval of the final SAFE Assessment.
4. When the final SAFE Assessment has been approved, the Adoption Worker:
  - a. documents the final SAFE Assessment on AMS and the AH file;
  - b. updates AMS and completes the Basic Family Profile setting out the family's attributes and competencies;
  - c. notifies the adoptive applicant that they have been approved as a prospective adoptive parent and requests they complete their Public Profile on Adopt BC Kids if they are approved for a general adoption.

**88) Identify a match for a general adoption**

1. To identify matches for a general adoption, the Adoption Worker:
  - a. regularly updates the prospective adoptive parent's AMS Basic Family Profile;
  - b. regularly reviews algorithm matches on AMS;
  - c. conducts active searches on AMS; and
  - d. encourages the prospective adoptive parent to regularly update their Public Profile on Adopt BC Kids, and provides feedback on their Public Profile.

**89) Consider denying the adoptive applicant's application during the SAFE Study**

1. If, after receiving the Summary Document or during the SAFE Study, the Adoption Worker identifies issues that indicate a risk that the adoptive applicant may not be able to adequately care for a child/youth and the risk cannot be mitigated, the Adoption Worker considers denying the application.
2. The Adoption Worker obtains the Team Leader's approval to deny the adoptive applicant's application.

3. When the Adoption Worker denies an application, or is asked by the HUB Worker to inform the adoptive applicant of a decision to deny the application, the Adoption Worker:
  - a. contacts the adoptive applicant in person or by telephone within seven days of the decision to inform the adoptive applicant that their application has been denied;
  - b. offers to meet with the adoptive applicant to;
    - i. explain the reasons for denying the application; and
    - ii. provide the adoptive applicant with information about the complaints process should they would challenge the decision;
  - c. provides the adoptive applicant with the above information in writing within 10 days of the decision.
4. When a decision is made to deny an adoptive applicant's application, or if the adoptive applicant chooses to withdraw from the application process, the Adoption Worker:
  - a. documents the decision, including the reasons why; and
  - b. closes the AH file.

**90) Complete a SAFE Study Update**

1. If no child/youth has been placed with the prospective adoptive parent, the Adoption Worker completes a SAFE Study Update:
  - a. annually to reflect relevant changes in the prospective adoptive parent's circumstances;
  - b. whenever a significant change in the prospective adoptive parent's circumstances occurs, or is anticipated, that may affect their approval to adopt; and
  - c. if the prospective adoptive parent indicates they would like to change the age or special needs of the child/youth, or number of children/youth they are prepared to adopt.
2. If a significant change in the prospective adoptive parent's circumstances occurs, or is anticipated, the Adoption Worker:
  - a. reviews the situation every six months, or more frequently if appropriate, to determine whether the prospective adoptive parent has adapted to the change;
  - b. starts the SAFE Study Update within 30 days of determining that the prospective adoptive parent has adapted to the change.

**91) Complete a New SAFE Study**

3. The Adoption Worker completes a New SAFE Study if there is a change to the composition of the prospective adoptive parent's household that was not considered in the initial SAFE Study, for example:
  - a. the prospective adoptive parent obtains a divorce or separates from their live-in partner;
  - b. a member of the household dies; or

- c. a child/youth joins the prospective adoptive parent's household by birth, adoption or any other means
- 4. If the prospective adoptive parent is seeking to adopt either a sibling of a child/youth that they have adopted in the previous year, or a child/youth they have fostered for at least 12 months then a SAFE Study Update is required, not a New SAFE Study.
- 5. If there is a change to the composition of the prospective adoptive parent's household, the Adoption Worker starts the New SAFE Study at least one year after the change occurs, or when they have determined that the prospective adoptive parent has adapted to the change.
- 6. If a prospective adoptive parent wishes to adopt as a solo adult, after they were approved to adopt jointly with another adult, then:
  - a. the existing AH file for the joint applicants is closed; and
  - b. a new AH file is opened for the single applicant and a New SAFE Study is required.

**92) Place an adoptive applicant in abeyance**

- 1. The Adoption Worker places the adoptive applicant in abeyance:
  - a. if issues are identified that create a risk that the adoptive applicant may not be able to adequately care for a child/youth, and it will take more than three months to mitigate the risk, until the risk is mitigated;
  - b. if a significant change to the adoptive applicant's circumstances occurs, or is anticipated, that may affect their approval to adopt:
    - i. if the change is temporary, until it reverts back;
    - ii. if the change is permanent, until the adoptive applicant has adapted to the change;
  - c. if a change to the composition of the adoptive applicant's household occurs, or is anticipated, for at least one year after the change occurs, or until the Adoption Worker determines that the prospective adoptive parent has adapted to the change.
- 2. If an adoptive applicant is placed in abeyance, the Adoption Worker:
  - a. obtains the Team Leader's approval to place the adoptive applicant in abeyance;
  - b. notifies the adoptive applicant;
  - c. updates AMS and ICM;
  - d. documents the reasons the adoptive applicant is being placed in abeyance;
  - e. reviews the reasons they are in abeyance at least every six months to determine whether the abeyance should continue or end, or whether the adoptive applicant's application should be withdrawn or denied; and
  - f. closes the AH file if the adoptive applicant is placed in abeyance for more than two years.

**93) Place a prospective adoptive parent in abeyance**

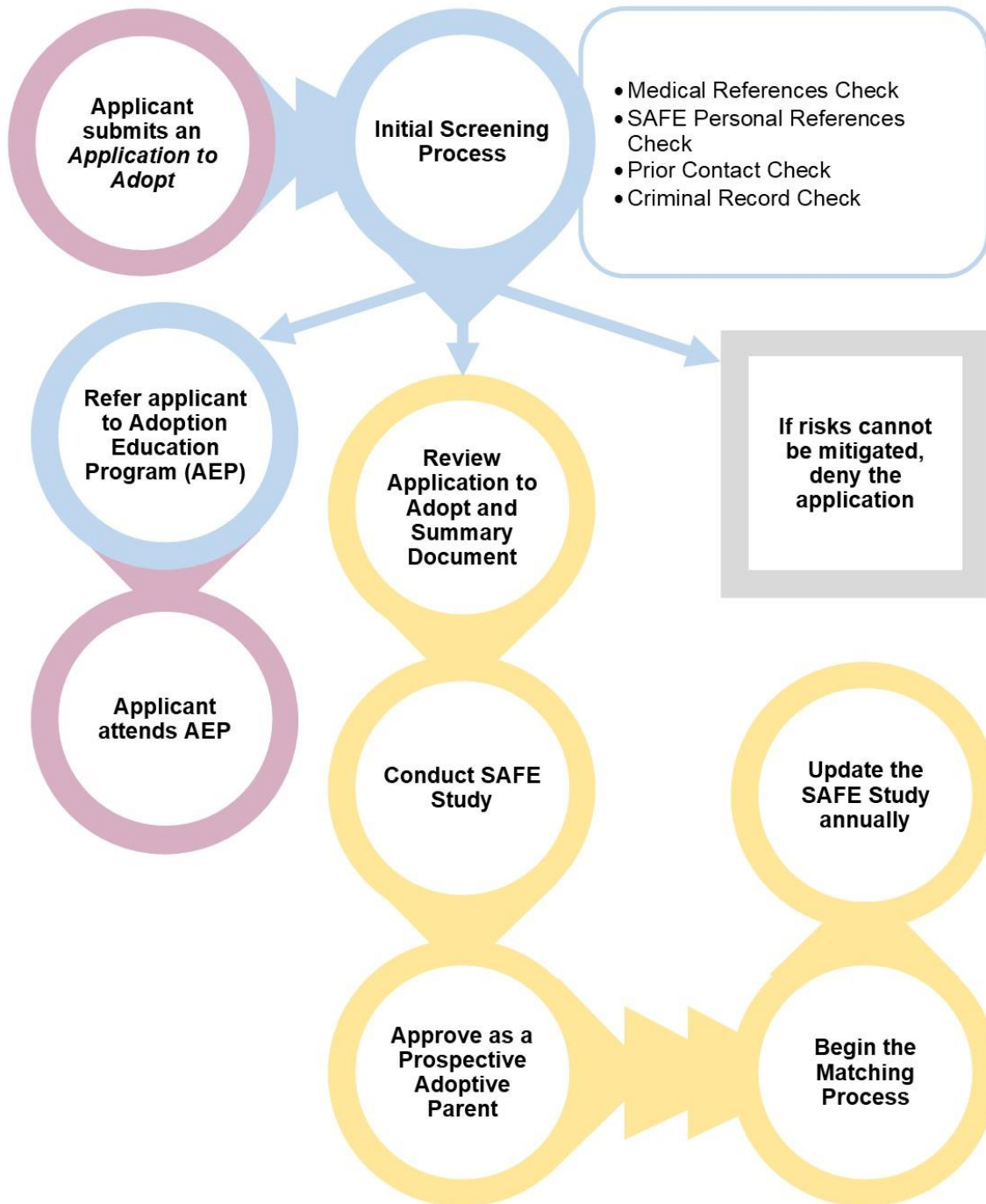
1. The Adoption Worker places the prospective adoptive parent in abeyance:
  - a. when a SAFE Study Update is required, except for the annual update, until the SAFE Study Update is completed;
  - b. when a change to the composition of the prospective adoptive parent's household occurs, or is anticipated, that requires a New SAFE Study to be completed, until the New SAFE Study is completed; and
  - c. when a temporary change in the prospective adoptive parent's circumstances occurs, or is anticipated, that prevents the prospective adoptive parent from adopting, until the circumstances revert back.
2. If the prospective adoptive parent is placed in abeyance, the Adoption Worker:
  - a. obtains the Team Leader's approval to place the prospective adoptive parent in abeyance;
  - b. notifies the prospective adoptive parent;
  - c. updates AMS and ICM;
  - d. documents the reasons the prospective adoptive parent is being placed in abeyance;
  - e. reviews the reasons they are in abeyance at least every six months to determine whether the abeyance should continue or end, or whether the prospective adoptive parent's approval to adopt should be withdrawn or denied; and
  - f. closes the AH file if the prospective adoptive parent is placed in abeyance for more than two years.



## Approving Prospective Adoptive Parents

Adoption Worker

HUB Worker





## Chapter 10: Adoption Policy and Procedures

### Policy 10.8: Disclosing Indigenous community information after an adoption order

Effective Date of Policy: 1 May 2019    Amendment Date of Policy:

#### Policy Statement

If Indigenous community information was not provided to an Indigenous child/youth or an adoptive parent before an adoption order was made, the director must make all reasonable efforts to disclose that information to the Indigenous child/youth, if sufficiently mature, and/or the adoptive parent, after the adoption of the child/youth, if in the child's/youth's best interests.

When engaging with Indigenous communities and IGBs the interpretation of self-government principles set out in either the CFCSA (s. 4.1) or the *Adoption Act* (s. 3.2) will inform the basis of actions taken by either the Guardianship Worker or Adoption Worker.

#### Outcomes

- Wherever possible and in the child's/youth's best interests, an adopted Indigenous child/youth and/or their adoptive parent will receive the child's/youth's Indigenous community information after an adoption order has been made.

#### Standards

10.8(1) The director, if in the child's/youth's best interests, must make all reasonable efforts to disclose Indigenous community information after an adoption order has been made, if the information is known and has not previously been provided.

#### Procedures

- 94) Disclose Indigenous Community Information**  
(s. 62(1) *Adoption Act*)

1. Where an Indigenous child/youth or an adoptive parent did not receive information from their former CS file regarding the name and location of the Indigenous communities the child/youth belongs to prior to their adoption, the Adoption Worker contacts the Adoption and Permanency Branch's Search and Reunion Services to provide that information to the child/youth, if sufficiently mature, and/or their adoptive parent.
  - a. When the Indigenous child/youth is not sufficiently mature at the time of file review, the Adoption Worker provides the child's/youth's Indigenous community information to the adoptive parent and ensures the information remains preserved on the former CS file.

## Appendix: Checklists

<b>Consider the child's/youth's views and preferences without discrimination at key stages of the adoption process, including but not limited to the following</b>	
<b>When</b>	<b>Who</b>
<b>Adoption Planning</b>	
Establishing the Adoption Circle	Guardianship Worker
Preserving an Indigenous child's/youth's cultural identity	Guardianship Worker
Updating the child's/youth's Care Plan	Guardianship Worker
Considering continued access for individuals with an access order after an adoption order is granted	Guardianship Worker
Identifying individuals who may be considered as a PAP	Guardianship Worker
Considering separate placements for a sibling group in continuing custody	Guardianship Worker
Considering whether to pause permanency planning	Guardianship Worker
<b>Openness</b>	
Identifying individuals with whom openness should be considered	Guardianship Worker
Considering openness for the child/youth	Guardianship Worker
<b>Proposing a match</b>	
Proposing the PAP to the child/youth	Guardianship Worker
Developing the Adoption Care Plan	Guardianship Worker
<b>Transition and Residency</b>	
Developing the Transition Plan	Guardianship Worker
Implementing the Transition Plan	Guardianship Worker
Seeking the child's/youth's agreement to the adoption placement	Guardianship Worker
Considering whether to shorten or dispense with the residency period	Adoption Worker
Considering whether to extend the residency period	Adoption Worker
<b>Consent to adoption</b>	
Seeking the child's/youth's consent to adoption	Guardianship Worker or Adoption Worker
Seeking the child's/youth's consent to a change of name	Guardianship Worker or Adoption Worker
<b>Completing an Adoption</b>	
When Preparing a Report on a Younger Child's Views	Adoption Worker

Consult the Adoption Circle regarding any decisions that affect the child's permanency, including but not limited to the following		
When	Who	✓
<b>Adoption Planning</b>		
Preserving an Indigenous child's/youth's cultural identity	Guardianship Worker	
Updating the child's/youth's Adoption Care Plan	Guardianship Worker	
Considering continued access for individuals with an access order after an adoption order is granted	Guardianship Worker	
Identifying individuals who may be considered as a PAP	Guardianship Worker	
Identifying a PAP who meets the placement priorities	Guardianship Worker	
Considering additional options to identify a match, if the child/youth is not matched within six months	Guardianship Worker	
Considering placing a sibling group in continuing custody separately	Guardianship Worker	
Considering whether to pause permanency planning	Guardianship Worker	
<b>Openness</b>		
Identifying individuals with whom openness should be considered	Guardianship Worker	
<b>Transition and Residency</b>		
Developing the Transition Plan	Guardianship Worker	

## Seek approval from the Team Leader or other specified supervisor at the following stages of the adoption process

Approval required:	Sought by:	Sought from	✓
<b>Introduction</b>			
To depart from a Procedure	GW or AW	TL	
To pursue an alternative permanency plan after adoption is determined to be the permanency plan for the child/youth	GW	TL	
For the Guardianship Worker for the child/youth to also act as the Adoption Worker	GW	DOO	
<b>Adoption Planning</b>			
To confirm the child/youth is prepared for adoption	GW	TL	
If the child/youth is Indigenous, to move to applying the placement priorities for a non-Indigenous child/youth	GW	TL	
To a plan outlining additional efforts to identify a match for a child/youth if the child/youth is not matched within 12 months	GW	TL	
To place a sibling separately if it is in the best interests of at least one of the siblings	GW	DOO	
To determine the preferred match, if no agreement is found following the matching meeting	GW	TL	
To proceed to an adoption proposal with the preferred match (provide the Adoption Worker with the Proposal Package)	GW	TL	
To proceed to an adoption proposal with the preferred match, if an Indigenous child/youth is matched with a non-Indigenous PAP who is not a relative	GW	RDDA	
To pause planning for adoption or any other plan for legal permanency	GW	DOO	
<b>Proposing a match</b>			
To proceed to an adoption proposal (provide the PAP with the Proposal Package)	AW	TL	
To seek a recommendation from the Provincial Exceptions Committee to place the child/youth with a non-Indigenous PAP who is not a relative	GW	RDDA	
Of the Post Adoption Assistance Agreement	AW	TL	
Of the Adoption Care Plan	GW and AW	Both TL's	
<b>Transition and Residency</b>			
If the child/youth is not placed within nine months of the Adoption Care Plan being completed	GW	TL	
If an issue was raised regarding the safety of the child/youth during the residency, that Resource Work Policies process of Protocol Investigations or the Reportable Circumstances Policy was followed	AW	TL	
If seeking to visit the child/youth less frequently than every 30 days during the residency	AW	TL	
If seeking to contact the child/youth and PAP by video call following the first home visit during residency	AW	TL	
If there is a risk of disruption, of the plan to address the risk	AW	TL	
To remove the child/youth from the home against the PAP's during the residency	AW	RDDA	

To include a recommendation in the Post Placement Report to shorten or dispense with the residency period	AW	DOO
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#### Consent to adoption

To have a psychologist or psychiatrist assess the child's/youth's capacity to consent to the adoption	GW	DOO
To apply to the court to dispense with consent	GW	DOO
For the residency to continue after the child/youth has revoked consent to the adoption	AW	DOO

#### Completing the Adoption

Of the Report on a Younger Child's Views	AW	TL
Of the Summary Recording	AW	TL
Of the Post Placement Report	AW	RDDA
To submit the court package to the court	AW	TL

#### Approving PAPs

That the risks raised in the Prior Contact Check and Criminal Records Checks can be mitigated	HW	TL
From the DOO to refer the adoptive applicant for a SAFE Study, if required	HW	DOO
To invite the adoptive applicant to complete the AEP	HW	TL
that the Summary Document and AH file is complete	HW	TL
To deny the adoptive applicant's application	HW or AW	TL
To depart from the Hub Worker's advice on whether to refer the adoptive applicant for a SAFE Study	AW	TL
To conduct remote interviews with the adoptive applicant during the SAFE Study	AW	RDDA
For the Guardianship Worker of the child/youth to conduct a SAFE Study in a child/youth-specific adoption	GW	DOO
Of the final SAFE Assessment	AW	TL
To deny the adoptive applicant's application	AW	TL
To place the adoptive applicant in abeyance	AW	TL
To place the PAP in abeyance	AW	TL

Acronyms: GW – Guardianship Worker. AW – Adoption Worker. TL - Team Leader. DOO - Director of Operations. RDDA - Regional Deputy Director of Adoption, HW – Hub Worker.

Document steps taken in the applicable file at the following stages of the adoption process		
Document the following:	File	Documented by: ✓
<b>Introduction</b>		
All required approvals by the Team Leader or other specified supervisor in applicable file	CS or AH	GW or AW
<b>Guiding principles</b>		
Notification to the <b>designated representative(s) from the child's/youth's Indigenous communities and/or identified IGBs</b> when the permanency plan for the child/youth is adoption, or if the individual cannot be located, of the steps taken to notify them	CS	GW
Notification to an individual with an access order or de facto access to the child/youth, or if the individual cannot be located, of the steps taken to notify them	CS or AH	GW or AW
How the child's/youth's <b>views and preferences without discrimination</b> were considered at key stages of the adoption process	CS or AH	GW or AW
An alternative permanency plan if adoption is not in the best interests of the child/youth	CS	GW
<b>Adoption planning</b>		
The plan for involving the child's/youth's Indigenous communities in adoption planning, or if there is no plan, the steps taken to <b>consult and cooperate with the designated representative(s) from the child's/youth's Indigenous communities and/or identified IGBs</b> in adoption planning	CS	GW
The child's/youth's Indigenous identity, and all steps taken to preserve the child's/youth's Indigenous identity	CS	GW
Any required documentation that is not in the CS file when the Guardianship Worker receives the CS file	CS	GW
Any recommendation on whether the Post Placement Report should recommend that an access order should be continued or varied	CS	GW
An application for registration, and subsequent registration under the Indian Act or with the child's/youth's Indigenous <b>communities</b> on ICM and in the CS file	ICM, CS	GW
The Designation of Child form	CS	GW
Written request to place a sibling group in continuing custody separately	CS	GW
The preferred match identified at the matching meeting and the reasons the PAP was chosen	CS	GW
The preliminary conversation with the PAP	AH	AW
Written request to pause legal permanency	CS	GW
<b>Openness</b>		
A copy of the Openness Agreement	AS & AH	AW
A copy of the Openness Agreement Procedures for Exchange of Information ( <a href="#">cf0118C</a> )	AH & AS	AW
A copy of the Openness Agreement Registration for Exchange of Information ( <a href="#">cf0118B</a> )	AH & AS	AW
<b>Proposing a match</b>		
A copy of the Proposal Package	CS	GW
	AH	AW
Signed Acknowledgement Letter	AH	AW
	CS	GW
The outcome of the discussion with the child/youth proposing the PAP as a match	CS	GW
A copy of the Cultural Safety Agreement	CS	GW
	AH	AW



The recommendation of the Provincial Exception Committee, if placing an Indigenous child/youth with a non-Indigenous PAP who is not a relative	CS	GW
A copy of the Adoption Care Plan	CS AH	GW AW
<b>Transition and Residency</b>		
A copy of the Transition Plan	CS AH	GW AW
how the placement will take place	CS	GW
Results of medical exam conducted no more than 30 days before placement	CS	GW
A Copy of Adoption Placement Agreement (GW and AW)	CS AH	GW AW
A copy of the Notice of Placement	CS	GW
Notification provided to individuals with an access order or de facto access	CS	AW
The process followed if an issue was raised regarding the safety of the child/youth during the residency	AH & CS	AW
The assessment of whether the child's/youth's needs are being met during the residency	CS & AH	AW
Any plan to respond to the risk of adoption disruption	CS & AH	AW
A copy of a disruption report if the adoption disrupts	CS & AH	AW
The reasons for the extending the residency, if the residency is extended beyond six months	CS & AH	AW
<b>Consent to adoption</b>		
The consent to adoption by the child/youth if the child/youth is 12 years old older using form ( <a href="#">cf2654</a> )	CS	GW or AW
All steps taken to determine the child's/youth's capacity to consent, if there are concerns about the child's/youth's capacity to consent	CS	GW
<b>Completing the adoption</b>		
The Summary Recording	AH	AW
A copy of the complete court package	AH	AW
A certified copy of the adoption order and any change of name	AH	AW
The all required notifications have been made after an adoption order is granted	AH	AW
A closing recording	AH & AS	AW
<b>Approving the PAP</b>		
The steps taken when the HUB worker receives an adoption application	HW	AH file
The Physician's report on the adoptive applicant	HW	AH file
Information provided by the SAFE personal references	HW	AH file
Documents the required consents for a Prior Contact Check and CCRC	HW	AH file
The information gathered in the PCC and CCRC	HW	AH file
The process followed when assessing risks identified in the Prior Contact and Criminal Records Checks	HW	AH file
The Summary Document	HW	AH file
The decision to deny an adoptive applicant's application, or if the adoptive applicant withdraws, including the reasons why	HW	AH file
The final SAFE Assessment	AW	AH file
The decision to deny an adoptive applicant's application, or if the adoptive applicant withdraws, including the reasons why	AW	AH file
The reasons the PAP is being placed in abeyance	AW	AH file
The reasons the adoptive applicant is being placed in abeyance	AW	AH file

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